



## COMMUNITY STANDARDS BYLAW

BYLAW #: 2023-11

AUTHORITY: COUNCIL

SUPERSEDES: NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

EFFECTIVE DATE: September 11, 2023

**BEING A BYLAW OF THE TOWN OF VALLEYVIEW, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING NUISANCE, SAFETY, AND LIVABILITY ISSUES.**

**WHEREAS**, pursuant to section 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) people, activities, and things in, on or near a public place or place that is open to the public;
- (c) nuisances, including unsightly property; and
- (d) the enforcement of bylaws.

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

- (a) minimum maintenance standards for buildings and structures; and
- (b) unsightly or derelict buildings or structures.

**NOW THEREFORE, THE COUNCIL OF THE TOWN OF VALLEYVIEW DULY ASSEMBLED, ENACTS AS FOLLOWS:**

### **PART 1 - TITLE, PURPOSE, DEFINITIONS, AND INTERPRETATION**

#### **1. Short Title**

This Bylaw may be cited as the “Community Standards Bylaw”.

#### **2. Purpose**

The purpose of this Bylaw is to regulate nuisance, safety, and livability issues.

#### **3. Definitions**

In this Bylaw:

“**Aesthetic**” means the appearance of something, particularly in relation to its beauty;

“**Boulevard**” means that portion of the right-of-way of a road lying between the curb line of the road and the abutting lot line, excepting that portion occupied by a sidewalk; or where there is no curb, that portion of the right-of-way lying between the edge of the road ordinarily used by vehicles and the abutting lot line, excepting that portion occupied by a sidewalk;

## COMMUNITY STANDARDS BYLAW

<b>BYLAW #:</b>	<b>2023-11</b>	<b>AUTHORITY:</b>	<b>COUNCIL</b>
<b>SUPERSEDES:</b>	<b>NUISANCE BYLAW # 2013-03 NOISE CONTROL BYLAW # 2010-03 GRAFFITI BYLAW # 2008-13 SOLICITING, LOITERING &amp; CAUSING A DISTURBANCE BYLAW # 2007-13 COMMUNITY STANDARDS BYLAW 2023-05</b>	<b>EFFECTIVE DATE:</b>	<b>September 11, 2023</b>

**“Chief Administrative Officer”** (CAO) means the chief administrative officer of the Town of Valleyview or their delegate;

**“Composting”** means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a usable soil;

**“Council”** means the Municipal Council of the Town of Valleyview;

**“Fence”** means a vertical physical barrier constructed for the purposes of limiting visual intrusion, sound abatement and/or to prevent unauthorized entry. Where fence is required within the Town, either on a permanent or temporary basis, fence materials, colours (if applicable), and applications are permitted as follows (also see Land Use Bylaw 2022-11 and its amendments):

- (a) residential districts: wood or vinyl or vinyl-coated chain link fencing is only permitted. See Town’s residential districts fence aspirations as exemplified below;



- (b) downtown commercial district: vinyl-coated chain link fence in either black, white, brown, or green, and privacy slats of the same colour as the chain link fencing is only permitted. See Town’s downtown commercial district fence aspirations as exemplified;



- (c) industrial and service commercial districts: galvanized chain link fencing is only permitted. See Town’s industrial and service commercial districts fence aspirations as exemplified below;



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COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

- (d) general industrial and urban reserve districts: barbed wire may only be incorporated into fences in these districts and no other districts within the Town. See Town's general industrial and urban reserve districts fence aspirations as exemplified below;



- (e) electrification of fences is not permitted within the Town; and  
(f) prior to construction of a fence, applicants shall submit a plan of the proposed fence for Town review to confirm compliance with this and any other applicable Bylaw.

**“Galvanized chain-link fence”** means a type of woven or welded zigzag or diamond-like pattern metal fence that is coated to improve durability, increase longevity, reduce corrosion.

**“Graffiti”** means words, figures, letters, drawings, initials, symbols, marks, or slogans scribbled, scratched, or sprayed on a surface with or without the consent of the Owner of the Premises or Property on which they are placed;

**“Disturbance”** means actions, behaviours, or conduct that is likely to cause a reasonable person to fear for their safety or deprive that person of their peaceful enjoyment of the place they are located;

**“Litter”** means any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to:

- (a) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or a part of an animal carcass, or;
- (b) the whole or part of any article, raw or processed material, motor vehicle or other machinery, that is disposed of, or;
- (c) any other material or product that is designated as litter in the *Alberta Environmental Protection and Enhancement Act*;

**“Motor Vehicle”** means (i) a vehicle propelled by any power other than muscular power, or (ii) a moped, but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;



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---

**“Municipal Tag”** means a tag or similar document issued by the Town pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Town in lieu of prosecution of the offence;

**“Occupant”** means any Person residing on or to be in apparent possession or control of a Property or Structure, including, but not limited to, a lessee;

**“Owner”** means:

- (a) in respect of land, to be registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or
- (b) in respect 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;

**“Peace Officer”** means a Community Peace Officer or Bylaw Officer appointed by the Town to do any act, perform any duty, and enforce any provision outlined by any Municipal Bylaw, and includes a member of the Royal Canadian Mounted Police;

**“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative;

**“Property”** means any and all of a parcel of land or improvements on land, or items or personal property including any Structure;

**“Public Place”** means any Property, whether publicly or privately owned to which members of the public have access as of right, or by express or implied invitation, whether on payment of any fee or not;

**“Reasonable State of Repair”** means the condition of being:

- (a) structurally sound;
- (b) free from significant physical or aesthetic damage;
- (c) free from rot or other deterioration; and
- (d) safe for its intended use;

**“Recreational Vehicle”** includes, but is not limited to, any Trailer, watercraft, off-road vehicle, motor home, travel trailer, tent trailer, fifth wheel trailer, or camper when not mounted on a truck but placed on the ground or a stand, or any similar vehicles, regardless of whether it is capable of being transported, driven, or drawn on a highway;



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GRAFFITI BYLAW # 2008-13  
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COMMUNITY STANDARDS BYLAW 2023-05

EFFECTIVE DATE: September 11, 2023

---

**“Right-of-Way”** means a strip of land over which the public has a right of passage, including roads, parkways, medians, sidewalks, and driveways constructed thereon;

