

BYLAW NO. 2069-24
(BL 2085-25)

**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 WHEREAS Council deems it desirable for regulation to control the use of Parks and Open Spaces operated by the City within the limits of the City; and

NOW THEREFORE under the authority of the *Municipal Government Act*, the Council of the City of Wetaskiwin, in the Province of Alberta, enacts as follows:

1. TITLE

1.1 This Bylaw may be cited as the '*Community Standards Bylaw*'.

2. DEFINITIONS

2.1 In this bylaw:

- a) '**Act**' means the *Municipal Government Act, RSA 2000, Chapter M-26, as amended*;
- b) '**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;

- c) **'Bullying'** means verbal or physical abuse, threats, taunts, teasing, name calling, or repeated abusive communication, direct or through any medium whatsoever;
- d) **'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;
- e) **'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;
- f) **'Camping'** means the location of, erecting of, or use of a camping accommodation unit for the provisions of sleeping accommodations, and includes overnight or any portion thereof. Including staying in a vehicle, tent, trailer, or any other temporary or portable shelter, or under the sky;
- g) **'Cannabis'** has the meaning given to that term in the *Federal Cannabis Act* (Bill C-45, an Act respecting cannabis and the *Controlled Drugs and Substances Act*, the Criminal Code and other Acts, 1st Sess., 42nd Parl, 2017);
- h) **'City'** means the City of Wetaskiwin;
- i) **'City Manager'** means the chief administrative officer of the City or their designate;
- j) **'Derelict Vehicle'** means a motor vehicle that is:
 - i. Incapable of being safely operated, registered, and insured;
 - ii. Partially or fully dismantled;
 - iii. Substantially damaged;
- k) **'Electronic Smoking Device'** means an 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;
- l) **'Firearm'** means any firearm or imitation firearm, including but not limited to air guns, airsoft guns, sling shots, bows, crossbows, catapults or anything capable of shooting a projectile;
- m) **'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, and in the opinion of an Enforcement Officer, is deemed unsightly;
- n) **'Graffiti Instrument'** means any tool or instrument which could be used for affixing graffiti to a surface;
- o) **'Hard Surfacing'** means the provision of durable, dust-free material constructed in concrete, asphalt or similar material capable of withstanding expected vehicle loads and maintained to the satisfaction of the Development Officer, in consultation with the Engineering Department;
- p) **'Highway'** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6;
- q) **'Loiter'** means to linger aimlessly in or about a place, or remain in an area for no obvious reason;

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- r) **'Minor'** means a person under the age of 18 years;
 - s) **'Motor Vehicle'** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6;
 - t) **'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;
 - u) **'Occupy'** or **'Occupies'** means residing on or to be in apparent possession or control of property;
 - v) **'Off-Highway Vehicle'** as defined in section 117 of the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended, repealed, or replaced;
 - w) **'Open Spaces and Parks'** means any of the following:
 - i. Any land in the City which is owned, developed, used, leased, controlled or managed by the City as a public park, athletic facility, natural area, 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 Education Authority for any purpose previously described;
 - ii. Any reserve land acquired by the City through the subdivision process or otherwise;
 - iii. Any land used as a highway buffer strip, whether on a permanent or temporary basis;
 - iv. Any land developed by the City as part of a pathway system;
 - v. Any land developed by the City as a part of its storm water drainage system including, but not limited to, storm water management facilities, naturalized ponds, bio swales, ditches, and drainage channels;
 - vi. Any land owned, developed, used, leased or managed by the City as an off-leash dog park;
 - vii. All exterior areas including lawns, plazas, landscaped areas, and parking areas of all City owned or operated facilities that are made available for the public to use for recreational or social purposes; and
 - viii. Any public utility lot;
 - x) **'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 of or have the right to exercise control over it or to be the registered owner of it;
 - y) **'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;

