

**Village of Rosemary
In the Province of Alberta
By-Law 419/10
Community Standards Bylaw
Consolidated on November 24, 2010**

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

The safety, health and welfare of people and the protection of people and property; and

Nuisances, including unsightly property; and

The enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the following:

The creation of offences; and

For each offence, imposing a fine not exceeding \$10,000 or imprisonment for not more than one year, or both; and

Providing for imprisonment for not more than one year for non-payment of a fine or penalty; and

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; and

Providing for inspections to determine if bylaws are being complied with; and

Remedying contraventions of bylaws.

And Whereas pursuant to section 66(2) of the *Safety Codes Act* a Council may make bylaws respecting the following matters:

Minimum maintenance standards for buildings and structures; and

Unsightly or derelict buildings or structures.

And Whereas pursuant to the *Agricultural Pests Act* and the *Weed Control Act*, a Council may pass certain bylaws and appoint Inspectors;

Village of Rosemary Council enacts:

PART I – 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 in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the Village.

2. DEFINITIONS

In this bylaw, 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.
- c) **“Chief Administrative Officer”** means the chief administrative officer of the Village or his delegate.
- d) **“Community Peace Officer”** means a person(s) authorized and appointed by the Village of Rosemary to provide enforcement for the Village.
- f) **“Highway”** has the same meaning as in the *Traffic Safety Act*.
- g) **“Moped”** has the same meaning as in the *Traffic Safety Act*.
- h) **“Motor Vehicle”** has the same meaning as in the *Traffic Safety Act*.
- i) **“Municipal Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Village.
- j) **“Off Highway Vehicle”** has the same meaning as in the *Traffic Safety Act*.
- k) **“Occupy”** or **“Occupies”** means residing on or to be in apparent possession or control of property.
- l) **“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.
- m) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- n) **“Property”** means a parcel of land including any buildings.
- o) **“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, and the adjacent property line whether or not it is paved or unpaved.
- p) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.
- q) **“Village”** means the Village of Rosemary.

3. RULES FOR INTERPRETATION

The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II – PROPERTY MAINTENANCE

4. DEFINITIONS

In this Part, **“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 transferred without special mention by a transfer or sale of the land;

“compost materials” shall mean grass cuttings, garden, refuse, leaves, and shall not include branches or tree limbs;

“household garbage” shall mean crockery, cloth, wrappings, plastics and other items of household refuse, but does not include recycle materials, compost materials as defined in this bylaw, human or animal excrement, medical wastes such as hypodermic syringes, animal carcasses, toxic or industrial wastes which require specialized disposal methods governed by Provincial regulations.

“recycle materials” shall mean materials which are determined by the Village to be recyclable and may include, but are not necessarily limited to newspaper/magazines, color paper, cardboard, tin cans, plastics, and milk jugs which must be set out in the recycling station provided by the Village.

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

- (1) A person shall not cause or permit a nuisance to exist on land they own or occupy.
- (2) For the purpose of greater certainty a nuisance, in respect to land, means land that shows 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:
 - a) 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;
 - b) Any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;
 - c) Damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not for more than 14 days;
 - d) Smelly or messy compost heaps;
 - e) Unkempt grass or weeds higher than 10 centimeters;
 - f) Production of excessive dust, dirt or smoke;
 - g) Production of any generally offensive odors;
 - h) Any tree, shrub, other type of vegetation or any structure:
 - (i) That interferes or could interfere with any public work or utility; or
 - (ii) That obstructs any sidewalk adjacent to the land; or
 - (iii) That impairs the visibility required for safe traffic flow at any intersection adjacent to the land;
 - i) Any accessible excavation, ditch, drain or standing water that could pose a danger to the public;
 - j) Any construction project or activity not completed within two years of the date the building permit for the project or activity was issued by the Village or, if no permit was issued or required, within two years of starting construction.