**“Shipping Container”** (i.e., sea-cans) means a standardized reusable large steel container used for the temporary secure storage and movement (transport) of materials and products;

**“Sidewalk”** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between (i) the curb line, or (ii) where there is no curb line, the edge of the roadway, and the adjacent property line, whether or not it is paved or improved;

**“Structure”** means any form of physical construction, whether built on site or moved in, including, but not limited to, any building, fence, retaining wall, scaffolding, shed, portable shack, or other similar types of construction or improvements;

**“Town”** means the Town of Valleyview;

**“Trailer”** means an unpowered vehicle towed by another for the purpose of transporting something and may include, but not be limited to utility trailer, pup trailer, flatbed trailer, enclosed trailer, cargo trailer, boat trailer, etc.;

**“Vehicle”** means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid;

**“Vinyl-coated chain link fence”** or vinyl mesh fence means any fence made from rust-proof polyvinyl compounds added over a metal that, once installed, will never have to be re-painted, and will neither rust or rot.

**“Violation Ticket”** means a violation ticket as defined in the *Provincial Offences Procedure Act*;

**“Waste Bin”** means any container used for putting rubbish (garbage) in which has a capacity smaller than 25 kilograms (55 pounds) and does not require mechanized collection;

**“Waste Receptacle”** means any container used to store waste that will be collected by a hauler or self-hauler, including but not limited to public or private carts, bins, cans, dumpsters, or barrels; and



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BYLAW #:	2023-11	AUTHORITY:	COUNCIL
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---

**“Weeds”** means the plants designated prohibited noxious weeds and noxious weeds in Alberta as defined in the *Weed Control Act*.

#### 4. Rules of Interpretation

- 4.1 Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order, or licence.
- 4.2 The headings in this Bylaw are for guidance purposes and convenience only.
- 4.3 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 4.4 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.

### **PART 2 - PROPERTY AND PROPERTY MAINTENANCE**

#### 5. Nuisance on Property

- 5.1 No Owner or Occupant shall cause or permit a nuisance to exist on their Property.
- 5.2 For the purpose of greater certainty, a nuisance includes a Property that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, examples of which include:
  - (a) excessive accumulation of material including, but not limited to, building materials, appliances, household goods, boxes, tires, Vehicle parts, garbage, refuse, litter, or similar debris of any form whether a solid or liquid, and whether of any apparent value or not;
  - (b) open or exposed storage of industrial fluid, including, but not limited to, engine oil, brake fluid, anti-freeze, and hydraulic fluid;
  - (c) any loose garbage, refuse, litter, flyers, papers, or similar debris of any form whether located in a storage area, collection area or elsewhere on the land;





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GRAFFITI BYLAW # 2008-13  
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COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

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- (d) any loose building or construction materials, any accumulation of construction-related garbage, refuse, litter, or similar debris of any form, or any untidy work or storage areas on the land;
  - (e) the presence or accumulation of animal carcasses / parts or domestic animal feces;
  - (f) the failure to dispose of garbage or other waste products accumulating in temporary storage containers;
  - (g) damaged, dismantled, derelict, or inoperable Vehicles, Recreational Vehicles, or Motor Vehicles, whether insured or registered or not;
  - (h) any Structure, Motor Vehicle, Vehicle or Recreational Vehicle displaying graffiti that is visible from any surrounding Property;
  - (i) smelly or messy compost heaps or production of any offensive odours;
  - (j) unkept grass higher than 15 centimetres (6 inches);
  - (k) excessive weeds, including but not limited to noxious and prohibited noxious weeds as defined in the *Weed Control Act*;
  - (l) production of excessive dust, dirt, or smoke;
  - (m) any tree, shrub, other type of vegetation or any Structure that:
    - i. interferes or could interfere with any public work or utility;
    - ii. obstructs any Sidewalk adjacent to the land;
    - iii. impairs visibility required for safe traffic flow at any intersection adjacent to the land;
    - iv. has any rot or other deterioration;
  - (n) any accessible excavation, ditch, drain, or standing water that could pose a danger to Public;
  - (o) an infestation of rodents, vermin, or insects;
  - (p) failure to keep Property in reasonable state of repair including, but not limited to:
    - i. the significant deterioration of a Structure or portion a Structure;



## COMMUNITY STANDARDS BYLAW

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- 
- ii. broken or missing windows, doors, stairs, landings, balconies, patios, fences, siding, shingles, shutters, eaves, or other building material;
  - iii. significant fading, chipping, peeling, rotting, or absence of paint on areas of a Structure or signage located on the Property.

### **6. Civic Numbering**

The Owner or Occupant of a Property shall display the number assigned by the Town to the Property at a location plainly visible from the road.

### **7. Appliances Not Contained Within a Building**

An Owner or Occupant shall take all reasonable measures to ensure that any appliance located outside of a building on the Property does not present a risk of suffocation, including, but not limited to, ensuring:

- (a) the complete removal of the door of the appliance;
- (b) if door cannot be removed, the removal of the door handle and any locking mechanism;
- (c) locking the appliance; or
- (d) otherwise wrapping or containing the appliance so that the interior is inaccessible.

### **8. Outdoor Lighting**

No Owner or Occupant shall allow outdoor lighting on their Property to shine in a manner that:

- (a) disturbs the peace of another individual;
- (b) unreasonably affects the use or enjoyment of another Property; or
- (c) interferes with traffic safety on any roadway.

### **9. Maintenance of Boulevards**

Every Owner or Occupant of a Property shall maintain any Boulevard adjacent to that Property:

- (a) by keeping any grass cut to a length of no more than 15 centimetres (6 inches);
- (b) by eradicating all noxious or prohibited noxious weeds; and
- (c) by removing any accumulation of fallen leaves or other debris.

### **10. Compost Sites**





## COMMUNITY STANDARDS BYLAW

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NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

- 
- 10.1 No Owner or Occupant of a Property shall place, or allow to be placed, cat or dog feces, animal parts / meat on a composting pile or in a composting container on the Property.
- 10.2 No Owner or Occupant of a Property shall allow an open composting pile on the Property within three (3) metres of an adjacent dwelling house, measured from the nearest part of the open composting pile to the nearest part of the adjacent dwelling.

