

**CITY OF BROOKS  
BYLAW NO. 21/16**

**A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA  
RESPECTING COMMUNITY STANDARDS.**

**WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, authorizes a Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, authorizes a Council to pass bylaws respecting people, activities and things on or near a public place or place that is open to the public;

**AND WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, authorizes a Council to pass bylaws respecting nuisances, including unsightly property;

**AND WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, authorizes a Council to pass bylaws respecting the creation of offences and the remedying of contraventions;

**AND WHEREAS**, it is desirable to have regulations which affect property, nuisances, tree maintenance, noise and public behavior in order to benefit the community as a whole;

**NOW, THEREFORE**, the Council of the City of Brooks, in the Province of Alberta, hereby enacts as follows:

**1. TITLE**

100. This Bylaw may be referred to as the "Community Standards Bylaw".

**2. INTERPRETATION**

200. In this Bylaw, unless the content otherwise requires,
201. "**Act**" means the *Municipal Government Act* RSA 2000 c-M-26 and regulations made under the *Municipal Government Act* as amended;
202. "**Building Material**" means all Construction and demolition material accumulated on Premises arising from the Construction, alteration, repair or demolition of any Structure and includes, but is not limited to, earth, vegetation or rock displaced during such Construction, alteration, repair or demolition;
203. "**Bullying**" means verbal or physical abuse, threats, taunts, teasing, name calling and put downs, written or electronically

transmitted, or repeated abusive communication directly or indirectly through any medium whatsoever;

204. **"Bylaw"** means the City of Brooks Bylaw No. 21/16 as may be amended from time to time;
205. **"Cannabis"** means any part of a Cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
206. **"Chief Administrative Officer"** means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or their designate;
207. **"City"** means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
208. **"Commercial"** means a business use or activity at a scale greater than home industry involving retail or wholesale marketing of goods and services;
209. **"Construction"** means the temporary process of excavating, demolishing or building any Structure, or repairing or improving a Structure that already exists, including landscaping, home repair and/or renovation, Property improvement and any work in connection with that process;
210. **"Consume"** means to eat, drink, or ingest Cannabis in any form, whether through beverages, food, sprays, capsules, or high potency concentrates;
211. **"Council"** means the Municipal Council of the City of Brooks;
212. **"Court"** means a Provincial Court of competent jurisdiction within the Province of Alberta;
213. **"Day-time"** means the period:
  214. beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or,
  215. beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a Weekend.
216. **"Development Permit"** means a document that is issued by a development authority under the City of Brooks Land Use Bylaw which authorizes a development;
217. **"Good Repair"** means maintaining the condition of an object or Structure such that it does not become untidy, Unsightly or dangerous and such that the object or Structure can continue to be used in the means that it was originally intended. The condition should be free from:
  218. significant damage;
  219. peeling surfaces;

220. broken, missing or fallen parts;
221. rot or other significant deterioration;
222. openings which are not secured against trespassers or infiltration of air and precipitation; or,
223. other visual evidence of a lack of general maintenance;
224. **"Graffiti"** means words, figures, letters, drawings, pictures, inscriptions, symbols, posters, advertisements or stickers applied, written, posted, exhibited, scribbled, scratched, etched, stained, sprayed or attached on or to the surface of any Premises, Structure or other Property that will disfigure however affixed, or be of an indecent or demoralizing nature, on the Premises, Structure or other Property, but for greater certainty, does not include an art mural or any other form of art which is approved by any City policy;
225. **"Highway"** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes a Sidewalk, including a boulevard adjacent to the Sidewalk, if a ditch lies adjacent to and parallel with the roadway, the ditch, and if a Highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway as defined in the *Traffic Safety Act, R.S.A. 2000, c. T-6*;
226. **"Industrial"** means the use of land and/or buildings for the purpose of manufacturing, processing, refining, storing, and/or distributing materials or products for sale or application elsewhere. Any on-premises sales shall be incidental to the operation of the industry;
227. **"Land Use Bylaw"** means the City of Brooks Land Use Bylaw No. 14/12, as amended or replaced from time to time;
228. **"Litter"** means any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to:
  229. any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or a part of an animal carcass; or
  230. the whole or part of any article, raw or processed material, Motor Vehicle or other machinery, that is disposed of; or,
  231. any other material or product that is designated as Litter in the *Alberta Environmental Protection and Enhancement Act*, as amended and the Regulations

thereunder;

