

## **BYLAW 2733/PS/26**

### **BEING A BYLAW OF THE TOWN OF STONY PLAIN, IN THE PROVINCE OF ALBERTA RESPECTING COMMUNITY STANDARDS WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF STONY PLAIN.**

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WHEREAS, Section 7, Part 2, Division 1 of the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto, authorizes a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, Section 7, Part 2, Division 1 of the *Municipal Government Act*, RSA 2000, c. M-26 authorizes a council to pass bylaws for municipal purposes respecting nuisances, including unsightly premises or property; and

WHEREAS, pursuant to the *Agricultural Pests Act* and the *Weed Control Act*, a council may pass certain bylaws and appoint inspectors;

NOW THEREFORE, the Council of the Town of Stony Plain in the Province of Alberta, duly assembled, hereby enacts as follows:

#### **1.0.0 Title**

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

#### **2.0.0 Definitions**

2.1.0 “Boulevard” means the same as in the *Traffic Safety Act*, RSA 2000, c. T-6 and amendments thereto.

2.2.0 “Bow” means a device from which a projectile such as an arrow or bolt may be Discharged through the release of tension on a string or cable, and includes those devices commonly referred to as compound Bows, recurve Bows, long Bows, and cross Bows.

2.3.0 “Building” means a Structure and any part of a Building or Structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land.

2.4.0 “Building Material” means any construction material which may result from the construction, renovation, or demolition of any Structure and includes, but is not limited to, wood, gypsum, vinyl siding, metal, bricking, packaging material and containers of construction material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any Structure.

2.5.0 “Camp” or “Camping” means the locating of, erecting of, use of a Tent, Recreational Vehicle, trailer, motorhome, truck camper, lean-to, a Vehicle or part of a Vehicle, a portable cabin, storage shed, or any other similar temporary Structure for the provision of sleeping or human occupation.

2.6.0 “CAO” means the Chief Administrative Officer of the Town of Stony Plain or designate.

2.7.0 “Commercial District” means a district described as such in the Land Use Bylaw.

2.8.0 “Council” means the Council of the Town of Stony Plain.

2.9.0 “Debris” means Building Material or Refuse arising from Building construction or development.

2.10.0 “Derelict Vehicle” means a Vehicle that is:

- a) incapable of being safely operated, such as having one or more attributes including but not limited to, a missing windshield, a missing driver’s seat, a missing steering wheel, flat tire, or being used for storage of items in such a way that the vehicle cannot be driven safely;
- b) partially or fully dismantled, such as having one or more attributes including but not limited to, missing tires, left on blocks or on a jack or other non-tire support, or missing equipment such that it is not lawful to operate on streets; or
- c) substantially damaged.

2.11.0 “Designated Officer” means a Bylaw Enforcement Officer, Peace Officer, or any other Person so designated by the CAO.

2.12.0 “Discharge” means the propulsion of a projectile from a Bow, Slingshot, or Firearm within the municipal boundaries of the Town.

2.13.0 “Disorderly Conduct” means any behavior that tends to disturb the public order or decorum, scandalize the community or offend the public sense of morality.

2.14.0 “Donation Bin” means an outdoor receptacle designed and used for the purpose of collecting donated clothing, shoes, linens, other textiles, and small household items from the public.

2.15.0 “Fence” means a vertical, physical barrier constructed to prevent visual intrusion, unauthorized access or sound abatement.

2.16.0 “Firearm” means any device from which a projectile may be Discharged by an explosion, chemical reaction or release of compressed air or other gas.

2.17.0 “Flankage” means any yard not considered the front yard that abuts a right of way or land used for the purposes of a public or private road of 6.0 m or more in width.

2.18.0 “Graffiti” means words, figures, letters, drawings, initials, symbols, marks, figures, inscriptions, writings or slogans scribbled, etched, drawn, stained, scratched or sprayed on a surface with or without the consent of the Owner of the Premises or Property on which they are placed but does not include marks made accidentally, or any of the following:

- a) a sign, public Notice or traffic control mark authorized by the Town;
- b) a sign authorized pursuant to the Town’s applicable bylaw provisions regulating signs;
- c) a public Notice authorized by a Town bylaw or by provincial or federal legislation; and,
- d) in the case of private Premises or Property, a letter, symbol or mark authorized by the Owner of the Premises or Property on which the letter, symbol or mark appears.

2.19.0 “Highway” means the same as in the *Traffic Safety Act*, RSA 2000, c. T-6 and amendments thereto.

2.20.0 “Indecent Act” means a sexual or lewd activity in a Public Place.