7. SIDEWALKS

- (1) A person shall maintain any sidewalk adjacent to land they own or occupy clear of all snow, ice, debris, electrical cords and any other obstruction.
- (2) A person shall clear away any snow, ice, dirt or other obstruction within (24) twenty-four hours after the time the snow, ice, dirt or other obstruction was deposited or formed on the sidewalk.
- (3) A person placing an electrical cord over a side walk shall suspend such electrical cord 2.5 metres above the sidewalk so as to not interfere with the safe passage of a pedestrian.

8. BOULEVARDS

A person shall maintain any boulevard adjacent to land they own or occupy by:

- a) Keeping any grass on the boulevard cut to a reasonable length;
- b) Keeping weed growth cut and/or chemically controlled;
- c) Removing any accumulation of fallen leaves or other debris;
- d) Maintaining any trees, shrubs, hedges or other vegetative growth in a reasonable and approved manner so as to not cause a nuisance or damage to property and/or persons.

9. BUILDINGS

- (1) A person shall not cause or permit a nuisance to exist in respect of any building on land they own or occupy.
- (2) For the purpose of greater certainty a nuisance, in respect of a building, means a building 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:
 - a) Any damage to the building;
 - b) Any graffiti displayed on the building that is visible from any surrounding property;
 - c) Any rot or other deterioration within the building; and
 - d) 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.

10. UNOCCUPIED BUILDINGS

- (1) 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:
 - a) Installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - b) Of a thickness sufficient to prevent unauthorized entry into the building;
 - c) Secured in a manner sufficient to prevent unauthorized entry into the building;
 - d) Coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.
- (2) 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.

11. WASTE RECEPTACLES

- (1) A person shall not place, cause, or permit to be placed any waste receptacle on land they own or occupy unless the waste receptacle is:
 - a) Equipped with a lid or cover capable of completely covering the waste receptacle; and
 - b) Kept closed or covered at all times except for actual loading or unloading of waste; and
 - c) Contains only material that will not emit odor and will not be blown out of the receptacle; and
 - d) Is not less than 50 centimetres or more than 75 centimetres in height with a base diameter of not less than 43 centimetres or more than 50 centimetres.
- (2) A person shall not place, cause, or permit to be placed any waste receptacle on land they do not own or occupy.
- (3) 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.

12 REFRIGERATORS AND FREEZERS

- (1) A person shall not place, cause, or permit to be placed a refrigerator, freezer or other similar appliance on land they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.

- (2) Without limiting the generality of subsection (1) measures considered to be effective may include:
- a) The complete removal of the door for the appliances;
 - b) The removal of the door handle mechanism if this prevents opening and closing of the door;
 - c) The removal of the door hinges;
 - d) Locking the appliance; or
 - e) Otherwise wrapping or containing the appliance so that the interior is inaccessible.

13. WASTE COLLECTION

The Village shall provide for a weekly garbage collection subject to the following conditions:

- a) Garbage collection shall occur one day per week on a day decided upon and advertised by the Village from time to time.
- b) Garbage shall be ready for pick up at 8:00 a.m. on collection day.
- c) Household garbage is to be placed at all times in a waste receptacle supplied by the occupant of a dwelling. In a situation where there is no waste receptacle, garbage must be set out for collection on collection day between 6:00 a.m- 8:00 a.m.
- d) The waste receptacle or receptacles shall be sufficient in number to adequately dispose of the household garbage. Such receptacle(s) shall be located inside the property line, adjacent to and readily accessible from the lane, except as otherwise approved by the Village.
- e) No person shall fill a waste receptacle to a greater height than within five (5) centimeters from the top thereof or with materials of such weight that the combined weight of the receptacle and its content exceeds 22 kilograms.
- f) A collector shall not be required to remove any waste receptacle, which together with its contents exceeds 22 kilograms.
- g) All household garbage shall be placed in plastic bags with a minimum measurement of 40 centimetres by 43 centimetres. A collector shall not be required to collect plastic bags that do not meet these minimum measurements.
- h) Only household garbage will be collected.
- i) All household garbage shall be drained and wrapped and no liquid shall be disposed of in the container prescribed.

