

Bylaw No. 1916-18

COMMUNITY STANDARDS BYLAW

BEING A BYLAW OF THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA, RESPECTING COMMUNITY STANDARDS FOR THE BENEFIT OF ALL CITIZENS

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. 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 the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a council to pass bylaws for municipal purposes respecting nuisances, including unsightly property;

AND WHEREAS Council believes the regulation of nuisances through a Community Standards Bylaw would benefit the community as a whole;

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

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a council to pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

AND WHEREAS Council deems it desirable for regulations which affect community standards to be located, as much as possible, in one Bylaw;

AND WHEREAS section 66(2) of the *Safety Codes Act*, R.S.A. 2000, c. S-1, authorizes a Council to pass bylaws respecting minimum maintenance standards for buildings and structures and unsightly or derelict buildings or structures; and

NOW THEREFORE, Council of the City of Wetaskiwin, in the Province of Alberta, duly assembled, enacts:

PART I – PURPOSE, DEFINITIONS AND INTERPRETATIONS

BYLAW TITLE

1. This Bylaw shall be known as the “Community Standards Bylaw”.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:
- a. **“Boulevard”** means that part of a highway that:
 - i. is not a roadway; and
 - ii. is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians, and includes the undeveloped road allowance adjacent to a laneway;
 - b. **“Bullying”** means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever;
 - c. **“Business”** means carrying on a commercial or industrial undertaking of any kind or nature or the provision of a professional, personal or other service and includes any activity carried on by an education institution, municipality, or charitable organization;
 - d. **“Bylaw Enforcement Officer”** means a Bylaw Enforcement Officer appointed by the City pursuant to the *Municipal Government Act* to enforce City Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c. P-3.5;
 - e. **“Cannabis”** has the meaning given to that term in the Federal Cannabis Act (Bill C-45, an Act respecting cannabis and the amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Sess, 42nd Parl, 2017);
 - f. **“City”** means the City of Wetaskiwin;
 - g. **“City Manager”** means the chief administrative officer of the City or his delegate;
 - h. **“Electronic Smoking Device”** means and electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe;
 - i. **“Graffiti”** means words, figures, letters or drawings scribbled, scratched or sprayed on a surface and stickers or other adhesive materials affixed on a surface with or without the consent of the Person who Owns or Occupies the Property on which they are placed;

- j. **“Graffiti Instruments”** mean any tool, instrument,
- k. **“Highway”** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6;
- l. **“Loiter”** means to linger aimlessly in or about a place, or remain in an area for no obvious reason;
- m. **“Minor”** means a person under the age of 18 years;
- n. **“Motor Vehicle”** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6;
- o. **“Municipal Tag”** means a tag or similar document issued by the City pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- p. **“Occupy”** or **“Occupies”** means residing on or to be in apparent possession or control of Property;
- q. **“Own”** or **“Owns”** means
 - i. in the case of land, to be registered under the Land Titles Act, R.S.A. 2000, c. L-4, as the owner of the fee simple estate in a parcel of land; or
 - ii. 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;
- r. **“Panhandling”** means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the *Charitable Fundraising Act*, R.S.A. 2000, c. C-9, or any other legislation permitting the solicitation of charitable donations;
- s. **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- t. **“Property”** means:
 - i. In the case of land, a parcel of land including any buildings; or
 - ii. In other cases, personal property;
- u. **“Public Place”** means any place or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation including:

- I. the common area of a multi-unit residential facility, including patios, pools, other recreational areas and enclosed parking garages;
 - II. a group living facility;
 - III. an outdoor bus or taxi shelter;
 - IV. licensed premises;
 - V. a restaurant, and
 - VI. hotel.
- v. **“Public Vehicle”** means a bus, taxi or other vehicle that is used to transport members of the public for a fee.
- w **“Residence”** means a place used by a person as a permanent private dwelling, including an structure or land adjacent to the private dwelling that is used for the convenience or enjoyment of the occupants of the dwelling. This does not include multi-unit family units.
- x. **“Sidewalk”** means that part of the highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or unpaved;
- y. **“Smoke or Smoking”** means:
- I. inhaling or exhaling the smoke produced by burning tobacco or cannabis; or
 - II. holding or otherwise having control of any device or thing containing lit tobacco or cannabis;
- z. **“Tobacco”** means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy;
- aa. **“Vape” or “Vaping”, means:**
- I. Inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, cannabis or any other substance. Or
 - II. Holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco, cannabis or any other substance.

