

OFFICE CONSOLIDATION

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #004-12

(Amended by 013-12)

Being a Bylaw of the City of Chestermere, in the Province of Alberta for the purpose of regulating, controlling, and abating disruptive and annoying activity, and establishing hours of operation for open space areas within the City of Chestermere.

WHEREAS the Municipal Government Act provides that Council may pass Bylaws for municipal purposes respecting a variety of matters including but not limited to: the safety, health and welfare of people and the protection of people and property; nuisances; people, activities and things in, on or near a public place or place that is open to the public, and matters pertaining to the control and operation of open space areas;

AND WHEREAS Council of the City of Chestermere deems it expedient and in the public's interest to pass a Bylaw to regulate, control and abate disruptive and annoying activity within the City of Chestermere, and establish hours of operation for open space areas within the City of Chestermere;

NOW THEREFORE THE COUNCIL OF THE CITY OF CHESTERMERE pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

1. Title

- (1) This Bylaw may be cited as "Community Standards Bylaw."

2. Definitions

In this Bylaw:

- (a) "*Boat*" means a small open water vehicle propelled by engine greater than ten (10) horsepower for use in inland waters;
- (b) "*Busk*" means to play music or perform entertainment in a Public Place, usually while soliciting money or goods;

- (c) "CAO" means the Chief Administrative Officer of Chestermere, Alberta appointed by Council, or their designate;
- (d) "Carry on" means to carry on, continue, operate, perform, keep, hold, occupy, or use a thing, object or practice;
- (e) "City" means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere's corporate limits, as the context requires;
- (f) "Construction Equipment" includes but is not limited to a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack- hammer, pneumatic drill, truck, dump truck, tractor other than a tractor used in agriculture, bulldozer, front-end loader, skid loader, scraper, motor grader, or any other tool, device, or machine if of a noisy nature;
- (g) "Council" means the Council of the City of Chestermere;
- (h) "Daytime" means the time period commencing at the hour of 7:00 a.m. and ending at 10:00 p.m. in the same day if that day is a weekday; or commencing at the hour of 9:00 a.m. and ending at 10:00 p.m. in the same day if that day is a weekend.
- (i) "Defecate" means to discharge waste matter from the bowels;
- (j) "Education Authority" shall mean the Rocky View School Division No. 41 and/or the Calgary Catholic School District;
- (k) "Emergency" means an unforeseen combination of circumstances or the resulting event that requires immediate action. This includes, but is not limited to a fire, natural disaster, a motor vehicle collision, or any other situation beyond the control of anyone, and requiring immediate action to prevent injury or death;
- (l) "Emergency Vehicle" means that which is defined in the *Traffic Safety Act*;
- (m) "Fight" means any confrontation involving violent physical contact between two (2) or more people;
- (n) "Fire Pit" means a permanently affixed outdoor fire receptacle and/or a Portable Fire Receptacle;
- (o) "Firearm" means a firearm as defined in the *Criminal Code of Canada*

and the *Firearms Act of Canada*;

- (p) "*Graffiti*" means any words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Premises, structure, vehicle, or other property;
- (q) "*Holiday*" means that which is defined in the *Interpretation Act*, as amended or replaced from time to time
- (r) "*Injurious Occupation*" means any activity which in the opinion of a Peace Officer, having regard for all the circumstances including the time of the day and nature of the activity, is likely to unreasonably cause disturbance, injury or annoyance to Persons or property and includes, but is not limited to:
 - (i) Occupying an area in an unruly, boisterous or disruptive manner; or
 - (ii) Any other annoying or harmful occupation of property;
- (s) "*Litter*" means any solid or liquid material or product or combination of solid or liquid materials or product including, but not limited to:
 - (i) Any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement, or the whole or part of an animal carcass or offal, coal, wood, gravel, earth, sawdust, glass, or like material, plastic, nails, staples, tacks, scraps of metal, expended tobacco products; or
 - (ii) The whole or part of any article, raw or processed material, vehicle or machinery of any type that is disposed of;
- (t) "*Motorized Power Tool*" means any tool or implement that is powered by an electric or internal combustion motor, or compressed air, including snow blowers, lawn mowers and motorized garden tools;
- (u) "*Municipal Government Act*" means the *Municipal Government Act*, as amended or replaced from time to time;
- (v) "*Night Time*" means the period beginning at 10:00 p.m. and ending the following day at:
 - (i) 7:00 a.m. if the following day is a weekday; or
 - (ii) 9:00 a.m. if the following day is a weekend or Holiday;
- (w) "*Noise*" means any sound which in the opinion of a Peace Officer having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy, aggravate, or disturb Persons, or to injure, endanger or detract from the comfort, peace, or repose of Persons, and includes but is not limited to loud music, shouting, banging, and other similarly disturbing