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- z) **'Person'** means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative;
- aa) **'Projectile'** means any object projected by external force and continuing in motion by its own inertia;
- bb) **'Property'** means;
- i. In the case of land, a parcel of land including any buildings or structures thereon; or
 - ii. In other cases, personal property;
- cc) **'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
- dd) **'Public Utility Lot'** means land that is used to provide public utilities and is made available for public access;
- ee) **'Public Vehicle'** means a bus, taxi, or other vehicle that is used to transport members of the public for a fee;
- ff) **'Recreational Vehicle'** means a vehicle that provides temporary accommodation for recreational or travel purposes and includes but is not limited to:
- i. Motor homes;
 - ii. Travel trailers;
 - iii. Fifth wheel travel trailers;
 - iv. Campers, whether located on a truck or other vehicle or not;
 - v. Tent trailers;
 - vi. Boats;
 - vii. Snowmobiles and all-terrain vehicles;
 - viii. A trailer used to transport any of the above;
- gg) **'Residence'** means a place used by a person as a permanent private dwelling, including a 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;
- hh) **'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;
- ii) **‘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;
- jj) **‘Special Event’** means a promotion, parade, procession, or race which requires exclusive use of part of a park and for that purpose and in this section:
- i. ‘promotion’ means one or more persons gathered for the purpose of soliciting, protesting, rallying, entertaining, evangelizing, or selling goods or services; and
 - ii. ‘parade’, ‘procession’, or ‘race’ means any group of people other than a funeral procession, marching, walking, running, or riding in the street, on the sidewalk, in parks or open spaces, or on the trail system, whether by foot, bicycle, scooter, or motor vehicle;
- kk) **‘Sound Level Meter’** means any Type 2 or better integrating instrument (as established by the standards of the American National Standards Institute “A.N.S.I.”) that measures sound levels;
- ll) **‘Structure’** means a building, garage, shed, fence, or other thing erected or placed in, on, over or under land, whether or not it is affixed to the land;
- mm) **‘Tobacco’** means a product composed in whole 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;
- nn) **‘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;
- oo) **‘Violation Ticket’** has the same meaning as the *Provincial Offences and Procedure Act*, R.S.A. 2000, c. P-34;
- pp) **‘Weapon’** means any item used, designed to be used or intended for use in causing death or injury to another person, or for the purposes of threatening or intimidating a person;
- qq) **‘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 (excluding multi-family units);

3. INTERPRETATION AND APPLICATION

- 3.1 The table and contents, marginal notes and headings in this bylaw are for reference purposes only.

4. LITTERING

- 4.1 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.

5. FLYERS

- 5.1 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.

- 5.2 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.

6. BODILY FLUIDS

- 6.1 A Person shall not urinate or defecate in a Public Place except in a facility designed and intended for such use.

- 6.2 A Person shall not spit at or on any Person or Property in a Public Place.

7. DANGEROUS ACTIONS

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

8. FIGHTING

- 8.1 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.

9. BULLYING

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

10. WEAPONS

10.1 A person shall not possess a Weapon in any Public Space.

11. LOITERING

11.1 A person shall not loiter in a public place. (BL 2092-25)

12. PANHANDLING

12.1 A Person shall not engage in Panhandling.

13. GRAFFITI

13.1 A Person shall not create or apply Graffiti.

13.2 A Person shall not possess Graffiti Instruments.

13.3 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 (14) days of receiving written notice from a Bylaw Enforcement Officer.

14. NUISANCE, UNSIGHTLY AND UNTIDY LANDS

14.1 Definitions in this part:

- a) **'Building'** includes a structure and any part of a building or structure placed in, on or over land whether or not it becomes 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. Parking or storage of a Motor Vehicle, Recreational Vehicle, or trailer that is located in the front yard of a property and is wholly or partially on turf, lawn, dirt, gravel, or other non-hard surfaced areas, other than:
 - 1) An approved driveway; or
 - 2) An approved parking stall; or