2.21.0 “Business Industrial District” means a district described as such in the Land Use Bylaw. and amendments thereto

2.22.0 “Loitering” means to stand around or move slowly about, or wait around idly without apparent reasonable purpose or action, or in a manner that impedes or interferes with the enjoyment of a Public Place.

2.23.0 “Land Use Bylaw” means the Town of Stony Plain Land Use Bylaw and amendments thereto.

2.24.0 “Motor Vehicle” means the same as in the *Traffic Safety Act*, RSA 2000, c. T-6 and amendments thereto.

2.25.0 “Medical Officer of Health” means the individual that holds that position for the Health Region at any given time and includes any Person authorized to act for and in the name of that individual.

2.26.0 “MGA” means the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto.

2.27.0 “Municipal Violation Tag” means a ticket alleging an offence is issued pursuant to the authority of a bylaw of the Town.

2.28.0 “Noise” means any sound that is reasonably likely to annoy or disturb the peace of any other Person;

2.29.0 “Notice” means any Notice issued pursuant to this bylaw to remedy a condition that is not in compliance with any provision of this bylaw or any applicable bylaw within the Town.

2.30.0 “Non-Permitted Weed” includes any plant designated as “Noxious Weed” or “Prohibited Noxious Weed” as defined in the *Weed Control Act*, SA 2008, c. W-5.1, and regulations and amendments thereto.

2.31.0 “Nuisance” means any condition or use of Property, which in the opinion of the Peace Officer or Designated Officer, constitutes an unreasonable interference with the use and enjoyment of other Property.

2.32.0 “Occupy” or “Occupies” means residing on or to be in apparent possession or control of Premises or Property.

2.33.0 “Officer” means Bylaw Enforcement Officers, Peace Officers, members of the Royal Canadian Mounted Police (R.C.M.P), emergency services workers, staff members for the Town, as the context may require.

2.34.0 “Owner” means a Person:

- a) who is registered under the *Land Titles Act* as the Owner of a Parcel of land;
- b) who is recorded as the Owner of a Premises or Property on the tax assessment roll of the Town;
- c) who has purchased or otherwise acquired a Parcel of land, directly from the Owner or from another purchaser, and has not yet become the registered Owner thereof;
- d) in possession or control of a Premises or Property under construction;
- e) who is the occupant of a Premises or Property pursuant to a written or verbal rental or lease agreement, license or permit; or
- f) in the case of personal Property, to be in lawful possession or have the right to exercise control over it, or to be the registered Owner of it.

2.35.0 “Panhandling” means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations permitted or authorized pursuant to the *Charitable Fund-Raising Act*, RSA 2000, c. C-9, or any other legislation permitting the solicitation of charitable donations.

2.36.0 “Parcel” means the aggregate of the one or more areas of land or lots described in a certificate of title by reference to a plan filed or registered at the North Alberta Land Titles Offices.

2.37.0 “Peace Officer” means a member of the Royal Canadian Mounted Police or a Community Peace Officer appointed pursuant to the provisions of the *Police Act of Alberta*, RSA 2000, c. P-17, and amendments thereto.

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

2.39.0 “Premise” means any external surfaces of all Structures and the whole or part of any Parcel of real Property, including Property immediately adjacent to any Structure and includes all forms of vegetation and including any Property or Structures privately owned or leased, or owned or leased by the Town.

2.40.0 “Property” means:

- a) in the case of land, a Parcel of land including any Structures; or,
- b) in other cases, personal Property.

2.41.0 “Provincial Offences Procedure Act” means the *Provincial Offences Procedure Act*, RSA 2000, c. P-34 and amendments thereto.

2.42.0 “Public Place” means any place within the Town to which the public may have either expressed or implied access.

2.43.0 “Recreational Vehicle” means a Vehicle designed or used for travel with temporary living accommodations for vacation or camping purposes.

2.44.0 “Recreational Vehicle Parking Space” means a plot of ground within a Residential District approved to accommodate the parking of one Recreational Vehicle.

2.45.0 “Refuse” means articles including, but not limited to, loose scrap or litter including cigarettes or cigarette “butts/ends”, solid waste such as rubber, metal, glass, plastic, paper, cardboard, fabric, food, garbage bags, grass cuttings, shrubbery and tree pruning’s, weeds, garden waste, the whole or part of an animal carcass, animal or human feces, sewage, manure, dirt, soil, ash, gravel, rocks, or any other such waste of a decomposing or non-decomposing matter which may or may not harbour vermin or pests therein; petroleum products, hazardous materials, disassembled equipment and machinery, discarded household chattels or goods; and/or equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances.

