

## BYLAW 2591/PS/18

### **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 Chapter M-26* 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 Chapter M-26* authorizes a Council to pass bylaws for municipal purposes respecting nuisances, including unsightly premises or property;

AND WHEREAS, pursuant to Sections 542, 543, 545, 546 (0.1), 546.1, 547, 549, and 550 of *Municipal Government Act, RSA 2000 Chapter M-26*, Council believes the regulation through a Community Standards Bylaw would benefit the community as a whole;

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 Town Council of the Town of Stony Plain in the Province of Alberta enacts as follows:

#### **1.0.0 Title**

1.1.0 This Bylaw may be cited as the "Community Standards Bylaw".

#### **2.0.0 Definitions**

In this Bylaw, except where otherwise defined or specified:

- 2.1.0 "Boulevard" means the same as in the *Traffic Safety Act, R.S.A. 2000 T-6* as amended or repealed and replaced from time to time;
- 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 "Carry On" means to Carry On, continue, operate, perform, hold, Occupy or use a thing, object or practice;
- 2.6.0 "Chief Administrative Officer (CAO)" means the Chief Administrative Officer of Stony Plain, or the General Manager(s) or Department(s) designated by the Chief Administrative Officer;
- 2.7.0 "Commercial District" means a district described as such in the Stony Plain Land Use Bylaw, as amended from time to time;
- 2.8.0 "Council" means the duly elected municipal Council of Stony Plain;
- 2.9.0 "Debris" means Building Material or Refuse arising from Building construction or development;
- 2.10.0 "Designated Officer" means a Bylaw Enforcement Officer, Peace Officer, or any other Person so authorized to act on behalf of the Council of the Municipality;
- 2.11.0 "Discharge" means the propulsion of a projectile from a Bow, Gun, Slingshot or Other Firearm within the municipal boundaries of the Municipality of Stony Plain;



- 2.12.0 “Disorderly Conduct” means any behavior that tends to disturb the public order or decorum, scandalize the community or offend the public sense of morality;
- 2.13.0 “Dwelling Unit” means a self-contained residence comprising of a kitchen, washroom, living and sleeping facilities with a separate entrance from the exterior of a Building or from a common hall, lobby or stairway inside a Building;
- 2.14.0 “Fight” means any confrontation involving violent physical contact between two or more people;
- 2.15.0 “Gun or Other Firearm” means any device from which a projectile may be Discharged by an explosion, chemical reaction or release of compressed air or other gas;
- 2.16.0 “Graffiti” means words, figures, letters, drawings, initials, symbols, marks or slogans scribbled, scratched or sprayed on a surface with or without the consent of the Owner of the Premises or Property on which they are placed but does not include marks made accidentally, or any of the following:
- a) a sign, public Notice or traffic control mark authorized by the Municipality;
  - b) a sign authorized pursuant to the Municipality’s applicable bylaw provisions regulating signs;
  - c) a public Notice authorized by a municipal 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;
- 2.17.0 “Highway” means the same as in the *Traffic Safety Act, R.S.A. 2000, Chapter T-6* as amended or repealed and replaced from time to time;
- 2.18.0 “Industrial District” means a district described as such in the Stony Plain Land Use Bylaw, as amended from time to time;
- 2.19.0 “Loitering” means to stand around or move slowly about without apparent purpose or action;
- 2.20.0 “Land Use Bylaw” means the Stony Plain Land Use Bylaw, as amended from time to time;
- 2.21.0 “Motor Vehicle” means the same as in the *Traffic Safety Act, R.S.A 2000, Chapter T-6* as amended or repealed and replaced from time to time;
- 2.22.0 “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;
- 2.23.0 “Municipal Government Act (MGA)” means the *Municipal Government Act, RSA 2000 Ch. M-26*, as amended or repealed and replaced from time to time;
- 2.24.0 “Municipal Tag” means a ticket alleging an offence is issued pursuant to the authority of a bylaw of the Municipality;
- 2.25.0 “Noise” means any sound, especially which is likely to unreasonably annoy or disturb Persons, or to injure, endanger or detract from the comfort, health, peace or safety of Persons;
- 2.26.0 “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 Municipality of Stony Plain including the Land Use Bylaw;
- 2.27.0 “Occupy or Occupies” means residing on or to be in apparent possession or control of Premises or Property;
- 2.28.0 “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 of Stony Plain, as the context may require;
- 2.29.0 “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 Municipality of Stony Plain;
  - c) who has purchased or otherwise acquired a Parcel of land, whether purchased or otherwise acquired the land directly from the Owner or from another purchaser, and has not yet become the registered Owner thereof;