- j) No person shall place for collection a bundle, package, or other material beside a waste receptacle in which the length, width or height of which exceeds 1.25 metres or the weight of which exceeds 22 kilograms.
- k) A collector shall not be required to collect a parcel of any measurement, which exceeds 1.25 metres or the weight of which exceeds 22 kilograms.

PART III – NOISE CONTROL

14. DEFINITIONS

In this Part **“noise”** means any sound that is reasonably likely to disturb the peace of others; and

“dB(A)” means the sound pressure measured in decibels using the “A” weighted scale of a sound level meter set to fast response;

“decibel” means a unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to approximately 130 for the pain level;

“holiday” means January 1st, Alberta Family Day, Good Friday, Victoria Day, July 1st, the first Monday in August, Labor Day, Thanksgiving Day, November 11th, and December 25th of every year;

“sound level meter” means a device used to measure sound pressure which meets the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part 1, or the U.S.A. Standard S1.4-1961.

15. PROHIBITED NOISE

- (1) A person shall not cause or permit any noise that disturbs the peace of another individual.
- (2) A person shall not cause or permit property they own or occupy to be used so that noise from the property disturbs the peace of any other individual.
- (3) A person may be found guilty of a contravention of this section whether or not the decibel level:
 - a) Is measured; or
 - b) If measured, exceeds any limit prescribed by this bylaw.

16. CRITERIA

In determining if a sound is reasonably likely to disturb the peace of others the following criteria may be considered:

- a) Type, volume, and duration of the sound;
- b) Time of day and day of week;
- c) Nature and use of the surrounding area;
- d) Decibel level, if measured; and
- e) Any other relevant factor.

17. CONSTRUCTION ACTIVITY

A person shall not cause or permit any construction activity on property they own or occupy on any Sunday or holiday before 9 a.m. or after 7 p.m.

18. FIREWORKS

(1) A person or organization shall not allow property under their ownership or control to be utilized for igniting fireworks without first obtaining written permission from the Chief Administrative Officer or Designated Officer.

(2) A person or organization shall not ignite fireworks on public property without first obtaining written permission from the Chief Administrative Officer or Designated Officer.

19. GARBAGE COLLECTION

A person shall not collect, cause, or permit the collection of garbage with a motor vehicle on or adjacent to any property zoned for residential use before 7 a.m. or after 10 p.m.

20. ENGINE RETARDER BRAKES

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

21. DAYTIME DECIBEL LIMIT – RESIDENTIAL

(1) A person shall not cause or permit any sound exceeding 65 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 65 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m.

- (3) This section does not apply to sounds up to:
 - a) 70 dB(A) lasting a total period of time not exceeding two hours in any one day;
 - b) 75 dB(A) lasting a total period of time not exceeding one hour in any one day;
 - c) 80 dB(A) lasting a total period of time not exceeding 30 minutes in any one day;
 - d) 85 dB(A) lasting a total period of time not exceeding 15 minutes in any one day.

22. OVERNIGHT DECIBEL LEVEL - RESIDENTIAL

- (1) A person shall not cause or permit any sound exceeding 50 dB(A), as measured at the property line of a property zoned for use as residential, before 7 a.m. or after 10 p.m.
- (2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 50 dB(A), as measured by the property line of a property zoned for use as residential, before 7 a.m. or after 10 p.m.

23. DAYTIME DECIBEL LIMIT – NON- RESIDENTIAL

- (1) A person shall not cause or permit any sound exceeding 75 dB (A) as measured at the property line of a property zoned for use other than residential, between 7 a.m. and 10 p.m.
- (2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 75 dB (A), as measured at the property line of a property zoned for use other than residential between 7 a.m. and 10 p.m.
- (3) This section does not apply to sounds up to:
 - a) 80 dB (A) lasting for a total period of time not exceeding two hours in any one day;
 - b) 85 dB (A) lasting for a total period of time not exceeding one hour in any one day.

