

**BYLAW NO. 1475
CONSOLIDATED FOR CONVENIENCE ONLY
AMENDING BYLAW 1475-1 OCTOBER 9, 2018**

**OF THE TOWN OF WHITECOURT IN THE PROVINCE OF ALBERTA
TO REGULATE COMMUNITY STANDARDS WITH RESPECT TO PUBLIC AND PRIVATE PROPERTY**

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M26, as amended, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and protection of people and property.

WHEREAS the Municipal Government Act, RSA 2000, c. M26, authorizes a municipality to pass bylaws respecting nuisances, including unsightly premises.

AND WHEREAS the Municipal Government Act, RSA 2000, c. M26, authorizes a municipality to pass bylaws respecting the enforcement of bylaws made under the MGA or any other enactment.

NOW THEREFORE the Council of the Town of Whitecourt, duly assembled, hereby enacts as follows:

1. PURPOSE

- 1.1 This Bylaw shall be called the "Community Standards Bylaw."
- 1.2 To regulate community nuisance, safety and livability issues for the benefit of all citizens of the Town.

2. DEFINITIONS

2.1 In this Bylaw, the following definitions shall apply:

- a. **Cannabis** has the same meaning as defined in the Cannabis Act.
- b. **Cannabis Act** means Bill C-45, an Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.
- c. **Chief Administrative Officer (CAO)** means the person appointed to the position of Chief Administrative Officer, or their designate, for the Town of Whitecourt by Council within the meaning of the Municipal Government Act.
- d. **Consume** where used as a verb in respect of cannabis, includes smoke, vape, apply, inhale or ingest.
- e. **Council** means the municipal Council of the Town of Whitecourt duly elected under the Local Authorities Election Act.
- f. **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.
- g. **Excessive** means exceeding what is usual, necessary or proper.
- h. **Minor** means a person who is under 18 years of age.
- i. **Motor Vehicle** has the same meaning as in the *Traffic Safety Act*.
- j. **Nuisance** means any use of or activity upon any property which in the opinion of the CAO is dangerous to health, or has or may have a detrimental impact upon any person or other property in the neighbourhood, or which creates an unreasonable interference with the use or enjoyment of other property.
- k. **Occupy, occupies or occupant** means residing on or to be in apparent possession or control of property.
- l. **Own or owns** means:
 - a. in the case of land, to be registered under the Land Titles Act as the owner of the fee simple estate in a parcel of land; or
 - b. in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it.
- m. **Park** means any public place owned by the Town that is used for community or personal activities, and includes, but is not limited to, regional and neighbourhood parks, picnic areas, playgrounds, and landscaped areas. Examples include Centennial Park, Harold's Hollow, Park Circle, Forest Interpretive Centre, Riverboat Park, etc.
- n. **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 to enforce bylaws of the Town;
- o. **Pedestrian Walkway** means any developed walking and biking paths owned by the Town.
- p. **Person** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- q. **Property** means a parcel of land including any improvements.
- r. **Public Place** means any place to which the public has access as of right or by invitation, express or implied.
- s. **Recreation Facility** means any property owned by the Town that is used for indoor or outdoor sports and recreational activities, and includes, but is not limited to, swimming pools, ice and curling rinks, gymnasiums, tennis courts, and athletic fields. Examples include the Allan & Jean Millar Centre, Carlan Services Community Resource Centre, EastLink Park, Scott Safety Centre, etc.
- t. **Residence** means a place used by a person as a permanent private dwelling or a temporary residence, including any structure or land adjacent to the private dwelling or temporary residence that is used for the convenience or enjoyment of the occupants of the dwelling.
- u. **Road Right of Way** means all developed and undeveloped roads and right of way controlled by the Town.
- v. **Sidewalk** means that part of the highway especially adapted to the use 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.
- w. **Smoke or Smoking** means:
 - a. inhaling or exhaling the smoke produced by burning cannabis; or
 - b. holding or otherwise having control of any device or thing containing lit cannabis.
- x. **Temporary Residence** means:
 - a. a place that is used by a traveller in respect of which the traveller pays a fee;
 - b. a tent that is set up in an area where overnight camping is legally permitted; and
 - c. a motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is legally permitted.
- y. **Town** means the Town of Whitecourt.
- z. **Use** with respect to Electronic Smoking Device, means to inhale or exhale vapour from an Electronic Smoking Device or hold an activated Electronic Smoking Device.
- aa. **Vape or Vaping** means:
 - i. inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis; or
 - ii. holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis.
- bb. **Violation Tag** means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw.
- cc. **Violation Ticket** means a ticket issued pursuant to Part 2 or Part 3 of the Provincial Offences Procedures Act, Revised Statutes of Alberta 2000, Chapter P-34 and any amendments or regulations thereto.