- bb.** “**Violation Ticket**” has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- cc.** “**Weapon**” means any item used, designed to be used or intended for use in causing death or injury to another person, or for the purpose of threatening or intimidating a person.
- dd.** “**workplace**” includes the whole or any part of a building, structure, vehicle or passenger conveyance in which a business is carried on but excludes:
 - I. Any part which constitutes public space, and
 - II. Private residences. This does not include multi-family units.

RULES FOR INTEPRETATION

- 3. The table of contents, marginal notes and headings in this Bylaw are for reference purposes only.

PART II – PUBLIC BEHAVIOURS

LITTERING

- 4. A Person shall not leave any garbage, litter or other refuse in a Public Place except in a receptacle designated and intended for such use.

FLYERS

- 5. A Person shall not place, deposit or throw upon or into any Motor Vehicle any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of a Municipal Tag or Violation Ticket issued pursuant to lawful authority.
- 6. A Person shall not deposit any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not on a Property where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit, indicating that such material is not wanted.

URINATION AND DEFECATION

7. A Person shall not urinate or defecate in a Public Place except in a facility designed and intended for such use.
8. A Person shall not spit at or on any Person or Property in a Public Place.

DANGEROUS ACTIONS

9. A Person shall not throw or propel an object, or act in any other way, in a Public Place that is reasonably likely to cause injury to another Person or damage to Property.

FIGHTING

10. A Person shall not participate in a fight or other similar physical confrontation in a Public Place; this prohibition does not apply to participants of an organized sporting event who are governed by the rules of conduct of that sporting event.

BULLYING

11. A Person shall not participate in or encourage by verbal or other means in the Bullying of any Person in a Public Place.

WEAPONS

12. A person shall not possess a Weapon in any public place.

LOITERING

13. A Person shall not loiter in a Public Place so as to obstruct or harass any other Person.

PANHANDLING

14. A Person shall not engage in Panhandling.

GRAFFITI

15. A Person shall not create or apply Graffiti.
16. A person shall not possess Graffiti Instruments
17. Every Person who Owns or Occupies Property shall ensure that Graffiti placed on their Property is removed, painted over, or otherwise permanently blocked from public view within fourteen days of receiving written notice from a Bylaw Enforcement Officer.

PART III – PROPERTY MAINTENANCE

DEFINITIONS

18. In this Part:
 - a. “Building” includes a structure and any part of a building or become transferred without special mention by a transfer or sale of that land;
 - b. “Nuisance” means any use of or activity on land which demonstrates a disregard for the general maintenance and upkeep of Property so as to produce a material annoyance, inconvenience or discomfort to other Persons, whether or not it is detrimental to the surrounding area, some examples of which include, but are not limited to, the following:
 - i. 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;
 - ii. loose litter, garbage, construction debris or refuse whether located in a storage area, collection area or elsewhere on the land;
 - iii. damaged, dismantled or derelict vehicles or Motor Vehicles, whether insured or registered or not;
 - iv. smelly or messy compost heaps;
 - v. grass or weeds higher than 20 centimeters;
 - vi. production of excessive dust, dirt or smoke;

- vii. production of any generally offensive odours;
 - viii. any structure placed in, on or over land whether or not it is so affixed to open or exposed storage of industrial fluids, including engine oil, brake fluid or anti-freeze;
 - ix. use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - x. any tree, shrub, other type of vegetation or any structure:
 - (1) that obstructs any Sidewalk adjacent to the land;
 - (2) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land; or
 - (3) that has any rot or other deterioration;
 - xi. the failure to destroy prohibited weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
 - xii. any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and
 - xiii. any construction project or activity not completed within 5 years of the date the building permit for the project or activity was issued by the City or, if no permit was issued or required, within 5 years of starting construction.
 - xiv. any conditions likely to attract nuisance animals, pests or other vermin.
- c. “Unsightly” or “Untidy” means:
- i. A Property that because of its condition or the accumulation of refuse is detrimental to the use and enjoyment of the surrounding area or neighboring properties;
 - ii. In respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep or repair, or which constitutes a Nuisance;
 - iii. In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep, or which constitutes a Nuisance; or

- iv. In an unsightly condition within the meaning of s. 546 of the *Municipal Government Act*.