24. OVERNIGHT DECIBEL LEVEL - NON-RESIDENTIAL

- (1) A person shall not cause or permit any sound exceeding 60 dB (A), as measured at the property line of a property zoned for use other than residential, before 7 a.m. or after 10 p.m.
- (2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 69 dB (A), as measured at the property line of a property zoned for use other than residential, before 7 a.m. or after 10 p.m.

25. MOTOR VEHICLES, OFF HIGHWAY VEHICLES & MOPEDS

- (1) If a motor vehicle, off highway vehicle or moped is the cause of any sound that contravenes a provision of this bylaw, the owner of that motor vehicle is liable for the contravention.
- (2) Subsection (1) does not apply if the owner, on a balance of probabilities, satisfies the court that, at the time the motor vehicle was involved in the contravention, the owner was not present in the motor vehicle and no other person was operating the motor vehicle with the owner's express or implied consent.

26. EXCEPTIONS

Nothing in this Part prohibits:

- (1) The Village of Rosemary, its agents, contractors, servants or employees, while within the scope of their agency, contract or employment from:
 - a) Performing emergency work in or on a Village street or public utility, as the case may be;
 - b) Street sweeping, snow removal or street sanding activities as may be required between the hours of 10:00 p.m. and 7:00 a.m. or between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and holidays, provided such work or activities are carried out in the normal manner so as to create as little noise as is practicable under the circumstances; or
- (2) 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 IV – OUTDOOR FIRES

26. DEFINITION

In this Part, “fire” includes any combustion whether or not any flame is present or visible.

27. PROHIBITED FIRES

Subject to the provisions of this Part, a person shall not cause or permit an outdoor fire on land they own or occupy.

28. EXCEPTIONS

Nothing in this Part prohibits:

- a) Cooking food using an appliance designed and intended for that purpose and fuelled by liquid petroleum gas, natural gas, preservative free wood or wood products, or charcoal;
- b) A recreational fire fuelled by preservative free wood or wood products but only if such fire is within a fire pit or fireplace meeting the standards of this Part; or
- c) An outdoor fire for which a permit has been issued by the Chief Administrative Officer.

29. FIRE PIT STANDARDS

A fire pit may be used for recreational fire fuelled by preservative free wood or wood products only if:

- a) It is located at least three meters from any building, property line or combustible material;
- b) The sides of the fire pit are fully enclosed and constructed from brick, concrete block, heavy gauge metal or other non-combustible material; and
- c) The opening of the fire pit is:
 - (i) No more than one meter across;
 - (ii) No more than 60 centimeters above the surrounding surface grade; and
 - (iii) Covered with a non-combustible mesh screen with openings no greater than 1.25 centimeters across.

30. FIREPLACE STANDARDS

A fireplace may be used for a recreational fire fuelled by preservative free wood or wood products only if:

- a) It is located at least one meter from any building, property line or combustible material.
- b) It is constructed entirely from brick, concrete block, and heavy gauge metal or other non-combustible material.
- c) The base of the fire burning area is at least 30 centimeters above the surrounding surface grade.
- d) The fire burning area is no more than 1.25 meters wide and between 40 centimeters and 60 centimeters deep.
- e) It has a chimney that extends at least 2.5 meters above the base of the fire burning area.

- f) It has a chimney covered with a non-combustible mesh screen with openings no greater than 1.25 centimeters across.

31. OWNER LIABILITY

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 extinguishing any related fires on the land.

PART V – WEED AND PEST CONTROL

32. DEFINITIONS

In this Part:

“Inspector” means an individual appointed as an inspector pursuant to the *Agricultural Pests Act*;

“noxious weed” has the same meaning as in the *Weed Control Act*.

33. HIGHWAY OCCUPANCY

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.