232. **“Motor Vehicle”** as defined in the *Traffic Safety Act, R.S.A. 2000, Chapter T-6*, as amended, means:
- 233. a vehicle propelled by any power other than muscular power;
  - 234. a moped;
  - 235. a motor cycle that is mounted on 2 or 3 wheels and includes those Motor Vehicles known in the automotive trade as motor cycles and scooters;
  - 236. an off-Highway vehicle or any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain; but,
  - 237. does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a Motor Vehicle that runs only on rails;
238. **“Motorized Garden Tool”** means any tool used for horticulture that is powered by an electric or internal combustion engine of any kind;
239. **“Night-time”** means the period beginning at 10:00 P.M. and ending the following day at:
- 240. 7:00 A.M. if the following day is a Weekday; or,
  - 241. 9:00 A.M. if the following day is a Weekend;
242. **“Noise”** means any sound that is reasonably likely to disturb the peace of others;
243. **“Non-residential”** means any area that is not described in the definition of Residential;
244. **“Notice of Entry”** means a document addressed to an Owner or Occupier giving notice that a Peace Officer or another employee or agent of the City of Brooks shall be entering their Property and shall state the date, time and reason for entry;
245. **“Nuisance”** means an act or omission that obstructs, damages, or inconveniences another Person or Property;
246. **“Occupier”** means a Person occupying or exercising control or having the right to occupy or exercise control over a Premises, including but not restricted to a lessee, occupant, or agent of an Owner;
247. **“Operator”** as defined in the *Traffic Safety Act, R.S.A. 2000, Chapter T-6*, as amended, means a Person who is driving or is in actual physical control of a Motor Vehicle;

248. **“Owner”** means
- 249. 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,
  - 250. in the case of personal Property, to be in lawful possession or have the right to exercise control over it; or,
  - 251. in the case of a Motor Vehicle, to be the registered Owner of the Motor Vehicle;
252. **“Panhandling”** means to communicate using the spoken, written or printed word, a gesture or another means, for the purposes of the personal and direct solicitation of gratuitous donations of money, food or goods of any kind from any other Person, but does not include a solicitation allowed or authorized pursuant to the *Charitable Fund-raising Act, R.S.A. 2000, Chapter C-9*, as amended;
253. **“Peace Officer”** means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;
254. **“Person”** means any Person, firm, partnership, association, corporation, company or organization of any kind;
255. **“Premises”** means the surface of all Structures and the whole or part of any parcel of real Property, including the land immediately adjacent to any Structure or Structures;
256. **“Property”** means personal material goods, or a parcel of land including any Structures;
257. **“Public Place”** means any place to which the public has access, as of right, or by invitation, whether expressed or implied;
258. **“Remedial Order”** means an order written pursuant to Section 545 and Section 546 of the *Municipal Government Act*, as amended;
259. **“Residential”** means a room or suite of rooms which form a dwelling unit that is exclusively used for human habitation purposes and includes houses, duplexes, fourplexes, townhouses, condominiums, apartments, and includes a vacant lot within a Residential area;
260. **“Sidewalk”** means that portion of a Highway, between the curb lines or lateral lines of a roadway and the adjacent Property lines, which has been improved for the use of pedestrians;
261. **“Signalling Devices”** means any device that produces an audible sound used for the purpose of drawing an individual’s attention, including a horn, gong, bell, klaxon or public address system;
262. **“Scavenge”** means to take or gather from discarded material;

263. **“Smoke or Smoking”** means inhaling or exhaling the Smoke or vapor produced by burning or heating Cannabis; or holding or otherwise having control of any device or thing containing lit or heated Cannabis, including any type of electronic Smoking device;
264. **“Structure”** means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land;
265. **“Unightly”** means a Structure whose exterior shows signs of significant physical deterioration and includes land that shows signs of a serious disregard for general maintenance and upkeep, as per the *Municipal Government Act*, as amended;
266. **“Violation Tag”** means a tag or similar document issued by the City Pursuant to the Act;
267. **“Violation Ticket”** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act, R.S.A 2000, c P-34* as amended and any Regulations thereto; and the *Provincial Administrative Penalties Act*, as amended and any Regulations thereto;
268. **“Weekday”** means Monday through Friday, inclusive unless it falls on a holiday; and,
269. **“Weekend”** means Saturday, Sunday and any other holiday.

### 3. PROPERTY MANAGEMENT

300. The standards, requirements and prohibitions contained in Section 3 shall apply to:
- 301. Residential Premises;
  - 302. vacant lots within Residential areas;
  - 303. Commercial Premises; and,
  - 304. Industrial Premises
305. For the purpose of greater certainty a Nuisance, in respect of land, may include but is not limited to:
- 306. excessive accumulation of material including but not limited to Building Materials, appliances, boxes, packaging materials, bottles, cans, tires, whether of any apparent value or not;
  - 307. loose garbage or refuse, Litter, Construction debris whether located in a storage area, collection area or elsewhere on the Premises;
  - 308. any material that creates unpleasant odors;
  - 309. any material likely to attract pests;
  - 310. animal remains or animal feces;

311. household furniture, mattresses or other household goods;
312. parts of or disassembled machinery or equipment;
313. yard waste, including grass, tree(s) and hedge cuttings and smelly or messy compost heaps but excluding ground cover;
314. Motor Vehicle parts;
315. derelict Motor Vehicles or any trailer or object, which is in a wrecked, discarded, or abandoned condition, or is damaged or dismantled, whether insured or registered or not; and,
316. more than two unregistered Motor Vehicles.