3. NUISANCE, UNSIGHTLY PREMISES

- 3.1 No person shall cause, undertake to cause, or permit a Nuisance, which for the purposes of this Bylaw includes any use of or activity upon any private property which is offensive or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes the following:
 - a. the failure to cut grass, weeds, shrubs, trees or other landscaping features incidental to a landscaped area;
 - b. the failure to maintain grass, weeds, shrubs, trees or other landscaping features incidental to an approved landscaped area in a commercial, industrial, institutional, government or multi-family development;

- c. the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk roadway clearance;
 - d. the accumulation of any material that creates unpleasant odours, any material that attracts pests or any animal remains, parts of the animal remains or animal feces;
 - e. the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, part of disassembled machinery, equipment or appliances, motor vehicle parts and storage of inoperable, damaged, dismantled or derelict motor vehicles;
 - f. siding and/or exterior finish of a primary or accessory building that is incomplete or has fallen into a state of disrepair;
 - g. the failure to maintain a primary building, an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
 - h. the parking of vehicles in a front yard, other than in a driveway, unless it is for a temporary purpose such as the loading or unloading of a vehicle, for a time period not to exceed eight hours;
 - i.
 - A) no person may 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 site in a residential district, unless otherwise permitted under the Land Use Bylaw.
 - B) 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 premises, provided that:
 - i. the work is done in a garage that is capable of having the doors and windows closed;
 - ii. the activity does not create a nuisance or noise complaints from the neighbourhood;
 - iii. there is no escape of offensive, annoying or noxious odors, fumes or smoke from the site;
 - iv. vehicle fluids oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
 - v. all discarded vehicle parts and materials are properly stored and disposed of from the site;
 - vi. no power washing of motor or power train is performed on the site;
 - vii. all building and fire code regulations are met.
- 3.2 No person shall cause or permit or undertake any activity upon any municipal or other public property, which is nuisance.
- 3.3 If a condition of land or premises within the Town fails to comply with Section 3.1 of this Bylaw, and if the owner, agent, lessee or occupier concerned does not remedy the condition within a time specified:
- a. the Chief Administrative Officer (CAO) or their delegate may cause such work to be done as he considers necessary to remedy the condition;
 - b. the cost of the work done may be charged to the owner of the property, and in default of payment, the cost may be:
 - i. recovered as a debt due the municipality; or
 - ii. charged against the land concerned as taxes due and owing on that land and the municipality may recover the costs as such.

4. CONSTRUCTION WASTE

- 4.1
 - a. Each construction or renovation 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.
 - b. No loose construction material is to be stored or accumulated on a construction site unless it is not capable of being blown around the construction site.

5. NOISE

- 5.1 No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
- 5.2 No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person.
- 5.3 No person shall operate any powered yard maintenance equipment in any area designated as a residential district between the hours of:

- a. 10:00 p.m. and 7:00 a.m. of the next morning on weekdays; or
 - b. 9:00 p.m. and 7:00 a.m. of the next morning on weekdays throughout the months of April, May and June;
 - c. 10:00 p.m. and 9:00 a.m. of the next morning when the next morning is a Saturday or Sunday or statutory holiday.
- 5.4 No person shall operate, in any area designated as a residential district, a motorized model aircraft of any description during the hours of:
- a. 10:00 p.m. and 7:00 a.m. of the next morning on weekdays; or
 - b. 9:00 p.m. and 7:00 a.m. of the next morning on weekdays throughout the months of April, May and June;
 - c. 10:00 p.m. and 9:00 a.m. of the next morning when the next morning is a Saturday or Sunday or statutory holiday.
- 5.5 No person shall operate a snow-clearing device powered by an engine of any type in any area designated as a residential district between the hours of:
- a. 10:00 p.m. and 6:00 a.m. of the next morning on weekdays or Saturdays; or
 - b. 10:00 p.m. and 9:00 a.m. of the next morning when the next morning is a Sunday or statutory holiday.
- 5.6 No person may activate or apply engine retarder brakes in the Town of Whitecourt except Town of Whitecourt emergency services vehicles in the course of or responding to an emergency situation or to train drivers in the use of retarder brakes.

6. CONSTRUCTION/INDUSTRIAL NOISE

- 6.1 Unless permission from the Development Officer of the Town of Whitecourt for such operation is first obtained, no person shall carry on the construction of any type of structure which involves hammering, sawing, or the use of any mechanical tools or equipment capable of creating a sound which may be heard in a residential building between the hours of:
- a. 10:00 p.m. and 7:00 a.m. of the next morning on weekdays; or
 - b. 10:00 p.m. and 9:00 a.m. of the next morning when the next morning is a Saturday or Sunday or statutory holiday.
- 6.2 Work of an emergency nature is exempt from this provision.
- 6.3 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, but not illegal, use, as defined in the Municipal Government Act.

