

**TOWN OF VIKING**

**BYLAW 2021- 713**

**COMMUNITY STANDARDS BYLAW  
TOWN OF VIKING  
PROVINCE OF ALBERTA**

**WHEREAS**, pursuant to Part 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances, including unsightly property;
- (c) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the following:
  - (i) the creation of offences;
  - (ii) for each offence, imposing a fine not exceeding \$10,000 or imprisonment for not more than one year, or both;
  - (iii) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
  - (iv) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
  - (v) providing for inspections to determine if bylaws are being complied with; and
  - (vi) remedying contraventions of bylaws; and

**AND WHEREAS**, pursuant to Part 66(2) of the *Safety Codes Act* a Council may make bylaws respecting the following matters:

- (a) Minimum maintenance standards for buildings and structures; and
- (b) Unsightly or derelict buildings or structures; and

**NOW THEREFORE** the Municipal Council of the TOWN of VIKING, duly assembled enacts as follows:

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**PART 1 – PURPOSE, DEFINITIONS AND INTERPRETATION**

**1) PURPOSE**

The purpose of this bylaw is to regulate the conduct and activities of people on privately owned property and immediately adjacent areas to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the town.

**2) DEFINITIONS**

In this By-Law, unless the context otherwise requires:

- a) **“Boulevard”** means that part of a highway that:
  - i) Is not a roadway; and
  - ii) Is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- b) **“Building”** means a fully or substantially enclosed structure constructed such that it may accommodate human occupation. A gazebo shall be considered a building for the purposes of this Bylaw;
- c) **“Council”** means the duly elected Council of the Town of Viking;
- d) **“Electronic Smoking Device”** means an electronic devise used to deliver nicotine, marijuana or other substances to the person inhaling from the device and includes, but is not limited to, an electronic cigarette, vaporizer cigarette, personal vaporizer, cigar, cigarillo, or pipe.
- e) **“Enforcement Officer”** means any peace officer including a bylaw enforcement officer of the TOWN of VIKING, or any other person appointed by Council to enforce the provisions of this bylaw, and includes a member of the Royal Canadian Mounted Police;
- f) **“Highway”** means the same meaning as in the *Traffic Safety Act*;
- g) **“Minor”** means an individual who has yet to reach the age of majority, as described by the Age of Majority Act RSA 2000 cA6 (and any amending or succeeding legislation);
- h) **“Motor Vehicle”** has the same meaning as in the *Traffic Safety Act*;
- i) **“Occupy” or “Occupies”** means residing on or to be in apparent possession or control of property;
- j) **“Off-Highway Vehicle”** means an Off-Highway Vehicle as defined in the *Traffic Safety Act*;
- k) **“Order”** means an Order as described in Part 545 or 546 of the *Municipal Government Act*, as applicable;
- l) **“Outdoor Public Event”** means an outdoor area or structure, including a balcony or patio that adjoins or is adjacent to a restaurant or lounge and is regularly used for the consumption of food and

beverages by patrons of the adjoining restaurant or lounge;

- m) **“Own” or “Owns”** means:
- i) In the case of land, to be registered under the Land Titles Act as the owner of the fee simple estate in a parcel of land; or
  - ii) In the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;
- n) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- o) **“Playground”** means any kind of structure or collection of structures which are designed and intended for recreational uses such as climbing, swimming, hanging, crawling, jumping, stepper whether over, across, under, through and includes the distinct material in which the structure or apparatus is mounted;
- p) **“Property”** means a parcel of land including any buildings;
- q) **“Sidewalk”** means that part of the highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge of the roadway, either developed or undeveloped, and the adjacent property line whether or not it is paved or unpaved;
- r) **“Smoking”** means holding or otherwise controlling or using an ignited cigarette, cigar or pipe containing tobacco, marijuana or other product, or an electronic smoking device;
- s) **“Sports Fields”** means an area designed and intended for use in a specific sporting event and includes, but is not limited to, a soccer pitch, football field, baseball diamonds, tennis court and similar areas, but does not include golf courses;
- t) **“Town”** means the Town of Viking;
- u) **“Town-Owned Property”** means any property owned or leased by the TOWN of VIKING and includes all highways and boulevards;
- v) **“Violation ticket”** has the same meaning as in the *Provincial Offences Procedure Act*;

### 3) **RULES FOR INTERPRETATION**

- a) The table of contents, marginal notes and headings in this bylaw are for references purposes only;
- b) Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa;
- c) Words have the same meaning whether they are capitalized or not;
- d) Words in one gender include all genders;
- e) The words *shall* and *must* require mandatory compliance.