#### Obligation to Maintain Property

317. No Owner or Occupier of a Premises within the City shall permit their Premises to be or remain in an untidy or Unsightly condition.
318. No Owner or Occupier of a Premises shall allow grass or weeds on the Premises, or on any adjacent Highway up to the center line, to exceed a height of six (6) inches.
319. No Owner or Occupier of a Premises within the City shall allow material to accumulate so as to cause a Nuisance on the Premises whether the Nuisance is visible to a neighbour or from a Highway or Public Place or not.
320. No Owner or Occupier of a Premises within the City shall allow the open or exposed storage on the Premises of any toxic fluid, including engine oil, brake fluid or antifreeze.
321. Every Owner or Occupier of a Premises within the City shall ensure that the following are maintained in Good Repair:
  322. fences and their structural members;
  323. Structures and their structural members, including:
    324. foundations and foundation walls;
    325. exterior walls and their components;
    326. roofs;
    327. windows and their casings; and,
    328. doors and their frames;
  329. protective or decorative finishes of all exterior surfaces of a Structure or fence; and,
  330. exterior stairs, landings, porches, balconies and decks.
331. Steps, walks, driveways, parking spaces and similar areas will be maintained so as to afford the safe passage of emergency services under normal use and weather conditions.

332. An Owner or Occupier of a Premises shall repair all access points and entrances to private Property, that are located behind the curb and gutter, excluding the City Sidewalk.

#### Unoccupied Buildings

333. If a Structure normally intended for human habitation is unoccupied, then any door, opening or window opening in the Structure should be securely closed or may be covered with a solid piece of wood, but only if the wood is:
- 334. installed from the exterior and fitted within the frame of the opening in a watertight manner;
  - 335. of a thickness sufficient to prevent unauthorized entry into the Structure;
  - 336. secured in a manner sufficient to prevent unauthorized entry into the Structure; and,
  - 337. coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

#### Appliances

338. No Owner or Occupier of a Premises within the City shall allow any appliance to remain on the Premises such that the appliance is visible from outside of the Premises.
339. No Owner or Occupier of a Premises within the City shall allow a refrigerator or freezer to remain on the Premises whether visible from outside of the Premises or not unless effective measures have been taken to prevent the opening and closing of the appliance, such as:
- 340. the complete removal of the door for the appliance;
  - 341. the removal of the door handle mechanism if this prevents opening and closing of the door;
  - 342. the removal of the door hinges;
  - 343. locking the appliance; or,
  - 344. otherwise wrapping or containing the appliance so that the interior is inaccessible.
345. Notwithstanding Subsection 338, it shall not be an offence for an Owner or Occupier of a Premises to allow a refrigerator on the Premises:
- 346. if the refrigerator is not visible to a Person viewing from outside the Premises; and,
  - 347. the refrigerator remains locked at all times with a padlock and key or similar device.

#### Outdoor Storage of Building Materials

348. No Owner or Occupier of a Premises within the City shall allow the accumulation of Building Materials, whether new or used, such

that they are visible to a neighbor or from a Highway or Public Place, unless that Owner or Occupier can establish that a Construction project is being carried out on the Premises, and that:

349. the project has begun or the beginning of work is within thirty (30) days;
  350. the materials found on the Premises relates to the project taking place on the Premises and is in a quantity reasonable to complete the project; and,
  351. the work on the project has not been suspended for a period in excess of one-hundred and twenty (120) days.
352. An Owner or Occupier of a Premises within the City shall ensure that all Building Materials stored on a Premises are stacked or stored in an orderly manner.
353. Notwithstanding anything in Section 3, it shall not be an offence to store a small amount of neatly stacked materials on a Premises for basic Property maintenance.
354. An outdoor storage area on a Non-residential Premises shall not be permitted, unless the outdoor storage area is the subject of an approved Development Permit and is visually screened to the satisfaction of a Peace Officer.

#### Motor Vehicles & Motor Vehicle Maintenance

355. No Person may conduct any repair work on Motor Vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a Motor Vehicle on a Residential Premises unless:
356. the work is done in a garage that is capable of having the doors and windows closed;
  357. the activity does not create Nuisance or Noise complaints from the neighbourhood;
  358. there is no escape of offensive annoying or noxious odours, fumes or smoke from the Premises;
  359. Motor Vehicle fluids, oil, gasoline products or other hazardous material are properly disposed of and not swept or washed onto any Highway or down storm or sanitary sewers;
  360. all discarded Motor Vehicle parts and materials are properly stored and disposed of from the Premises; and,
  361. no power washing of motor or power train is performed on the Premises.

362. The prohibition as per Subsection 354 of this Bylaw, shall not apply to routine maintenance work done by the Owner of any Motor Vehicle who is the Owner or Occupier of the Premises.