activities;

- (x) "*Non-motorized Watercraft*" means a watercraft that is usually propelled by a single or double-bladed paddle such as a canoe or kayak, or a watercraft propelled by an engine of less than ten (10) horsepower;
- (y) "*Open Space Area*" means any of the following:
 - (i) Any land in the City which is developed, used, leased, controlled or managed by the City as a public park, sports field, playground or recreational area, including, without restricting the generality of the foregoing, all lands in the City which are jointly controlled or managed by the City and an Educational Authority or other Government owned property for any of the purposes previously described;
 - (ii) Any land acquired by the City through the subdivision process as reserve or Public Utility lot;
 - (iii) Any land used as a highway buffer strip, whether on a permanent or temporary basis;
 - (iv) Any land designated by resolution of Council as an Open Space Area for the purposes of this Bylaw; or
 - (v) Any land developed by the City as a pathway;
- (z) "*Owner*" means:
 - (i) A Person who is registered under the *Land Titles Act* as the Owner of a parcel of land;
 - (ii) A Person who is recorded as the Owner of a property on the tax assessment roll of the City of Chestermere;
 - (iii) A Person who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the Owner or from another purchaser, and has not yet become the registered Owner thereof;
 - (iv) A Person holding himself out as the Person having the powers and authority of ownership of a property or Premises or who for the time being exercises the powers and authority of ownership; or
 - (v) A Person in possession or control of a property or Premises under construction;
- (aa) "*Panhandling*" means the personal, verbal or direct solicitation by a Person of gratuitous donations of money, food or goods of any kind, from any member of the public, but does not include a solicitation allowed or authorized pursuant to the *Charitable Fundraising Act*, or any other legislation permitting the solicitation of charitable donations;
- (bb) "*Pathway*" means any multiple-use path whether of asphalt, concrete or shale surface;

- (cc) "*Peace Officer*" means a member of a Police Service or a Peace Officer appointed pursuant to the *Peace Officer Act*, and the regulations thereof, as amended or replaced from time to time;
- (dd) "*Person*" means an individual or any business entity including a firm, partnership, association, corporation, company or society;
- (ee) "*Personalized Watercraft*" means a motorized recreational vehicle normally ridden by straddling a seat. They are often referred by names that include but are not limited to: Wave Runner, Jet Ski, or Sea Dao which are brand names owned by Yamaha, Kawasaki and Bombardier respectively;
- (ff) "*Portable Fire Receptacle*" means an outdoor fire receptacle which is not permanently affixed;
- (gg) "*Premises*" means the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;
- (hh) "*Provincial Offences Procedure Act*" means the *Provincial Offences Procedure Act*, and the regulations thereof, as amended or replaced from time to time;
- (ii) "*Public Place*" means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access, and shall include, for the purposes of this Bylaw any Open Space Area;
- (jj) "*Residential District*" means any area or district classified as residential by the current Land Use Bylaw of and for the City;
- (kk) "*Signaling Device*" means any device that produces an audible sound used for the purpose of drawing a Person's attention, including a horn, gong, bell, klaxon or public address system;
- (ll) "*Speaker System*" means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, computer, or public address system, including any such device located in a building, vehicle, or portable self-contained unit;
- (mm) "*Spit*" means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;

- (nn) "*Urinate*" means to discharge urine from the body;
- (oo) "*Weekend*" means Saturday through Sunday and includes holidays;
- (pp) "*Weekday*" means Monday through Friday, inclusive, with the exception of any holidays.

