



CORPORATION OF THE VILLAGE OF MCBRIDE
MAINTENANCE BYLAW NO. 706

A bylaw to provide for the general improvement, maintenance and regulation of the Village of McBride

WHEREAS the Council of the Village of McBride is authorized to prevent and prohibit nuisances and provide for the recovery of the cost of abatement of such nuisances;

AND WHEREAS the Council of the Village of McBride is authorized to prohibit persons from causing or permitting unsightliness on real property within the Village of McBride and provide for the recovery of the cost of abatement of such unsightliness;

NOW THEREFORE the Council of the Village of McBride, in open meeting assembled, enacts as follows:

1.0 This bylaw may be cited for all purposes as “ Village of McBride Maintenance Bylaw No. 706, 2010”

2.0 DEFINITIONS

In this bylaw:

2.1 AUTHORIZED PERSON shall include the following:

- a) a member of the Royal Canadian Mounted Police
- b) a Bylaw Enforcement Officer
- c) a Building Inspector for the Village
- d) any other Peace Officer
- e) any appointed agent authorized by the Village of McBride

2.2 DRAIN means any water pipe, ditch, swale, watercourse, or sewer within the VILLAGE whether or not situated on private property.

2.3 GRAFFITI means an unauthorized inscription, drawing, writing, pictorial representation, message, slogan, symbol or mark made on a wall, fence, or other surface by means of paint, chalk, ink, or other substance, or by chisel, hammer, stone, or other device.

2.4 NOXIOUS WEEDS means those weeds listed in the *Weed Control Act and Regulations*

- 2.5 NUISANCE means any act or omission which obstructs or causes inconvenience to or endangers the public or a segment of the public in its exercise of public rights.
- 2.6 PERSON means any corporation, partnership or party and the heirs, executors, administrators, or other legal representatives of such Person, to whom the context can apply according to the law and also includes the owner, his agent, or the occupier of, or the holder of the purchaser's interest in an Agreement for Sale of any real or personal property or premises within the VILLAGE
- 2.7 UNROADWORTHY MOTOR VEHICLE means
- a) A motor vehicle, motorcycle, snow mobile, or all terrain vehicle that is physically wrecked, disabled, or dismantled, so it cannot be operated by its own method of power
 - b) Parts of wrecked, disabled or dismantled motor vehicles, motorcycles, snowmobiles or all terrain vehicles
 - c) A motor vehicle or motorcycle that is not registered and licenced in accordance with current provincial Motor Vehicle acts and regulations
- 2.8 UNSIGHTLY and UNSIGHTLINESS includes but is not limited to:
- a) The accumulation of dirt, discarded material, garbage, detritus of any kind, including but not limited to ashes, dead animals, other putrescibles, paper, cardboard, metal , woody debris, bedding, crockery glass, bags, and appliances
 - b) The accumulation or excess growth of grasses, bushes, trees, NOXIOUS WEEDS, or other plants.
 - c) The accumulation of construction material located outside of any building or structure except when there is an active and issued building permit for the real property or the premises is used by a commercial or industrial operation on properly zoned lands where the outside storage requirements of a Zoning Bylaw will apply.
 - d) The storage, cleaning, repair or servicing of vehicles, hauling or construction equipment except where such activity is taking place entirely within a building or screened area designed for such purpose, or on properties zoned for such purposes.

- e) GRAFFITI
- f) UNROADWORTHY MOTOR VEHICLES

2.9 VILLAGE means the Village of McBride

3.0 GENERAL PROVISIONS

- 3.1 No owner or occupier of real property shall permit or allow any NUISANCE on that real property or emanating from that real property to remain unabated.
- 3.2 No owner or occupier of real property shall permit or cause that real property to become or remain UNSIGHTLY
- 3.3 No person shall foul, obstruct, or impede, or permit the fouling, obstructing or impeding of the flow of any DRAIN within the VILLAGE.
- 3.4 No owner or occupier of real property shall foul or contaminate the atmosphere through emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia, or permit the fouling or contaminating of the atmosphere by such substances unless permission has been obtained from the provincial Ministry of Environment to release emissions into the atmosphere.

4.0 ROOF SNOW REMOVAL

Every owner or occupier of real property shall remove snow and ice from any roof or other part of any structure thereon adjacent to any portion of a highway.

5.0 PRIVATE HIGHWAYS

Owners of private highways shall maintain them in a clean, fit, and safe state and affix suitable signs indicating that such highways are private thorough-fares.