## **PART 2 – PROPERTY MAINTENANCE**

### 4) **DEFINITIONS**

In this Part, unless the context otherwise requires:

- a) **“Building”** includes a structure and any part of a building or structure placed in, on or over land, whether or not it is so affixed to become transferrable without special mention by the transfer or sale of land.

**5) HIGHWAY OCCUPANCY**

For the purposes of this Part, a person who owns or occupies land shall be considered to occupy that portion of any highway between the property line and the centre line of the highway.

**6) LAND**

- a) A person shall not cause or permit a nuisance to exist on land they own or occupy.
- b) For the purpose of greater certainty, a nuisance, in respect of land, means land, or any portion thereof, that shows signs of a serious disregard for the general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:
  - i) Excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
  - ii) Any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;
  - iii) Any loose building or construction materials, any accumulation of construction-related garbage or refuse, or any untidy work or storage areas on the land;
  - iv) Damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
  - v) Two (2) or more unregistered vehicles;
  - vi) Smelly or messy compost heaps;
  - vii) Unkempt grass or weeds higher than ten (10) centimetres;
  - viii) Production of excessive dust, dirt or smoke;
  - ix) Production of any generally offensive odours;
  - x) Any tree, shrub, or other type of vegetation or any structure:
    - (1) That interferes or could interfere with any public work or utility;
    - (2) That obstructs any sidewalk adjacent to the land; or
    - (3) That impaired the visibility required for safe traffic flow at any intersection adjacent to the land;
  - xi) Any structure that is placed on TOWN-owned property without prior written consent of Council.
  - xii) Any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and
  - xiii) Any construction project or activity not completed within five years of the date the building permit for the project or activity was issued by the TOWN, or within five (5) years of starting construction.
  - xiv)

**7) SIDEWALKS**

- a) A person shall maintain any sidewalk adjacent to the land they own or occupy clear of all snow, ice and vegetation.

**8) ICICLES**

- a) A person shall maintain any roof or awning that extends over a highway or a sidewalk from a building they own or occupy free of snow and ice.

**9) BOULEVARDS**

- a) A person shall maintain any boulevard adjacent to land they own or occupy by:
  - i) Keeping any grass on the boulevard cut to a reasonable length; and
  - ii) Removing any accumulation of fallen leaves or other debris.

**10) ROADWAYS**

- a) A person shall not place any debris on a roadway including, but not limited to:
  - i) Excessive grass clippings;
  - ii) Yard debris;
  - iii) Branches;
  - iv) Snow.

**11) BUILDINGS**

- a) A person shall not cause or permit a nuisance to exist in respect of any building on land they own or occupy.
- b) For the purpose of greater certainty, a nuisance, in respect of a building, means a building, or any portion thereof, showing signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:
  - i) Any damage to the building;
  - ii) Any graffiti displayed on the building that is visible from any surrounding property;
  - iii) Any rot or other deterioration within the building; and
  - iv) Any inappropriate infiltration of air, moisture or water into the building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building.

**12) UNOCCUPIED BUILDINGS**

- a) If a building normally intended for human habitation is unoccupied then any door or window opening in the building may be covered with a solid piece of wood but only if the wood is:
  - i) Installed from the exterior and fitted within the frame of the opening in a watertight manner;
  - ii) Of a thickness sufficient to prevent unauthorized entry into the building;
  - iii) Secured in a manner sufficient to prevent unauthorized entry into the building;
  - iv) Painted with an opaque paint and/or stain in a manner that is not detrimental to the surrounding area.

- b) If a building normally intended for human habitation is unoccupied then every walk and driveway on the property shall be maintained clear of all snow and ice by the person who owns the property.

**13) WASTE BINS**

- a) A person shall not place, cause or permit to be placed any waste bins on land they own or occupy unless the waste bin is:
  - i) Equipped with a lid or cover capable of completely covering the waste bin; and
  - ii) Kept closed or covered at all times except for actual loading or unloading of waste.
- b) A person shall not place, cause or permit to be placed any roll off waste bin on land they own or occupy unless the roll off waste bin is:
  - i) Kept closed or covered at all times except for actual loading or unloading of waste; and
  - ii) Contains only material that will not emit odours and will not be blown out of the bin.