- d) holding themselves out as the Person having the powers and authority of Ownership of a Premises or Property or who for the time being exercises the powers and authority of Ownership;
  - e) in possession or control of a Premises or Property under construction; or,
  - f) who is the occupant of a Premises or Property pursuant to a written or verbal rental or lease agreement, license or permit.
  - g) 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;
- 2.30.0 “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;
- 2.31.0 “Peace Officer” means a member of the Royal Canadian Mounted Police or a Community Peace Officer appointed pursuant to the provisions the *Police Act of Alberta R.S.A. 2000, Chapter P-17*, as amended or repealed and replaced from time to time;
- 2.32.0 “Person” means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative;
- 2.33.0 “Premises” 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 owned or leased by the Municipality;
- 2.34.0 “Property” means:
- a) in the case of land, a Parcel of land including any Structures; or,
  - b) in other cases, personal Property;
- 2.35.0 “Public Place” means any place within the Municipality to which the public may have either expressed or implied access;
- 2.36.0 “Recreational Vehicle” means a Vehicle that provides temporary accommodation for recreation or travel purposes and includes, but is not limited to campers, tent trailers, fifth wheel travel trailers and motorhomes;
- 2.37.0 “Recreational Vehicle Parking Space” means a plot of ground within a Residential District designed to accommodate the parking of one Recreational Vehicle;
- 2.38.0 “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 prunings, 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;
- 2.39.0 “Residential District” means a district as described as such in the Stony Plain Land Use Bylaw, as amended from time to time;
- 2.40.0 “Safety Codes Officer” means an individual designated as a Safety Codes Officer under the *Safety Codes Act, Statutes of Alberta, 2000* and amendments thereto;
- 2.41.0 “Shipping Container” means a large container designed to store goods. It is commonly made of metal and used for transport;
- 2.42.0 “Shooting Range” means any land or premise used primarily for the Discharge of Bows, Guns, Slingshot or Other Firearm, and which land or Premises is created and operated in accordance with the provisions of the Stony Plain Land Use Bylaw, as amended from time to time, and all provincial and federal laws and regulations;
- 2.43.0 “Sidewalk” means the same as in the *Traffic Safety Act, R.S.A. 2000 T-6* as amended or repealed and replaced from time to time;



- 2.44.0 “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;
- 2.45.0 “Structure” means any Structure, including but not limited to a Building, fence, retaining wall, scaffolding, shed, accessory Building or other similar types of construction;
- 2.46.0 “Town” means the Municipality of Stony Plain;
- 2.47.0 “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, and
  - b) personal Property, including Vehicles, movable Buildings or Structures, equipment, furniture, tools, devices and implements;
- 2.48.0 “Vehicle” means the same as in the *Motor Vehicle Administration Act* as amended or repealed and replaced from time to time;
- 2.49.0 “Violation Ticket” means the same as in the *Provincial Offences Procedure Act, R.S.A 2000, Chapter P-34* as amended or repealed and replaced from time to time; and
- 2.50.0 “Weeds” means the definitions found in the *Weed Control Act* as amended or repealed and replaced from time to time.

### **3.0.0 General**

#### **Property Maintenance**

##### **3.1.0 Untidy and Unsightly Premises or Property**

- 3.1.1 For the purposes of this Section, all terms referred to and not defined in this Bylaw are as defined in the Land Use Bylaw.
- 3.1.2 In this Part, “Building” includes a Structure and any part of a Building or Structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land.
- 3.1.3 For the purposes of this Part, a Person who owns or Occupies land shall be considered to Occupy that portion of any Highway between the Property line and the center line of the Highway.
- 3.1.4 Any Owner of untidy or unsightly Premises or Property is required to remedy the situation upon Notice of a Peace Officer under this Bylaw.

##### **3.2.0 Nuisances and Obligations of Owners of Premises or Property**

- 3.2.1 A Person shall not cause, permit or fail to prevent a nuisance to exist on premise or Property they own or Occupy.
- 3.2.2 For the purpose of greater certainty, a nuisance, in respect of premise or Property, means land that shows signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:
- a) excessive accumulation of material including but not limited to Building Materials, appliances, household goods, boxes, tires, Vehicle parts, garbage or Refuse, whether of any apparent value or not;
  - b) damaged, dismantled or derelict Vehicles or Motor Vehicles, whether insured or registered or not;
  - c) loose litter, garbage or Refuse in the area used for the storage of such materials or in the area used for the placement of such materials for collection;
  - d) excessive odor or messy compost heaps at the discretion of the Officer;
  - e) unkempt grass or Weeds higher than 10 centimeters;
  - f) an excavation, hole or general untidy and unsightly condition of the Premises or Property;



- g) production of excessive dust, dirt or smoke; or
- h) 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.