6.0 FENCES

- 6.1 In any zone where a fence has been erected, said fence shall be painted or stained and maintained in good condition and repair, No PERSON shall allow a fence located on property of which he or she is the owner or occupier to fall into a state of disrepair.
- 6.2 Subject to notice given pursuant to this Bylaw, where any fence has fallen into a state of disrepair, the owner or occupier of property upon which said fence is located, shall repair the same.
- 6.3 In every zone where the keeping of livestock is permitted, every owner or occupier of real property abutting upon any highway shall forthwith, upon receipt of notice given pursuant to the Bylaw, erect fences along the boundary of that property abutting on the highway, for the purpose of preventing the livestock from straying upon said highway.

7.0 BOULEVARDS

No PERSON shall willfully damage any boulevard, trees, shrubs, lawn, plants, bushes or hedge adjacent to any highway, nor any installation erected or maintained adjacent to a highway for the purpose of lighting the highway, nor any fence erected or maintained adjacent to any highway.

8.0 STREET SIGNS

No PERSON shall remove, deface or damage any street name sign or any other sign or marker erected upon any highway by or at the direction of the VILLAGE.

9.0 HOUSE NUMBERING

All owners and occupiers of buildings shall display in a conspicuous place on the property on which the building is located, so that the same is readable from the highway, the street number or civic address assigned by the VILLAGE to said building.

10.0 INDECENT ADVERTISING

- 10.1 No PERSON shall post, exhibit, or distribute any placards, play-bills, posters, advertising, writing or pictures, or write words, or make pictures or drawings, on walls, fences or elsewhere which are indecent or may tend to corrupt, offend, or demoralize the public;

10.2 Subject to notice given pursuant to this Bylaw, the owner or occupier shall paint over, cover up or otherwise remove or obliterate anything referred to in Section 10.1

11.0 DEMOLITION SITES

On any property where the demolition of any building or structure has taken place, and upon receipt of notice served pursuant to this Bylaw;

11.1 all debris and material whether to be discarded or retained shall be removed from the property forthwith

11.2 any basement or other excavation shall be filled in or covered over to lot grade level forthwith, and shall not cause drainage problems or ponded water situations.

12.0 RIGHT OF ENTRY

An AUTHORIZED PERSON may at all reasonable times enter upon any property within the Village of McBride in order to ascertain whether the regulations contained within this Bylaw are being obeyed.

13.0 NOTICES AND COMPLIANCE

13.1 An AUTHORIZED PERSON may issue a written notice to the owner or occupier of the real property to remove, clean, or otherwise tidy the UNSIGHTLINESS within 14 days of the issuance of the written notice.

13.2 The person named in the written notice issued under Section 13.1, or the owner of the real property, may appeal the written notice to the Council within 7 days of the issuance of the written notice.

13.3 Upon appeal, Council may confirm, amend, or rescind the written notice.

13.4 If after 14 days following delivery of a notice and the work required to be performed by such notice remains either wholly or partially incomplete, the VILLAGE may by its workmen or by any other means it deems fit, enter upon the real property affected by such notice and perform or complete such work, at the expense of the owner of such property

- 13.5 The AUTHORIZED PERSON shall, upon default of the person named in the written notice, demand payment costs incurred by the VILLAGE in performing or causing to be performed any obligations under the written notice by issuing an invoice in the amount of the costs to the person named in the written notice.
- 13.6 If the person named in the written notice, or the owner, does not pay the charges incurred by the Village for giving effect to the written notice on or before December 31 of the year in which the charges were incurred, the charges shall be added and form part of the taxes payable in respect of that real property as taxes in arrears.
- 13.7 Any notice to be given pursuant to this Bylaw may be given by an AUTHORIZED PERSON and shall be sufficiently delivered if personally served upon a PERSON apparently 16 years of age or older and apparently occupying the real property affected by such notice, or if sent to the owner of real property by double registered mail to their address appearing upon the last revised assessment roll. All notices hereunder shall be in the form of a letter, or shall be in such other forms as the Council may from time to time approve by resolution.

14.0 PENALTIES

- 14.1 Any PERSON who violates any provisions of this Bylaw or who allows, causes, or permits any violation of this Bylaw, shall be guilty of an infraction of this Bylaw, and shall be liable upon conviction of a maximum fine of two thousand dollars (\$2,000) plus the costs of prosecution.
- 14.2 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

15.0 SEVERABILITY

If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw shall be deemed to have been enacted without the invalid portion.

16.0 REPEAL

The Village of McBride Maintenance Bylaw No. 532, 1994 and its amendments are hereby repealed

READ A FIRST TIME THE 26th DAY OF October 2010

READ A SECOND TIME THE 9th DAY OF November 2010

READ A THIRD TIME THE 9th DAY OF November 2010

ADOPTED THIS 23rd DAY OF November 2010

Corporate Officer

Mayor

*Certified to be a true copy of the
"Village of McBride Maintenance Bylaw No. 706, 2010"
as adopted by Council.*

Corporate Officer