

BYLAW 788

VILLAGE OF CARMANGAY

BEING a Bylaw of the Village of Carmangay in the Province in Alberta to ensure neighborhood safety and livability and regulate various nuisances.

WHEREAS under the delegation of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, (M-26), the *Safety Codes Act*, Chapter S-1, and the *Traffic Safety Act*, being *Revised Statutes of Alberta 2000, Chapter T-6*, Village council may pass a bylaw in relation to:

- a) The health and welfare of people, in addition to protection of people and property;
- b) Regulation of nuisances, including untidy to unsightly private and public premises to ensure that the Village remains a desirable place to live;
- c) Oversight of activities that occur in a public space;
- d) Oversight that minimum maintenance standards are present for overall well-being and viability of the Village;
- e) Options for unsightly, unsafe, or derelict buildings and public structures; and
- f) Abating, eliminating, or limiting objectionable noise.

AND WHEREAS this Bylaw will rescind and replace Bylaws 698 Traffic Bylaw and Bylaw 667 Unsightly Premises;

NOW THEREFORE, the Council of the Village of Carmangay, in the Province of Alberta, duly assembled, enacts as follows:

Part 1: Purpose, Definitions, and Interpretations

Bylaw Title:

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

Definitions:

2. In this Bylaw, unless otherwise stated:
 - a. "Adult offender" means any individual contravening a Village bylaw whom is over the age is eighteen (18) or older;
 - b. "Boulevard" means that portion of a street which lies between the roadway and the front property line of the land abutting said street;
 - c. "Chief Administrative Officer" refers to the person designated by Council to oversee administrative work in the Village;
 - d. "Council" means the Village Council of Carmangay, an elected body to represent the Village citizens and their interests in respect to administration of the Village;
 - e. "Construction Equipment" includes all equipment commonly used in construction, including but not limited to, a concrete mixer; gravel crusher; steam shovel; trenching machine; dragline; backhoe; air or steam compressor; jack hammer; drill; bulldozer; or machinery of a noisy nature utilized in the construction field;
 - f. "Community Peace Officer" refers to the Village of Carmangay's hired bylaw enforcement authority, whom will be responsible for bylaw enforcement and oversight in adherence with the village administration;
 - g. "Construction" means the temporary process of erecting or demolishing any structure, including repairing or improving a structure that already exists, including landscaping; home repair; property improvement; and any work in relation to the above processes;
 - h. "Continuous noise" means any sound level that occurs:
 - i. for a continuous duration of three minutes or;
 - ii. sporadically for a total of more than three minutes, or in any continuous 15-minute time period.
 - i. "Council" means the Council of the Village of Carmangay;
 - j. "Daytime Hours" means the hours after 8 AM (0800 hours) until, but no later than, 11 PM (2300 hours);
 - k. "Development Officer" means a Development Officer, or designate, for the Village and whatever subsequent title may be conferred on that officer by Council or statute;

- l. "Holiday" means any day declared as such by Municipal, Provincial, or Federal authority and includes Sundays.
- m. "Industrial Park" refers to the newly built industrial zone, as per Bylaw 2016-004 and in accordance with the current Land Use Bylaw;
- n. "Land Use Bylaw" refers to the municipal Land Use Bylaw currently in force, as amended, repealed, or replaced from time to time;
- o. "Motor vehicle" means any motor vehicle as defined in the *Traffic Safety Act* as amended, repealed, or replaced from time to time;
- p. "Municipal Tag" is an order to comply;
- q. "Non-residential development" means any land or building that is not in a residential development;
- r. "Nighttime hours" refer to the period of time between and 11PM (2300hrs) and 8AM (0700hrs);
- s. "Nuisance" refers to any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, troublesome, or destructive; harmful or inconvenient to another Person and her Property;
- t. "Premises" includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;
- u. "Public Place" means any property, whether publicly or privately owned, to which members of the public have access as of right or by explicit/implicit invitation, regardless of fee payment or not;
- v. "Public Property" is property belonging to the Village, or another organization in which the general public may have access to;
- w. "Private Property" means a parcel of land, including any buildings, owned by an individual citizen;
- x. "Reasonable Person" refers to the Reasonable Person Standard, a legal term that helps to define the scope of negligence. By using "Reasonable Person", we mean to define the measure of care (the measure in which one exercises caution or awareness for communal or individual safety) that a reasonable person would have done under the circumstances of a situation. This can apply to, for example, noise disputes; unsightly premises; etc.
- y. "Sound level" means that sound pressure measured in decibels (dBA);
- z. "Street Furniture" includes items such as poles, traffic signs, receptacles, benches, bus enclosures, trees, plants, grass, utilities, planters, bicycle racks, or similar structures in a Public Place;
- aa. "Weekday" refers to Monday through Friday, inclusive unless it falls on a holiday;