**14) REFRIGERATORS AND FREEZERS**

- a) A person shall not place, cause or permit to be placed an inoperable refrigerator, freezer or other similar appliances on land they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- b) A person shall ensure that any inoperable appliances are stored within a lockable structure until disposed of;
- c) Without limiting the generality of subsection (a) measures considered to be effective may include:
  - i) The complete removal of the door of the appliance;
  - ii) The removal of the door handle mechanism if this prevents opening and closing of the door;
  - iii) The removal of the door hinges;
  - iv) Locking the appliances; or
  - v) Otherwise wrapping or containing the appliance so that the interior is inaccessible.

**15) WASTE DISPOSAL**

- a) A person shall not place, cause or permit to be placed any litter, garbage, refuse or other waste material upon the privately owned property of another person or of TOWN-owned property.

**PART 3 – NOISE CONTROL**

**16) DEFINITIONS**

In this Part, unless the context otherwise requires:

- a) “**Holiday**” means January 1<sup>st</sup>, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, July 1<sup>st</sup>, the first Monday of August, Labour Day, Thanksgiving Day, November 11<sup>th</sup>, December

25<sup>th</sup> and December 26<sup>th</sup> of every year;

- b) **“Emergency Repairs”** means the least amount of immediate repair to damaged facilities necessary for the Municipal facilities to support the mission, including but not limited to the municipal water system, waste water system, storm water system, or gas system.
- c) **“Motorcycle”** has the same meaning in the *Traffic Safety Act*, as amended;
- d) **“Noise”** is any sound that is reasonably likely to disturb the peace of others.

**17) PROHIBITED NOISE**

- a) A person shall not cause or permit any noise that disturbs the peace of another individual.
- b) For the purpose of greater certainty some examples of Noise include:
  - i) Causing a Noise within the town;
  - ii) Operating a Motor Vehicle that causes a Noise within the town;
  - iii) Operating an Off-Highway Vehicle that causes Noise within the town;
  - iv) Causing a non-essential noise between:
    - (1) 2200 hours of one day and 0700 hours of the next day; and
    - (2) 2200 hours of one day and 1200 hours of the next day if the next day is a Holiday.
- c) A person shall not cause or permit property they own to occupy or be used so that the noise from the property disturbs the peace of any other individual.
- d) A person may be found guilty of a contravention of this Part whether or not the decibel level:
  - i) Is measured; or
  - ii) If measured, exceeds any limit prescribed by this bylaw.

**18) CRITERIA**

- a) In determining if a sound is reasonably likely to disturb the peace of others, the following criteria may be followed:
  - i) Type, volume, and duration of the sound;
  - ii) Time of day and day of week;
  - iii) Nature and use of the surrounding area;
  - iv) Decibel level, if measured; and
  - v) Any other relevant factor.

**19) CONSTRUCTION ACTIVITY**

- a) A person shall not cause or permit any construction activity on property they own or occupy:
  - i) Before 0700 hours or after 2100 hours on any day other than Sunday or a Holiday;
  - ii) Before 0900 hours or after 1900 hours on any Sunday or Holiday; or
  - iii) At any time contrary to a written notice issued by the TOWN pursuant to Section 19.



**20) RESTRICTED HOURS OF CONSTRUCTION NOTICE**

- a) Subject to subsection b), the Chief Administrative Officer of the TOWN of VIKING, may, by written notice, direct that a person may not cause or permit any construction activity on property they own or occupy during the time specified in the written notice.
- b) Prior to issuing a written notice pursuant to subsection a), the Chief Administrative Officer must consider:
  - i) The proximity of the construction activity to adjacent properties;
  - ii) The nature of the construction activity occurring on the property;
  - iii) The nature and use of adjacent properties;
  - iv) The number and nature of previous complaints regarding the construction activity occurring on the property received by the Chief Administrative Officer;
  - v) The intended schedule for completion of the construction activity occurring on the property, including the potential impact of restricted hours on the completion of the construction activity; and
  - vi) Any other factor reasonably related to the construction activity occurring on the property.
- c) A written notice issued by the Chief Administrative Officer pursuant to this section may:
  - i) Prohibit any construction activity on a property during specified times; or
  - ii) Prohibit certain types of construction activity on a property during specified times.