### **11. Construction Sites, Practices, Outdoor Storage of Building Materials, Fences**

- 11.1 No Owner or Occupant shall place, cause, or permit to be placed building materials, whether new or used, on their Property unless they can establish that a construction or renovation undertaking is being carried out on the Property and that:
- (a) the project has begun, or the beginning of work is imminent;
  - (b) the building materials on the Property relate to the project taking place on the Property and are of a quantity reasonable to complete the project; and
  - (c) the work on the project has not been suspended for a period in excess of one-hundred twenty (120) days.
- 11.2 An Owner or Occupant of a Property shall ensure that all building materials are stacked and stored in an orderly manner and in such a manner as to prevent the materials from being blown off or scattered from the Property.
- 11.3 During active construction, disposal of building material shall be done in accordance with the building permit and shall be collected and hauled from the site in appropriate containers in a timely manner.
- 11.4 Storage of building material must be located entirely on the Property where the construction is underway.
- 11.5 Any Owner or Occupant carrying out demolition, construction, renovation, or improvements within Town shall be responsible for any damage to streets, lanes, sidewalks, curb & gutters, water or sewer mains and lines, manholes, trees, and landscaping as a result of the work being done.
- 11.6 Any Person carrying out any demolition, construction, renovation, or any improvement work within the Town shall:



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NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

- 
- (a) ensure that all excavation and construction materials and debris are kept within the property lines of the lot or parcel of land upon which the work is being done and ensure that the Property is secure and does not pose a danger to public safety. Stockpiling of materials is not permitted on public roadways, sidewalks, lanes, paths, or boulevards;
  - (b) ensure that all existing sidewalks, paths, and curbs & gutters adjacent to the building/construction site are protected, kept free of debris during construction, and allow for safe passage of pedestrian traffic. Any damage caused by such work shall be repaired at the expense of the Owner and/or the Person(s) doing the work;
  - (c) all construction material, debris, and litter are to be confined to the lot upon which the work is done and cleared away regularly and upon construction completion.

11.7 Notwithstanding anything else contained in this Bylaw, it shall not be an offence for an Owner or Occupant of a Property to store a small amount of neatly stacked building materials on a Property for basic property maintenance.

11.8 An Owner or Occupant of a Property shall ensure that any existing Fence or proposed new Fence:

- (a) meets the minimum standards permitted within the Town district it is located;
- (b) is maintained in reasonable state of repair; and
- (c) has approval from the Town and an applicable building permit before proceeding with the construction of a new Fence or the major maintenance, renovation, or improvement of an existing Fence.

### 12. Graffiti

12.1 No Person shall place or cause to be placed graffiti on any Property.

12.2 Every Owner or Occupant of a Property shall ensure that graffiti is removed, painted over, or otherwise permanently blocked from public view within fourteen (14) days of the graffiti being placed on the Property.

### 13. Abandoned or Unoccupied Buildings

13.1 If, in the opinion of a Peace Officer, a building shows signs of abandonment or has been unoccupied for an extended period greater than three (3) months, the building shall be secured by the Owner in such a manner as to prevent unauthorized access while at the same time not detracting from the appearance of the building.



## COMMUNITY STANDARDS BYLAW

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NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

---

13.2 For the purposes of subsection 13.1, if the building is not secured by means of maintaining all doors, windows, and locks in a sound and operational condition, then any door or window opening shall 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; and
- (d) coated with an opaque protective finish matching the exterior of the building.

13.3 The Owner of a building that is abandoned or unoccupied shall ensure that arrangements are made for maintaining the Property, including but not limited to:

- (a) cutting the grass, removing the weeds and litter;
- (b) maintaining any fence, retaining wall, or other improvements in good repair; and
- (c) clearing snow, ice, or any obstruction from any sidewalk adjacent to the Property.

### **14. Water, Eaves Troughs, Downspouts**

14.1 No Owner or Occupant of a Property shall allow a flow of water from a hose or similar device on the Property to be directed towards an adjacent Property if it is likely that the water from the hose or similar device will enter the adjacent Property.

14.2 No Owner or Occupant of a Property shall allow flow of water to enter onto or cross over Public Property including any roadways, sidewalks, lanes, or paths unless:

- (a) the flow of water is flowing directly, without obstruction, into a Public stormwater management system (culvert, manhole, pond, dugout, ditch); and
- (b) has been approved by the CAO.

14.3 An Owner or Occupant of a Property shall direct any rainwater, downspout, or eaves trough on the Property towards:

- (a) the front of the Property;
- (b) the rear of the Property;
- (c) a side yard which does not abut another Property; or
- (d) a side yard which abuts another Property provided there is a minimum of six (6) metres of permeable ground between the outfall of the downspout or eaves trough and the adjacent Property.



## COMMUNITY STANDARDS BYLAW

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---

### **15. Dirt, Gravel, Debris, and Obstructions**

- 15.1 The Owner or Occupant of any Property adjacent to a sidewalk shall be responsible to maintain the sidewalk for the entire finished width and keep sidewalk clear of all dirt, gravel, debris and other materials, or obstructions. Dirt, gravel, debris and other materials, or obstructions are to be removed from the sidewalk as quickly as possible.
- 15.2 No Person shall remove dirt, gravel, debris and other materials, or obstructions from any sidewalk or other Property and place such items:
- (a) onto any portion of a roadway, sidewalk, lane, or path;
  - (b) onto any other Public Place adjacent to such Property; or
  - (c) onto any private Property other than their own.
- 15.3 An Occupant or Person who rents, owns, or leases a Building shall be deemed responsible for any object or good disposed of or from the premises onto any portion of a roadway, sidewalk, lane, or path.
- 15.4 Every Occupant or Owner of a Building abutting on or within three (3) metres of any roadway, sidewalk, lane, path, or Public Place, shall remove any dirt, gravel, debris and other materials, or obstructions that has accumulated on the roof, eaves, or awnings of the Building to the extent that a danger or risk is created to Persons passing below or to the Property of others. Corrective action shall be undertaken immediately with due care for the warning and safety of Persons passing by or the Property of others.
- 15.5 If water drips from a Building or awning upon a roadway, sidewalk, lane, or path, the Owner or Occupant of the premises shall clean the roadway, sidewalk, lane, or path portion thereof to prevent pooling or ice from forming thereon.
- 15.6 No person shall place any goods, wares, merchandise, or any other article upon a roadway, sidewalk, lane, or path outside any shop, warehouse or Building so as to obstruct pedestrian or vehicular traffic.
- 15.7 Any sign, notice, or other object placed on or beside a roadway or other public lands, shall be removed without notice or warning to the Owner.