NUISANCE, UNSIGHTLY AND UNTIDY LANDS

- 19. A Person shall not cause or permit a Nuisance to exist on land they Own or Occupy.
- 20. A Person shall not allow Property which they Own or Occupy to be or to become Unsightly or Untidy.
- 21. No Owner or Occupant of a Property shall have or allow in or on the Property, the accumulation of:
 - a. Any material that creates unpleasant odour;
 - b. Any material likely to attract animals, pests or wildlife; or
 - c. Animal remains, parts of animal remains or animal feces.
- 22. A Person shall not have or allow the following to accumulate on Property which they Own or Occupy such that the accumulation is visible to a Person viewing from outside the Property:
 - a. loose garbage and bagged garbage;
 - b. bottles, cans, boxes or packaging materials;
 - c. household furniture or other household goods;
 - d. automobile parts;
 - e. parts of or disassembled machinery, equipment or appliances; or
 - f. yard waste, including grass, tree and hedge cuttings, leaves and other refuse.

SIDEWALKS

- 23. A Person shall reasonably remove snow and ice from any Sidewalk adjacent to land they Own or Occupy within 48 hours after the snow or ice has been deposited.
- 24. If a Person fails to reasonably remove snow and ice from any Sidewalk adjacent to land they Own or Occupy within 48 hours after the snow or ice has been deposited,

the City may carry out the removal of snow and ice or contract out the removal of snow and ice, with all the costs and expenses involved charged to the Person responsible for the removal and any unpaid costs or expenses shall be added to the tax roll for the Property to be recovered in the same manner as other taxes pursuant to the provisions of the *Municipal Government Act*.

25. No person shall remove dirt, debris or other materials from any sidewalk by causing such material to be placed upon any other portion of the highway or other public place adjacent to such property.
26. No person shall place, or permit, to be placed, any snow, ice, dirt, debris or other material removed from private property onto the highways or other public places of the City.

BOULEVARDS

27. A Person shall maintain any Boulevard adjacent to land they Own or Occupy by:
 - a. keeping any grass on the Boulevard cut to a length of no more than 20 centimeters;
 - b. removing any accumulation of fallen leaves or other debris; and
 - c. notifying the City if tree maintenance is required.

BUILDINGS

28. A Person shall not cause or permit a Nuisance to exist in respect of any Building on land they Own or Occupy.
29. For the purpose of greater certainty, a Nuisance in respect of a Building means a Building showing signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include, but are not limited to, the following:
 - i. any damage to the Building;
 - ii. any rot or other deterioration within the Building; and
 - iii. 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.

UNOCCUPIED BUILDINGS

30. If a Building normally intended for human habitation is unoccupied then any door or window opening in the Building may be covered with a solid piece of wood but only if the wood is:
- i. installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - ii. of a thickness sufficient to prevent unauthorized entry into the Building;
 - iii. secured in a manner sufficient to prevent unauthorized entry into the Building; and
 - iv. coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

CONSTRUCTION WASTE

31. Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.
32. No Person shall allow loose construction material to be stored or accumulated on a construction site they Own or Occupy unless it is:
- a. stacked or stored on the Property in an orderly manner; and
 - b. not capable of being blown around the construction area or off the construction site.

REPAIR OF MOTOR VEHICLES

33. A Person shall not conduct any repair work on Motor Vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a Motor Vehicle, on any land in a residential district.
34. This prohibition shall not apply to routine maintenance work performed on any Motor Vehicles owned, operated or registered in the name of the Person who Owns or Occupies the Property on which the work is being performed, provided that:
- a. the work is done in a garage that is capable of having the doors and windows closed;

- b. the activity does not create a Nuisance or noise complaints from neighbours;
- c. there is no escape of offensive, annoying or noxious odors, fumes or smoke from the Property;
- d. vehicle fluids oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
- e. all discarded vehicle parts and materials are properly stored and disposed of from the Property;
- f. no power washing of motor or power train is performed on the Property; and
- g. all building and fire code regulations are met.

REFRIGERATORS AND FREEZERS

- 35. A Person shall not place, cause or permit to be placed a refrigerator freezer or other similar appliance on land they Own or Occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- 36. Without limiting the generality of the foregoing section, measures considered to be effective may include, but are not limited to, the following:
 - i. the removal of the door from the appliance;
 - ii. The removal of the door handle mechanism if this prevents opening and closing of the door;
 - iii. the removal of the door hinges;
 - iv. the locking the appliance; or
 - v. otherwise wrapping or containing the appliance so that the interior is inaccessible.