**21) ENGINE RETARDER BRAKES**

- a) A person shall not use engine retarder brakes to slow or stop a motor vehicle at any time.

**22) MOTOR VEHICLES**

- a) If a motor vehicle is the cause of any sound that contravenes a provision of this bylaw the owner of that motor vehicle is liable for the contravention.

**23) EXCEPTIONS**

- a) Nothing in this Part prohibits:
  - i) The TOWN, its agents or employees, from:
    - (1) Managing the accumulation of snow and ice on TOWN-owned property; or
    - (2) Undertaking emergency repairs to TOWN-owned infrastructure.
  - ii) Situations where the Chief Administrative Officer has issued a permit allowing the production of certain sounds on whatever conditions the Chief Administrative Officer deems appropriate.

**PART 4 – OUTDOOR FIRES**

**24) DEFINITIONS**

In this Part, unless the context otherwise requires:

- a) “**Fire**” includes any combustion whether or not flame is present or visible;
- b) “**Fire Ban**” means a period of time designated by the Chief Administrative Officer or the Fire Chief when, due to extremely dry or other unsafe environmental conditions, outdoor fires are prohibited;
- c) “**Fire Pit**” means a structure used for recreational fires that complies with Section 25; and
- d) “**Fireplace**” means a structure used for recreational fires that complies with Section 26.

**25) PROHIBITED FIRES**

- a) A person shall not cause or permit an outdoor fire on land they own or occupy.

**26) EXCEPTIONS**

- a) This section does not apply to:
  - i) Cooking food using an appliance designed and intended for that purpose and fueled only by:
    - (1) Liquid petroleum gas;
    - (2) Natural gas;
    - (3) Dry, preservative free wood or wood products; or
    - (4) Charcoal.
  - ii) Recreational fires fueled only by dry, preservative free wood or wood products and fully contained with a fire pit or fireplace; or
  - iii) An outdoor fire for which a permit has been issued by the Chief Administrative Officer.

**27) FIRE PIT REQUIREMENTS**

- a) A minimum of three (3) metre clearance, measured from the nearest fire pit edge is maintained from buildings, property lines, or other combustible material;
- b) The fire pit must be enclosed on all sides and constructed entirely from brick, concrete block, heavy gauge metal, or other non-combustible material;
- c) The fire pit height does not exceed .6 metre when measured from the surrounding grade to the top of the pit opening;
- d) The fire pit opening does not exceed one (1) metre in width or in diameter when measured between the widest points or outside edges;
- e) The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief;
- f) A spark arrester mesh screen with openings no larger than one and one-quarter (1.25) cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover

- the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks,
- g) The fire pit must not be located over any underground utilities or under any aboveground wires, and
  - h) Is otherwise acceptable to the Fire Chief.
  - i) No burning fire pit shall be left unattended at any time.

**28) FIREPLACE STANDARDS**

- a) Have a minimum of one (1) metre clearance, measured from the nearest fire pit edge is maintained from buildings, property lines, or other combustible material;
- b) Be constructed entirely from brick, concrete block, heavy gauge metal, or other non-combustible material;
- c) Have a base burning area that is at least thirty (30) centimetres above the surrounding surface grade;
- d) Have a fire burning area that is no more than one and one-quarter (1.25) metres wide and between forty (40) centimetres and sixty (60) centimetres deep;
- e) Have a chimney that:
  - i) Extends at least two and one-half (2.5) metres above the base fire burning area; and
  - ii) Is covered with a non-combustible mesh screen with openings of no greater than one and one-quarter (1.25) centimetres across.
- f) The fireplace must not be located over any underground utilities or under any aboveground wires, and
- g) Is otherwise acceptable to the Fire Chief.
- h) No burning fireplace shall be left unattended at any time.

**29) FIRE BAN**

- a) Notwithstanding anything in this Part, a person shall not cause or permit an outdoor fire on land they own or occupy while a fire ban is in effect.

**30) NUISANCE FIRE**

- a) Notwithstanding anything in this Part, a person shall not cause or permit an outdoor fire on land they own or occupy that is reasonably likely to disturb the peace of any other individual.
- b) In determining if an outdoor fire is reasonably likely to disturb the peace of any other individual, the following criteria may be considered:
  - i) Demonstrated impact of the outdoor fire on health or well-being of others;
  - ii) Proximity of the outdoor fire to adjacent or affected properties;
  - iii) Duration of the outdoor fire;
  - iv) Date and time of the outdoor fire;
  - v) Nature and intended use of the surrounding area; and

vi) Weather and other ambient conditions.