- bb. "Youth Offender" refers to any individual contravening a Village bylaw between the age of twelve (12) and seventeen (17);
- cc. "Village" refers to the municipal corporation of the Village of Carmangay and the geographical boundaries within.

3. Rules of Interpretation

- a. The owner and / or lessee of any property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property.
- b. Nothing in this Bylaw relieves an individual from compliance with federal or provincial law or regulation;
- c. Council may direct rectification to the Community Peace Officer of an unsightly premise to the owner, lessee, or occupier of a property to take whatever measure necessary, or to ensure the abatement of nuisance. This may include giving warnings, fines, or if necessary, entering the property;
- d. Any reference to the provisions of a statute of Alberta is a reference to that statute, and may be amended from time to time;
- e. All schedules attached to this Bylaw shall form part of this Bylaw.

Part 2: Remedial Orders

4. (1) Every Remedial order written with respect to this Bylaw must:
- a. indicate to whom it is directed;
 - b. identify the property by municipal address or legal description, to which the Order is being related to;
 - c. identify the date and time that it is issued;
 - d. identify how the Premises fails to comply with this or another bylaw;
 - e. identify the provisions written in the Bylaw that the Premises contravenes;
 - f. identify the nature of the remedial action to be taken, to rectify the failure, and bring the Premises into compliance;
 - g. identify the time span by which remedying must be completed by (in most cases, a grace period – as per the designation of the Community Peace Officer – will be rewarded);
 - h. identify that if not completed within the time span, that the Village Council has discretion to determine whatever action or measures necessary for prevention of further occurrence;

- i. indicate any expenses to the municipality in completing the remedial action in this section, and state an amount owing to the Village by the Person whom the order is directed;
 - j. indicate that expenses and costs referred to in this section will be attached to the tax roll of the property if such costs are not paid by a specified time;
 - k. indicate that an appeal is possible in the Remedial Order, to Council, if the recipient is aggrieved, but must be filed in writing with the Municipal Clerk within ten (10) days of the receipt of the Remedial Order.
 - l. Council will consider the appeal at its next regular council meeting after the appeal has been received.
- (2) Every Remedial order issued pursuant to this Bylaw may be served in the case of either an owner of a property or manager of a business/building:
- a. by delivering it personally;
 - b. by leaving it for the individual at their place of residence, or with someone who appears to be at least eighteen (18) years of age;
 - c. delivering by registered mail to place of residence;
 - d. by delivering it by registered mail to the last address or the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta.
- (3) If, in the opinion of the individual delivering the Remedial Order, service of the Order cannot be properly completed, or if the Person serving the Remedial Order believes that the owner of the Premises is evading service, the Person serving may post the Order:
- a. at a conspicuous place on the Premises to which the Remedial Order relates;
 - b. at the private dwelling residence of the owner of the Premises to which the Remedial Order relates, as indicated by certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll;
 - c. at any other property owned by the owner of the Premises to which the Remedial Order relates, as indicated by certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll.