2.46.0 **“Residential District”** means a district as described as such in the Stony Plain Land Use Bylaw and amendments thereto.

2.47.0 **“Shipping Container”** means an accessory sealed unit or container used for the land and sea transport of goods and materials, which many also be used for storage.

2.48.0 **“Shooting Range”** means any land or Premise used primarily for the Discharge of Bows, Slingshot or Firearm, and which land or Premises is created and operated in accordance with the provisions of the Land Use Bylaw, and all provincial and federal laws and regulations.

2.49.0 **“Sidewalk”** means the same as in the *Traffic Safety Act*, RSA 2000, c. T-6 and amendments thereto.

2.50.0 **“Slingshot”** means any “Y” shaped device from which a projectile such as a ball bearing or similar object may be Discharged through the release of tension on an elasticized band commonly referred to as a Slingshot.

2.51.0 **“Structure”** means any Structure, including but not limited to a Building, Fence, retaining wall, scaffolding, shed, accessory Building or other similar types of construction.

2.52.0 **“Town”** means the Town of Stony Plain.

2.53.0 **“Town Property”** means:

- a) real Property, including Buildings, or improvements constructed, placed or affixed to land, signs, traffic control devices, roads, Sidewalks, curbs, and gutters, drainage courses, Fences, natural features and plants, trees, shrubs, or other vegetation growing on land located in the Town; and,
- b) personal Property, including Vehicles, movable Buildings or Structures, equipment, furniture, tools, devices and implements owned by the Town.

2.54.0 **“Unsightly”** means:

- a) in respect of a Structure, includes a Structure whose exterior shows signs of significant physical deterioration; and
- b) in respect of land, includes land that shows signs of disregard for general maintenance or upkeep.

2.55.0 **“Vehicle”** means the same as in the *Traffic Safety Act, 2000, c. T-6 and amendments thereto*.

2.56.0 **“Violation Ticket”** shall have the same meaning ascribed to it in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34 and amendments thereto.

### **3.0.0 General**

#### **Property Maintenance**

3.1.0 Nuisances, Construction, Unsightly Properties, and Obligations of Owners of Premises or Property

3.1.1 A Person shall not cause, permit or fail to prevent a Nuisance or Unsightly condition to exist on a Premise or Property they own or Occupy.

3.1.2 For the purpose of greater certainty, examples of a Nuisance or Unsightly condition, in respect of Premise or Property could include, but are not limited to:

- a) excessive accumulation of material including but not limited to Building Materials, appliances, household goods, household furniture, boxes, tires, Vehicle parts, garbage or Refuse, whether of any apparent value or not;
- b) damaged, dismantled or Derelict Vehicles or Motor Vehicles, whether insured or registered or not;
- c) loose litter, garbage, Debris, or Refuse whether located in a storage area, collection area or elsewhere on the land;
- d) Refuse or Debris blown off, scattered, spilled, or not properly contained, secured or stored properly within the boundaries of the Property;
- e) production of any generally offensive odor or messy compost heaps at the discretion of the Officer;
- f) accumulation of animal material or waste, yard material, ashes, or scrap Building Materials;

- g) unkempt grass or weeds higher than 10 centimeters;
- h) failure to destroy or prevent the spread or scattering of Non-Permitted Weeds;
- i) the presence of excavations, holes, Structures, materials or any other hazard or condition that may pose a danger to public safety;
- j) any conditions likely to attract wild animals, pests, other vermin or domestic animals not associated with the subject Property;
- k) broken or damaged fencing in a state of unreasonable disrepair;
- l) broken, damaged or open utility Structure;
- m) any open container or structure placed in, on or over land which exposes any surrounding area to automotive fluids, including but not limited to engine oil, brake fluid, or antifreeze;
- n) production of excessive dust, dirt or smoke; or
- o) any tree, shrub, other type of vegetation or any Structure;
  - i. that interferes or could interfere with any public work or utility;
  - ii. that obstructs any Sidewalk adjacent to the land; or
  - iii. that impairs the visibility required for safe Vehicle and pedestrian traffic flow at any intersection adjacent to the land.
  - iv. that has any rot or other deterioration

3.1.3 A Donation Bin shall be located within the boundaries of the Property and remain in a clean and tidy condition, free of the overflow of items and litter left outside the Donation Bin.