PART IV – NOISE CONTROL

DEFINITIONS

37. In this Part:
- a. **“Holiday”** means January 1st, Alberta Family Day, Good Friday, Victoria Day, July 1st, the first Monday in August, Labour Day, Thanksgiving Day, November 11th, and December 25th of every year;
 - b. **“Noise”** means any sound that is reasonably likely to annoy or disturb the peace of others;
 - c. **“Weekday”** means Monday through Friday; and
 - d. **“Weekend”** means Saturday through Sunday

PROHIBITED NOISE

38. A Person shall not cause or permit any Noise that annoys or disturbs the peace of any other Person.
39. A Person shall not cause or permit Property they Own or Occupy to be used so that Noise from the Property annoys or disturbs the peace of any other Person.

CRITERIA

40. In determining what sound is reasonably likely to annoy or disturb the peace of others, consideration may be given to, but is not limited to, the following criteria:
- a. type, volume, and duration of the sound;
 - b. time of day and day of week; and
 - c. nature and use of the surrounding area.

CONSTRUCTION ACTIVITY

41. A Person shall not cause or permit any construction activity on Property they Own or Occupy before 7:00 a.m. or after 9:00 p.m. on a Weekday or before 9:00 a.m. or after 9:00 p.m. on a Weekend or Holiday.

GARBAGE COLLECTION

42. A Person shall not collect, cause or permit the collection of garbage with a Motor Vehicle on or adjacent to any Property zoned for residential use before 7:00 a.m. or after 9:00 p.m. on a Weekday or before 9:00 a.m. or after 9:00 p.m. on a Weekend or Holiday.

ENGINE RETARDER BRAKES

43. A Person shall not use engine retarder brakes to slow or stop a Motor Vehicle at any time within the City limits.

MOTOR VEHICLES

44. If a Motor Vehicle is the cause of any sound that contravenes a provision of this Bylaw, the Owner of that Motor Vehicle is liable for the contravention.

EXCEPTIONS

45. Nothing in this Part prohibits:
- a. a person who is an employee or authorized agent of the City from producing certain sounds while acting within the scope of their functions, duties or powers; or
 - b. situations where the City Manager has issued a permit allowing the production of certain sounds on whatever conditions the City Manager deems appropriate.

CANNIBIS SMOKING RESTRICTIONS

46. a. Except as permitted in this part, no person shall use or consume cannabis in a public place or any other place other than a residence, temporary residence, licensed premises, or a place prescribed in the regulations where cannabis may be used or consumed.
- b. Notwithstanding subsection 46(a), a person may smoke in an area designated as a smoking area for cannabis under the provisions of this bylaw.

47. A person who owns or occupies a place where smoking is prohibited by this part shall not permit any individual to smoke, vape or used electronic cigarette in that place.
48. Nothing in this part prohibits a person from smoking in an area of a building designed, intended and used exclusively as a private residence unless it is a multi-family unit.
49. Nothing in this part affects the rights of aboriginal people respecting traditional aboriginal spiritual or cultural practices of ceremonies
50.
 - a. Subject to the provisions of this section, a person who owns or occupies a place where smoking is otherwise prohibited by this part may permit smoking in that place when smoking is permitted pursuant to provincial or federal legislation or powers exercised pursuant to such legislation.
 - b. If smoking is permitted pursuant to this section, the person who owns or occupies the premises shall ensure that:
 - I. smoke does not enter any place where smoking is prohibited;
 - II. signage is clearly and prominently at each entrance to a place where smoking is permitted indicating that smoking is permitted inside and;
 - III. no person under the age of 18 years of age is allowed to enter or remain in a place where smoking is permitted.

E-CIGARETTES (VAPING)

51. Nothing in this part prohibits a person from using an electronic cigarette for the sole purpose of testing the device, or sampling products used with the device, prior to purchase within an electronic cigarettes retailer. Cannabis e-cigarettes (vaping) are not allowed to be tested in the retail store and follows section 46.

PROOF OF EXCEPTION

52. The burden of proving that an exception applies in a particular case is on the person alleging such exception on a balance of probabilities.