Nuisances Escaping Property

363. No Owner or Occupier of a Premises within the City shall allow a flow of water from a hose or similar device on the Premises to be directed towards another Premises if it is likely that the water from the hose or similar device will enter another Premises.
364. No Owner or Occupier of a Premises within the City shall allow a rainwater downspout or eaves trough to be directed towards another Premises if it is likely that the water from the downspout or eaves trough will enter another Premises.
365. An Owner or Occupier of a Premises within the City shall direct any rainwater downspout or eaves trough on the Premises towards:
- 366. the front of the Premises;
  - 367. the rear of the Premises;
  - 368. a side yard which does not abut another Premises; or,
  - 369. a side yard which abuts another Premises only if there is a minimum of 6 (six) metres of permeable ground between the outfall of the downspout or eaves trough and another Premises.
370. Eaves troughs and downspouts, if provided along any Structure, shall prevent the discharge of water onto Sidewalks.
371. No Owner or Occupier of a Premises within the City shall engage in any activity that is likely to allow smoke, dust or other airborne matter to escape the Premises which may disturb any other Person without taking reasonable precautions to ensure that the smoke, dust or other airborne matter does not escape the Premises.
372. No Owner or Occupier of a Premises within the City shall allow an outdoor light to shine directly into the living or sleeping areas of a Structure on another Premises.
373. An outdoor light shall not constitute a violation if the Owner or Occupier of the Premises shields the light from shining directly at the living or sleeping areas of a Structure on another Premises.
374. Where an outdoor light is permitted or required pursuant to the Land Use Bylaw, a Development Permit or a similar approval, the Land Use Bylaw, Development Permit or similar approval shall take precedence over this Bylaw, and the light shall not constitute a violation.
375. An Owner or Occupier of a Premises within the City shall ensure that articles such as papers, flyers and loose debris are collected and contained on the Premises so that they do not escape onto another Premises.

376. An Owner or Occupier of a Premises within the City is responsible for papers and flyers on their Premises regardless of whether or not they solicited for the delivery of these papers or flyers.
377. No Person shall deposit flyers on a Premises where signs or notices have been posted and are clearly visible at the entrance to a Structure, indicating that such material is not wanted.
378. No Person responsible for the operation of a business engaged in the distribution of flyers shall allow the deposit of their flyers on a Premises where signs or notices have been posted and are clearly visible at the entrance to a Structure, indicating that such material is not wanted.

#### Excavations & Ponding Water

379. No Owner or Occupier of a Premises within the City shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.
380. If, in the opinion of a Peace Officer, a water-course, pond or other surface water becomes or remains a Nuisance or poses a danger to public safety, a Peace Officer may declare the water-course, pond or other surface water a Nuisance and require the Owner or Occupier of the Premises to eliminate the Nuisance or danger by issuing a Remedial Order.

#### Graffiti

381. No Person shall create or apply Graffiti on or to any Premises, Structure, fence, or any other Property.
382. Every Owner or Occupier of a Premises within the City shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view within seven (7) days of receiving a Remedial Order from a Peace Officer.
383. An Owner or Occupier of a Premises within the City who fails to comply with the Remedial Order to remove Graffiti shall be liable to payment of a penalty as prescribed as the Specified Penalty attached to this Bylaw. The Owner or Occupier of the Premises is exempted from paying the Specified Penalty if the Owner or Occupier of the Premises is not responsible for placing the Graffiti on the Premises.
384. An Owner or Occupier of a Premises within the City who fails to comply with the Remedial Order to remove Graffiti shall result in the City taking action to remove, paint over or otherwise block from public view any Graffiti. The cost thereof shall be paid to the City upon demand and failing to make payment may result in the amount being added to the tax roll of the Owner of the Premises as per Section 553 of the Act.
385. When determining a contravention under Subsection 380 - 383, the consent of the Owner or Occupier of any Premises to place Graffiti shall not be a defense under this Bylaw.

General

386. In making a determination with respect to an offence under Section 3, a Peace Officer may take into consideration any or all of the following factors:
- 387. the frequency of the activity;
  - 388. the intensity and duration of the activity;
  - 389. the time of day or season;
  - 390. the nature of the surrounding area;
  - 391. the effect of the thing or activity on a complainant or complainants; and,
  - 392. the effect of the thing or activity on the surrounding area.