Part 3: Enforcement

- 5. Where a Community Peace Officer believes on reasonable and probable grounds that a Person, owner, or occupant has contravened any provision of this Bylaw, the Peace

Officer may issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act RSA 2000 c. P-24*. The specified penalty for each offence will not be less than Two Hundred Fifty Dollars (\$250.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00)

- a. Penalties will be determined by the attached "Schedule A" based on their nature and level of contravention to this Bylaw.
6. A Community Peace Officer hereby authorized and empowered to issue a Municipal Tag to any Person in which he/she reasonably believes to have contravened the Bylaw. The Municipal Tag will be approved by the Chief Administrative Officer, and will be delivered in any of the specified, appropriated forms of notification.
7. A Community Peace Officer has the ability to issue a Violation Ticket if the Municipal Tag goes unpaid within the specified time frame, which has a heightened fine amount.

Part 4: Public Behaviors and Nuisances

Littering:

8. A Person shall not have refuse in a public place except in the receptacles that are intended for such use;
 - a. For the purpose of this part "Refuse" means:
 - i. rubbish, garbage, waste materials, paper, packages, containers, bottles, cans or parts thereof;
 - ii. any article, product, machinery, motor vehicle, building material or manufactured goods;
 - iii. trees, shrubs, sewage, straw, hay, soil, gravel, rock, animal carcasses, or any material considered foreign to a Highway or public land.

Dangerous Action:

9. A Person shall not throw, propel, or in some other way exert force in this way, in a public place that may cause injury to another person or damage to the Property. If the offender is a youth or a young child, then the parents or guardians of said child will be responsible for penalties incurred.

Street Furniture:

10. A person shall not jump on, overturn, alter, deface, damage, or in any other way destroy or tamper with Street Furniture.

Graffiti:

11. No Person shall partake in graffitiing, that is, spray painting, or in other ways defacing, a public property.

Part 5: Property Maintenance and Untidy Properties

Nuisance on Property

Scope: This part applies to Premises and vacant lots in residential areas and non-residential areas, but does not apply to industrial areas.

12. (1) A Person shall not cause or permit a nuisance to exist on Property they own or occupy. Occupancy will include temporary visitation to someone's Property, or tenants renting an individual's Property.
- (2) A Nuisance in this regard means Property that has disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, which includes:
 - a. accumulation of any material that creates unpleasant odors; any material likely to attract pests; any material such as appliances, household goods, boxes, tires, vehicle parts; or animal remains, parts of animal remains, or animal feces.
 - b. accumulation of any material that is visible to a Person viewing from outside the property, such as any appliances, household goods, boxes, tires, vehicle parts, yard waste;
 - c. any loose litter, garbage, or construction debris or refuse when located in a storage area or elsewhere on the land;
 - d. damaged, dismantled, or derelict Motor Vehicles or trailers;
 - e. grass higher than 15 centimeters (6");
 - f. excessive weeds, including the spreading of non-noxious weeds, as per *the Weed Control Act, Chapter W-5.1* as amended from time to time;
 - a. this also includes noxious weeds, in which would have to be destroyed or controlled as per the Community Peace Officer's discretion.
 - g. activities on said Property that exhume smoke, dust, or other airborne matters that may cause a disturbance to others;
 - h. any tree, shrub, or other type of vegetation that interferes or could interfere with any Public Work or Utility; obstructs the Sidewalk adjacent to the Property; impairs the visibility required for safe traffic flow; that has any rot or deterioration.
- (3) An owner or occupier of a Property shall ensure that all building materials stored are done so in an orderly manner, stacked or stored;

- (4) Despite anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on Premises for basic property maintenance;
- (5) Exterior rot or damage will be subject to fine or municipal tag, such as peeling; unpainted or untreated surfaces; missing shingles, siding, windows, or doors; any hole or opening in the Building to the discretion of the Community Peace Officer;
- (6) Any roof or awning that extends over a Sidewalk from a Building is the responsibility of the owner, lessee, or occupant, and must be kept free of snow and ice;
- (7) Derelict or dangerous buildings for occupancy may be subject to review by the Village administration under the *Municipal Government Act*, Section 546.
- (8) This subsection does not apply to:
 - a. Animal remains that may result due to licensed hunting. The Village just asks that the animal carcasses be stored out of public eye, and kept in a sanitary matter to eliminate the possibility of objectionable odor.
- (9) Limit of one unregistered vehicle stored externally per property.

