

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 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 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 the "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 or City Director 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) Off-Highway Vehicles (OHV) are a type of vehicle designed specifically for off-road use. Permitted OHVs may be driven on the road, but the vast majority of drivers reserve their vehicles for recreating in places that regular vehicles cannot go.
- (z) "*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;
- (aa) "*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;
- (bb) "*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;

- (cc) "*Pathway*" means any multiple-use path whether of asphalt, concrete or shale surface;
- (dd) "*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;
- (ee) "*Person*" means an individual or any business entity including a firm, partnership, association, corporation, company or society;
- (ff) "*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;
- (gg) "*Portable Fire Receptacle*" means an outdoor fire receptacle which is not permanently affixed;
- (hh) "*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;
- (ii) "*Provincial Offences Procedure Act*" means the *Provincial Offences Procedure Act*, and the regulations thereof, as amended or replaced from time to time;
- (jj) "*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;
- (kk) "*Residential District*" means any area or district classified as residential by the current Land Use Bylaw of and for the City;
- (ll) "*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;
- (mm) "*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;