**4. NOISE**

400. Where an activity, which is not specifically prohibited or restricted by a provision of any Legislation or Regulation of Canada or of the Province of Alberta or by any provision of this Bylaw, involves creating a sound which is, or may become, or creates or produces or may create or produce a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a Person engaging in such an activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.
401. The provisions contained in Section 4 shall not be interpreted to prevent:
- 402. the ringing of bells in churches, religious establishments and schools;
  - 403. the moderate use of musical instruments to call attention to a charitable or non-profit undertaking or event;
  - 404. the sounding of any alarm or warning to announce a fire or other emergency;
  - 405. the playing of a band in connection with a parade allowed pursuant to any City Bylaw or permit;
  - 406. the use of Signalling Devices on Motor Vehicles in their normal operation for the purpose of giving warnings to other Motor Vehicles or Persons;
  - 407. Motor Vehicles and equipment used to clear snow and ice from any City Highway or Public Place;
  - 408. Construction at any Premises during the Day-time, whether or not the Construction or renovation requires any City permits;

- 409. any work, whether urgent or not, on a City Highway or on a public utility carried out by the Owner or Operator of the public utility, or its authorized contractors; or,
- 410. any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.
- 411. The provisions contained in Section 4 shall not prohibit:
  - 412. a Person who is an employee or authorized agent of the City from producing certain sounds while acting within the scope of their functions, duties or powers; or,
  - 413. the performance of any Industrial activity by any Person where the Industrial activity is:
    - 414. located on any Premises that is designated for such use under the Land Use Bylaw; or,
    - 415. is a non-conforming use as defined in the Act; or,
    - 416. the Noise is generated pursuant to work done in the normal manner to that end; and,
    - 417. the work does not otherwise contravene any Federal, Provincial or municipal laws or regulations.
- 418. In determining if a sound is reasonably likely to disturb the peace of others the following criteria may be considered:
  - 419. type, volume and duration of the sound;
  - 420. time of day and day of week;
  - 421. nature and use of the surrounding area; and,
  - 422. any other relevant factor.

#### Prohibited Noise

- 423. No Person shall make, continue, cause or allow to be made on a Premises in which they are the Owner or Occupier any loud, unnecessary or unusual Noise.
- 424. No Person shall yell, scream or swear in any Public Place thereby creating a disturbance.
- 425. Where an area is designated by signs or other means as being a hospital zone, no Person shall make or carry on any Noise-making activity within 150 meters in any direction from the boundaries of the hospital zone, unless it cannot be carried on in some other area.
- 426. A Person shall not operate:
  - 427. a hand lawn mower;
  - 428. a Motorized Garden Tool;
  - 429. power tool outside of any Structure;

- 430. a model aircraft driven by an internal combustion engine of any kind;
  - 431. snow clearing device powered by an engine of any kind; or,
  - 432. motorized snow or leaf blowing device;
- on a Residential Premises during the Night-time.
433. A Person shall not use a Signalling Device to promote or advertise the sale of ice cream or any other food in a Residential area during the Night-time.

#### Motor Vehicle Noise

- 434. No Person shall permit a Motor Vehicle located on any Premises to create Noise which emanates from that Premises and disturbs or annoys a Person, including Noise from excessive engine revving and stereo and amplification equipment emanating from a Motor Vehicle.
- 435. No Owner or Occupier of any Premises within the City shall permit a Motor Vehicle located on the Premises to emit Noise which emanates from that Premises and disturbs or annoys a Person, including Noise from excessive engine revving and stereo and amplification equipment emanating from a Motor Vehicle.
- 436. If a Motor Vehicle is involved in any offence against this Bylaw, the Owner of that Motor Vehicle is liable for the contravention unless 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.

#### Construction Noise

- 437. Any Owner or Occupier of a Premises within the City shall not cause or permit any Construction project before 7:00 a.m. or after 10:00 p.m. on a Weekday or before 9:00 a.m. or after 10:00 p.m. on a Weekend.
- 438. In the operation or carrying on of a Construction project, the Person operating or carrying on that project shall make no more Noise than is necessary in the normal method of performing or carrying on that project.

#### Relaxations/Exceptions

- 439. Section 4 does not purport to regulate the cumulative effect of Noise created by Motor Vehicle traffic on Highways in or adjacent to the City, as well as railways or aeronautical related activities of aircraft or any airport authorities.
- 440. A Person may operate a snow clearing device powered by an engine for the purpose of removal of snow and ice from Highways, parking lots and Sidewalks during the twenty-four (24) hour period following a snowfall, rain or freezing rain, subject to the right of the

Chief Administrative Officer to withdraw this relaxation on a site-specific basis.

441. A Person may operate a Motorized Garden Tool or grass cutting device on a golf course between the hours of 6:00 A.M. and 9:00 A.M. on any day of the week.

## 5. PUBLIC BEHAVIOUR

500. No Person shall conduct themselves or behave in a manner that unreasonably disturbs other Persons in the City or unreasonably interferes with their enjoyment of the City.

### Human Waste/Urinating/Defecating

501. No Person shall urinate, defecate or deposit any human waste in any Public Place, in view of any Public Place or in any place to which the public is allowed access, other than at a facility designed for such use.
502. No Person shall spit at or on any Person or in any Public Place within the City.

### Fighting

503. A Person shall not participate in a fight or other similar physical confrontation in any Public Place or any place to which the public is allowed access.
504. Notwithstanding Subsection 503, this prohibition does not apply to participants of an organized sporting event who are governed by the rules of conduct of that sporting event.