3.1.4 With respect to Recreational Vehicles on a Premise or Property within a Residential District a Person owns or Occupies:

- a) a Recreational Vehicle Parking Space is allowed and does not require a development permit if it is contained solely in the Flankage, rear and side yards and does not encroach in the Flankage or side yard set backs;
- b) a development permit approval is required for a Recreational Vehicle Parking Space utilized between November 1 and March 31 for a period of more than seven (7) days that does not meet the criteria of 3.1.4(a) and the approval is subject to the parking space:
  - i. being an accessory use to a principal residence;
  - ii. not impeding emergency access to any area on the site or lot; and
  - iii. not encroaching into any required setbacks for the front or side yard within the district that the parking space would be located in; and
- c) a parked Recreational Vehicle shall not encroach over a Sidewalk or road right of way.
- d) there shall be no more than one Recreational Vehicle parked on the exterior surface of the lands of each lot unless permitted.

3.1.5 Shipping Containers shall only be permitted to be used as storage when Shipping Containers are a permitted or discretionary use within the district that the Shipping Container is located.

3.1.6 Shipping Containers shall only be permitted to be used as storage within Residential Districts on private Property when used for the purpose of loading or unloading household items or construction materials and equipment for a period of 30 days and the Shipping Container shall not:

- a) be placed over a Highway or Sidewalk without a permit;
- b) interfere with Vehicle or pedestrian sight-lines;
- c) eliminate or interfere with parking, loading or the maneuvering of Vehicles or pedestrians on the site.

### 3.2.0 Boulevards and Sidewalks

- 3.2.1 A Person shall maintain any Boulevard adjacent to the Premises or Property they own or Occupy by:
  - a) maintaining landscaping and by keeping any grass on the Boulevard cut to a length of no more than 10 centimeters;
  - b) removing any accumulation of fallen leaves or other Refuse or Debris.
- 3.2.2 A Person shall maintain any Sidewalk adjoining and adjacent to the land they own or Occupy and clear of any dangerous condition caused by snow or ice that may cause someone to slip, trip, fall or create mobility challenges.

3.2.3 No Person shall remove snow or ice from any Sidewalk or Property by causing the snow or ice to be placed upon any fire hydrant or on Town Property, other then the adjacent Boulevard they occupy.

#### 3.3.0 Structures and Buildings

3.3.1 A Person shall not cause or permit a Nuisance or Unsightly condition to exist in respect of any Building on a Premise or Property they own or Occupy.

3.3.2 For the purpose of greater certainty, a Nuisance in respect of a Building means a Building showing signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include but are not limited to:

- a) any damage or disrepair to the Building;
- b) any rot or other deterioration within the Building; and
- c) any inappropriate infiltration of air, moisture or water into the Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building.

3.3.3 If a Structure normally intended for human habitation is unoccupied, any door or window that is not secured to prevent unauthorized entry must 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; and,
- b) of a thickness sufficient to prevent unauthorized entry into the Structure; and,
- c) secured in a manner sufficient to prevent unauthorized entry into the Building.

#### 3.4.0 Refrigerators, Freezers and Appliances

3.4.1 A Person shall not place, cause or permit a refrigerator, freezer, or other similar appliance to be placed on Premises or Property they own or Occupy unless effective measures have been taken to prevent the opening and closing of the refrigerator, freezer or other similar appliance.

3.4.2 Without limiting the generality of Section 3.4.1, measures considered to be effective may include:

- a) complete removal of the door of the appliance;
- b) the removal of the door handle mechanism if this prevents opening and closing of the door;
- c) the removal of the door hinges;
- d) locking the appliance; or
- e) otherwise wrapping or containing the appliance so that the interior is inaccessible.

3.4.3 Notwithstanding Sections 3.4.1 and 3.4.2, an exception for retail and commercial businesses with a valid business licence shall exist subject to any applicable requirements.

#### 3.5.0 Graffiti

3.5.1 No Person shall create, place or apply Graffiti on any Building, Premise, Property, Structure, Vehicle, or vegetation.

3.5.2 Every Person who owns or Occupies a Premises or Property shall ensure that any Graffiti placed on their Premises or Property is removed, painted over, or otherwise permanently blocked from public view within the time period specified in a Notice from a Peace Officer or Designated Officer.

3.5.3 Notwithstanding Section 3.5.1, or 3.5.2, street painting, graphic art, street art, murals and other similar artwork on Buildings, specified areas and on Sidewalks may be allowed only where sanctioned and authorized by the Town.

### **Public Behavior**

#### 3.6.0 Littering

3.6.1 No Person shall leave, place, deposit, or throw upon any Public Place any Refuse or Debris except in a receptacle designated and intended for such use.