PROSECUTION

53. In a prosecution for contravention of this Part:

- a. it is not necessary that a witness testify to the precise description, kind, brand, or name of the tobacco product, cannabis, or electronic cigarette possessed, smoked or consumed;
- b. the court may, in the absence of evidence to the contrary, infer that the product smoked was cannabis, a tobacco product or electronic cigarette from the fact that a witness describes it by a name that is commonly used to describe cannabis, a tobacco product or electronic cigarette; and
- c. evidence
 - I. that a substance had an odour of cannabis or a tobacco product or an electronic cigarette, or
 - II. that a substance appeared to be labelled or packaged as cannabis or a tobacco product or an electronic cigarette.

is, in the absence of evidence to the contrary, sufficient to establish that the substance was cannabis or a tobacco product.

DESIGNATED AREAS

54. The City Manager may designate any public place, or portion of a public place, as a no smoking area or as a smoking area.
55. The City Manager shall place temporary or permanent signs or other markings identifying a no smoking area or smoking area.
56. The City Manager may impose any requirements on a smoking area including, but not limited to, requirements that the area be enclosed or that no minors be permitted within the area.
57. No person shall remove, move, alter, deface, conceal or destroy any signs or other markings identifying a no smoking area or a smoking area that are placed pursuant to Section 55.
58. The City Manager may approve a special events permit upon application to the City Manager.

PART V – ENFORCEMENT

OFFENCE

59. Any Person who contravenes any provisions of this Bylaw is guilty of an offence and liable upon summary conviction:
- a. for the first offence, to a specified penalty as set out in Schedule “A” attached hereto and forming part of this Bylaw;
 - b. for the second or subsequent offence occurring within 365 days of the previous offence, to a specified penalty of double the original penalty as set out in Schedule “A” attached hereto and forming part of this Bylaw; or,
 - c. where no specific penalty is specified, a penalty of not less than One Hundred (\$100.00) Dollars and not more than Two Thousand Five Hundred Dollars (\$2,500.00) to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the *Municipal Government Act*.

MUNICIPAL TAG

60. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.
61. Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the City the penalty specified on the Municipal Tag.

VIOLATION TICKET

62. If the penalty specified on the Municipal Tag is not paid within the prescribed time period then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
63. Notwithstanding anything else in this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act*, as amended, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.
64. 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.

CONTINUING OFFENCE

- 65. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence in respect of each day, or part of a day, on which it continues and a 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.

VICARIOUS LIABILITY

- 66. For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

- 67. When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 68. If a partner in a 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.

ORDER TO COMPLY

- 69. Notwithstanding anything else in this Bylaw:
 - a. If the City Manager believes, on reasonable grounds, that a Person is contravening any provision of this Bylaw, including where any Property in the City is deemed by a Bylaw Enforcement Officer to be Untidy,

Unightly, or a Nuisance, the City Manager may, by written order, require any Person responsible for the contravention to remedy it.

- b. The order may:
 - i. direct a Person to stop doing something, or to change the way in which the Person is doing it;
 - ii. direct a Person to take any action or measures necessary to remedy the contravention of the Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
 - iii. state a time within which the Person must comply with the directions;
 - iv. state that if the Person does not comply with the directions within a specified time, the City will take the action or measure.
- c. A Person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- d. An order issued pursuant to this section may be served:
 - i. in the case of an individual:
 - (1) by delivering it personally to the individual;
 - (2) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - (3) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;
 - ii. in the case of a corporation:
 - (1) by delivering it personally to any director or officer of the corporation;
 - (2) 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
 - (3) by mail addressed to the registered office of the corporation.

OBSTRUCTION

70. A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.

PART VI – GENERAL

POWERS OF THE CITY MANAGER

71. Without restricting any other power, duty or function granted by this Bylaw, the City Manager 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. establish the criteria to be met for a permit pursuant to this Bylaw;
 - i. delegate any powers, duties or functions under this Bylaw to an employee of the City; and
 - j. appoint inspectors for the purposes of the *Agricultural Pest Act*, R.S.A. 2000, c. A-8.

PERMITS

72. 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.

73. 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.
74. 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 City Manager may immediately cancel the permit.

PROOF OF PERMIT

75. 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.

CERTIFIED COPY OF RECORD

76. A copy of a record of the City, certified by the City Manager 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.

NUMBER AND GENDER REFERENCES

77. 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.

SEVERABILITY

78. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
79. The City, a Bylaw Enforcement Officer or any Person who inspects Property under this Bylaw or any person who performs work on behalf of the City is not liable for any damages caused by the inspection, the work or disposing of anything referred to in an Order.