Sidewalks

- 13. (1) A Person shall remove snow and ice from any Sidewalk adjacent to the Property, as to ensure the safety of the Public, within forty-eight (48) hours that the snow or ice has fallen;
- (2) If a Person fails to comply with subsection (1), the Village may arrange to have the Sidewalk cleared at the expense of the Property owner, lessee, or occupant. This shall be paid upon demand, and if not, added to the tax roll of the adjacent Property.

Part 5: Noise Control

Prohibited Noise and Noise from Vehicles on Premises

- 14. (1) A Person shall not cause, make, or permit any noise that would disturb or annoy a reasonable person;
- (2) A Person shall not cause, make, or permit any continued noise which emanates from the Premises and which would disturb or annoy a reasonable person;

(3) No Person shall permit a vehicle located on a Premise to emit noise that would disturb or annoy a reasonable person, no shall any owner or occupier of a Premise permit a vehicle located to emit noise which emanates from that Premises, including noise from excessive or continuous engine revving, stereo, or other amplification equipment in the car as under delegation of Section 13 under the *Traffic Safety Act*.

(4) No Person shall operate an off-highway or unlicensed vehicle that causes excessive, disruptive, or continuous noise within the Village as under the delegation of Section 13 under the *Traffic Safety Act*.¹

(5) No Person shall cause any non-essential noise between 2200hrs of one day and 0700hrs of the next day, or between 2200hrs of one day and 1200hrs of the next day if that next day is Sunday.

Residential Areas: Noise Prohibitions

Daytime Decibel Limit – Residential

(1) A person shall not cause or permit any sound exceeding 70 dBA as measured at the property line of a property zoned for residential use, between between 8AM and 10PM.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 70 dBA, as measured at the property line of a property zoned for residential use, between 8AM and 10PM.

(3) This section does not apply to sounds up to:

- a. 75 dBA lasting a total period of time not exceeding two hours in any one day;
- b. 80 dBA lasting a total period of time not exceeding one hour at any one day;
- c. 85 dBA lasting a total period of time not exceeding 30 minutes of any one day; or
- d. 90 dBA lasting a total period of time not exceeding 15 minutes in one day.

¹ The Village of Carmangay understand that individuals within the community must get from point A to point B, and that sometimes these vehicles can be noisy. The Village merely asks that excessive noise be avoided or intentionally making noise to disturb others.

(3) This bylaw does not apply to persons using air conditioning and cooling units in either domestic or commercial use if the units are properly maintained and are operated in a normal manner.

Overnight Decibel Level – Residential

(4) A person shall not cause or permit any sound exceeding 55 dBA as measured at the property line of a property zoned for use as residential, before 7AM or after 11PM.

(5) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 55 dBA, as measured at the property line of a property zoned for use as residential, before 7AM and after 11PM.

(6) This section does not apply to:

- a. Sound levels between 60 and 70 dBA that do not exceed an hour of the nighttime hours.

Noise Prohibitions – Non Residential

Daytime Decibel Limit – Non Residential

(1) A person shall not cause or permit any sound exceeding 80 dBA, as measured at the property line of a property zoned for use other than residential, between 7AM and 11PM.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 80 dBA, as measured at the property line of a property zoned for use other than residential between 7AM and 11PM.

(3) This section does not apply to sounds up to:

- a. 85 dBA lasting for a total period of time not exceeding two hours in any one day;
- b. 90 dBA lasting for a total period of time not exceeding one hour in any one day.