### Dangerous Actions

505. A Person shall not 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 a Premises.

### Bullying

506. No Person shall Bully any Person in any Public Place or any place to which the public is allowed access.

### Panhandling

507. No Person shall engage in Panhandling within the City:
- 508. between the hours of 6:00 a.m. and 10:00 p.m.;
  - 509. as a group of two or more Persons;
  - 510. from any Person who at the time is an occupant or engaged in operating a Motor Vehicle;
  - 511. from a Person who has refused or declined such solicitation;
  - 512. so as to obstruct the passage of, walk next to, ahead of, or follow the Person being solicited;

513. within 10 meters of the entrance to a bank, credit union, trust company or other financial institution where cash can be withdrawn; or,
514. within 10 meters of an automated teller machine or other device from which cash can be electronically accessed.

#### Scavenging

515. No Person shall Scavenge, pick over, disturb, remove, scatter or convert to their own use, Waste that has been set out for Collection; or,
516. Scavenge, pick over, disturb, remove, scatter or convert to their own use, Waste from any sanitary landfill or disposal site except as expressly authorized in writing by the CAO for the purposes of a recycling or recovery program.

#### Cannabis

517. No Person shall Smoke or Consume Cannabis in any Public Place.

## **6. ENFORCEMENT**

#### Scope

600. In making a determination as to contraventions of this Bylaw, a Peace Officer or the Court may take into consideration any or all of the following factors:
  601. the frequency of the activity;
  602. the intensity and duration of the activity;
  603. the time of day or season;
  604. the nature of the surrounding area;
  605. the effect of the thing or activity on a complainant or complainants; and,
  606. the effect of the thing or activity on the surrounding area.

#### General Penalty Provisions

607. A Peace Officer is for the purposes of enforcement of this Bylaw, a designated officer of the City.
608. A Person who contravenes or does not comply with any provision of this Bylaw is guilty of an offence.
609. Fines and penalties imposed on a conviction for an offence under this Bylaw are an amount owing to the City.
610. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that

Person is liable under the provisions of this Bylaw or any other Bylaw.

611. Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial Law or Regulation, other Bylaw or any requirements of any lawful permit, order, consent or other direction.
612. Where this Bylaw refers to another act, regulation or agency, it includes reference to any act, regulation or agency that may be substituted therefore.
613. Any Person who breaches any provision of the Bylaw is guilty of an offence and liable:
  614. upon the issuance of a Violation Tag to the specified penalty as listed on Schedule "A" attached to and forming part of this Bylaw; or,
  615. upon summary conviction to a fine of not less than the amount specified on Schedule "A" attached to and forming part of this Bylaw for each offence, exclusive of costs; or,
  616. to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
617. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.
618. A Violation Tag shall be deemed to be sufficiently served if:
  619. served personally on the accused; or,
  620. mailed to the address of the registered Owner of the property concerned or to the Person concerned; or,
  621. served personally upon the manager, secretary, receptionist or other officer or Person apparently in charge at any premises of the accused, or by mailing a copy to such accused.
622. A Violation Tag shall state:
  623. the name of the Person or other information to adequately identify the Person;
  624. approximate location of where the offence took place;
  625. the offence;

626. the penalty for the offence set out on Schedule "A" of the Bylaw;
  627. that the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag; and,
  628. any other information deemed necessary by the Chief Administrative Officer or by the provisions of the Act or the *Provincial Offences Procedure Act, RSA 2000, c P-34* and/or the *Provincial Administrative Penalties Act*, as amended, or as repealed and replaced from time to time.
629. Where a breach of this Bylaw is of a continuing nature, each day on which it continues or is repeated shall constitute a separate offense, and shall be liable to a separate penalty.
630. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.
631. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
632. if a Person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act, RSA 2000, c P-34*, and/or the *Provincial Administrative Penalties Act*, as amended, or as repealed and replaced from time to time.
  633. the person to whom the Violation Ticket may, in the case of a Violation Ticket issued pursuant to the *Provincial Offences Procedure Act, RSA 2000, c P-34*, and/or the *Provincial Administrative Penalties Act*, as amended, or as repealed from time to time plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" to this Bylaw
  634. any Person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II

of the *Provincial Offences Procedure Act, RSA 2000, c P-34*, and/or the *Provincial Administrative Penalties Act*, as amended, or as repealed from time to time.