3. Application

- (1) Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other Bylaw or any requirement of any lawful permit, order, or license.
- (2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3) Where this Bylaw refers to another Act, Bylaw, regulation or agency, it includes reference to any Act, Bylaw, regulation or agency that may be substituted therefore.
- (4) All the schedules attached to this Bylaw shall form a part of this Bylaw.
- (5) This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- (6) A copy of a record of the City, certified by a designated officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.

(013-12)

4. Littering/Unlawful Waste Violations

- (1) No Person shall:
 - (a) Except in a receptacle, dispose of Litter on any portion of a public area;
 - (b) Except in a receptacle, dispose of Litter on any portion of a public area from a vehicle; or
 - (c) Dispose of burning Litter on any portion of a public area.
- (2) If a vehicle is involved in an offence referred to in section 4(1)(b), the Owner of that vehicle is guilty of an offence.
- (3) Section 4(2) does not apply if the Owner of the vehicle satisfies the Court that the Owner was not in control of the vehicle, and that the

Person having control of the vehicle at the time of the offence had control of the vehicle without the Owner's express or implied consent.

- (4) No Person shall Urinate or Defecate in any Public Place, other than a public washroom.
- (5) No Person shall Spit in any Public Place.
- (6) No Person shall place, deposit, or throw or cause to be placed, deposited, or thrown upon or into any motor vehicle, which is parked on any highway or other Public Place, any sign, leaflet, pamphlet, poster, handbill, flyer, or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.
- (7) No Person shall place any sign, leaflet, pamphlet, poster, handbill, flyer, or any paper containing printed or written matter, whether advertising or not, on any pole within the City.
- (8) The CAO, Director of Community Operations, or Director of Community Growth & Infrastructure may authorize any City Employee, or other Person, to remove and put in storage or destroy anything placed upon City property in contravention of this Bylaw.
- (9) A Peace Officer may remove and put in storage or destroy anything placed upon City property in contravention of this Bylaw.
- (10) Any items removed and put into storage will:
 - (a) be assessed a fee of fifty dollars (\$50.00) per day or portion thereof for storage costs; and
 - (b) if unclaimed within ninety (90) days, be disposed of or sold at public auction.

5. Fighting/Loitering/Injurious Occupations Offences

- (1) No Person shall participate in a Fight in any Public Place.
- (2) No Person shall be a member of an assembly of three (3) or more Persons in any Public Place where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighborhood.
- (3) Any Person engaged in an assembly described in section 5(2) shall disperse upon demand of a Peace Officer.
- (4) No Person shall refuse to comply with or ignore a demand made by a

Peace Officer to disperse.

- (5) No Person shall loiter and thereby obstruct any other Person in any Public Place.
- (6) No Person shall engage in an Injurious Occupation in a Public Place.
- (7) Any Person engaged in an Injurious Occupation shall immediately cease said Injurious Occupation upon the demand of a Peace Officer.
- (8) No Person shall refuse to comply with or ignore a demand made by a Peace Officer to cease an Injurious Occupation.
- (9) If a Person is engaged in an Injurious Occupation within an Open Space Area as defined by this Bylaw, a Peace Officer may demand said Person to leave the Open Space Area.
- (10) No Person shall refuse to comply with or ignore a direction made by a Peace Officer under section 5(9) and a Peace Officer shall have the authority to remove them from the Open Space Area should they refuse to leave the Open Space Area.
- (11) With the exception of off highway vehicles, no Person shall operate a motor vehicle on the frozen lake surface unless permission has been provided in writing by the CAO.

6. Panhandling Offences

- (1) No Person shall engage in Panhandling within the City.
- (2) No Person shall Busk within the City without a permit.
- (3) The CAO may grant a temporary permit allowing for Busking that would otherwise violate this Bylaw.
- (4) A Person may make an application for a permit pursuant to section 6(3) by providing the CAO the following information in writing pertaining to the work or activity for which the allowance is sought a minimum of five (5) business days prior to the proposed activity:
 - (a) The name, address, and telephone number of the applicant;
 - (b) The address of the site;
 - (c) A description of the type of Panhandling;
 - (d) The period of time that the allowance is desired; and
 - (e) The applicant's reason(s) of why the allowance should be granted.