3.2.3 A Person shall not place, cause or permit to be placed any waste bin on premise or Property they own or Occupy unless the waste bin is:

- a) equipped with a lid or cover capable of completely covering the waste bin;
- b) kept closed or covered at all times except for the actual loading or unloading of waste;
- c) contains only material that will not emit odour; and
- d) ensure that loose Refuse or Debris are collected and contained on the Premises or Property will not be blown out of the bin so that they do not escape onto adjacent or other neighbouring properties.

3.2.4 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 7 days that does not meet the criteria of 3.2.4(i) 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; 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 must not encroach over a Sidewalk or road right of way.

3.2.5 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.

3.2.6 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;
- 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.

3.3.0 Construction of Premises or Property

3.3.1 An Owner of a Premises or Property under construction shall ensure that Building Materials or Debris on the Premises or Property are removed or contained and secured in such a manner that prevents such Building Material or Debris from being blown off or scattered from the Premises or Property.

3.3.2 No Person shall keep or permit in any part of a Premises or Property, an excavation or Debris during construction or renovation unless said excavation is properly secured and Debris is stored in a container and removed after being filled, or within 48 hours upon being provided Notice unless said excavation or Debris is allowed pursuant to the Land Use Bylaw.

3.3.3 Upon such container being filled, it must be completely secured in such a manner so that no portion of the load can escape, blow, drop, spill, or fall onto a Highway or Premises or Property adjacent thereto. It must then be transported to an appropriate location designated for the disposal of such Building Materials or Debris.



- 3.3.4 An Owner of a Premises or Property under construction or renovation shall not pile or store any Building Materials or Debris related to the construction or renovation on the street, Sidewalk or any Premises or Property owned by the Municipality or other landowners without written permission to do so.

3.4.0 Boulevards and Sidewalks

- 3.4.1 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.
- 3.4.2 A Person shall maintain any Sidewalk adjacent to premise or Property they own or Occupy clear of all snow and ice.

3.5.0 Structures and Buildings

- 3.5.1 A Person shall not cause or permit a nuisance to exist in respect of any Building on a premise or Property they own or Occupy.
- 3.5.2 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:
- a) any damage 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.
- 3.5.3 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.

3.6.0 Refrigerators and Freezers and Appliances

- 3.6.1 A Person shall not place, cause or permit the 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.
- 3.6.2 Without limiting the generality of Section 3.6.1, 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.
- 3.6.3 Notwithstanding Sections 3.6.1 and 3.6.2, an exception for retail and commercial businesses with a valid business licence shall exist subject to any applicable requirements.

3.7.0 Graffiti

- 3.7.1 No Person shall create or apply Graffiti.



- 3.7.2 Every Owner or occupier of 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 14 days of receiving written Notice from a Peace Officer.
- 3.7.3 Notwithstanding Section 3.7.1, street painting, graphic art, street art, murals and other similar art work on Buildings, specified areas and on Sidewalks may be allowed where sanctioned and authorized by the Municipality.
- 3.7.4 In a prosecution for this offence, if the defendant seeks to rely on the Graffiti being made with the consent of the Owner of the Premises or Property, the onus of proving the Owner's consent rests with the Person relying on consent.
- 3.8.0 Weed and Pest Control
  - 3.8.1 In this Section "Inspector" means an individual appointed as an inspector pursuant to the *Agricultural Pests Act and Regulation*; and
  - 3.8.2 "Non-Permitted Weed" includes any plant designated as "Noxious Weed", or "Prohibited Noxious Weed" as defined in the *Weed Control Act and Regulation* thereto, as well as any other plant designated as such by this Bylaw.
  - 3.8.3 A Person shall not cause or permit a Non-Permitted Weed to grow, scatter, spread or ripen on Premises or Property they own or Occupy and shall comply with any order received in accordance with Section 6.2 of this Bylaw. For the purposes of this Bylaw, the following plants are also designated as Non-Permitted Weeds within the boundaries of the Municipality:
    - a) Burdock (*Arctium minus*);
    - b) Flixweed (*Descurainia Sophia* (L.) Webb.);
    - c) Barley foxtail (*Hordeum, jubatum* L.);
    - d) Narrow leaved hawk's-beard (*Creis tectorium* L.);
    - e) Hemp nettle (*Galeopsis tetrahit* L.);
    - f) Henbit (*Lamium amplexicaule* L.);
    - g) Kochia (*Kochia scoparia* L.); and
    - h) Russian thistle (*Salsola pestifer* A. Nels.).