### 31) **NUISANCE FIRE ORDER**

- a) If a person contravenes section 29a), the Chief Administrative Officer may, by written notice, restrict that person from causing or permitting outdoor fires on land they own or occupy in the manner directed by the Chief Administrative Officer.
- b) A written notice may direct the person to:
  - i) Limit the duration or frequency of outdoor fires on land they own or occupy;
  - ii) Only cause or permit outdoor fires on land they own or occupy at certain times;
  - iii) Modify or replace a fire pit or fire place; or
  - iv) Undertake any other action reasonably required to ensure outdoor fires are not reasonably likely to disturb the peace of others.
- c) A person shall not contravene a written notice issued pursuant to subsection a).
- d) A person who receives a written notice pursuant to subsection a) may appeal the notice by filing a notice of appeal within fourteen (14) days of the date of the notice pursuant.

### 32) **OWNER LIABILITY**

- a) Where a person who owns land contravenes or fails to comply with any provision of this Part, the person is liable for the expenses and costs related to the TOWN in extinguishing any related fires on land.

## **PART 5 – WEED, PEST AND VERMIN CONTROL**

### 33) **DEFINITIONS**

In this Part, unless the context otherwise requires:

- a) **“Inspector”** means an individual appointed as an inspector pursuant to the *Weed Control Act* or *Agricultural Pests Act*.
- b) **“Noxious Weeds”** means the same meaning as in *Weed Control Act* and any related regulations as amended.
- c) **“Pest”** means any living organism which is invasive or prolific, detrimental, troublesome, noxious, destructive, and is a nuisance to either plants or animals, human or human concerns, livestock, human structures, wild ecosystems.
- d) **“Vermin”** means a noxious, objectionable, or disgusting animal that appear commonly and are difficult to control and that disturb the peace of others including, but not limited to:
  - i) Insects – fleas, lice, wasps, etc.
  - ii) Rodents – mice, rats, gophers, etc.
  - iii) Animals – skunks, feral cats, etc.

**34) HIGHWAY OCCUPANCY**

- a) For the purposes of the *Weed Control Act* and the *Agricultural Pests Act*, a person who owns or occupies land shall be considered to occupy that portion of any highway between the property line and the centre line of the highway.

**35) WEEDS**

- a) A person shall not cause, permit or allow any land they own or occupy to become overgrown with dandelions or noxious weeds and plants.
- b) A person shall not cause, permit or allow trees and shrubs on land they own or occupy to interfere in any way with property owned by another person.
- c) A person shall not cause, permit or allow trees and shrubs on land they own or occupy to interfere in any way with TOWN-owned property including sidewalks and roadways.

**36) PESTS AND VERMIN ON PRIVATE PROPERTY**

- a) A person is responsible for controlling pests and vermin on land they own or occupy.
- b) A person shall not provide conditions which may encourage infestation by pests or vermin.
- c) For the purpose of greater certainty some examples of these conditions include:
  - i) Placing food out to feed pests or vermin;
  - ii) Ensuring that all structures are secured in such a way that pests or vermin could not seek shelter within, under, or around buildings and structures;
  - iii) Ensuring that garbage or debris is appropriately disposed of or stored so that it does not provide food or shelter to pests or vermin;
  - iv) Any other action that would cause a condition to exist that would be reasonably likely to provide food or shelter to pests or vermin.

**37) TREE PRUNING**

- a) Unless otherwise ordered by an Inspector, and subject to subsection b), a person who owns or occupies land shall keep every tree pruned so that the tree is free of wood that is dead or dying.
- b) Unless otherwise ordered or permitted by an Inspector, a person shall not prune, cause or permit the pruning of any tree that contains any level of Black Knot infection or Dutch Elm Disease after March 31<sup>st</sup> and before October 1<sup>st</sup> in any year.
- c) Unless otherwise ordered or permitted by the Chief Administrative Officer, a person shall not:
  - i) Remove, damage or plant any tree on a boulevard; or
  - ii) Prune, cut, repair or perform any other work on any tree on a boulevard.