3.6.2 A Person who has left, placed, deposited, or thrown any matter mentioned in Section 3.6.1 upon any Public Place shall remove it immediately.

3.7.0 Behavior Offences

3.7.1 A Person shall not urinate or defecate in public except in a facility designed and intended for such use.

3.7.2 No Person shall spit on any street, Sidewalk, walkway, trail in or on any Public Place, or on the private Property of another Person without that Person's consent.

3.7.3 No Person shall Discharge a Bow, Slingshot or Firearm within the Town unless such Discharge occurs in accordance with one or more of the following requirements:

- a) a Discharge made by a Police Officer, Peace Officer, or a Fish and Wildlife Officer during the course of their duty;
- b) a Discharge made on a Shooting Range.

3.7.4 No Person shall participate in a Fight or similar physical confrontation in any Public Place, or any place to which the public reasonably has access; this prohibition does not apply to the participants in a sanctioned organized sporting event who are governed by the rules of conduct of that sporting event.

3.7.5 Any Person shall not cause a disturbance in or near a Public Place by any of the following:

- a) fighting, screaming, shouting, swearing or using insulting or obscene language;
- b) being intoxicated by alcohol or other substances;
- c) Loitering in a Public Place;
- d) Disorderly Conduct in a Public Place;
- e) performing an Indecent Act.

3.7.6 No Person shall vandalize or cause damage to any Property.

3.7.7 No Person shall:

- a) assault an Officer;
- b) assault an Officer with intent to resist or prevent the lawful arrest or detainment of themselves or another Person;
- c) without consent of an Officer, take or attempt to take a weapon that is in the possession of the Officer when the Officer is engaged in the execution of their duty.

3.7.8 No Person shall willfully obstruct, impede or hinder an Officer while the Officer is engaged in the execution of their duty.

3.7.9 No Person shall fail or refuse to comply with a lawful order or request of an Officer while that Officer is engaged in the execution of their duty.

3.7.10 No Person shall provide false information to an Officer.

3.7.11 No Person shall reside or Camp in any Public Place in Town unless special permission has been granted in writing, subject to conditions, by the CAO or their designate, or the Person is in a campground in compliance with the Land Use Bylaw.

3.7.12 No Person shall Camp or reside in any accessory Building, Recreational Vehicle, temporary shelter, or tent on private Property, unless a business license or permission has been granted in writing, subject to conditions, by the CAO or their designate.

3.7.13 No Person shall engage in Panhandling.

3.7.14 No Person shall disturb any material, bag, or box in or at a Donation Bin site.

**Noise**

3.8.0 General

3.8.1 Except as permitted by this bylaw, no Person shall at any time cause, permit or fail to prevent Noise or vibration which disturbs the peace of any Person.

3.8.2 No Person being the Owner, tenant or occupier of a Premise or Property shall allow, cause or permit Property or goods they own or Occupy, including a Vehicle or equipment to be used so that Noise or sound, which occurs on or emanates from the Property or goods, is reasonably likely to disturb the peace of any Person.

3.8.3 Any Person performing work of an emergency nature for the preservation or protection of life, health or Property may be exempt from the Noise Section of this bylaw. The onus shall be on the Person performing the work to show that the work was of an emergency nature and may be required to obtain a permit.

3.8.4 Where an activity within the Noise Section of this bylaw is deemed essential or practical, a permit may be issued by the Town to allow the activity. Such a permit may be revoked at any time by the CAO, Designated Officer, or a Peace Officer.

3.8.5 Persons engaged in snow removal or street sweeping may not do so between 11:00 p.m. and 7:00 a.m.

3.8.6 Town sanctioned activities are not subject to the provisions of the Noise Section of this bylaw. Such activities could include, but are not limited to, snow removal, mowing, street sweeping, cultural or recreational functions.

3.8.7 Persons may operate domestic equipment including, but not limited to, lawnmowers, snow blowers, garden tillers, hedge trimmers, weed trimmers, and air blowers, gas or electric if:

- the equipment is properly maintained;
- the equipment is operated in a normal manner for that type of equipment;
- the Noise is of a temporary or intermittent nature;
- the Noise occurs between the hours of 7:00 a.m. and 10:00 p.m. Monday to Saturday, and between the hours of 9:00 a.m. and 10:00 p.m. on Sundays and statutory holidays.

3.8.8 In determining whether a Noise or sound is reasonably likely to disturb the peace, of any Person, consideration may be given but is not limited to the:

- type, volume and duration of the sound;
- time of day and day of the week;
- nature and use of the surrounding area;
- the nature of the activity of the Persons being disturbed; and
- any other relevant factor.