### Public Behavior

- 3.9.0 Littering
  - 3.9.1 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.
  - 3.9.2 A Person who has left, placed, deposited or thrown any matter mentioned in Section 3.9.1 upon any Public Place shall forthwith remove it.
- 3.10.0 Public Offences
  - 3.10.1 A Person shall not urinate or defecate in public except in a facility designed and intended for such use.
  - 3.10.2 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; this prohibition does not apply to the participants in an organized sporting event who are governed by the rules of conduct of that sporting event.
  - 3.10.3 No Person shall Discharge a Bow, Gun, Slingshot or Other Firearm within the Municipal boundaries of Municipality of Stony Plain 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.
  - 3.10.4 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.

- 3.10.5 Any Person not being in a Dwelling Unit, 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) disturbing the peace and quiet of the occupants of a Dwelling Unit by Disorderly Conduct in a Public Place.
- 3.10.6 No Person shall vandalize public, private or Town Property by:
- a) removing, destroying, damaging, rendering inoperable, causing damage to or altering the appearance, characteristic, or feature, tampering with, mutilating, defacing, or climbing on any Building, Structure, fixture, chattel, monument, art, vase, fountain, wall, fence, wire, netting, Vehicle, tool, gate, seat, bench, exhibit, cage or ornament.
  - b) this prohibition shall not apply to any Person climbing on a Structure, wall or piece of equipment expressly designed for that purpose, including playground equipment, climbing wall or similar recreational equipment.
- 3.10.7 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.
- 3.10.8 No Person shall willfully obstruct, impede or hinder an Officer while the Officer is engaged in the execution of their duty.
- 3.10.9 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.

## Noise

### 3.11.0 General

- 3.11.1 Except as permitted by this Bylaw, no Person shall at any time cause, permit or fail to prevent Noise or vibration which disturbs the quiet, rest or comfort, or which causes annoyance or danger, to inhabitants of the Municipality.
- 3.11.2 Where an activity, which is allowed within the Noise Section of this Bylaw, involves creating or making 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.
- 3.11.3 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.
- 3.11.4 Where an activity within the Noise Section of this Bylaw is deemed essential or practical, a permit may be obtained to allow the activity. Such a permit may be revoked at any time by the CAO or a Peace Officer.
- 3.11.5 Notwithstanding Section 3.11.4, Persons engaged in snow removal or street sweeping in community service, commercial or Industrial Districts may be exempt from the provisions of the Noise Section of this Bylaw unless the district is adjacent to a Residential District, then snow removal or street sweeping may not be conducted between 11:00 p.m. and 7:00 a.m.
- 3.11.6 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, street sweeping, cultural or recreational functions.



- 3.11.7 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:
  - a) the equipment is properly maintained;
  - b) the equipment is operated in a normal manner for that type of equipment;
  - c) the Noise is of a temporary or intermittent nature;
  - d) the Noise occurs between the hours of 7:00 a.m. and 10:00 p.m. with the excepted prohibition between 10:00 p.m. on a Saturday evening to 9:00 a.m. on a Sunday morning.
- 3.11.8 No Person being the Owner, tenant or occupier of a premise or Property shall allow or permit such Property to be used so that Noise, which occurs on or emanates from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person within the Municipality.
- 3.11.9 No Person shall own, keep or harbor any animal or bird which makes, or causes to be made, any Noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person within the Municipality.
- 3.11.10 In determining whether a Noise or sound unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person or Persons in the Municipality, consideration may be given but is not limited to the:
  - a) type, volume and duration of the sound;
  - b) time of day and day of the week;
  - c) nature and use of the surrounding area; and
  - d) the nature of the activity of the Persons being disturbed.
- 3.11.11 No Person shall emit, cause or permit the emission of sound or Noise resulting from an act listed below if the sound is clearly audible outside the premise from which the Noise originates:
  - a) racing of any Motor Vehicle other than in a racing event regulated by law;
  - b) the operation of a Motor Vehicle in such a way that the tires squeal;
  - c) the operation of a Vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device of a type specified by the manufacturer, which is in good working order and in constant operation;
  - d) the operation of a Vehicle or Vehicle with a trailer resulting in banging, clanking, squealing, or other like sounds due to improperly secured load or equipment or inadequate maintenance;
  - e) the operation of a Vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices; and
  - f) use of engine retarder brakes within Municipal limits, including that portion of Highway 16A that passes through the Municipality.