- (5) The CAO may in their sole discretion:
 - (a) Issue a temporary permit to the applicant;
 - (b) Deny a temporary permit to the applicant;
 - (c) Issue a temporary permit with specific conditions; or
 - (d) Revoke a temporary permit.

7. Graffiti Prevention and Abatement

- (1) No Person shall create or apply Graffiti on or to any Premises, structure, vehicle, or other property which is owned or occupied by another Person unless the Graffiti is not in public view and the Person who owns or occupies the Premises, structure, vehicle, or other property to which the Graffiti has been created or applied has given prior written approval for the creation or application of the Graffiti.
- (2) Every Owner or occupier of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view within twenty-four (24) hours of application of the Graffiti.

8. Open Spaces

- (1) The hours of operation for any and all Open Space Areas within the City shall be from 5:00 a.m. until 12:00 a.m. each and every day.
- (2) No Person shall be within an Open Space Area outside of the hours of operation.
- (3) A Peace Officer may demand that any Person leave an Open Space Area.
- (4) No Person shall refuse to comply or ignore a direction made by a Peace Officer under section 8(3) and a Peace Officer shall have the authority to remove them from the Open Space Area should they refuse to leave the Open Space Area.
- (5) No Person shall:
 - (a) camp in a Public Place;
 - (b) erect a tent in a Public Place; or
 - (c) build or place any structure in a Public Place.
- (6) No Person shall ignite or allow a fire to burn in an Open Space Area except in a Fire Pit or other receptacle intended for such use and provided by the City.

- (7) No Person shall operate any barbeque or stove in any Open Space Area unless authorized in writing by the CAO, or unless such barbeque or stove is provided by the City.
- (8) No Person shall launch a Boat or Personalized Watercraft from an Open Space Area.
- (9) Section 8(8) shall not apply to the John Peake Park boat launch or to Officers of a Fire Department, a Peace Officer, or an authorized City employee.
- (10) No Person shall engage in any conduct or activity in an Open Space Area which may:
 - (a) Injure any other user of an Open Space Area;
 - (b) Disturb the use or enjoyment of the Open Space Area by any other user of an Open Space Area;
 - (c) Damage an Open Space Area or an amenity in an Open Space Area; or
 - (d) Be inconsistent with the purpose of an Open Space Area.
- (11) No Person shall disobey a sign placed in an Open Space Area.

9. Fires

- (1) No Person shall burn, or allow to be burned, a fire on a Premises that does not comply with the requirements of this Bylaw.
- (2) No Person who builds, ignites, or allows a fire shall leave that fire unsupervised at any time.
- (3) No Person shall ignite or allow a fire to burn on a Premises between 1:00 a.m. and 10:00 a.m.
- (4) No Person shall burn, at any time, the following materials:
 - (a) Animal manure or feces;
 - (b) Pathological waste;
 - (c) Waste material from building or construction sites excluding wooden material that do not contain wood preservatives;
 - (d) Combustible material in automobile bodies;
 - (e) Used oil;
 - (f) Treated or painted lumber;
 - (g) Lumber products containing glue or resin;
 - (h) Garbage;
 - (i) Rubber, tires or plastic; or
 - (j) Any animal carcass or part thereof.