3.8.9 If a Vehicle is the cause of any sound that contravenes a provision of this bylaw, the Owner of that Vehicle is liable for the contravention.

3.9.0 Commercial and Industrial Noise

3.9.1 Work carried out by any Person on any land zoned as Commercial or Business Industrial District in the Land Use Bylaw is permitted if the sound generated is consistent with the normal manner of carrying out such work which:

- is a permitted or discretionary use within the Land Use Bylaw district in which it is carried on and has obtained development permit approval in accordance with the Land Use Bylaw, if required; or
- is a legal non-conforming use consistent with the MGA.

3.9.2 In the operation or carrying out such work of a commercial or industrial activity in a district in which it would be permitted under Section 3.9.1, the Person operating or carrying out such work shall make no more Noise than is necessary in the normal method of performing or carrying out that activity.

#### 3.10.0 Construction Noise

3.10.1 A Person shall not cause or permit any construction activity on Property or Premise they own or Occupy:

- before 7:00 a.m. or after 9:00 p.m. on any day other than Sunday statutory holidays in Alberta; or
- before 9:00 a.m. or after 9:00 p.m. on Sundays and statutory holidays in Alberta.
- at any time, contrary to a written Notice or permit issued by the General Manager of Planning and Infrastructure or their designate.

**4.0.0 Enforcement and General Information****4.1.0 Offences and Penalties**

- 4.1.1 All Persons shall comply with all Sections of this bylaw. The minimum penalty for breach of this bylaw shall be described by the amounts set out in Schedule A of this Bylaw.
- 4.1.2 A Person who contravenes any provision of this bylaw is guilty of an offence.
- 4.1.3 Any Person who commits the same offence within six months of the date of a prior offence, each subsequent offence shall require payment of double the sum outlined in Schedule A, to a maximum of ten thousand dollars (\$10,000).
- 4.1.4 In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a Person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw and not exceeding ten thousand dollars (\$10,000) and any other penalties as may be prescribed in default of payment in relation to proceedings taken under Part 2 or Part 3 of the *Provincial Offences Procedures Act*.
- 4.1.5 A Peace Officer may issue a Violation Ticket to any Person alleged to have committed a breach of this bylaw, which shall state the complaint, and the specified penalty as described in Schedule A, and the date, time and place at which the defendant is to appear to answer to the Violation Ticket.
- 4.1.6 Voluntary payment of the Violation Ticket in accordance with the terms of the Violation Ticket shall be accepted by the Town as a plea of guilty in accordance with the *Provincial Procedures Act*.
- 4.1.7 A Peace Officer or Designated Officer may issue a Municipal Violation Tag, with respect to an offence under this bylaw, specifying the fine amount established by Schedule A of this bylaw and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- 4.1.8 A Municipal Violation Tag shall be deemed to be sufficiently served in any prosecution:
  - a) if served personally on the accused;
  - b) by mailing a copy, via mail, to such Person at their last known postal address;
  - c) attached or left upon the motor vehicle or property in respect of which the offence is alleged to have been committed.
- 4.1.9 A Municipal Violation Tag shall be in a form approved by the Town, and shall state:
  - a) the name of the Person;
  - b) the offence;
  - c) the appropriate penalty for the offence as specified in Schedule A of this bylaw;
  - d) the due date at which time the penalty is required to be paid; and
  - e) any other information as may be required by the Town.
- 4.1.10 Nothing in this bylaw shall prevent the Peace Officer from immediately issuing a Violation Ticket to any Person the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this bylaw.
- 4.1.11 In those cases where a Municipal Violation Tag has been issued and the penalty specified on the Municipal Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.

**4.2.0 Orders to Comply and Inspections**

- 4.2.1 If a Peace Officer or Designated Officer finds that a Person is contravening this bylaw, the Peace Officer or Designated Officer may by written order in accordance with the MGA, require any Person responsible for the contravention to remedy it. The order may:
  - a) direct a Person to stop doing something, or to change the way in which they are doing it;
  - b) direct a Person to take any action necessary to remedy the contravention of this bylaw to prevent a re-occurrence of the contravention;
  - c) state a specified time to comply; and

- d) state that if the Person does not comply within a specified time, the Town shall take necessary action, at the expense of the Person;
- e) indicate the expenses and cost resulting from action taken by the Town under this bylaw are due and payable by the Person in contravention of this bylaw;
- f) indicate the Town may, in accordance with the MGA, add outstanding amounts for unpaid expenses and costs referred to in Section 4.2.1(e) to a Property tax role, if the contravention of the bylaw occurred on all or part of the Owner's Property.