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- 3) Any previously approved driveway or parking stall, including driveways or parking stalls with non-hard surfacing prior to the enactment of this bylaw;
- ii. Excessive accumulation of material including but not included to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
 - iii. Loose litter, garbage, construction debris or refuse whether located in a storage area, collection area or elsewhere on the land;
 - iv. Damaged, dismantled or derelict Motor Vehicles, whether insured or registered or not;
 - v. Compost heaps that are messy or cause a negative odour affecting others;
 - vi. in respect of property, means any property, or part of, which shows signs of lack of general maintenance and upkeep by the excessive accumulation of grass or weeds relative to other properties that could reasonably be considered to be in the neighbourhood; (*BL 2092-25*)
 - vii. Production of excessive dust, dirt, or smoke;
 - viii. Production of any generally offensive odours;
 - ix. 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;
 - x. Use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - xi. Any tree shrub, other type of vegetation or any structure; that
 - 1) Obstructs any Sidewalk adjacent to the land;
 - 2) Impairs the visibility required for safe traffic flow at any intersection;
 - 3) Has any rot or other deterioration;
 - xii. Failure to destroy prohibited weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
 - xiii. Any accessible excavation, ditch, drain or standing water that could pose a danger to the public;
 - xiv. Any construction project or activity not completed within five (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 five (5) years of the commencement of construction; and

xv. 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 disregards 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*.

14.2 A Person shall not cause or permit a Nuisance to exist on land they Own or Occupy.

14.3 A Person shall not allow Property which they Own or Occupy to be or to become Unsightly or Untidy.

14.4 No Owner or Occupant of a Property shall have or allow in or on the Property, the accumulation of:

- a) Any material that creates any unpleasant odour;
- b) Any material likely to attract animals, pests, or wildlife; or
- c) Animal remains, parts or animal remains, or animal feces.

14.5 No Person shall 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 disassembled machinery, equipment or appliances; or

- f) Yard waste, including grass, tree and hedge cuttings, leaves and other refuse.

15. SIDEWALKS

- 15.1 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.
- 15.2 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 under section 15.1, 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 from 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.
 - a) An administration charge of \$50.00 or 20% of the total cost of the work done, whichever is greater, may be applied.
- 15.3 No Person shall remove dirt, debris or other materials from any Sidewalk by causing such material to be placed upon any portion of the Highway or other Public Place adjacent to such property.
- 15.4 No Person shall place, or permit, to be placed, any snow, ice, dirt, debris or other material removed from Private Property onto any portion of a Highway or other Public Place.

16. BOULEVARDS

- 16.1 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;
 - c) Notifying the City if tree maintenance is required.

17. BUILDINGS

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

18. UNOCCUPIED BUILDINGS

- 18.1 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:
- a) Installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - b) Of a thickness sufficient to prevent unauthorized entry into the Building;
 - c) Secured in a manner sufficient to prevent unauthorized entry into the Building; and
 - d) Coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

19. CONSTRUCTION WASTE

- 19.1 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.
- 19.2 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.

20. REPAIR OF MOTOR VEHICLES

- 20.1 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.
- 20.2 The foregoing 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;

- c) There is no escape of offensive, annoying or noxious odours, fumes or smoke from the Property;
- d) Vehicle fluids such as 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.

21. REFRIGERATORS AND FREEZERS

- 21.1 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.
- 21.2 Without limiting the generality of the foregoing section, measures considered to be effective may include, but are not limited to, the following:
- a) The removal of the door from the appliance;
 - b) The removal of the door handle mechanism if this prevents opening and closing of the door;
 - c) The removal of door hinges;
 - d) The locking of the appliance; or
 - e) Otherwise wrapping or containing the appliance so that the interior is inaccessible.