### **16. Recreational Vehicles and Trailers**



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GRAFFITI BYLAW # 2008-13  
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COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

---

With respect to Recreational Vehicles and Trailers on a premise or Property within any residential or non-residential district that a Person owns or occupies:

- 16.1 For the period from April 1<sup>st</sup> to September 30<sup>th</sup>, an Owner or operator of a Recreational Vehicle shall not park a Recreational Vehicle on a roadway, except in areas of the roadway immediately adjoining the Owner's place of residence.
- 16.2 For the period between October 1<sup>st</sup> to April 1<sup>st</sup>, a Recreational Vehicle must be located off any highway or roadway. Recreational Vehicle may be parked in a residential district providing the Vehicle is contained entirely within the resident's Property (i.e., parked alongside or in the rear of Property).
- 16.3 A Recreational Vehicle or Trailer may be stored on vacant lots with the Owner's consent and subject to the provisions within this or any other Town bylaw.
- 16.4 A Recreational Vehicle or Trailer must always be attached to a Vehicle while parked on a highway or roadway and cannot encroach over any sidewalk.
- 16.5 A Recreational Vehicle or Trailer must always be attached to a Vehicle while parked on a Public street. The Owner or Operator of a Recreational Vehicle or Trailer shall not park said Vehicle on any Public roadway for a period exceeding forty-eight (48) hours which includes the time allowed for loading and unloading. The Owner or Operator must have the Recreational Vehicle or Trailer to an off-highway location for at least forty-eight (48) consecutive hours before the Vehicle can again be parked on a Public street.

### **17. Fire / Fireplace, Fire Bans, Fire Permits, and Fireworks**

17.1 No Person shall:

- (a) burn, or allow to be burned, a fire on a Premises that does not comply with the requirements of this Bylaw;
- (b) leave a fire unsupervised at any time;
- (c) burn the following materials at any time:
  - i. animal manure or feces;
  - ii. pathological waste;
  - iii. building or construction waste materials, excluding wooden materials that do not contain wood preservatives;
  - iv. combustible materials or used oil;
  - v. wood or wood products that are treated, painted, or contains resin or glue;



## COMMUNITY STANDARDS BYLAW

<b>BYLAW #:</b>	<b>2023-11</b>	<b>AUTHORITY:</b>	<b>COUNCIL</b>
<b>SUPERSEDES:</b>	<b>NUISANCE BYLAW # 2013-03 NOISE CONTROL BYLAW # 2010-03 GRAFFITI BYLAW # 2008-13 SOLICITING, LOITERING &amp; CAUSING A DISTURBANCE BYLAW # 2007-13 COMMUNITY STANDARDS BYLAW 2023-05</b>	<b>EFFECTIVE DATE:</b>	<b>September 11, 2023</b>

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- vi. rubber, tires, or plastics;
  - vii. animal carcass or part thereof;
  - viii. grass, lawn, or leaves.

17.2 A Person may build, ignite, or allow a fire on a Premises in a Fire Pit so long as that Person ensures that the fire is contained in a Fire Pit that:

- (a) is constructed of non-combustible material;
- (b) has an open flame area that does not exceed 1 metre (m) at its widest point;
- (c) does not have walls which exceed 0.75m in height measured from the floor of the Fire Pit to the top of the wall of the Fire Pit excluding any chimney;
- (d) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
- (e) is situated (suggest at least 3-5 m) away from any house, garage, or similar structure including wooden decks, porches, and amenity space attached to a structure measured from the part of the Fire Pit which is closest to the structure or amenity space;
- (f) is situated at least 4m from any other combustible material measured from the part of the Fire Pit which is closest to the combustible material; and
- (g) is not located directly under any tree or overhanging branches.

17.3 Every Person who builds, ignites, or allows a fire in a Fire Pit must ensure that:

- (a) a means of extinguishing the fire is kept on-hand at all times while the fire is burning;
- (b) the flames from the fire do not exceed 1m in height at any time;
- (c) the fire is not left unsupervised at any time;
- (d) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire; and
- (e) a spark arrestor mesh screen of 0.7cm (1/4") expanded metal (or equivalent) is covering the Fire Pit.

### 17.4 Fire Ban

Notwithstanding any provision in this or any other Bylaw:

- (a) the CAO and or Fire Chief or their designates may declare a complete ban of any burning of any kind in the Town;





## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

- 
- (b) no Person shall build, ignite, or allow any kind of fire, or discard cigarette or the like when a complete ban on burning has been declared and is in effect;
  - (c) a Peace Officer may demand a Person to extinguish any fire when a Fire Ban is in effect;
  - (d) it is the responsibility of any Person intending to burn a fire within the Town to first determine that a Fire Ban has not been declared pursuant to section 17.4(a) of this Bylaw, prior to igniting any kind of fire.

### 17.5 Fire Permits

Fire Permits shall be required for any fire that is not in compliance with section 17.

- (a) a Person may apply for a Fire Permit at the Town administration building;
- (b) the Fire Chief or their designate may:
  - i. issue a Fire Permit;
  - ii. refuse to issue a Fire Permit;
  - iii. impose any conditions on a Fire Permit;
  - iv. cancel an active Fire Permit; or,
  - v. rescind a Fire Permit if a Fire Ban is declared;
- (c) a Fire Permit is only valid for the time on the permit and only for Person named on the Fire Permit.

### 17.6 Fireworks

- (a) No Person under 18 years of age shall purchase, sell, offer for sale, give away, possess, handle, discharge, or set off fireworks within the Town.
- (b) No Person shall set off fireworks within the Town unless in compliance with the *Alberta Fire Code* and having prior written authorization given by the CAO or their designate.