4.2.2 In the case of an individual, an order issued in accordance with this bylaw may be served:

- a) by delivering it personally to the individual;
- b) by leaving it for the individual at their apparent place of residence, with someone who appears to be at least eighteen years of age; or
- c) by registered mail addressed to the individual at their apparent place of residence, or to any address for the individual on the Property tax role of the Town or at the Land Titles registry.

4.2.3 In the case of a corporation, an order issued in accordance with the bylaw may be served:

- a) by delivering it personally to any director or officer of the corporation;
- b) by delivering it personally to a Person apparently in charge of an office of the corporation at an address believed to be the corporation's address; or
- c) by delivering it by registered mail addressed to the registered office of the corporation.

4.2.4 If in the opinion of the Person serving an order, service of the order cannot be reasonably effected, or if the Person serving the order believes that the Owner of the Property is evading service, the Person serving the order may post the order:

- a) at a conspicuous place on the Property to which the order relates;
- b) at the private dwelling of the Owner of the Property to which the order relates, as shown on a certificate of title pursuant to the *Land Titles Act* or on the tax role of the Town; or
- c) at any other Property owned by the Owner of the Property to which the order relates, as shown on a certificate of title pursuant to the *Land Title Act* or on the tax role of the Town.

4.2.5 Pursuant to Section 4.2.4, the order shall be deemed to be served upon the expiry of three days after the order is posted.

4.2.6 Every Person who fails to comply with a written order issued pursuant to this bylaw within the time set out in the written order commits an offence.

4.2.7 The Medical Officer of Health, a Peace Officer, Designated Officer, or CAO are hereby authorized in accordance with MGA to enter into any Premises or Property after giving reasonable Notice to the Owner of the Premises or Property to be inspected; and to inspect for conditions that may contravene or fail to comply with the provisions of this bylaw.

4.2.8 If a Person:

- a) refuses to allow or interferes with the entry, inspection, enforcement or action referred to in this bylaw; or
- b) refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in this bylaw, the Town may apply to the Court of King's Bench for an order under the MGA.

4.2.9 When an Owner fails to remedy a contravention of this bylaw within the time allowed in an order issued under this bylaw, the Town may exercise its powers under the MGA in its discretion, including but not limited to entering upon the Premises or Property to perform or complete the work necessary to remedy the contravention of this bylaw. The costs incurred by the Town to remedy the contravention plus a further amount equal to the amount actually incurred by the Town to remedy the contravention, respecting the Town's costs to administer, supervise and manage the remedying of the contravention, will be billed to the Owner as amounts owing to the Town. If the costs are not paid in the time specified by the Town, the costs may be charged against the Premises or Property to be recovered in accordance with the MGA.

4.3.0 General Information

- 4.3.1 Any items of value, in the opinion of the CAO, Designated Officer, or Peace Officer, removed pursuant to the enforcement of this bylaw, will be removed to a place of safekeeping and may:
  - a) be subject to a daily fee for storage costs; and
  - b) if unclaimed within 90 days of removal, may be sold or disposed of at the discretion of the Town.
- 4.3.2 The imposition of a Violation Ticket or summary conviction in court shall not relieve any Person so fined of any costs incurred in having work performed by the Town or agents of the Town where authorized by this bylaw.
- 4.3.3 For the purposes of this bylaw, an act or omission by an employee or agent of a Person contravening this bylaw is deemed also to be an act or omission of the Person contravening this bylaw if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.
- 4.3.4 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.
- 4.3.5 If a partner or 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.
- 4.3.6 A Person shall not obstruct or hinder any Person in the exercise of performance of the Town or an agent on behalf of the Town pursuant to this bylaw.