### 3.12.0 Commercial and Industrial Noise

- 3.12.1 Notwithstanding any other provisions of this Bylaw and whether or not the Noise resulting there from may be heard in an adjoining area which is designated other than as commercial or Industrial District, nothing in this Bylaw shall prevent the continual operation or carrying on of a commercial industrial activity or the performance or carrying on thereof at any time during the day or night in any area which is classified as an industrial or Commercial District in the Land Use Bylaw where the activity is one which:
  - a) is a permitted use in the district in which it is carried on or is a discretionary use for which the required permission has been given; or
  - b) is a non-conforming use as the same as defined in the Land Use Bylaw for the district in which the use is being carried on.
- 3.12.2 In the operation or carrying on of a commercial or industrial activity in a district in which it would be curtailed or restricted but for Section 3.12.1, the Person operating or Carrying On that activity shall make no more Noise than is necessary in the normal method of performing or carrying on that activity.



## 3.13.0 Construction Noise

3.13.1 Unless a permit for such operation is first obtained from the General Manager of Planning and Infrastructure, or designate, construction of any type of Structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district, other than one designated in the Land Use Bylaw as a future development district, Industrial District or Commercial District, may only be conducted between the hours of 7:00 a.m. and 10:00 p.m. with the excepted prohibition between 10:00 p.m. on a Saturday evening to 9:00 a.m. on a Sunday morning.

3.13.2 Subject to 3.13.1, unless a permit is first obtained from the General Manager of Planning and Infrastructure, or designate, no Person shall operate or allow to be operated:

- a) a riveting machine;
- b) a concrete mixer;
- c) a gravel crusher;
- d) a steam shovel;
- e) a trenching machine;
- f) a drag line;
- g) an air or steam compressor, jack hammer, or pneumatic drill;
- h) a tractor or bulldozer;
- i) any other tool, device or machine of a noisy nature;

so as to create Noise, confusion, or disturbance which may be heard in a residential Building at any time on a Sunday and after 10:00 p.m. and before 7:00 a.m. of any day other than a Sunday.

**4.0.0 Authority & Powers**

## 4.1.0 Inspections

4.1.1 The Medical Officer of Health, a Peace Officer, CAO or designate are hereby authorized in accordance with Section 542 of the *Municipal Government Act* 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.

4.1.2 A Peace Officer, or Designated Officer, when investigating an alleged contravention of this Bylaw is hereby authorized to enter upon any Premises or Property other than a Dwelling Unit, to inspect for conditions that may contravene the provisions of this Bylaw. A Peace Officer, or Designated Officer may thereafter issue a verbal or written order to the Owner to remedy any condition(s) of the subject Premises or Property that have been found to be in contravention of this Bylaw.

4.1.3 If a Person:

- a) Refuses to allow or interferes with the entry, inspection, enforcement or action referred to in Sections 4.1.1 or 4.1.2; or
- b) Refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in Sections 4.1.1 or 4.1.2, the Municipality may apply to the Court of Queen's Bench for an order under Section 543(2) of the *Municipal Government Act*.

4.1.4 A Peace Officer, when investigating an alleged contravention of this Bylaw may also issue a Violation Ticket.

## 4.2.0 Orders by Designated Officer

4.2.1 Where Premises or Property are found to be in violation of any provisions of this Bylaw, the Designated Officer may in accordance with Section 545 or 546 of the *Municipal Government Act* issue a written order to the Owner of the Premises or Property to remedy the condition on the Premises or Property which violates this Bylaw.

4.2.2 An order written pursuant to Section 4.2.1 under Section 545 of the *Municipal Government Act* may:



- a) direct a Person to stop doing something, or to change the way in which the Person is doing it;
- b) direct a Person to take any action or measures necessary to remedy the contravention of the enactment or Bylaw, including the removal or demolition of a Structure that has been erected or placed in contravention of a Bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- c) state a time within which the Person must comply with the directions; and/or
- d) state that if the Person does not comply with the directions within a specified time, the Municipality will take the action or measure at the expense of the Person.