17.7 Notwithstanding any provision in this or any other Bylaw, a Fire Department are the only entities who may burn within the Town, such as grass, lawn or leaves, or other such things necessary to mitigate a Public fire safety issue.



## COMMUNITY STANDARDS BYLAW

<b>BYLAW #:</b>	<b>2023-11</b>	<b>AUTHORITY:</b>	<b>COUNCIL</b>
<b>SUPERSEDES:</b>	<b>NUISANCE BYLAW # 2013-03 NOISE CONTROL BYLAW # 2010-03 GRAFFITI BYLAW # 2008-13 SOLICITING, LOITERING &amp; CAUSING A DISTURBANCE BYLAW # 2007-13 COMMUNITY STANDARDS BYLAW 2023-05</b>	<b>EFFECTIVE DATE:</b>	<b>September 11, 2023</b>

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### **PART 3 - PUBLIC BEHAVIOUR AND NOISE**

#### **18. Noise Control**

- 18.1 No Person shall cause or permit any noise that, in the opinion of a Peace Officer, having regard for the circumstances, annoys or disturbs the peace of any reasonable Person.
- 18.2 In determining what constitutes noise likely to annoy or disturb the peace of any reasonable Person, consideration may be given to:
- (a) type, volume, and duration of the noise;
  - (b) time of day and day of the week;
  - (c) nature and use of the surrounding area; and
  - (d) any other factor that, in the opinion of the Peace Officer, is relevant to the determination of whether the noise constitutes a disturbance.
- 18.3 No Person shall advertise events or merchandise by ringing bells or by use of mechanical, electrical, or sound amplification devices in a residential district as designated in the Land Use Bylaw, and as per subsection 18.4.
- 18.4 No Owner or Occupant of a Property in a residential district as designated in the Land Use Bylaw shall cause or permit any construction activity on the Property which creates a noise that annoys or disturbs the peace of any other Person:
- (a) before 7:00 a.m. or after 11:00 p.m., Monday through Saturday; or
  - (b) before 9:00 a.m. or after 11:00 p.m., Sunday or holiday.
- 18.5 The CAO may issue a permit, on whatever conditions the CAO considers appropriate, authorizing the production of noise in a manner, or of a type, that would otherwise contravene section 18.
- 18.6 Nothing in section 18 prohibits:
- (a) an employee or authorized agent of the Town from producing noise while acting within the scope of their functions, duties, or powers;
  - (b) the production of noise in accordance with a permit granted pursuant to subsection 18.5 above;
  - (c) any activity that is carried out in accordance with the conditions of a validly issued development permit issued by the Town or an activity that constitutes a legal non-



## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

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conforming use for which no development permit is required pursuant to the provisions of the *Municipal Government Act*.

### 19. Placards and Posters

19.1 No Person shall place, post, or erect, or cause, permit, or allow to be posted or exhibited:

- (a) any sign, placard, poster, writing, or picture on any wall, Property, fence, park, or land owned by the Town without prior written permission from the Town; or
- (b) any imagery or lettering of a sexually explicit, racist, and/or hatred of a specific identifiable group in nature.

19.2 Any Person who places, posts, or erects a sign, placard, poster, writing, or picture on any wall, Property, fence, park, or land (i.e., garage sale, sporting event) must remove the sign, placard, poster, writing, or picture after the activity(ies) is/are completed.

### 20. Littering

20.1 No Person shall place, cause, or permit any refuse, litter, or similar debris of any form in a Public Place except in a receptacle designated and intended for such use.

20.2 No Person shall place, deposit, or throw, or cause to be placed, deposited, or thrown upon any Town property, including roadway, sidewalk, lane, path, parking lot, park, public facility, or other public place or water course, any refuse, debris, or litter.

20.3 No Owner, Occupant, or employee of a resident or commercial business in Town shall:

- (a) dispose of any litter at a location not designated by the Town as a disposal site;
- (b) place any litter on any property at which they are not the Owner or Occupier of;
- (c) place any litter into a container, dumpster, or receptacle that has not been designated or registered for their use.

### 21. Waste Bins / Waste Receptacles

21.1 No Person shall cause or permit to be placed any Waste Bin or Waste Receptacle on Property they are the Owner or Occupant of unless these containers are:

- (a) equipped with a lid or cover capable of completely covering the container; and
- (b) kept closed or covered at all times except for loading or unloading of rubbish.



## COMMUNITY STANDARDS BYLAW

<b>BYLAW #:</b>	<b>2023-11</b>	<b>AUTHORITY:</b>	<b>COUNCIL</b>
<b>SUPERSEDES:</b>	<b>NUISANCE BYLAW # 2013-03 NOISE CONTROL BYLAW # 2010-03 GRAFFITI BYLAW # 2008-13 SOLICITING, LOITERING &amp; CAUSING A DISTURBANCE BYLAW # 2007-13 COMMUNITY STANDARDS BYLAW 2023-05</b>	<b>EFFECTIVE DATE:</b>	<b>September 11, 2023</b>

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- 21.2 Waste Bins, generally used for light household rubbish in residential and some non-residential areas, shall be metal or plastic containers of no more than 36 inches no less than 30 inches in height, with a base diameter of not less than 17 inches nor more than 20 inches, which shall have a proper and tightly fitting metal or plastic cover, with adequate handles having a capacity of not more than 25 kilograms (55 pounds).
- 21.3 All rubbish must be placed within a Waste Bin or Waste Receptacle. No garbage bags or refuse shall be allowed outside of these containers.
- 21.4 Notwithstanding subsection 21.3, all compost of grass or leaves shall be in clear bags and may be placed adjacent a Waste Bin on the day of Town waste pickup only.
- 21.5 All Waste Bins must be at roadside before 7 a.m., on the day of waste pickup only.
- 21.6 Waste Receptacles, whether used on a temporary or permanent basis, must be kept on the Property of the Owner or Occupant and shall:
- (a) Not reasonably encroach Public Property or Public Right of Way, or adjoining Property Owner or Occupant lands (i.e., be within one (1) meter of property line or Right of Way);
  - (b) Be kept reasonably clean and tidy in and around the container's perimeter;
  - (c) Be covered completely with heavy, wind resistant lid or locking mechanism to prevent opening, if the container will contain organic rubbish (to mitigate animal intrusions); and
  - (d) Be encased by Town approved wall and gate structure if Waste Receptable is ably viewed by Public (i.e., food service operation).