22. NOISE CONTROL

- 22.1 Definitions in the following parts include:
- a) **'Holiday'** means New Year's Day (January 1st), Alberta Family Day (third Monday in February), Good Friday (Friday before Easter), Easter Monday (First Monday following Easter), Victoria Day (Monday before May 25th), Canada Day (July 1st), Heritage Day (1st Monday in August), Labour Day (1st Monday in September), National Day for Truth and Reconciliation Day (September 30th), Thanksgiving Day (2nd Monday in October), Remembrance Day (November 11th), Christmas Day (December 25th) and Boxing Day (December 26th), every year;

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- 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.
- 22.2 A Person shall not cause or permit any Noise that annoys or disturbs the peace of any other Person.
- 22.3 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.
- 22.4 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.
- 23. CONSTRUCTION ACTIVITY**
- 23.1 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.
- 24. GARBAGE COLLECTION**
- 24.1 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.
- 25. MOTOR VEHICLES**
- 25.1 A Person shall not use engine retarder brakes to slow or stop a Motor Vehicle at any time within the City limits.
- 25.2 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.

26. EXEMPTIONS

26.1 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.

27. PARKS AND OUTDOOR SPACE

27.1 No Person shall remove, alter, conceal, deface, or destroy any sign posted in any Open Space or Park.

27.2 No Person shall carry on business or place or erect signs for the purpose of advertising in any Open Space or Park, except in accordance with any bylaws and regulations in place governing such use.

27.3 No alcohol is permitted in any Open Space or Park, except in accordance with any bylaws and regulations in place governing such use.

27.4 No horses or livestock are permitted within any Open Space or Park, except in accordance with any bylaws and regulations in place governing such use.

27.5 No Person shall destroy or remove any vegetation or damage any fixtures within any Open Space or Park.

27.6 No Person shall walk, stand, or sit on or in any flower or shrub bed within any Open Space or Park.

27.7 No Person shall swim, bath or wade in any lake, stream, pool or pond within any Open Space or Park unless authorized by the City.

27.8 No Person shall operate a watercraft on a lake or pond within any Open Space or Park that is powered by gasoline or diesel motor unless they are operating the watercraft with permission from the City.

27.9 No Person shall:

- a) harass any wildlife within any Open Space or Park; or
- b) exterminate any wildlife within any Open Space or Park, except in accordance with any bylaws and regulations in place governing such action.

27.10 All regulations for fishing in a lake or pond shall fall under the jurisdiction of the Province of Alberta Acts and Regulations.

- 27.11 No Person shall park or operate a Motor Vehicle in any Open Space or Park unless in a marked and designated area within any Open Space or Park.
- 27.12 No Off-Highway Vehicles are permitted within any Open Space or Park.
- 27.13 No Person shall ride a bicycle, skateboard, rollerblades, scooter or similar device in any Open Space or Park without having a reasonable consideration for other users or where prohibited.
- 27.14 No Person shall start or maintain a fire in any Open Space or Park, except in accordance with any bylaws and regulations in place governing such use.
- 27.15 No Person shall use any part of any Open Space or Park for the purposes of Camping unless in a marked and designated area.
- 27.16 No Person shall carry or discharge any Firearm of any type within any Open Space or Park.
- 27.17 Any Person desiring to hold a Special Event in an Open Space or Park must apply for and obtain a Special Event Permit.
- 27.18 The City Manager or a Bylaw Enforcement Officer may remove or have removed from any Open Space or Park any Person who contravenes any provision of this Bylaw and who refuses to leave immediately after being requested to do so.

28. CANNABIS SMOKING RESTRICTIONS

- 28.1 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; and
- 28.2 Notwithstanding subsection 28.1, a person may smoke in an area designated as a smoking area for Cannabis under the provisions of this bylaw.
- 28.3 A Person who owns or occupies a place where Smoking or Vaping is prohibited by this part shall not permit any individual to Smoke, Vape or use an Electronic Smoking Device in that place.
- 28.4 Nothing in this part prohibits a Person from Smoking or Vaping in an area of a building designed, intended, and used exclusively as a Residence, unless it is a multi-family unit.
- 28.5 Subject to the provisions of this section, a Person who Owns or Occupies a Property where Smoking or Vaping is otherwise prohibited by this part may permit Smoking or Vaping in that place when Smoking or Vaping is permitted pursuant to provincial or federal legislation, or powers exercised pursuant to such legislation.
- 28.6 If Smoking or Vaping is permitted pursuant to section 28.5, a Person who Owns or Occupies the Property shall ensure that:
 - a) Smoke does not enter any place where Smoking or Vaping is prohibited;