4.2.3 Without limiting the powers under Sections 4.2.1 and 4.2.2, an order written pursuant to Section 4.2.1 under Section 546 of the *Municipal Government Act* may:

- a) require the Owner of a Structure in disrepair to eliminate the danger to public safety in the matter specified, or remove and demolish the Structure and level the site;
- b) require the Owner of the Premises or Property 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;
- c) require the Owner of the Premises or Property to relocate or remove any Vehicle, including Recreational Vehicles and junked Vehicles, that does not comply with this Bylaw in the manner specified in the order;
- d) require the Owner of the untidy and unsightly Premises or Property or that creates a nuisance to improve the condition of the Premises or Property in the manner specified in the order or if the Premises or Property is a Structure, to remove or demolish the Structure and level the site; and/or
- e) require the Owner, lessee, occupant of the Premises or Property to remove Graffiti that is in an unsightly or nuisance condition to improve the appearance of the Premises or Property in the manner specified in the order.

4.2.4 The Peace Officer or Designated Officer shall give not less than:

- a) 14 days from the date of the order being issued for compliance, in the case of an order issued under Section 545 of the *Municipal Government Act*, and
- b) 7 days from the date of the order being issued for compliance, in the case of an order issued under Section 546 of the *Municipal Government Act*,

During this period for compliance, a Person may appeal the Notice with the appeals section of this Bylaw.

#### 4.3.0 Service of an Order or Notice

4.3.1 An Order or a Notice to Owner and Occupier of premise or Property issued by a Peace Officer, or Designated Officer shall be deemed to be sufficiently served in the case of an individual if:

- a) served personally on the individual;
- b) sent by registered mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Municipality or indicated on the certificate of title for the subject Parcel on record at the North Alberta Land Titles Office;
- c) it is left with a Person apparently over the age of 18 years at the place of abode of the Person to whom the Notice is addressed;
- d) it is posted in a conspicuous place on the Premises or Property referred to on the Notice; or
- e) in the opinion of a Peace Officer, service of the written order cannot be reasonably affected, or if the Peace Officer believes that the Owner of the Premises or Property is evading service, the Peace Officer may post the written order in a conspicuous place on the Premises or Property to which the written order relates, or on the private dwelling place of the Owner of the Premises or Property, and the written order shall be deemed to be served upon the expiry of three 3 days after the written order is posted.

4.3.2 An Order or a Notice to Owner and Occupier of premise or Property issued by a Peace Officer, or Designated Officer shall be deemed to be sufficiently served in the case of a corporation:

- a) by delivering 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 held out by the corporation to be its address; or
- c) by mail addressed to the registered office of the corporation.

#### 4.4.0 Failure to Comply with Notice

- 4.4.1 When an Owner fails to remedy a contravention of this Bylaw within the time allowed in an order issued under Section 4.2.0 of this Bylaw, the Municipality may exercise its powers under Sections 546.1, 549 or 550 of the *Municipal Government Act* in its discretion, including but not limited to entering upon the Premises or Property to perform or complete the work necessary to remedy the violation of this Bylaw. The costs incurred by the Municipality to remedy the violation plus a further amount equal to the amount actually incurred by the Municipality to remedy the violation, respecting the Municipality's costs to administer, supervise and manage the remedying of the violation and follow up to ensure the violation has been remedied, as well as any applicable fines under this Bylaw, will be billed to the Owner and will be amounts owing to the Municipality. If the costs are not paid in the time specified by the Town, the costs may be charged against the Premises or Property as a special assessment to be recovered in the same manner as other taxes and in accordance with Sections 553, 553.1 or 553.2 of the *Municipal Government Act*.
- 4.4.2 Every Person who fails to comply with a written Order issued pursuant to this section within the time set out in the written Order commits an offence.

#### **5.0.0 Penalties**

- 5.1.0 Any Person who contravenes any sections and provisions of this Bylaw is guilty of an offence and is liable for the penalty set out in Schedule A of this Bylaw.
- 5.2.0 In addition, any Owner, agent, lessee or occupier of any premise or Property within the Municipality who fails to comply with the Property Maintenance Sections of this Bylaw will be liable for fines listed in Schedule A.
- 5.3.0 When a Person is alleged to have contravened any provision of this Bylaw, a Peace Officer may issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act, R.S.A 2000 c. P-24*.
- 5.4.0 A Person who is guilty of an offence is liable to a fine in an amount not exceeding \$10,000 and to imprisonment for not more than six months for non-payment of a fine.
- 5.5.0 If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by Schedule A of this Bylaw for the offence.
- 5.6.0 A Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- 5.7.0 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - a) specify the fine amount established by this Bylaw for the offence, or
  - b) require a Person to appear in court without the alternative of making a voluntary payment.
- 5.8.0 A Person who commits an offence may:
  - a) if a Violation Ticket is issued in respect of the offence; and
  - b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine.
- 5.9.0 Any items of value, in the opinion of CAO and the 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 Municipality.
- 5.10.0 If the Municipality sells all or a part of a Structure that has been removed under 4.2.0, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the Person entitled to them. If the Town cannot reasonably determine



who is entitled to the funds the money will be paid to the court and the parties can determine entitlement.