4.4.0 Request for Review by Council

- 4.4.1 A Person who receives a written Order to comply with a section pursuant to this bylaw may by written Notice, request Council, or appointed designate to review the order within:
  - a) 14 days after the date the order is received, in the case of an order under section 545 of the *Municipal Government Act*, and
  - b) 7 days after the date the order is received, in the case of an order under section 546 of the *Municipal Government Act*.
- 4.4.2 Upon receipt of a request for review, the CAO shall send a Notice to the Person who requested the review and registered property Owner if applicable, advising them of the date, time and place at which Council, the CAO, or the appointed designate will consider a review of the matter.
- 4.4.3 After reviewing the order, Council, the CAO, or the appointed designate may confirm, vary, substitute or cancel the order. Council, or the appointed designate shall forthwith serve a copy of its decision upon the Person who lodged the appeal and upon the registered property Owner if applicable, stating the condition must be remedied as directed within 14 days of the date on which the decision is served.
- 4.4.4 Notwithstanding Sections 4.4.1 and 4.4.2, this subsection does not apply to Violation Tickets written by a Peace Officer.
- 4.4.5 If a Person considers themselves aggrieved by a decision under Section 4.4.3, they may appeal the decision by originating Notice to the Court of King's Bench:
  - a) in the case of an appeal of an order under Section 545 of the *Municipal Government Act*, within 30 days after the date the decision under Section 547 of the *Municipal Government Act* is served on the Person affected by the decision, and
  - b) in the case of an appeal of an order under Section 546 of the *Municipal Government Act*, within 15 days after the date the decision under Section 547 of the *Municipal Government Act* is served on the Person affected by the decision.
- 4.4.6 Without restricting any 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) delegate any powers, duties or functions under this bylaw to an employee of the Town; and
- i) appoint inspectors for the purposes of *Agricultural Pest Act and Regulation* and the *Weed Control Act and Regulation*.

4.4.7 A Person to whom a permit has been issued pursuant to this bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.

4.4.8 A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.

4.4.9 If any term or condition of a permit issued pursuant to this bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the CAO, or Designated Officer may immediately cancel the permit.

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

4.4.11 A copy of a record of the Town, certified by the CAO as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.

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

#### **5.0.0 Severability**

5.1.0 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

#### **6.0.0 Repeal**

6.1.0 Bylaw 2591/PS/18 is hereby repealed.

#### **7.0.0 Review**

7.1.0 This bylaw shall be reviewed within its fifth year, being 2031, or as deemed necessary.

#### **8.0.0 Effective Date**

8.1.0 This bylaw shall take full force and effect on the day it is passed.

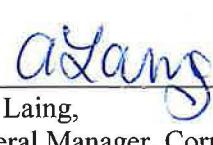
Read a first time this 12<sup>th</sup> day of January, AD 2026.

Read a second time this 26<sup>th</sup> day of January, AD 2026.

Read a third time this 26<sup>th</sup> day of January, AD 2026.



Mayor William Choy



Ann Laing,  
General Manager, Corporate Services

**Schedule A: Penalties**

<b>Section</b>		<b>Specified Penalty</b>
3.1.1-3.1.2	Nuisance and Unsightly Properties	\$500.00
3.1.3	Untidy Donation Bin	\$250.00
3.1.4	Recreational Vehicle on Premise or Property	\$250.00
3.1.5-3.1.6	Shipping Containers	\$250.00
3.2.1	Boulevard Maintenance	\$250.00
3.2.2	Snow and ice covered sidewalks	\$250.00
3.2.3	Placement of snow	\$250.00
3.3.1-3.3.2	Nuisance or Unsightly Buildings	\$500.00
3.3.3	Securing unoccupied Structures	\$250.00
3.4.1-3.4.3	Refrigerators, Freezers and Appliances	\$250.00
3.5.1	Application of Graffiti	\$1,000.00
3.5.2	Fail to remove Graffiti	\$100.00
3.5.3	Street art, graphic art, murals	\$1,000.00
3.6.1-3.6.2	Littering	\$100.00
3.7.1	Public defecation or urination	\$250.00
3.7.2	Spit in Public	\$250.00
3.7.3	Discharge Bow, Gun, Slingshot, Firearm	\$250.00
3.7.4	Fighting in Public	\$250.00
3.7.5	Cause a disturbance	\$250.00
3.7.6	Vandalism	\$1,000.00
3.7.7	Assault Officer	\$1,000.00
3.7.8	Obstruct an Officer	\$500.00
3.7.9	Refuse to comply with lawful order	\$1,000.00
3.7.10	Provide false information to an Officer	\$500.00
3.7.11	Camping in Public	\$250.00
3.7.12	Camping on private Property	\$250.00
3.7.13	Panhandling	\$100.00
3.7.14	Disturb donation bin	\$100.00
3.8.1	Noise which disturbs the peace	\$250.00
3.8.2	Goods or Property which disturbs the Peace	\$250.00
3.8.5	Conduct snow removal or street sweeping contrary to bylaw	\$250.00
3.8.7	Operate domestic equipment contrary to bylaw	\$250.00
3.9.1-3.9.2	Commercial or Industrial Noise contrary to bylaw	\$500.00
3.10.1	Construction Noise contrary to bylaw	\$250.00
4.2.6	Fail to comply with order	\$500.00