- b) Signage is clearly and prominently at each entrance to a place where Smoking or Vaping is permitted indicating that Smoking or Vaping is permitted inside; and
 - c) No Person under the age of 18 years of age is allowed to enter or remain in a place where Smoking or Vaping is permitted.
- 28.6 Nothing in this part prohibits a Person from using an Electronic Smoking Device for the sole purpose of testing the device, or sampling products used with the device, prior to purchase within an Electronic Smoking Device retailer. Cannabis e-cigarettes (vaping) are not allowed to be tested in the retail store.
- 28.7 The burden of proving that an exception in this part applies in a particular case is on the Person alleging such exception on a balance of probabilities.
- 28.8 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 Smoking Device 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 Smoking Device from the fact that a witness describes it by a name that is commonly used to describe Cannabis, a tobacco product or Electronic Smoking Device; and
 - c) Evidence:
 - i. That a substance had an odour of Cannabis or a tobacco product or an Electronic Smoking Device; or
 - ii. That a substance appeared to be labelled or packaged as Cannabis or a tobacco product or an Electronic Smoking Device
- Is, in the absence of evidence to the contrary, sufficient to establish that the substance was Cannabis or a Tobacco product.

29. DESIGNATED AREAS

- 29.1 The City may designate any Public Place, or portion of a Public Place, as a no Smoking or Vaping area or as a Smoking or Vaping area.
- 29.2 The City shall place temporary or permanent signs or other markings identifying a no Smoking or Vaping area or Smoking or Vaping area.
- 29.3 The City may impose any requirements on a Smoking or Vaping area including, but not limited to, requirements that the area be enclosed or that no minors be permitted within the area.

- 29.4 No person shall remove, move, alter, deface, conceal, or destroy any signs or other markings identifying a no Smoking or Vaping area or a Smoking or Vaping area that are placed pursuant to Section 29.1.

30. ENFORCEMENT AND PENALTY

- 30.1 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 offence, occurring within 365 of the previous offence, to a specified penalty as set out in 'Schedule A' attached hereto and forming part of this Bylaw; or
 - c) For the third or any subsequent offence occurring within 365 days of the previous offence, to a specified penalty as set out in 'Schedule A' attached hereto and forming part of this Bylaw; or
 - d) Where no specific penalty is specified, a penalty of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00) to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the *Municipal Government Act*.
- 30.2 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.
- 30.3 A Municipal Tag may be issued to such Person:
- a) Personally;
 - b) By registered mail sent to the postal address, as shown in the Tax Assessment Roll, Certificate of Title for the property or any other official government record; or
 - c) By leaving it with a Person apparently over eighteen (18) years of age at the place of residence of the Person to whom the Municipal Tag is being issued.
- 30.4 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.
- 30.5 Where payment of a Municipal Tag is tendered within 7 days of the date of service of the Municipal Tag for an alleged offence listed in Schedule "A" to a person authorized by the City Manager to receive such payment, the penalty specified on the Municipal Tag shall be reduced by 50% and such payment shall be accepted in lieu of prosecution.

- 30.6 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*.
- 30.7 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 Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.
- 30.8 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
- a) Specify the fine amount established by the Bylaw for the offence; or
 - b) Require a Person to appear in court without the alternative of making a voluntary payment.
- 30.9 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.

31. VICARIOUS LIABILITY

- 31.1 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.

32. CORPORATIONS AND PARTNERSHIPS

- 32.1 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.
- 32.2 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.

33. ORDER TO COMPLY

- 33.1 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, Unsightly, or a Nuisance, the City

Manager may, by written order, require any Person responsible for the contravention to remedy it.