- (5) A Person may build, ignite, or allow a fire on a Premises in a Fire Pit so long as that Person ensures that the fire is contained in a Fire Pit that:
 - (a) is constructed of non-combustible material;
 - (b) has an open flame area that does not exceed 1 metre at its widest point;
 - (c) does not have walls which exceed 0.75 metres in height measured from the floor of the Fire Pit to the top of the wall of the Fire Pit excluding any chimney;
 - (d) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
 - (e) is situated at least 4 metres from any house, garage, or similar structure including wooden decks, porches, and similar amenity space attached to a structure measured from the part of the Fire Pit which is closest to the structure or amenity space;
 - (f) is situated at least 4 metres from any other combustible material measured from the part of the Fire Pit which is closest to the combustible material; and
 - (g) is not located directly under any tree or overhanging branches.
- (6) Notwithstanding subsection 9(5)(e), a Person may build, ignite, or allow a fire in a Portable Fire Receptacle on a wooden deck so long as that Person ensures that:
 - (a) a non-combustible material such as brick or stone is placed between the Portable Fire Receptacle and the wooden deck; and
 - (b) the Portable Fire Receptacle is situated at least 4 metres from any house, garage, similar structure, or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
- (7) Every Person who builds, ignites, or allows a fire in a Fire Pit must ensure that:
 - (a) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - (b) the flames from the fire do not exceed 1 metre in height at any time;
 - (c) the fire is not left unsupervised at any time;
 - (d) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire; and
 - (e) a spark arrestor mesh screen of 0.7 centimetres (.25 inches) expanded metal (or equivalent) is covering the Fire Pit.
- (8) If, in the opinion of a Peace Officer or an Officer of the Fire Department, a fire poses a danger or does not comply with the requirements of this Bylaw, that Peace Officer or Officer of the Fire Department may extinguish the fire and take any other steps that Peace Officer or Officer of the Fire Department deems necessary to

ensure that the fire and site of the fire no longer pose a danger or contravene the requirements of this Bylaw.

10. Fire Bans

- (1) Notwithstanding any provision in this or any other Bylaw, the City's Fire Chief or his designate may declare a complete ban of any burning of any kind in the City.
(013-12)
- (2) No Person shall build, ignite, or allow any kind of fire when a complete ban on burning has been declared by the City's Fire Chief or his designate and is in effect.
(013-12)
- (3) An Officer of the Fire Department or a Peace Officer may demand a Person to extinguish any fire when a Fire Ban is in place.
- (4) A Person who fails to comply with the demand of an Officer of the Fire Department or a Peace Officer to extinguish a fire during a fire ban commits an offence, and the Officer of the Fire Department or the Peace Officer, as the case may be, may extinguish the fire.
- (5) It is the responsibility of any Person intending to burn an outdoor fire within the City to first determine that a fire ban has not been declared pursuant to section 10(1) of this Bylaw, prior to igniting any kind of outdoor fire.
(013-12)

11. Obstruction of Hydrants

- (1) No Owner of a parcel or Premises shall allow the access to a fire hydrant located on or adjacent to that parcel or Premises to be obstructed in any manner, including the building or erection of anything or the accumulation of any building material, rubbish or other obstruction.
- (2) No Owner of a parcel or Premises shall allow anything on the parcel or Premises to interfere with the operation of a fire hydrant located on or adjacent to that parcel or Premises.
- (3) All Persons who own property on which a fire hydrant is located or own property which is adjacent to City owned property on which a fire hydrant is located:
 - (a) shall maintain a two (2) metre clearance on each side of a fire hydrant and a one (1) metre clearance on the side of a fire

- hydrant farthest from the nearest adjacent street;
- (b) shall not permit anything to be constructed, erected, or placed within the clearance provided in subsection 11(3)(a); and
- (c) shall not permit anything except grass, gravel, or a hard surface to be within the clearance area set out in subsection 11(3)(a).

12. Fire Permits

- (1) Fire Permits shall be required for any fire that is not in compliance with section 9 of this Bylaw.
- (2) A Person may apply for a Fire Permit by attending the Chestermere Fire Hall and providing the following information in writing on the application:
 - (a) The name and address of the applicant;
 - (b) The legal land description of the land on which the applicant proposes to set a fire;
 - (c) The type and description of material which the applicant proposes to burn;
 - (d) The period of time the fire is to occur;
 - (e) The precautions that will be taken by the applicant to ensure that the proposed fire remains under his control; and
 - (f) The signature of the applicant.
- (3) A Fire Captain may issue a Fire Permit, refuse to issue a Fire Permit, or cancel an active Fire Permit.
- (4) A Fire Captain may impose any conditions on a Fire Permit.
- (5) A Fire Permit shall automatically be rescinded if a fire ban is declared.
- (6) A Fire Permit is only valid for the Person named on the Fire Permit.

13. Fireworks

- (1) No Person shall purchase, sell, offer for sale, give away, possess, handle, discharge, or set off fireworks within the City unless in compliance with the *Alberta Fire Code* and having prior written authorization given by a Fire Safety Code Officer having authority in the City.