### Remedial Orders

635. A Peace Officer is hereby authorized and empowered to issue a Remedial Order to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
636. A Remedial Order written pursuant to this Bylaw may:
  637. direct a Person to stop doing something, or to change the way in which the Person is doing it;
  638. direct a Person to take any action or measures necessary to remedy the contravention of this Bylaw, including the removal or demolition of a Structure that has been erected or placed in contravention of any City bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
  639. require the Owner or Occupier of the Structure to eliminate the danger to public safety in the manner specified, or remove or demolish the Structure and level the site;
  640. require the Owner or Occupier of the Premises that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;
  641. require the Owner or Occupier of the Premises that is in an Unsightly condition to improve the appearance of the Property in the manner specified, or if the Property is a Structure, remove or demolish the Structure and level the site;
  642. state a time within which a Person must comply with the directions; and,
  643. state that if the Person does not comply with the directions within a specified time, the City will take the action or measures at the expense of the Person.
644. A Remedial Order written pursuant to this Bylaw may be served:
  645. in the case of an individual:
    646. by physically delivering it to the Person; or,
    647. by mail addressed to the Person at their apparent place of residence or at any address for the Person on the tax roll of the City or at the Land Titles office. A Remedial Order is deemed to be received seven (7) days after it is mailed.

648. in the case of a company or corporation or other such entity:
  649. by physically delivering it to any director or officer of the company;
  650. by physically delivering it to a Person apparently in charge of an office of the company at an address held out by the company to be its address; or,
  651. by mail addressed to the registered office of the company. A Remedial Order is deemed to be received seven (7) days after it is mailed.
652. If, in the opinion of a Peace Officer, service of the Remedial Order cannot be reasonably affected, or if the Peace Officer believes that the Owner and/or Occupier of the Premises is evading service, the Peace Officer may post the Remedial Order in a conspicuous place on the Premises to which the Remedial Order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles office or on the municipal tax roll for the Premises, and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.
653. Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.
654. If the Person to whom a Remedial Order has been issued fails to comply with the Remedial Order within the time specified therein:
  655. the City may take whatever steps are necessary to remedy the contravention of this Bylaw and the cost of doing so becomes a debt owing to the City by the Person to whom the order was issued;
  656. any items removed pursuant to Section 6 if deemed of value by the City, will be removed to a place of safe keeping and will:
    657. be assessed a daily fee for storage as may be determined from time to time by the Chief Administrative Officer; and,
    658. come into the possession of the City and will be retained for thirty (30) days from the date it comes into possession of the City unless it is unsafe, unsanitary or perishable, in which case it may be disposed of at any time, and whereas:
    659. the Property is not claimed within thirty (30) days, it becomes the Property of the City and the City may dispose of the Property by public auction or as directed by Council;

660. the purchaser of the unclaimed Property will become the absolute Owner of it; or,
661. a prior Owner of the Property is entitled to the proceeds of the sale less all expenses incurred by the City if the prior Owner makes a claim to the City within ninety (90) days after the date of the sale and if the sale proceeds are not claimed within ninety (90) days from the date of the sale, the rights of any prior Owner to the sale proceeds are extinguished and the sale proceeds belong to the City.
662. If, in the opinion of the Chief Administrative Officer, a contravention of this Bylaw requires immediate action, the City may perform any removal or work necessary to address the contravention of this Bylaw without prior notice or a Remedial Order and all costs incurred by the City will be payable by the Person alleged to have contravened this Bylaw.

#### Notice of Entry & Inspections

663. A Peace Officer may give a minimum twenty-four (24) hour Notice of Entry to an Owner and/or Occupier of a Premises to enter into or upon any Premises within the City, pursuant to authority set out in Section 542 of the Act, to carry out an inspection, remedy, enforcement or action for the purpose of ensuring compliance with this Bylaw.
664. If a Person refuses to allow or interferes with the entry onto a Premises, inspection, enforcement or action required to ensure compliance with this Bylaw and/or refuses to produce anything to assist in the inspection, remedy, enforcement or action required to ensure compliance with this Bylaw, the City may apply to the Court of Queen's Bench where the Court may issue an order to restrain a Person from preventing or interfering with the entry onto a Premises, inspection, enforcement or action or require the production of anything to assist in the inspection, remedy, enforcement or action to ensure compliance with this Bylaw.

#### Notice of Appeal

665. A Person who has received a Remedial Order may request Council to review the Remedial Order issued in accordance with this Bylaw by written Notice of Appeal within seven (7) days of the date the Remedial Order is received.
666. Each Notice of Appeal shall:
- 667. state with reasonable detail, the grounds of appeal;
  - 668. state the name, address and interest of the appellant; and,
  - 669. be dated and signed by the appellant or on their behalf by their agent and, if signed by an agent shall state

the name and address of the agent as well as that of the appellant.

670. When hearing an appeal Council shall:

- 671. hold a hearing within thirty (30) days after receipt of the Remedial Order;
- 672. ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing;
- 673. consider each appeal having due regard to the circumstances and merits of the case and to this Bylaw;
- 674. not be bound by the rules of evidence applicable to Courts of civil or criminal jurisdiction;
- 675. afford to every Person concerned the opportunity to be heard, to submit evidence of others; and,
- 676. make and keep a written record of its proceeding which shall be in the form of a summary of the evidence presented to Council at the hearing.