## 22. Panhandling

No Person shall engage in Panhandling:

- (a) at anytime within Town limits;
- (b) as a member of a group of two or more Persons;
- (c) within 10 metres of the entrance to:
  - i. any financial institution;
  - ii. an automated teller machine or bank deposit slot;
  - iii. intoxicant sales; or
  - iv. any other location within Town deemed unreasonable.



## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

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- (d) in a manner which obstructs or impedes the convenient passage of pedestrians or Vehicles on a roadway, sidewalk, or within a Public Place;
  - (e) in such a manner as to threaten, insult, or harass other users of the roadway, sidewalk, or Public Place;
  - (f) to any Person who is an occupant of a Motor Vehicle; or
  - (g) from any Person who has already refused or declined the solicitation.

### **23. Public Disturbances**

- 23.1 Except where a Person is a participant of an organized sporting event and is governed by the rules of conduct of that sporting event, no Person shall participate in a fight or other similar physical confrontation in a Public Place.
- 23.2 No Person shall throw or propel an object, or act in any other way, in a Public Place that is reasonably likely to cause injury to another Person or damage to Property.
- 23.3 No Person shall loiter and thereby obstruct any other Person in any Public Place.
- 23.4 No Person shall swear obscene language or scream in a Public Place.
- 23.5 No person shall be intoxicated or impaired in public due to use of alcohol, drugs, solvents, or any other substance.

### **24. Urinating, Defecating, Spitting**

No Person shall urinate, defecate, or spit in any Public Place except in a facility designed and intended for such use.

### **25. Obstruction**

- 25.1 No person shall obstruct or hinder a Peace Officer in the exercise or performance of that Peace Officer's power pursuant to this Bylaw.
- 25.2 No Person shall obstruct or hinder any Person(s), staff member(s), or contractor(s) in the exercise or performance of their job pursuant to this Bylaw.

### **26. Safety and Live Ability**



## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

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- 26.1 Districts within the Town's Land Use Bylaw that are not suitable for living and residential-type accommodations include Service Commercial (SC) District, General Industrial (IG) District, and Urban Reserve (UR) District, and may include Public Service (PS) District and Direct Control (DC) District.
- 26.2 Living and residing within these Districts is prohibited due to the degree to which these districts are not suitable or good for living in and meet minimum liveability standards to maintain a Persons safety and well-being.
- 26.3 Notwithstanding subsection 26.2, the CAO may approve through a development permit application process, short-term / temporary living accommodations for up to 3-months, for Owner or Occupier of the Property or lands in which the development permit applies.

### **27. Miscellaneous Restrictions and Prohibitions**

- 27.1 Unless otherwise lawfully authorized, no Person within Town limits, shall convey a firearm, pellet gun, B.B. gun, air gun, paintball gun, or gas operated gun in which a round of ammunition is in the gun or in a magazine that is attached to the gun.
- 27.2 No Person shall discharge a firearm, pellet gun, B.B. gun, paint ball gun, or gas-powered gun within the Town limits unless the CAO or a Peace Officer may authorize the discharge of a firearm or gun for animal control purposes, special events, or within range facilities of a gun club or similar organizations.
- 27.3 No Person shall shoot an arrow from a bow of any nature, or discharge a sling shot, or device of any kind which will propel a projectile, over, across, or along any portion of a roadway, sidewalk, lane, path, Public Place, or upon any land owned by the Town unless authorized by the Town.
- 27.4 No Person shall allow a vehicle to unreasonably leak engine oil, transmission fluid, or any environmentally harmful fluids of any type onto a public roadway, sidewalk, lane, or path within Town. A vehicle leaking such fluids shall be deemed to constitute a danger to public safety and may be towed away and the fluids removed from the street at the expense of the registered Owner of the vehicle.
- 27.5 No Person shall dispose of anything into a sewer, manhole, or catch basin excepting those Persons authorized by issuance of a permit by the CAO and at those sites designated by that permit.





## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

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- 27.6 No Person shall tamper with or remove a manhole cover or valve cover from its seat-base without authorization by the CAO.
- 27.7 No Person other than the Owner or Occupant, Town representative or collection contractor shall interfere with, disturb the contents of, remove material from, or add addition material to any waste collection container (i.e., Waste Bin, Waste Receptacle) located in any residential or non-residential Property within the Town.
- 27.8 No Person, other than an authorized Town representative, shall remove trees, bushes, plants, or other types of vegetation from Public Property within the Town.
- 27.9 All Persons who own Property on which a fire hydrant is located or own Property which is adjacent to Town owned Property on which a fire hydrant is located shall:
- (a) maintain two (2) metre clearance on each side of a fire hydrant and one (1) metre clearance on the side of a fire hydrant farthest from the nearest adjacent street;
  - (b) not permit anything to be constructed, erected, or placed within the clearance provided in subsection 27.9(a); and
  - (c) not permit anything except grass, gravel, or a hard surface to be within the clearance area set out in subsection 27.9(a).



## COMMUNITY STANDARDS BYLAW

<b>BYLAW #:</b>	<b>2023-11</b>	<b>AUTHORITY:</b>	<b>COUNCIL</b>
<b>SUPERSEDES:</b>	<b>NUISANCE BYLAW # 2013-03 NOISE CONTROL BYLAW # 2010-03 GRAFFITI BYLAW # 2008-13 SOLICITING, LOITERING &amp; CAUSING A DISTURBANCE BYLAW # 2007-13 COMMUNITY STANDARDS BYLAW 2023-05</b>	<b>EFFECTIVE DATE:</b>	<b>September 11, 2023</b>

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### **PART 4 - ENFORCEMENT**

#### **28. 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 if the act or omission occurred during the employee's employment with the Person, or during the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

#### **29. Corporations and Partnerships**

29.1 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.

29.2 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.