- b) The order shall:
- 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; and
 - 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. Every person who fails to comply with an order issued pursuant to this bylaw or the *Municipal Government Act* within the time set out in the order commits an offence.
- 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 officer 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.

- iii. By any service method pursuant to the *Municipal Government Act*;
- iv. If, in the option of a person serving an order, service of the order cannot be reasonably affected, or if the person serving the order believes that the owner of the premises is evading service, the person serving the remedial order may post the order;
 - 1) At a conspicuous place on the premises to which the order relates;
 - 2) At the private dwelling place on the premises to which the order relates, as shown on a certificate of the title pursuant to the *Land Titles Act* or on the municipal tax roll; or
 - 3) At any other property owned by the owner of the premises to which the order relates, as shown on a certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll; the order shall be deemed to be served upon the expiry of 3 days after the order is posted.
- e) Where the Person named in the order neglects or refuses to pay the City the costs incurred to bring lands into compliance with the notice, the City may cause these costs to be added to the tax roll as a charge against the lands of the owner in the same manner as taxes and with the same priority as to lien and to payment thereof as in the case of ordinary municipal taxes.
 - i. An administration charge of \$50.00 or 20% of the total cost of the work done, whichever is the greater, may be applied.

34. OBSTRUCTION

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

35. POWERS OF THE CITY MANAGER

- 35.1 Without restricting any other power, duty or function granted by this Bylaw, the City Manger 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 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

36. PERMITS

- 36.1 The City may approve a Special Event Permit upon application.
- 36.2 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.
- 36.3 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.
- 36.4 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 City Manager may immediately cancel the permit.
- 36.5 The onus of providing a permit that 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. Any Bylaw Enforcement Officer may request a permit from the holder at any time during the permit time, failure to provide a copy of the permit is an offence.

37. CERTIFIED COPY OF RECORD

- 37.1 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.

38. NUMBER AND GENDER REFERENCES

- 38.1 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.

39. SEVERABILITY

- 39.1 If a court of competent jurisdiction should declare any section or subsection of this bylaw to be invalid, such section or subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.
- 39.2 The City, 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.

40. TRANSITION

- 40.1 The following Bylaws, and their amendments where applicable, are repealed upon passage of this Bylaw:
- a) 1916-18 Community Standards
 - b) 1759-10 By-The-Lake Park Regulations
 - c) 1104-89 The Parks and Recreational Areas Bylaw
 - d) 1497-01 The Parks and Recreational Areas Bylaw Amendment
- 40.2 This bylaw shall come into full force and effect on third and final reading/third and final reading on April 22nd, 2024.

READ a first time this 10th day of October, 2023

READ a second time this 22nd day of April, 2024

READ a third time this 22nd day of April, 2024

*The original document has been signed, sealed and filed
For more information, contact the City Clerk's Office*

Tyler Gandam, Mayor

Sue Howard, City Manager

SCHEDULE 'A'

Section	Description of Offence	Penalty 1st Offence	Penalty 2nd Offence	Penalty 3rd Offence
4.1	Littering	250	500	1000
5.1	Distributing Flyers on Vehicles	75	150	300
5.2	Distributing Flyers at Property	75	150	300
6.1	Urinating or Defecating in Public	250	500	1000
6.2	Spitting in Public	250	500	1000
7.1	Throwing or propelling an object in Public	350	500	1000
8.1	Fighting in Public	250	500	1000
9.1	Bullying	250	500	1000
10.1	Possessing a Weapon	500	1000	2500
11.1	Loitering in Public	250	500	1000
12.1	Panhandling	250	500	1000
13.1	Applying or Creating Graffiti	500	1000	2500
13.2	Possessing Graffiti Instruments	250	500	1000
13.3	Failing to Remove Graffiti	250	500	1000
14.2	Nuisance Property	250	500	1000
14.3	Untidy or Unsightly Property	250	500	1000
14.4(a)	Accumulation of any material that creates unpleasant odour	250	500	1000
14.4(b)	Accumulation of any material that is likely to attract animals, pests or wildlife	250	500	1000
14.4(c)	Accumulation of animal remains; parts of animals remains or animal feces	250	500	1000
14.5(a)	Accumulation of loose garage and bagged garbage	250	500	1000
14.5(b)	Accumulation of bottles, cans, boxes, or packaging materials	250	500	1000
14.5(c)	Accumulation of household furniture or other household goods visible from outside the property	250	500	1000
14.5(d)	Accumulation of automobile parts visible from outside the property	250	500	1000
14.5(e)	Accumulation of parts or disassembled machinery, equipment or appliances in view from outside property	250	500	1000
14.5(f)	Accumulation of yard waste in view from outside property	250	500	1000
15.1	Failing to remove Snow and Ice Sidewalks	250	500	1000
15.3	Placing dirt, debris or other materials upon any portion of the highway or any other public place	250	500	1000

