

TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW # 1656

Claresholm

BEING A BYLAW OF THE TOWN OF CLARESHOLM IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING NEIGHBOURHOOD NUISANCE, SAFETY AND QUALITY OF LIFE MATTERS.

WHEREAS pursuant to the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes respecting nuisances; and

WHEREAS the intent of this Bylaw is that all noises shall be reduced as much as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated; and

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

NOW THEREFORE the Council of the Town of Claresholm enacts as follows:

1. SHORT TITLE

This Bylaw shall be known as the "Community Standards Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1 "**Act**" means the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, and any amendment or substitutions thereof.
- 2.2 "**Bullying**" means verbal or physical abuse, threats, taunts, teasing, name calling, and put downs, written or electronically transmitted, or repeated abusive communication, directly or indirectly through any medium whatsoever.
- 2.3 "**Chief Administrative Officer**" means the person appointed to the position of the Chief Administrative Officer (CAO) for the Town of Claresholm, within the meaning of the *Municipal Government Act*.
- 2.4 "**Council**" means the Municipal Council of the Town of Claresholm.
- 2.5 "**Drinking establishment**" means any business, organization, or individual that holds a liquor license issued by the Alberta Gaming and Liquor Commission.
- 2.6 "**Graffiti**" means the defacement or disfigurement of any property or object, through the performance of any of the following acts:
 - a) the application of any substance, including paint, ink, stain or whitewash to any surface; or
 - b) the affixing of any substance, including paper, fabric or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or

c) the marking, scratching, etching or other alteration or disfigurement of any surface.

2.7 **"Holiday"** includes:

a) a statutory holiday that consists of a variety of cultural, nationalistic, and religious holidays that are legislated in Canada at the federal or provincial and territorial levels.

b) every Sunday.

2.8 **"Panhandling"** means to communicate, in person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return 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.

2.9 **"Peace Officer"** means:

a) a member of the Royal Canadian Mounted Police;

b) a Community Peace Officer as appointed by the Solicitor General of Alberta; or

c) a Bylaw Enforcement Officer as appointed by the Town of Claresholm to enforce bylaws of the Town.

2.10 **"Premises"** means the external surfaces of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings.

2.11 **"Public place"** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.

2.12 **"Town"** means the Town of Claresholm.

2.13 **"Violation tag"** means a notice or tag in a form as approved by the Municipal Manager, issued by the Town of Claresholm allowing a voluntary payment option of a fine established under this Bylaw.

2.14 **"Violation ticket"** means a notice or tag in a form as approved by the CAO, issued by the Town allowing voluntary payment of a fine established under this bylaw.

2.15 **"Youth"** means any persons under the age of sixteen (16) years of age.

3. NOISE

3.1 No person shall cause or permit noise that annoys or disturbs the peace of any other person.

3.2 No person shall permit property that they own, occupy or control to be used so that noise from the property annoys or disturbs the peace of any other person.

3.3 In determining what constitutes noise likely to annoy or disturb the peace of any other person, considerations may be given, but are not limited to:

a) type, volume, and duration of the sound;

b) time of day, and day of the week;

c) nature and use of the surrounding area.

3.4 No person shall yell, scream, or swear in any public place thereby creating a disturbance.

- 3.5 No person shall advertise events or merchandise by ringing bells or by use of mechanical, electrical or sound amplification devices in a residential district between the hours of 9 p.m. and 9 a.m.
- 3.6 No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment such that it annoys or disturbs any other person outside the boundary of the drinking establishment. Section 3.3 of this Bylaw applies to this provision.
- 3.7 Violation tickets will be issued based on the signed statement of the complainant. The Complainant shall be required to provide evidence in any court proceedings.

4. INDUSTRIAL AND CONSTRUCTION NOISE

- 4.1 Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
- a) is a permitted use; or
 - b) is an approved discretionary use; or
 - c) is a non-conforming use as defined in the *Municipal Government Act*, but not illegal.
- 4.2 In the operation or carrying on of an industrial or construction activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

5. PERMITTABLE HOURS FOR NOISE

- 5.1 With the exception of the activities referred to in section 4.1, no person shall use, operate, or allow to be used or operated, any tools, machinery or equipment so as to create a noise or disturbance which may be heard in a residential building between the hours of 10:00 p.m. and 7:00 a.m. on Monday to Saturday and from 10:00 p.m. to 9:00 a.m. on Sunday and holidays.