Overnight Decibel Level – Non Residential

(1) A person shall not cause or permit any sound exceeding 75 dBA, as measured at the property line of a property zoned for use other than residential, between 7AM and 10PM.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 75 dBA, as measured at the property line of a property zoned for use other than residential between 7AM and 10PM.

(3) This section does not apply to:

- a. 80 dB(A) lasting for a total period of time not exceeding two hours in any one day; or

- b. 85 dB(A) lasting for a total period of time not exceeding one hour in any one day.
- (4) Generally, this bylaw does not apply to these situations:
- a. Persons starting or operating motor vehicles intermittently;
 - b. The operator of a motor vehicle that does not allow the vehicle to warm up for a time longer than the minimum time specified by the engine manufacturer (generally 20-25 minutes);
 - c. The operator of said motor vehicle operates said vehicle as quietly as possible;
 - d. The operator of said vehicle uses a route out of Village that will have minimum impact on Village residents;
 - e. To work carried out in the Village or by its agents, contractors, or employees, acting within the scope of their employment or contract;
 - f. Been approved discretionary use within Districts and under the Land Use Bylaw;
 - g. Despite the above restrictions, a person may operate a snow clearing device powered by an engine for the purpose of commercial or non-commercial removal of snow and ice from public spaces (streets, parking lots, sidewalks) during the 48-hour period following a snowfall, rain or freezing rain, subject to the right of the Chief Administrative Officer or other designated authority.

(5) In the case where a resident has an issue with a motor vehicle contravening on the noise section of this bylaw, the complainant can file a receipt or written complaint that clearly explains why the complainant feels aggrieved. In this case, the Village may:

- a. demand that the owner or operator of said vehicle provide documentation from a source certified to provide such documentation that the sound suppression system on said vehicle is installed, maintained and functioning within specifications determined by the Province of Alberta, and/or
- b. specify the route to be taken by the operator of said vehicle in leaving the Village.

Part 6: Traffic and Parking

15. This subsection is meant to regulate and organize public parking within the village as designated and in accordance with the *Traffic Safety Act*, Section 13, Division 3. It is under the municipality's jurisdiction to govern the parking of vehicles within the village; establishment of parking places; defining noise in connection with a motor vehicle, including what is objectionable noise, the

measuring of that noise, or prohibiting use or operation of a vehicle if it is considered to be making objectionable noise; restricting weight of vehicles; designating routes for different classes of vehicles; and, prescribing penalties for contravention of bylaws in accordance with the *Traffic Safety Act* as amended from time to time.

The Village of Carmangay enforces, in alignment with provincial legislation as permitted in whole, or in part, enacts the following measures to ensure traffic safety and parking accessibility:

- 1) No vehicles larger than one tonne trucks to be parked on Main Street, or any other residentially zoned area;
- 2) Parked vehicles on public streets – specifically Main Street – must be on the proper side of the street, aligning with traffic flow direction;
- 3) Parked vehicles cannot remain ***parked on public streets*** for longer than 48 consecutive hours;

Part 7: Outdoor Fires

16. **(1) Scope:** Excepting when a fire is permitted by bylaw or some other acceptance, then no Person shall burn, or allow to be burned, a fire on a Premises that does not comply with the requirements of this bylaw.
 - (2) All fires must be supervised, and must ensure that the fire never goes unsupervised at any time. Every person who ignites or permits fire on a property must ensure it is supervised.
 - (4) All fires must not exceed one metre in height at any time.
 - (5) Any individual who builds a fire in a permitted receptacle – i.e., a fire pit or fire place – must have means of extinguishment on hands at all times while the fire is burning.
 - (6) Outdoor fires must be contained within a steel, concrete, or brick fire ring or factory built outdoor fireplace.

(7) No Person shall burn, at any time, on any Premises, any refuse, waste, junk, garbage, structures, debris or other noxious substance(s) within the boundaries of the Village.