#### **30. Compliance Order**

30.1 When a Peace Officer issues a Compliance Order and the person fails to comply with the order in the time specified in the cleanup order, the Peace Officer may commence prosecution for the offense.

30.2 A clean up order shall be deemed sufficiently served, if served;

- (a) Posting it on the Property, Personally served or by leaving at his residence or business with a person on the premises who appears to be at least 18 years of age,
- (b) by sending it by ordinary mail or registered mail to the last known address of the person, firm, or corporation.

30.3 When a person complies with a cleanup order, no prosecution shall be commenced with respect to the offense.



## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

---

30.4 When a person(s) fails to comply with the cleanup order, the Town may cause the condition of the premises to be remedied to the extent specified on the cleanup order and shall charge the costs of the work done to the person or persons to whom the cleanup order was issued and a Plus a 20% administrative fee will be added to all clean up invoices.

- (a) These costs involved are debt due to the Town and may be recovered as such.
- (b) The statement and demand for payment may be served by ordinary mail addressed to the occupant at his last known address, and a copy to the owner of the land at his address on the assessment roll.
- (c) If the person or persons on whom the statement is served fails to pay the amount set out in the statement within 30 days, the Town may cause the amount of the statement to be placed on the tax roll as an additional tax against the land concerned and the amount may be collected in the same manner as any property are due and payable.

### 31. Offences and Penalties

- 31.1 A Person who contravenes any provision of this Bylaw is guilty of an offence.
- 31.2 A Person who is guilty of an offence is liable to a minimum fine of \$250.00 or in an amount not less than that established in Schedule "A" and not exceeding ten thousand dollars (\$10,000.00).
- 31.3 Notwithstanding subsection 30.2, any person who commits a second or subsequent offence under this Bylaw within one (1) year of conviction for a first offence under this Bylaw, is liable on summary conviction to a fine double of the amount set out for the offence in Schedule "A" to this Bylaw.

### 32. Municipal Tag

- 32.1 Without restricting the generality of subsection 29.2, the fine amounts set out in Schedule "A" are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered.
- 32.2 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.



## COMMUNITY STANDARDS BYLAW

<b>BYLAW #:</b>	<b>2023-11</b>	<b>AUTHORITY:</b>	<b>COUNCIL</b>
<b>SUPERSEDES:</b>	<b>NUISANCE BYLAW # 2013-03 NOISE CONTROL BYLAW # 2010-03 GRAFFITI BYLAW # 2008-13 SOLICITING, LOITERING &amp; CAUSING A DISTURBANCE BYLAW # 2007-13 COMMUNITY STANDARDS BYLAW 2023-05</b>	<b>EFFECTIVE DATE:</b>	<b>September 11, 2023</b>

---

32.3 A Municipal Tag shall be issued and served to a Person:

- (a) either personally; or
- (b) by registered mail to such Person at their last known postal address.

32.4 A Municipal Tag shall be in a form approved by the CAO and shall state:

- (a) the name of the Person to whom the Municipal Tag is issued;
- (b) particulars of the contravention under this Bylaw;
- (c) the specified penalty for the offence as set out in Schedule "A";
- (d) that the specified penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag in order to avoid prosecution; and
- (e) any other information that may be required by the CAO.

32.5 Where a Municipal Tag has been issued under this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Municipal Tag.

32.6 If a Municipal Tag has been issued and the specified penalty on the Municipal Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Person to whom the Municipal Tag was issued.

32.7 Notwithstanding subsection 31.6, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

### 33. Violation Ticket

33.1 A Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

33.2 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.

33.3 A Person who commits an offence may:



## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

- 
- (a) if a 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 by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

- 33.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to subsection 32.3 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

### 34. Continuing Offences

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.

### 35. Appeal Procedure

The Owner or Person who receives an Order pursuant to this Bylaw may request the CAO to review that Order by written notice:

- (a) the written request for a review of an Order issued must be received by the Town Administration within seven (7) days of the receipt of the Order;
- (b) upon receipt of a written appeal, the CAO will review the Order, the enforcement file, the Bylaw, and any other materials provided therewith. The CAO may decide to uphold, vary, or revoke the Order and will communicate in writing within ten (10) business days of receipt of the appeal, including where applicable, the date by which the upheld or varied Order must be complied with.



## COMMUNITY STANDARDS BYLAW

BYLAW #:	2023-11	AUTHORITY:	COUNCIL
SUPERSEDES:	NUISANCE BYLAW # 2013-03 NOISE CONTROL BYLAW # 2010-03 GRAFFITI BYLAW # 2008-13 SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13 COMMUNITY STANDARDS BYLAW 2023-05	EFFECTIVE DATE:	September 11, 2023

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### **PART 5 – GENERAL**

#### **36. Powers of the Chief Administrative Officer**

Without restricting any other power, duty, or function granted by this Bylaw, the CAO 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; and
- (i) delegate any powers, duties, or functions under this Bylaw to an employee of the Town.

#### **37. Severability**

All sections of this Bylaw are separate and severable. Should any section or part of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

#### **38. Conflict**

Where the provisions of this Bylaw conflict with any other Bylaw enacted by the Town, the provisions of this Bylaw shall apply.





## COMMUNITY STANDARDS BYLAW

BYLAW #: 2023-11

AUTHORITY: COUNCIL

SUPERSEDES: NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

EFFECTIVE DATE: September 11, 2023

### PART 6 – TRANSITIONAL

#### 39. Repeals

This Bylaw repeals the Nuisance Bylaw # 2013-03 and amendments, the Soliciting, Loitering and Causing a Disturbance Bylaw # 2007-13 and amendments, the Noise Control Bylaw # 2010-03 and amendments, and the Graffiti Bylaw # 2008-13 and amendments.