15.4	Placing snow, ice, dirt, debris or other materials upon any portion of the highway or any other public place	250	500	1000
16.1	Failing to Maintain Boulevards	250	500	1000
17.1	Nuisance Building	250	500	1000
18.1(c)	Failing to Secure Unoccupied Building	250	500	1000
19.1	Construction site not having a waste container	250	500	1000
19.2(a)	Construction waste not stored properly	250	500	1000
19.2(b)	Construction material blown off property	250	500	1000
20.1	Conduct repair work in a residential district	250	500	1000
21.1	Place appliance on property in an unsafe manner	250	500	1000
22.2	Cause or Permit Noise that annoys or disturbs the peace of another person	250	500	1000
22.3	Owner of property cause or permit noise that disturbs the peace of another person	250	500	1000
23.1	Construction activity outside of permitted hours	250	500	1000
24.1	Garbage collection with a motor vehicle outside of permitted hours	250	500	1000
25.1	Use of engine retarder brakes within City limits	250	500	1000
25.2	Noise from motor vehicle contravene bylaw	250	500	1000
27.1	Remove, alter, conceal, deface, or destroy a sign	250	500	1000
27.2	Advertising in an open space or park without permission	75	150	300
27.3	Alcohol in an open space or park	300	600	1200
27.4	Horses or livestock in an open space or park	250	500	1000
27.5	Destroy or remove vegetation from an open space of park	250	500	1000
27.6	Walk, stand, or sit in flower or shrub beds	75	150	300
27.7	Swim, bath, or wade in a water body in an open space or park	250	500	1000
27.8	Operate a watercraft in a water body without permission	250	500	1000
27.9 (a)	Harass wildlife within an open space or park	250	500	1000
27.9 (b)	Exterminate wildlife within an open space or park	500	1000	2000
27.11	Drive/park motor vehicle in an open space or park	250	500	1000
27.12	Operate OHV in open space or park	250	500	1000
27.13	Ride bicycle, skateboard, rollerblade, scooter in open space or park unlawfully	75	150	300
27.14	Have a fire in an open space or park	250	500	1000
27.15	Camp in an open space or park	250	500	1000
27.16	Discharge a firearm within an open space or	500	1000	2000

	park			
27.17	Hold a special event in an open space or park without permit	100	200	400
28.1	Use/smoke/consume cannabis in an open space or park	300	600	1200
28.3	Owner allows individual to smoke cannabis in an area designated as a no smoking area	300	600	1200
28.6(a)	Owner allows smoke to enter into an area designated as a no smoking area	300	600	1200
28.6(b)	Owner does not post smoking area prominently at entrance and exit of smoking area	300	600	1200
28.6(c)	Owner allows minor to enter an area designated as a smoking area	300	600	1200
29.4	Remove, Alter, Destroy No Smoking/Smoking Signs	250	500	1000
33.1(c)	Failure to comply with an order	500	1000	2000
34.1	Obstruction	500	1000	2000
36.2	Fail to comply with permit	500	1000	2000
36.4	Make false or misleading statement to obtain permit	500	1000	2000
36.5	Fail to provide a permit when requested.	250	500	1000