(7) Fires are hereby prohibited during the hours of 12AM and 8AM on any Monday through Friday, or; between 1AM and 9AM on a Saturday or Sunday.

(8) If a regional, provincial, or local fire ban is in place, then that ban must be adhered to for the safety of the community to avoid risk of the fire becoming a running fire.

a. If a fire contravenes during a Fire Ban, then the owner or occupier of the land, or the person having control of the land in which the fire is lit, shall extinguish the fire immediately, or report to the Fire Department as soon as possible.

(9) This subsection does not apply to:

a. Indoor wood burning stoves, or other indoor fire receptacles.

17. (1) If an authority of the Village – specifically the Fire Chief, or someone designated by the Chief Administrative Officer and trained in Emergency Management – determines grass or any other vegetation to pose a fire hazard on a property, then that individual may request to the Village to place a remedial order on the property to abate the hazard.

(2) Appeals to notices in this subsection may be requested to be heard by Council at the next subsequent meeting, if there are appropriate measures taken to file the appeal (seen under Part 2: Remedial Orders of this Bylaw).

18. This Bylaw will come into force on April 30, 2020.

19. Upon coming into force of this Bylaw, Bylaws

a. 698: Traffic Bylaw

b. 667: Unsightly Bylaw shall be rescinded.

Received first reading this 21st day of August 2019

Stacey Hovde, Mayor

Patrick Bergen, CAO

Received second reading this 17th day of September 2019

Stacey Hovde, Mayor

Patrick Bergen, CAO

Received third reading and finally passed this 30th day of April 2020

Stacey Hovde, Mayor

Patrick Bergen, CAO

SCHEDULE "A"
FINES AND PENALTIES

Offence	Section	First Offence Penalty (Minimum)	Second Offence Penalty	Third and Subsequent Offence Penalty (Maximum)
Failure to comply with remedial order	Part 2: 4 (1)	175.00	200.00	500.00
Unightly property/failure to comply with Property Maintenance	Pertinent to all under Part 4: 14 (2)	250.00	350.00	500.00**
Building, structure, or improvement in unreasonable or dangerous state	Part 4: 14 (8)	250.00	350.00	600.00
Accumulation of harmful material	Part 4: 14 (2a, b)	250.00	350.00	500.00
Prohibited or non-complying fire	Part 6: 21	300.00	375.00	600.00
Unsupervised fire	Part 6: 21	300.00	375.00	600.00
Outdoor fire when prohibited	Part 6: 21	300.00	375.00	600.00
Using a Fire to burn material that will produce	Part 6: 21	300.00	375.00	600.00

smoke or toxic materials				
Allowing Fire to become a Running Fire	Part 6: 21	400.00	475.00	700.00
Person applying Graffiti	Part 3: 13	50.00	75.00	100.00
Noise which disturbs a Person	Part 5	125.00	150.00	200.00
Continuous Sound in excess of prescribed Sound Level	Part 5: 17 (3-4)	125.00	150.00	200.00
Non-Continuous Sound in excess of	Part 5: 17 (3-4)	125.00	150.00	200.00
Owner or occupant permitting noise emanating from their property which disturbs the peace	Part 5	125.00	150.00	200.00
Idle vehicle more than 20 minutes in a residential area, or allow a vehicle to disturb the peace in another way	Part 5: 19	125.00	150.00	200.00

Use of engine retarder brakes	Part 5: 18	125.00	150.00	200.00
Parking Violations (Wrong side of street; leaving vehicle unattended for longer than 48 hours).	Part 6: 2-4	75.00	100.00	200.00
Violent disruption of a Person (fighting)	Part 3: 12	100.00	125.00	150.00
Urination or defecation	Part 3: 9	125.00	200.00	350.00
Removing, damaging, or defacing public property (Street Furniture)	Part 3: 11	125.00	200.00	350.00
Littering	Part 3: 8	125.00	200.00	350.00C