677. In determining an appeal, Council:

- 678. may confirm, vary, substitute or cancel the Remedial Order; and,
- 679. shall render its decision in writing to the appellant within fifteen (15) days from the date of decision.

## **7. SEVERABILITY:**

- 700. It is the intention of 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 is declared invalid, all other provisions herein shall remain valid and enforceable.

## **8. REPEAL OF BYLAW**

- 800. That Bylaw No. 14/02, 17/14, 18/20 and 20/03 are hereby repealed.

## **9. EFFECTIVE DATE**

- 900. This Bylaw shall take effect at the date of final passing thereof.

Read a first time this 20<sup>th</sup> day of September, 2021.


Read a second time this 20<sup>th</sup> day of September, 2021.

Read a third time and finally passed this 20<sup>th</sup> day of September, 2021.



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Mayor



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Chief Administrative Officer

## Schedule "A" – Specified Penalties

## Bylaw 21/16

<u>Subsection</u>	<u>Offence</u>	<u>Penalty</u>	<u>Second or Subsequent Offence Within One (1) Year</u>
317	Permitting an untidy/Unsightly condition	\$300.00	\$500.00
318	Allow grass/weeds to grow higher than six (6) inches	\$300.00	\$500.00
319	Allow material to accumulate	\$300.00	\$500.00
320	Allow the open storage of toxic fluid	\$300.00	\$500.00
321 – 330	Fail to keep premises in Good Repair	\$300.00	\$500.00
331	Fail to keep steps, walks, driveways, or parking spaces maintained for safe passage of emergency services	\$300.00	\$500.00
332	Fail to repair access points and entrances	\$300.00	\$500.00
333	Fail to secure unoccupied Premises	\$300.00	\$500.00
338	Allow an appliance to remain on Premises	\$300.00	\$500.00
339	Fail to prevent the opening and closing of an appliance	\$300.00	\$500.00
348	Allow the accumulation of Building Materials	\$300.00	\$500.00
352	Fail to store Building Materials in an orderly manner	\$300.00	\$500.00
354	Allow an unapproved storage area on a Non-residential Premises	\$300.00	\$500.00
355	Conduct repair work to a Motor Vehicle on a Residential Premises	\$300.00	\$500.00
363	Allow a flow of water to enter adjacent Premises	\$300.00	\$500.00
364, 370	Fail to direct rainwater downspout or eaves trough to an approved direction	\$300.00	\$500.00
371	Allow airborne matter to escape from Premises	\$300.00	\$500.00
372	Allow outdoor light to shine into adjacent Premises	\$300.00	\$500.00
375	Allow loose debris to escape Premises	\$300.00	\$500.00
377,378	Deposit flyers on premises where posted that such material is not wanted	\$300.00	\$500.00
379	Allow a depression to become/remains a danger to public safety	\$300.00	\$500.00

## Schedule "A" – Specified Penalties

## Bylaw 21/16

<u>Subsection</u>	<u>Offence</u>	<u>Penalty</u>	<u>Second or Subsequent Offence Within One (1) Year</u>
381	Create / apply Graffiti	\$500.00	\$1000.00
382	Fail to remove Graffiti	\$250.00	\$400.00
423	Make, continue, cause or allow to be made Noise	\$250.00	\$400.00
424	Yell / scream / swear in a Public Place	\$250.00	\$400.00
425	Carry-on a Noise-making activity within 150 metres of a hospital zone	\$250.00	\$400.00
426 – 432	Operate a prohibited device during the Night-time	\$250.00	\$400.00
433	Use a signalling device in a Residential area during the Night-time	\$250.00	\$400.00
434, 435	Permit / cause a Motor Vehicle to emit Noise	\$250.00	\$400.00
437	Cause / permit a Construction project during prohibited hours	\$250.00	\$400.00
500	Unreasonably disturbing / interfering with another Person's enjoyment of the City	Youth (Under 18) \$250.00 Adult \$500.00	Youth (Under 18) \$500.00 Adult \$1,000.00
501	Urinate, defecate or deposit human waste in a Public Place	\$250.00	\$500.00
502	Spitting at / on another Person / within a Public Place	\$250.00	\$500.00
503	Fighting in a Public Place	Youth (Under 18) - \$250.00 Adult - \$500.00	Youth (Under 18) - \$500.00 Adult - \$1000.00
505	Throw / propel an object in a Public Place that is reasonably likely to cause injury or damage	\$250.00	\$500.00
506	Bullying	Youth (Under 18) - \$150.00 Adult - \$500.00	Youth (Under 18) - \$250.00 Adult - \$1000.00
507 – 514	Panhandling by prohibited means	\$150.00	\$300.00
515	Scavenging through Waste	\$250.00	\$400.00
516	Scavenging through landfill or disposal site	\$250.00	\$400.00
517	Smoking Cannabis in a Public Place	\$250.00	\$500.00
653	Fail to remedy contraventions	\$300.00	\$600.00