**38) INFECTED TREE TRANSPORTATION, STORAGE, USE AND SALE**

- a) A person shall not bring, cause or permit to be brought into the Town any tree suffering from any infectious disease such as, but not limited to:

- i) Black Knot infection;
- ii) Dutch Elm Disease;
- iii) Native Elm Bark Beetle; or
- iv) European Elm Bark Beetle.

## **PART 6 – SMOKE-FREE PUBLIC PLACES**

### **39) SMOKING PROHIBITED**

- a) Unless an exception applies under this Bylaw, no person may engage in smoking activity:
  - i) On the grounds of an Outdoor Public Event, except in an area reserved for motor vehicle parking, or an area specifically reserved for smoking by the Proprietor of the Outdoor Public Event;
  - ii) In any area or place where that person is prohibited from smoking under the Tobacco and Smoking Reduction Act of any other Act, including but not limited to:
    - (1) Hospital property;
    - (2) School property;
    - (3) Child Care facility property.
- b) Unless an exception is applied under this Bylaw, no person may engage in smoking activity within ten (10) metres of a:
  - i) Doorway, window or air intake of a building owned and/or operated by the TOWN of VIKING;
  - ii) Recreation facility including:
    - (1) Outdoor pool;
    - (2) Arena and/or riding arena;
    - (3) Tennis courts;
    - (4) Playgrounds;
    - (5) Sports Fields;
  - iii) Other areas where Minors may gather, including the grounds of an Outdoor Public Event being held for Minors.

## **PART 7 – ENFORCEMENT**

### **40) OFFENCE**

- a) A person who contravenes this bylaw is guilty of an offence.

### **41) CONTINUING OFFENCE**

- a) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of an offence is liable to a fine in an amount not less than established by this bylaw for each such

day.

**42) VICARIOUS LIABILITY**

- a) For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

**43) CORPORATIONS AND PARTNERSHIPS**

- a) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- b) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

**44) FINES AND PENALTIES**

- a) A person who is guilty of an offence is liable to a fine in an amount not less than established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than one (1) year for non-payment of a fine.
- b) Without restricting the generality of subsection a) the following fine amounts for use on municipal orders if a voluntary payment option is offered and the person is non-compliant with the order shall be:
  - i) \$250.00 for any offence for which a fine is not otherwise established in this section;
  - ii) \$100.00 for any offence under sections 7, 8 and 9;
  - iii) \$500.00 for any offence under section 17;
  - iv) All fines will be doubled for subsequence offences.

**45) MUNICIPAL TAG**

- a) An Enforcement Officer may, for the purposes of ensuring that this bylaw is complied with, enter in or upon the property in accordance with section 542 of the *Municipal Government Act* to carry out an inspection, enforcement or other action required or authorized by this bylaw.
- b) If an Enforcement Officer determines:
  - i) that a nuisance exists;
  - ii) that the inspected property has become unsightly or untidy; or
  - iii) that a danger to public safety existsthe Enforcement Officer may issue a Municipal Tag directing the owner or occupant of the

property upon which an offence exists to remedy the offence as follows:

- v) Issue a verbal or written warning to remedy the problem;
- vi) Issue a violation tag specifying a voluntary penalty to be paid;
- vii) Issue a violation ticket directing that the owner or occupant appear before a Provincial Court Judge;
- viii) Issue an Order under section 545 or 546 of the MGA to remedy the nuisance or unsightly condition;
- ix) Any combination of the above.

**46) ORDER TO COMPLY**

- a) Each Order to Comply (Order) shall include:
  - i) Description of the premises by name, if any, and the municipal address or legal land description;
  - ii) The contravention pursuant to the provisions of this bylaw;
  - iii) Reasonable particulars of the extent of the remedy, clean up, removal, clearing or other actions required to be made;
  - iv) The time within which the required actions are to be completed;
  - v) A statement that if the required actions are not completed within the time specified, the TOWN may undertake to carry out the actions pursuant to the MGA and charge the cost thereof against the person to whom the order is directed and if said person does not pay the costs, the costs shall be charged against the premises concerned as taxes due and owing in respect of that property, and recovered as such;
  - vi) A Statement that a person receiving a written Order may request that Council review the Order;
  - vii) A Statement that a request for Council to review the Order must be written including the reasons for requesting a review, dated, and signed by the appellant and delivered to the TOWN Administrator within fourteen (14) days after the Order issued pursuant to section 545 of the MGA is received by the person, or seven (7) days after which the Order issued pursuant to section 546 of the MGA is received by the person.
- b) Within thirty (30) days of receiving a request, Council will review the Order and may vary, revoke, or uphold the Order and the time stipulated by the Order to remedy the nuisance or unsightly condition.
- c) A copy of the Order shall be served on any owners or occupants of the premises:
  - i) By being delivered personally to the person who is intended to be served;
  - ii) By being left with a person apparently over the age of eighteen (18) and residing with the owners or occupants of the premises; or
  - iii) By being mailed to the person at their apparent place of residence or at any address for the individual on the tax roll of the TOWN or at the Land Titles registry.
  - iv) In the case of a corporation:
    - (1) By delivering personally to any director or officer of the corporation;
    - (2) By delivering it personally to a person apparently in charge of an office of the