14. Firearms

- (1) No Person shall discharge any Firearm within the boundaries of the City.

- (2) This section shall not apply to a Peace Officer or other class of Persons who require the use of Firearms to carry out the responsibilities of their lawful occupations.
- (3) This section shall not apply to the discharge of a Firearm at a site or place where problem wildlife or domestic animals are present and being hunted by a Peace Officer, or to an individual who has been given authority pursuant to a Damage Control Licence under the *Wildlife Act* and amendments thereto have been granted and regulations there under, issued for such purpose by the Department of the Alberta Provincial Government responsible for the management of wildlife within the Province.
- (4) Notwithstanding the above noted sections, the CAO may authorize the discharge of Firearms for animal control purposes, special events, or within the range facilities of a gun club or similar organizations.
- (5) An authorization under section 14(4) shall be in writing and may be in the form of a specific authorization or an annual permit for a specified location, event, or activity.
- (6) An authorization may be granted, with or without conditions, where, having regard to the circumstances and location of the discharge activity, it is deemed, in the absolute discretion of the CAO, to be in the public interest.

15. Noise Abatement

- (1) No Person shall in either the Daytime or the Night Time:
 - (a) Make, continue, cause, or allow to be made or continued any excessive, unnecessary, or unusual Noise of any type;
 - (b) Allow or permit any real or personal property that is owned, occupied or controlled by that Person to be used in a way that allows excessive, unnecessary, or unusual Noise of any type to emanate from such property;
 - (c) Operate, allow, or permit the operation of a Speaker System of any type at an unnecessarily loud volume, thereby creating excessive Noise; or
 - (d) Operate, allow, or permit the operation of a Signaling Device in a Residential District.
- (2) In determining what constitutes excessive, unnecessary, or unusual Noise consideration may be given to, but not limited to:
 - (a) The type, volume, and duration of sound;
 - (b) Time of day, and day of the week; and
 - (c) The nature and use of the surrounding area.

- (3) No Person shall operate a Motorized Power Tool during the Night Time.
- (4) No Motorized Power Tool shall cause excessive Noise due to lack of proper maintenance or abnormal operation.
- (5) No Person shall operate Construction Equipment during the Night Time.
- (6) No Person shall Carry on, allow or permit the carrying on of construction that can be heard beyond the boundary of the construction site during the Night Time.
- (7) The CAO may grant a temporary permit allowing for Noise or sound levels that would otherwise violate this Bylaw.
- (8) A Person may make an application for a permit pursuant to section 15(7) by providing the CAO the following information pertaining to the work or activity for which the allowance is sought a minimum of five (5) business days prior to the proposed activity:
 - (a) The name, address, and telephone number of the applicant;
 - (b) The address of the site;
 - (c) A description of the source(s) of Noise;
 - (d) The period of time that the allowance is desired; and
 - (e) The applicant's reason(s) of why the allowance should be granted.
- (9) The CAO may in their sole discretion:
 - (a) Issue a temporary permit to the applicant;
 - (b) Deny a temporary permit to the applicant;
 - (c) Issue a temporary permit with specific conditions; or
 - (d) Revoke a temporary permit.
- (10) The provisions of this section shall not apply to:
 - (a) Emergency Vehicles;
 - (b) Work performed in relation to a highway or public utility by the Owner or operator of the public utility, or its contractors;
 - (c) Any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta;
 - (d) Railway related activities;
 - (e) A snow clearing device powered by an engine for the purpose of commercial, industrial, or institutional removal of snow and ice from streets, parking lots, and sidewalks; and
 - (f) Any activity carried on by the City or its employees, contractors, and any other individual(s) carrying out authorized City business.