7. EXCEPTIONS TO NOISE

- 7.1 These provisions do not apply to work carried out by the Town of Whitecourt, or by a contractor carrying out the instructions of the Town.
- 7.2 These provisions do not apply to contractors carrying out snow removal from commercial or industrial sites, which are not adjacent to residential districts.
- 7.3 In the case of snow removal from commercial, industrial or institutional sites located adjacent to residential districts, and where in the reasonable opinion of the CAO or their delegate it is necessary to do so to ensure the peace and quiet of residents, the CAO or their delegate may require noise abatement practices including one or both of the following conditions:
- a. a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.;
 - b. a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of the residents.

7.A CANNABIS CONSUMPTION RESTRICTIONS

- 7.A.1 No person shall smoke, vape, consume, or use cannabis:

- a. in any area or place where that person is prohibited from smoking under the Tobacco and Smoking Reduction Act or any other Act or Bylaws of the Town;
 - b. on a road right of way;
 - c. on a sidewalk or pedestrian walkway;
 - d. in a park or a recreation facility;
 - e. where smoking is prohibited by a public sign;
 - f. an outdoor special event, unless in a defined area specially authorized by an event permit pursuant to Section 7.A.5 and identified by the event organizer as a designated cannabis consumption area;
- 7.A.2 Nothing in this Bylaw shall prohibit a person from consuming or using cannabis in a residence or on private property.
- 7.A.3 Notwithstanding Section 7.A.1, any person who is authorized to possess cannabis per a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, and amendments thereto, is not subject to this Bylaw.
- 7.A.4 Any person exempt pursuant to Section 7.A.3 must, on demand of a Peace Officer, produce a copy of such person's medical document.
- 7.A.5 Notwithstanding Section 7.A.1, a person may smoke, vape or consume cannabis at an event for which a permit has been granted by the CAO.
- a. The CAO may impose conditions on any permit granted.
 - b. The CAO may suspend or revoke any permit issued if the CAO determines that a permit holder or any person at an event for which a permit has been issued has contravened any federal or provincial legislation or any other municipal bylaw.
 - c. The holder of a permit issued must ensure that:
 - i. the smoking, vaping or consumption of cannabis is only permitted in a designated area, separate and fenced off from the remainder of the event;
 - ii. the sale of cannabis is not permitted in the area designated for the smoking, vaping or consumption of cannabis; and
 - iii. any advertising or other materials relating to the promotion of cannabis cannot be seen by a minor.

8. NUISANCE ENFORCEMENT

- 8.1 Without restricting any other power, duty or function granted by this Bylaw, the CAO or their delegate may:
- a. carries out any inspections to determine compliance with this Bylaw;
 - b. take any steps or carry out any actions required to enforce this Bylaw;
 - c. takes any steps to carry out any actions required to remedy a contravention of this Bylaw;
 - d. establishes 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 questions;
 - e. establishes areas where activities restricted by this bylaw are permitted;
 - f. establishes forms for the purposes of this Bylaw;
 - g. issue permits with such terms and conditions as are deemed appropriate;
 - h. establishes the criteria to be met for a permit pursuant to this Bylaw; and
 - i. delegates any powers, duties or functions under this Bylaw to an employee of the municipality.

9. PENALTIES AND ENFORCEMENT

- 9.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars.
- 9.2 Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.

- 9.3 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.
- 9.4 The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other Bylaw.
- 9.5 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 Procedure Act*, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 9.6 Service of a violation tag will be sufficient if it is:
- a. personally served; or
 - b. attached to the motor vehicle related to the offence; or
 - c. served by regular mail to the person's last known mailing address.
- 9.7 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.
- 9.8 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 specified 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.

10. GENERAL

- 10.1 Any person who contravenes any provision of this Bylaw by:
- a. doing any act or thing which the person is prohibited from doing; or
 - b. failing to do any act or thing the person is required to do;
- is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- 10.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw, or any requirement of any lawful permit, order or license.
- 10.3 Words in the singular include the plural and words in the plural include the singular.
- 10.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- 10.5 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended by Council.
- 10.6 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premise as provided by the Municipal Government Act, or any other law of the Province of Alberta.

10.A SEVERABILITY

- 10.A.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent to 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.

SCHEDULE "A"
BYLAW NO. 1475
Schedule of Fines

Offence	Section	Fine
Permitting a nuisance on a Private Property	3.1	\$200
a. second offence within one year		\$400
b. third and subsequent offences within one year		\$600
Nuisance upon municipal property or public property	3.2	\$500
Failing to contain construction waste	4.1	\$200
a. second offence within one year		\$400
b. third and subsequent offences within one year		\$600
Noise	5	\$200
a. second offence within one year		\$400
b. third and subsequent offences within one year		\$600
Industrial or construction noises	6.1	\$200
a. second offence within one year		\$400
b. third and subsequent offences within one year		\$600
Smoke, vape or consume cannabis where prohibited	7.A.1	
First offence		\$300
Second offence within one year		\$350
Third and subsequent offences within one year		\$400

"OFFICE CONSOLIDATION"