- 5.11.0 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 Municipality or agents of the Municipality where authorized by this Bylaw.
- 5.12.0 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- 5.13.0 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.
- 5.14.0 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 is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 5.15.0 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.
- 5.16.0 A Person shall not obstruct or hinder any Person in the exercise of performance of the Municipality or an agent on behalf of the Municipality pursuant to this Bylaw.
- 5.17.0 The Municipality may register a caveat under the *Land Titles Act* in respect of an order made under Section 4.2.0 dealing with a dangerous Structure, excavation or hole or untidy and unsightly Premises or Property against the certificate of title for the land that is the subject of the order.
- 5.18.0 If a Municipality registers a caveat under Section 5.17.0, the Municipality must Discharge the caveat when the order has been complied with or when the Municipality has performed the actions or measures referred to in the order.
- 5.19.0 The Municipality may apply to the Court of Queen's Bench for an injunction or other order when:
- a) a Structure is being constructed in contravention of this Bylaw;
  - b) a contravention of this Bylaw is of a continuing nature; or
  - c) any Person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by this Bylaw, in addition to any other remedy and penalty imposed by this Bylaw.
- 5.20.0 Emergencies
- 5.20.1 In an emergency or in extraordinary circumstances, the Designated Officer need not give reasonable Notice or enter at a reasonable hour to carry out actions outlined in subsections (1)(a) and (c) of Section 542 of the *Municipal Government Act* without the consent of the Owner or occupant.
- 5.20.2 Pursuant to Section 551 of the *Municipal Government Act*, in an emergency the Municipality may take whatever actions or measures are necessary to eliminate the emergency.
- 5.21.0 Recovery of Costs
- 5.21.1 Where the Municipality, acting in accordance with its operating policies, has taken any action whatsoever for the purpose of remedying or repairing the damage as a result of the offence in Section 3.10.6, the Municipality may recover any related cost incurred by charging all or a portion of said costs to the Person guilty of the offence.



5.22.0 Appeals

- 5.22.1 A Person who receives a written Order to comply with a section pursuant to this Bylaw may by written Notice, request Council 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*.
- 5.22.2 Upon receipt of an appeal, the CAO shall send a Notice to the Person who lodged the appeal as well as to the Owner, advising them of the date, time and place at which Council will consider the matter. The Person appealing may appear before Council in Person or by a representative.
- 5.22.3 After reviewing the order, Council may confirm, vary, substitute or cancel the order. Council shall forthwith serve a copy of its decision upon the Person who lodged the appeal and on the Owner stating the condition must be remedied as directed within 14 days of the date on which the decision is served.
- 5.22.4 Notwithstanding Sections 5.22.1 and 5.22.2, this subsection does not apply to Violation Tickets written by a Peace Officer.
- 5.22.5 If a Person considers themselves aggrieved by a decision under Section 5.22.3, they may appeal the decision by originating Notice to the Court of Queen'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.

5.23.0 General

- 5.23.1 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 powers, duties or functions under this Bylaw to an employee of the Municipality; and
  - i) appoint inspectors for the purposes of *Agricultural Pest Act and Regulation* and the *Weed Control Act and Regulation*.
- 5.23.2 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.
- 5.23.3 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.
- 5.23.4 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 may immediately cancel the permit.


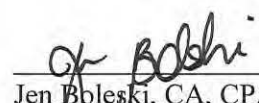


- 5.23.5 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.
- 5.23.6 A copy of a record of the Municipality, certified by the CAO as 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.
- 5.23.7 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.

**6.0.0 Effectiveness and Review**



- 6.1.0 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.
- 6.2.0 Bylaw 1139/PS/93 and amendments are hereby repealed.
- 6.3.0 Bylaw 2220/G/05 and amendments are hereby repealed.
- 6.4.0 Bylaw 2267/PS/06 and amendments are hereby repealed.
- 6.5.0 Bylaw 2334/PS/08 and amendments are hereby repealed.
- 6.6.0 Bylaw 2442/G/11 and amendments are hereby repealed.
- 6.7.0 This Bylaw shall be reviewed within its 4th year, being 2022, or as deemed necessary.
- 6.8.0 This Bylaw shall take full force and effect upon passage of third and final reading in accordance with section 2013, Municipal Government Act, Revised Statutes of Alberta 2000 and amendments thereto.