#### 40. Coming Into Force

This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON SEPT 11, 2023

READ A SECOND TIME, AS AMENDED ON SEPT 11, 2023

READ A THIRD TIME, AS AMENDED ON SEPT 11, 2023

SIGNED AND PASSED ON SEPT 11, 2023

  
[VERN LYMBURNER], MAYOR

September 11, 2023

DATE

  
[BEN BERLINGUETTE], CAO

September 11, 2023

DATE



## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

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### SCHEDULE "A"

#### Fines and Penalties

Any Person who is in contravention of any part of the following sections of this Bylaw shall be subject to:

OFFENCE	SECTION	MUNICIPAL TAG	VIOLATION TICKET
Causing or permitting a nuisance to exist on Property	5.1	\$250	\$500
Failure to display civic number assigned to Property	6.	\$250	\$500
Failure to secure appliance	7.	\$500	\$1000
Prohibited outdoor lighting	8.	\$250	\$500
Failure to maintain boulevard	9.	\$250	\$500
Prohibited use of compost pile	10.1	\$250	\$500
Improper placement of compost pile	10.2	\$250	\$500
Improper storage of building materials	11.1, 11.4	\$500	\$1000
Failure to keep construction site neat and tidy	11.2, 11.3	\$500	\$1000
Failure to provide measures to protect public property	11.5	\$1000	\$2000
Failure to maintain construction site in a safe & secure manner	11.6	\$1000	\$2000



## COMMUNITY STANDARDS BYLAW

**BYLAW #:** 2023-11

**AUTHORITY:** COUNCIL

**SUPERSEDES:** NUISANCE BYLAW # 2013-03  
NOISE CONTROL BYLAW # 2010-03  
GRAFFITI BYLAW # 2008-13  
SOLICITING, LOITERING & CAUSING A DISTURBANCE BYLAW # 2007-13  
COMMUNITY STANDARDS BYLAW 2023-05

**EFFECTIVE DATE:** September 11, 2023

Failure to meet minimum standards in the district the Fence is located	11.8(a)	\$500	\$1000
Failure to maintain Fence in reasonable state of repair	11.8(b)	\$500	\$1000
Failure to obtain approval and permit for a Fence project requiring such	11.8(c)	\$1000	\$2000
Graffiti	12.1	\$1000	\$2000
Failure to remove graffiti	12.2	\$250	\$500
Failure to prevent unauthorized access	13.1	\$500	\$1000
Failure to maintain property	13.3	\$500	\$1000
Improper flow of water off Property	14.1	\$250	\$500
Unauthorized flow of water on or over Public Property	14.2	\$500	\$1000
Failure to keep sidewalks maintained	15.1	\$150	\$500
Unauthorized placement or disposal of any material, object, or good	15.2, 15.3	\$150	\$500
Failure to apply corrective measures to prevent imminent danger or risk	15.4 to 15.6	\$1000	\$2000
Obstructing pedestrian or vehicular traffic	15.7	\$250	\$500
Improper parking of Recreational Vehicle or Trailer	16.1, 16.2	\$250	\$500
RV or Trailer parked on lands without permission from Owner	16.3	\$250	\$500



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RV or Trailer not attached to vehicle or encroaches a sidewalk	16.4	\$250	\$500
RV or Trailer not attached to Vehicle or parked on street more then 48 hours	16.5	\$250	\$500
Unsupervised fire	17.1(b), 17.3(c)	\$250	\$500
Burning materials such as feces, garbage, grass, lawn, leaves, plastics, tires, wire, oil, animal carcass	17.1(c)	\$250	\$500
Unauthorized fire or fire pit	17.1(a), 17.2(a-d)	\$250	\$500
Fire pit to close to: a house or other structure, combustible materials, or close to or under any tree / branches	17.2(e-g)	\$250	\$500
Fire too big	17.3(b)	\$250	\$500
Fire / fire pit without screen or cover	17.3(e)	\$250	\$500
Burning a fire during a fire ban	17.4	\$500	\$1000
Failure to comply with Peace Officer, Fire Chief or designate	17.4(a,c), 17.5(c)	\$1000	\$2000
Unauthorized fire, discard cigarettes or like, or discharge fireworks during fire ban	17.4(b)	\$500	\$1000
Failure to obtain fire / burning permit	17.5	\$1000	\$2000
Under 18 years of age - in possession of fireworks	17.6(a)	\$250	\$500
Discharge / set-off fireworks in Town	17.6(b)	\$250	\$500



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COMMUNITY STANDARDS BYLAW 2023-05

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Causing or permitting a noise that disturbs the peace	18.1	\$250	\$500
Amplified sounds in residential district between 11:00 p.m. and 7:00 a.m.	18.3	\$250	\$500
Doing construction activity before or after the set times	18.5	\$250	\$500
Unauthorized posters, placards, signs, images, lettering	19.1(a)	\$250	\$500
Imagery or lettering of sexually explicit, racist, and/or hatred of a specific identifiable group	19.1(b)	\$250	\$500
Failure to remove sign, placard, poster, writing, or picture	19.2	\$250	\$500
Littering	20.1, 20.2	\$250	\$500
Unauthorized disposal	20.3	\$250	\$500
Improper sized waste bin	21.2	\$150	\$500
Garbage not in waste bin	21.3	\$150	\$500
Compost not in proper bags	21.4	\$150	\$500
Waste receptacle area unkept, no lid or locking mechanism, not encased	21.6	\$250	\$500
Panhandling	22	\$150	\$500
Fighting	23.1	\$250	\$500



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Throwing or propelling an object	23.2	\$250	\$500
Loitering	23.3	\$150	\$500
Swearing, cursing, or screaming in public	23.4	\$150	\$500
Intoxication in public	23.5	\$250	\$500
Urinating, defecating, or spitting	24	\$500	\$1000
Obstructing Peace Officer / worker	25	\$500	\$1000
Prohibited living in non-residential type District (SC, IG, UR)	26	\$250	\$500
Unauthorized weapons use in Town limits	27.1	\$1000	\$2000
Discharging a weapon in Town limits	27.2	\$1000	\$2000
Propelling an object without authorization	27.3	\$250	\$500
Environmental hazards	27.4	\$500	\$1000
Unpermitted disposals into Town infrastructure systems	27.5	\$500	\$1000
Unauthorized tampering of Town manhole/valve covers	27.6	\$150	\$300
Unauthorized waste collection bin access	27.7	\$150	\$300
Removing trees, bushes, plants, or other vegetation from Public lands	27.8	\$250	\$500





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Fire hydrant: not maintaining clearance	27.9	\$250	\$500
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