16. Remedial Orders

- (1) A Remedial Order may be issued to order compliance with the provisions of this Bylaw.
- (2) Every Remedial Order written with respect to this Bylaw shall:
 - (a) indicate the Person to whom it is directed;
 - (b) identify the property to which the Order relates by municipal address or legal description;
 - (c) identify the date that it is issued;
 - (d) identify how the Premises fails to comply with this or another Bylaw;
 - (e) identify the specific provisions of the Bylaw the Premises contravenes;
 - (f) identify the nature of the remedial action required to be taken to bring the Premises into compliance;
 - (g) identify the time within which the remedial action must be completed;
 - (h) indicate that if the required remedial action is not completed within the time specified, the City may take whatever action or measures are necessary to remedy the contravention;
 - (i) indicate that the expenses and costs of any action or measures taken by the City under this section are an amount owing to the City by the Person to whom the Order is directed;
 - (j) indicate that the expenses and costs referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time; and
 - (k) indicate that the Order may be appealed to the City if a notice of appeal is filed in writing to the City within fourteen (14) days of the receipt of the Order.
- (3) A Remedial Order written pursuant to this Bylaw shall be served on the Owner by:
 - (a) delivering the Order personally to the Owner of the Premises to which it relates;
 - (b) leaving the Order for the Owner at the Premises with a Person who appears to be at least 18 years of age;
 - (c) posting the Order in a conspicuous place on the Premises to which the Order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises. The Order shall be deemed to be served upon the expiry of three (3) days after the Order is posted;
 - (d) sending the Order registered mail to the last known address of

- the Owner, and the Order shall be deemed to be served upon confirmation of receipt of the registered mail; or
- (e) sending the Order regular mail to the last known address of the Owner, and the Order shall be deemed to be served seven (7) days after the date of mailing.

- (4) Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Order commits an offence.

17. Appeal of Remedial Orders

- (1) A Person to whom a Remedial Order is directed may seek a review of the Order by filing a request for review form in writing with the City within seven (7) days of the receipt of the Order and paying a one hundred dollar (\$100.00) administrative fee.
- (2) An appeal filed pursuant to this section must state the name of the appellant, the municipal address of the property to which the remedial order being appealed from relates, a day time telephone contact number at which the appellant may be reached, and an address at which documents in relation to the appeal may be delivered.
- (3) Upon review of the Order, Council may confirm, vary, substitute, or cancel the Order.
- (4) Council may provide their decision verbally or in writing to the appellant.
- (5) If a decision is in writing, the CAO may serve the decision to the appellant in the same manner as an Order in section 16(3).
- (6) In the event that a request for review of an Order is received after the applicable deadline, no review will be scheduled and the appellant will be informed of such.
- (7) A Person to whom an Order is issued pursuant to this Bylaw who fails to comply with such Order or fails to comply within the time set out for compliance within that Order commits an offence.

18. Inspections

- (1) A Peace Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter in or upon any property, in accordance with Section 542 of the *Municipal Government Act*, to carry out an inspection, enforcement, or other action required or

authorized by this Bylaw, the *Municipal Government Act*, or any other applicable statute.

- (2) A Peace Officer shall provide the Owner of the property with forty-eight (48) hours' notice when exercising their authority to enter onto property for inspection or enforcement. This shall be deemed reasonable notice as required by the *Municipal Government Act*.
- (3) No Person shall interfere with or obstruct a Peace Officer or work forces performing an investigation or other duties pursuant to this Bylaw.

19. Penalties

- (1) Any Person who contravenes any of the provisions of this Bylaw by doing any act or thing which the Person is prohibited from doing is guilty of an offence.
- (2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.
- (3) Where there is a specified penalty listed for an offence in Schedule "A" of this Bylaw, that amount is the specified penalty for the offence.
- (4) Where there is a minimum penalty listed for an offence in Schedule "A" of this Bylaw, that amount is the minimum penalty for the offence.

20. Violation Tickets

- (1) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, they may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*.
- (2) This section shall not prevent any Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a violation ticket.

21. Severability

- (1) If any section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such section or parts shall be deemed to be severable and all other section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

This Bylaw shall come into full force and effect upon the date of the third and final reading.

Bylaws No. 087-104, 087-109, 2002-204/1, 015-09, 016-09 are hereby rescinded.

READ A FIRST TIME this 5th day of March, 2012.

READ A SECOND TIME this 16th day of April, 2012.

READ A THIRD TIME this 16th day of April, 2012.