6. EXCEPTIONS FOR NOISE

- 6.1 These provisions do not apply to:
- a) work carried on by the Town, or by a contractor carrying out instructions of the Town, providing it is work of an emergent nature or circumstance;
 - b) Town sanctioned events, and
 - c) special events which the CAO has approved or issued a special events permit, with conditions that the CAO deems appropriate for such special events.
- 6.2 Snow removal from school, commercial or industrial sites located adjacent to or within residential districts may be allowed if it is in the best interest of the public and their safety and at a time when there will be minimal vehicular and/or pedestrian traffic that may obstruct such snow removal operations
- 6.3 In the case of snow removal from commercial or industrial sites located adjacent to residential districts, the Town may require noise abatement practices including the following conditions:
- a) a requirement that snow not be removed between the hours of 12:00 a.m. and 6:00 a.m.; or
 - b) a requirement that snow be removed from sites in a sequence which is least disruptive to the peace and quiet of residents.

7. GRAFFITI

- 7.1 No person shall place any graffiti or cause it to be placed on any property.
- 7.2 Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view within seven days.
- 7.3 A property owner, who breaches the provisions of Section 7.2, where, following the issuance of and failure to comply with an Order under section 545 of the *Municipal Government Act*, shall be liable to payment of a penalty as prescribed in Schedule "A".
- 7.4 In prosecution for an offence under this Section, the consent of the property owner of any premises to place graffiti shall not be a defence under this bylaw.

8. CONSTRUCTION WASTE

- 8.1 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.
- 8.2 A waste container on a construction site must be designed and/or have the capacity to contain all waste construction material within the container to ensure that the waste construction material is not capable of blowing off the construction site.
- 8.3 No construction material is to be stored or accumulated on a construction site unless it is not capable of being blown away from the construction site.

9. REPAIR OF MOTOR VEHICLES

- 9.1 For the purposes of this section "motor vehicles" means:
- a) a vehicle propelled by any power other than muscular power, or
 - b) a moped, or
 - c) off highway vehicles as defined by the Traffic Safety Act RSA 2000 Chapter T-6 Section 117, and
 - d) includes, but is not limited to, the repair of any internal combustion engine.
- 9.2 No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a motor vehicle, on any premises in a residential district unless:
- a) the activity does not create a nuisance or noise complaints from the neighbourhood;
 - b) there is no escape of offensive, annoying or noxious odours, fumes or smoke from the premises;
 - c) vehicle fluids, oil, gasoline products or other hazardous material are properly disposed of and not swept or washed into lanes, streets, or down storm or sanitary sewers;
 - d) all discarded vehicle parts and materials are properly stored and disposed of from the premises; and
 - e) no power washing of motor or power train is performed on the premises.
- 9.3 This prohibition shall not apply to routine maintenance work done on any vehicles owned, operated and registered in the name of the owner or occupant of the premises, provided that all building and fire code regulations are met.

10. LITTERING

- 10.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Town property, including any street, lane, sidewalk, parking lot, park or other public place or water course:
- a) a cardboard or wooden box, carton, container, or receptacle of any kind;
 - b) a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionary;
 - c) paper of any kind, whether or not containing written or printed matter thereon;
 - d) any human, animal or vegetable matter or waste;
 - e) any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
 - f) scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts there from;
 - g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place, or
 - h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
- 10.2 A person who has placed, deposited or thrown or caused to be placed, deposited or thrown anything or any matter mentioned in subsection 11.1 shall forthwith remove it.

11. SPITTING/HUMAN WASTE

- 11.1 No person shall urinate or deposit human waste in any public place or in view of a public place, other than in a public washroom.
- 11.2 No person shall spit at or on any person in or near a public place.

12. FLYERS ON VEHICLES

- 12.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown onto or into any motor vehicle, which is parked on any street, lane, parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any other paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or violation tag issued pursuant to lawful authority.

13. FIGHTING/LOITERING

- 13.1 No person shall engage in a fight or any physical confrontation in any public place or any place to which the public is allowed access.
- 13.2 No person shall be a member of an assembly of three or more persons in any public place or any place to which the public is allowed access where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighbourhood, and any such person shall disperse as requested by a Peace Officer.
- 13.3 No person shall loiter and thereby obstruct any person in any public place.

14. BULLYING

- 14.1 No person shall bully any person in any public place.
- 14.2 No person shall participate in, or encourage by verbal or other means, the bullying of any person in any public place.

15. PANHANDLING

15.1 No person shall engage in panhandling, either individually or as a group of two or more persons.

16 CURFEW

16.1 No youth may be in a public place after 12:01 am and before 6:00 am without proper adult guardianship.

16.2 Where a youth is found in contravention of this bylaw, the guardian will be held responsible for the offence.

17 PENALTIES

17.1 Any person who contravenes any section of this Bylaw is guilty of an offence and liable to:

- a) payment of the penalty specified in Schedule "A" hereto; or
- b) for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000.00.