PART VII – TRANSITIONAL

REPEALS

- 80. The following bylaws, and their amendments where applicable, are repealed upon passage of this Bylaw:
 - a. 1009-86 Noise Abatement;
 - b. 1028-86 Noise Abatement – Amendment;
 - c. 1703-07 Nuisance;
 - d. 1748-09 Nuisance Amendment;
 - e. 1736-08 Public Safety;
 - f. 1550-02 Curfew.
 - g. 1859-15 Community Standards Bylaw
 - h. 1866-16 Community Standards Bylaw

ENACTMENT

81. This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 13th Day of November, 2018

READ A SECOND TIME IN COUNCIL THIS 13th Day of November, 2018

READ A THIRD TIME IN COUNCIL THIS 26th Day of November, 2018

Date signed: December 14, 2018

ORIGINAL SIGNED
MAYOR

Date signed: December 14, 2018

ORIGINAL SIGNED
ACTING CITY MANAGER

SCHEDULE "A"				
Section	Description of Offence	Penalty 1st Offence	Penalty 2nd Offence	Penalty 3rd Offence
4	Littering	250	500	1000
5	Distributing Flyers on Vehicles	75	150	300
6	Distributing Flyers at Property	75	150	300
7	Urinating or Defecating in Public	250	500	1000
8	Spitting in Public	250	500	1000
9	Throwing or Propelling an object in Public	350	500	1000
10	Fighting in Public	250	500	1000
11	Bullying	250	500	1000
12	Possessing a Weapon	500	1000	2500
13	Loitering in Public	250	500	1000
14	Panhandling	250	500	1000
15	Applying or Creating Graffiti	500	1000	2500
16	Possessing Graffiti Instruments	250	500	1000
17	Failing to Remove Graffiti	250	500	1000
19	Nuisance Property	250	500	1000
20	Untidy or Unsightly Property	250	500	1000
21(a)	Accumulation of any material that creates unpleasant odour	250	500	1000
21(b)	Accumulation of any material that is likely to attract animals, pests or wildlife	250	500	1000
21(c)	Accumulation of animal remains, parts of animals remains or animal feces	250	500	1000
22(b)	Accumulation of loose garage and bagged garbage in view from outside property	250	500	1000
22(c)	Accumulation of household furniture or other household goods visible from outside the property	250	500	1000
22(d)	Accumulation of automobile parts visible from outside the property	250	500	1000
22(e)	Accumulation of parts or disassembled machinery, equipment or appliances in view from outside property	250	500	1000
22(f)	Accumulation of yard waste in view from outside property	250	500	1000
23	Failing to remove Snow and Ice Sidewalks	250	500	1000
25	Placing dirt, debris or other materials upon any portion of the highway or any other public place	250	500	1000
26	Placing snow, ice, dirt, debris or other materials upon any portion of the highway or any other public place	250	500	1000
27	Failing to Maintain Boulevards	250	500	1000
29	Nuisance Building	250	500	1000
30	Failing to Secure Unoccupied Building	250	500	1000

SCHEDULE "A"				
Section	Description of Offence	Penalty 1st Offence	Penalty 2nd Offence	Penalty 3rd Offence
31	No Waste Container on Construction Site	250	500	1000
32(a)	Construction Material Not Neatly Stacked or Stored	250	500	1000
32(b)	Waste Material Blown Off Construction Site	250	500	1000
33	Repairing Motor Vehicles in a residential district	250	500	1000
35	Failing to Secure Appliances	250	500	1000
38	Person causing excessive noise	250	500	1000
39	Person allow excessive noise	250	500	1000
41	Prohibited Construction Activity	250	500	1000
42	Prohibited Garbage Collection	250	500	1000
43	Engine Retarder Brakes	250	500	1000
44	Motor Vehicle Noise	250	500	1000
46(a)	Smoke/Consume/Vape cannabis in a public place	150	250	500
47	Owner allow individual to smoke cannabis in an area designated as a no smoking area	250	500	1000
50(b)(i)	Owner allow smoke enter into an area designated as a no smoking area	250	500	1000
50(b)(ii)	Owner not post smoking area prominently at entrance and exit of smoking area	250	500	1000
50(b)(iii)	Owner allow minor to enter an area designated as a smoking area	250	500	1000
57	Remove, Alter, Destroy No Smoking/Smoking Signs	250	500	1000
70	Obstruction of Enforcement	500	1000	1500