Resolution Numbers

084-12, 141-12, 142-12

MAYOR

CAO

SCHEDULE "A"

Section	Offence	Minimum Penalty	Specified Penalty
4(1)(a)	Littering	\$100.00	\$200.00
4(1)(b)	Litter from vehicle	\$100.00	\$200.00
4(1)(c)	Dispose of burning material	\$150.00	\$300.00
4(4)	Urinate/deposit human waste in public	\$250.00	\$500.00
4(5)	Spitting	\$100.00	\$200.00
4(6)	Place/deposit pamphlets on vehicles	\$100.00	\$200.00
4(7)	Place sign on pole	\$100.00	\$200.00
5(1)	Fighting	\$250.00	\$500.00
5(2)	Unlawful assembly	\$100.00	\$200.00
5(4)	Fail to disperse from unlawful assembly on demand of Peace Officer	\$200.00	\$400.00
5(5)	Loiter and obstruct	\$100.00	\$200.00
5(6)	Injurious occupation	\$125.00	\$250.00
5(8)	Fail to cease injurious occupation on demand of Peace Officer	\$250.00	\$500.00
5(10)	Fail to leave open space area on demand of Peace Officer	\$250.00	\$500.00
5(11)	Operate vehicle on ice surface	\$125.00	\$250.00
6(1)	Panhandling	\$100.00	\$200.00
6(2)	Busk without permit	\$100.00	\$200.00
7(1)	Apply graffiti	\$2000.00	\$5000.00
7(2)	Fail to remove/block graffiti	\$100.00	\$200.00
8(2)	Occupy open space area when closed	\$100.00	\$200.00
8(4)	Fail to leave open space area on demand of Peace Officer	\$250.00	\$500.00
8(5)(a)	Camp in open space area	\$100.00	\$200.00
8(5)(b)	Erect tent in open space area	\$100.00	\$200.00
8(5)(c)	Place/erect structure in open space area	\$100.00	\$200.00
8(6)	Unauthorized fire in open space area	\$250.00	\$500.00
8(7)	Operate bbq/stove in open space area	\$100.00	\$200.00
8(8)	Launch boat/personalized watercraft from open space area	\$100.00	\$200.00
8(10)(a)	Injure user of an open space area	\$500.00	\$1000.00

8(10)(b)	Disturb any other persons' use or enjoyment of open space area	\$100.00	\$200.00
8(10)(c)	Damage open space or amenity in open space area	\$250.00	\$500.00
8(10)(d)	Activity inconsistent with the purpose of open space area	\$100.00	\$200.00
8(11)	Disobey sign in open space area	\$100.00	\$200.00
9(1)	Prohibited or non-compliant fire	\$250.00	\$500.00
9(2)	Unsupervised fire	\$250.00	\$500.00
9(4)	Burn prohibited materials	\$250.00	\$500.00
10(2)	Fire during fire ban	\$1250.00	\$2500.00
10(4)	Fail to comply with demand during fire ban	\$2500.00	\$5000.00
11(1)	Allow obstruction of fire hydrant	\$125.00	\$250.00
11(2)	Allow interference with operation of fire hydrant	\$125.00	\$250.00
11(3)	Fail to maintain clearance around fire hydrant	\$125.00	\$250.00
13(1)	Discharge fireworks	\$250.00	\$500.00
14(1)	Discharge firearm within City limits	\$500.00	\$1000.00
15(1)(a)	Excessive noise	\$125.00	\$250.00
15(1)(b)	Excessive noise emanate from property owners/under control/used	\$125.00	\$250.00
15(1)(c)	Excessive noise from speaker system	\$125.00	\$250.00
15(1)(d)	Use signal device at night time	\$125.00	\$250.00
15(3)	Use motorized power tool at night time	\$125.00	\$250.00
15(4)	Excessive noise from power tool due to improper maintenance/use	\$125.00	\$250.00
15(5)	Use construction equipment at night time	\$250.00	\$500.00
15(6)	Construction noise at night time	\$250.00	\$500.00
16(4)	Fail to comply with remedial order	\$250.00	\$500.00
18(3)	Interfere/obstruct Peace Officer or work forces	\$500.00	\$1000.00