18 VIOLATION TAGS AND VIOLATION TICKETS

18.1 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:

- a) a violation tag allowing a payment of the specified penalty to the Town; or
- b) a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedures Act*.

18.2 Service of a violation tag will be sufficient if it is:

- a) personally served; or
- b) served by regular mail to the person's last known mailing address.

18.3 If a violation ticket is issued in respect to 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.

18.4 A person who commits an offence may:

- a) if a violation ticket is issued in respect of the offence; and
- b) if the violation ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

19 ORDER

19.1 An officer designated by the CAO may, by written order, require a person responsible for the contravention to remedy the contravention.

19.2 The written order shall:

- a) state a time within which the owner must comply with the order, and
- b) state that if the owner does not comply with the order within a specified time, the Town will take the action or measure at the expense of the owner.

19.3 The Town may, in respect of an order, register a caveat under the Land Titles Act against the certificate of title for the land that is the subject of the order.

20 AUTHORITY TO REMOVE

21.1 The CAO may authorize any Town employee, or other person, to remove and put in storage or destroy anything placed upon Town property in contravention of this Bylaw.

21 SEVERABILITY

21.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

22 EFFECTIVE DATE

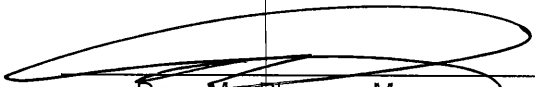
22.1 This bylaw shall take effect on the date of final passage.

22.2 Bylaw #1546 and Bylaw #1134 are hereby repealed.

Read a first time in Council this **9th** day of **October** 2018 A.D.

Read a second time in Council this **22nd** day of **October** 2018 A.D.

Read a third time in Council and finally passed in Council this **22nd** day of **October** 2018 A.D.


Doug MacPherson, Mayor


Marian Carlson, Chief Administrative Officer

Schedule "A"

Section	Description	Offence	Minimum Fine
3.1	Make Noise	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$250.00 \$500.00 \$1,000.00
3.2	Permit Noise	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$250.00 \$500.00 \$1,000.00
3.4	Yelling, Swearing, or Screaming	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$150.00 \$250.00 \$500.00
3.5	Advertise with Bells, etc.	1 st offence 2 nd offence within 1 year 3 rd and subsequent offences within 1 year	\$100.00 \$200.00 \$400.00
3.6	Drinking Establishment Noise	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$500.00 \$1,000.00 \$1,500.00
4.2 or 5.1	Industrial or Construction Noise	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$500.00 \$1,000.00 \$1,500.00
7.1	Placing Graffiti on Property by an adult*	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within a year	\$2,500.00 \$5,000.00 \$7,500.00
7.1	Placing Graffiti on Property by a youth*	1 st and subsequent offences within 1 year.	\$1,000.00

Section	Description	Offence	Minimum Fine
7.2	Failure to Remove Graffiti	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$250.00 \$500.00 \$1,000.00
7.3	Failure to comply with Graffiti Order	Offence per day, each day after the breach	\$250.00
8.1, 8.2, 8.3	Failure to contain Construction Waste/Material	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$500.00 \$750.00 \$1,000.00
9.2	Repair of Motor Vehicles in Residential District	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$500.00 \$750.00 \$1,000.00
10.1	Littering	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$250.00 \$500.00 \$1,000.00
10.2	Fail to remove Litter	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences	\$250.00 \$500.00 \$1,000.00
11.1	Depositing Human Waste in a Public Place	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$250.00 \$500.00 \$1,000.00
11.2	Spitting	1 st Offence 2 nd and subsequent offences	\$250.00 \$500.00
12.1	Placing Flyers on Motor Vehicles	1 st and subsequent offences within 1 year.	\$150.00

Section	Description	Offence	Minimum Fine
13.1	Fighting in a Public Place	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$500.00 \$750.00 \$1,000.00
13.2	Being a Member of an Assembly failing to disperse as directed by a Peace Officer	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$250.00 \$500.00 \$750.00
13.3	Loitering	1 st Offence 2 nd Offence within 1 year 3 rd and subsequent offences within 1 year	\$250.00 \$500.00 \$750.00
14.1, 14.2	Bullying	1 st Offence by an adult* 2 nd and subsequent offences	\$500.00 \$1,000.00
14.1, 14.2	Bullying	1 st Offence by a youth* 2 nd and subsequent offences	\$125.00 \$250.00
15.1	Panhandling	1 st Offence 2 nd Offence 3 rd and subsequent offences	\$75.00 \$150.00 \$300.00
17.1, 17.2	Curfew	1 st and subsequent offences within a year by a youth* Offence charged to the legal guardian.	\$200.00