READ a first time this 26<sup>th</sup> day of November, AD 2018.

  
\_\_\_\_\_  
Mayor William Choy  
\_\_\_\_\_  
Jen Boleski, CA, CPA  
General Manager, Corporate Services

READ a second time this 10<sup>th</sup> day of December, AD 2018.

READ a third time this 10<sup>th</sup> day of December, AD 2018.

  
\_\_\_\_\_  
Mayor William Choy  
\_\_\_\_\_  
Jen Boleski, CA, CPA  
General Manager, Corporate Services



Schedule A – Penalties

Section	Specified Penalty	Second Offence in the Same Calendar Year	Third or Subsequent Offence in the Same Calendar Year
3.2.1 - 3.6.1	\$250.00	\$500.00	\$750.00
3.7.1	\$1000.00	\$2000.00	\$2000.00
3.7.2	\$100.00	\$100.00	\$100.00
3.8.3	\$250.00	\$500.00	\$700.00
3.9.1 - 3.9.2	\$100.00	\$200.00	\$300.00
3.10.1 - 3.10.5	\$250.00	\$500.00	\$750.00
3.10.6 - 3.10.9	\$1000.00	\$2000.00	\$2000.00
3.11.1 - 3.13.2	\$250.00	\$500.00	\$750.00
4.4.2	\$250.00	\$500.00	\$750.00





FORM A

BYLAW - COMMUNITY STANDARDS  
TOWN OF STONY PLAIN

**ORDER TO OWNER AND OCCUPIER OF LAND**  
**PURSUANT TO THE MUNICIPAL GOVERNMENT ACT OF ALBERTA**

Dated: \_\_\_\_\_

To: \_\_\_\_\_

Address of Land: \_\_\_\_\_

Legal Description of Land: \_\_\_\_\_

The following condition(s) on the above-said land or Premises must be fixed no later than 5:00 p.m. on \_\_\_\_\_:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

N

W

E

S

If the condition(s) are not remedied by the above date, the Municipality of Stony Plain may take any step necessary to remedy the condition. The costs of any work that needs to be performed will be charged to the Owner of the land.

**IF THE CONDITION IS NOT REMEDIED WITHIN THE SPECIFIED TIME, THE TOWN OF STONY PLAIN WILL HIRE A CONTRACTOR TO COMPLETE THE WORK. THE LAND OWNER WILL BE RESPONSIBLE FOR PAYMENT OF THE CONTRACTOR'S INVOICE. AN ADDITIONAL ADMINISTRATION FEE OF 100% OF THE CONTRACTOR'S INVOICE WILL BE CHARGED TO THE LAND OWNER. (INVOICE WILL BE DOUBLED)**

If you disagree with this Order, you may appeal to the Council of the Municipality of Stony Plain within 10 days of the date this Order is deemed to be delivered to you by delivering an appeal in Person or sending an appeal by mail to the Chief Administrative Officer at: Town of Stony Plain, located 4901 – 51<sup>st</sup> Avenue, Stony Plain, AB, Canada, T7Z 1Y1

\_\_\_\_\_  
Peace Officer

\_\_\_\_\_  
Weed Inspector





**ACTIVITY PERMIT  
FOR THE PURPOSE OF NOISE CONTROL  
(as per the Community Standards Bylaw)**

Date of Application: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Name of Legal Entity: \_\_\_\_\_

Address of Legal Entity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Information:  
(phone, fax, email) \_\_\_\_\_  
\_\_\_\_\_

Address of Activity: \_\_\_\_\_

Describe activity, possible  
Noise generated, during  
what time periods: \_\_\_\_\_  
\_\_\_\_\_

Date and Time Period of Permit: \_\_\_\_\_

Restrictions or Conditions: \_\_\_\_\_  
\_\_\_\_\_

**Once signed, this permit authorizes the applicant to engage in the activity as stated above. The permit may be revoked at any time upon written Notice by a Peace Officer or the CAO.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Municipal Representative

**Any inquiries regarding this permit may be directed to:**

Town of Stony Plain  
4905 51 Avenue,  
Stony Plain, AB, T7Z 1Y1  
(780) 963-2151

This personal information is being collected under the authority of the *Freedom of Information and Protection of Privacy Act* for the purpose of collecting information on the Activity Permit for the Purpose of Noise Control. If you have any questions about the collection or use of the personal information provided, please contact the FOIP Coordinator at (780) 963-2151.