34. NOXIOUS WEEDS

For the purposes of the *Weed Control Act* the following plants are designated as noxious weeds within the Village:

Common Milkweed

Showy Milkweed

Common Burdock

Scentless Chamomile

Narrow Leaved Hawks’ Beard

PART VI – ENFORCEMENT

34. OFFENCE

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

35. CONTINUING OFFENCE

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 such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

36. VICARIOUS LIABILITY

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 of 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.

37. CORPORATIONS AND PARTNERSHIPS

- (1) 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.
- (2) 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.

38. FINES AND PENALTIES

- (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
 - a) \$250.00 for any offence for which a fine is not otherwise established in this section;

- b) \$100.00 for any offence under sections 7 and 8;
- c) \$500.00 for any offence under section 20 and 22; and
- d) double these fine amounts for any subsequent offence

39. MUNICIPAL TAG

If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence.

40. PAYMENT IN LIEU OF PROSECUTION

A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

41. VIOLATION TICKET

If a violation ticket is issued in respect of an offence, the violation ticket may:

- a) specify the fine amount established by this bylaw for the offence; or
- b) require a person to appear in court without the alternative of making a voluntary payment.

42. VOLUNTARY PAYMENT

A person who commits an offence may:

- a) if the violation ticket is issued in respect of the offence; and
- b) if the violation ticket specifies the fine amount established by this bylaw for the offence;

make a voluntary payment equal to the specified fine.

43. ORDER TO COMPLY

(1) If the Chief Administrative Officer believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the Chief Administrative Officer may, by written order, require any person responsible for the contravention to remedy it.

(2) The order may:

- a) direct a person to stop doing something, or to change the way in which the person is doing it;
- b) direct a person to take any action or measures necessary to remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention;
- c) state a time within which the person must comply with the directions;
- d) state that if the person does not comply with the directions within a specified time, the Village will take the action or measure.

(3) A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

(4) An order issued pursuant to this section may be served:

a) in the case of the individual:

(i) by delivering it personally to the individual;

(ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or

(iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Village or at the Land Titles registry;

b) in the case of a corporation:

(i) by delivering personally to any director or officer of the corporation;

(ii) 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

(iii) by mail addressed to the registered office of the corporation.

44. OBSTRUCTION

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

PART VII – GENERAL

45. POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

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

- a) carry out any inspections to determine compliance with this bylaw;
- b) take any steps or carry out any actions required to enforce this bylaw;
- c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- d) establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;
- e) establish areas where activities restricted by this bylaw are permitted;
- f) establish forms for the purposes of this bylaw;
- g) issue permits with such terms and conditions as are deemed appropriate;
- h) establish the criteria to be met for a permit pursuant to this bylaw;
- i) delegate any powers, duties or functions under this bylaw to an employee of the Village;
- j) delegate any powers, duties or functions under this bylaw to a Community Peace Officer under contract to the Village; and
- k) appoint inspectors for the purposes of the *Agricultural Pest Act* and the *Weed Control Act*.

46. PERMITS

(1) 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.

(2) 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.

(3) If any term or condition of a permit issued pursuant to this bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the Chief Administrative Officer may immediately cancel the permit.

47. PROOF OF PERMIT

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

48. CERTIFIED COPY OF RECORD

A copy of a record of the Village, 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.

49. NUMBER AND GENDER REFERENCES

All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

50. SEVERABILITY

It is the intention of the Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw were to be declared invalid, all other provisions contained herein shall remain valid and enforceable.

PART VIII – TRANSITIONAL

51. REPEALS

The following bylaws are repealed:

- a) 328/02 Snow Removal & Electrical Cords
- b) 362/03 Weekly Garbage Pickup
- c) 405/08 Control Open Burning
- d) 411/09 Unsightly Property
- e) 412/09 Noise Control

52. EFFECTIVE DATE

This By-law shall come into force upon 3rd and final reading thereof.

Read a first time this 24th day of November, 2010.

Read a second time this 24th day of November, 2010.

Read a third time and finally passed this 24th day of November, 2010.

Mayor _____
Don Gibb

Chief Administrative Officer _____
Margaret Loewen