corporation at an address held out by the corporation to be its address: or

(3) By mail addressed to the registered office of the corporation.

- v) As directed by the Court.
- d) The Enforcement Officer may, at his discretion, extend the time for doing anything directed in the Order considering the circumstances involved.

**47) COMPLIANCE TO A MUNICIPAL TAG OR ORDER**

- a) A person who commits an offence and is issued a Municipal Tag or Order for the first time in respect to the offence, and subsequently remedies the offence within the stated time period the fine amount shall be waived upon notice of compliance by the Enforcement Officer.
- b) Fines for subsequent offences will not be waived.

**48) NON-COMPLIANCE TO AN ORDER**

- a) If a person to whom an order is directed does not satisfactorily comply with the directions of the Order as specified by the Enforcement Officer, or in the event of a review, as specified by Council:
  - i) An Enforcement Officer may enter a process to enforce the terms of an Order in accordance with provisions pursuant to the *Municipal Government Act*.
  - ii) The expenses incurred to process and execute an Order constitute a debt owed to the TOWN from the person to whom the Order is directed.
  - iii) The Chief Administrative Officer shall send a demand for payment of these expenses by regular mail to the person to whom the Order was directed.
  - iv) If the person to whom the Order was directed fails to pay, the expenses incurred by the TOWN will become an amount owing the TOWN and may be added to the tax roll pursuant to the *Municipal Government Act*.
- b) If the TOWN carries out an Order, the workers shall deposit any materials, vehicles, buildings, erections or structures at a location as designated by an Enforcement Officer and said property shall be disposed of in a manner determined by the Enforcement Officer.
- c) Any monies collected from the disposition of materials, vehicles, buildings, erections or structures may be applied against the costs incurred by the TOWN to execute the Order.

**49) OBSTRUCTION**

- a) A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

**PART 8 – GENERAL**

**50) POWERS OF THE CHIEF ADMINISTRATIVE OFFICER**

- a) Without restricting any other power, duty or function granted by this bylaw the Chief Administrative Officer may:

- i) Carry out any inspections to determine compliance with this bylaw;
- ii) Take any steps or carry out any actions required to enforce this bylaw;
- iii) Take any steps or carry out any actions required to remedy a contravention of this bylaw;
- iv) Establish investigation and enforcement procedures with respect to residential, commercial, industrial and other types of property and such procedures may differ depending on the type of property in question;
- v) Establish areas where activities restricted by this bylaw are permitted;
- vi) Establish forms for the purpose of this bylaw;
- vii) Issue permits with such terms and conditions as are deemed appropriate;
- viii) Establish the criteria to be met for a permit pursuant to this bylaw;
- ix) Delegate any powers, duties or functions under this bylaw to an employee or agent of the Town.

**51) PERMITS**

- a) A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
- b) A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.
- c) If any term or condition of a permit issued pursuant to this bylaw is contravened or if a false or misleading statement was provided to obtain the permit, the Chief Administrative Officer may immediately cancel the permit.

**52) PROOF OF PERMIT**

- a) The onus of proving a permit issued in relation to any activity otherwise regulated, restricted or prohibited by the bylaw is on the person alleging the existence of such permit on a balance of probabilities.

**53) CERTIFIED COPY OF RECORD**

- a) A copy of a record of the TOWN, certified by the Chief Administrative Officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**54) SEVERABILITY**

- a) Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

**55) EFFECTIVE DATE**

a) This bylaw shall take effect on the date of passing of third (3<sup>rd</sup>) and final reading.

READ a first time this    day of    , 2021.

READ a second time this    day of    , 2021.

READ a third time this    day of    , 2021.

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Mayor

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Chief Administrative Officer