

# TOWN OF ROCKY MOUNTAIN HOUSE

## BYLAW 12/05V

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**BEING A BYLAW IN THE TOWN OF ROCKY MOUNTAIN HOUSE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NOISE, NUISANCES, PUBLIC DISTURBANCES, UNSIGHTLY PROPERTIES AND ANY CONDUCT RELATED TO THE PERSONAL HEALTH / SAFETY OF RESIDENTS IN THE TOWN OF ROCKY MOUNTAIN HOUSE.**

**WHEREAS**, the Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended authorizes Council to pass bylaws respecting nuisances, including unsightly property; the safety, health and welfare of people; and the protection of people and property; and

**WHEREAS**, Council deems it necessary to implement a Bylaw to establish and enforce minimum standards relating to the state of maintenance of property, to regulate, control and abate nuisances generally, and to regulate untidy and unsightly premises, to establish standards and regulate public conduct in the Town of Rocky Mountain House.

**NOW THEREFORE**, the Council of Rocky Mountain House pursuant to that authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

1. TITLE

This bylaw may be cited as the “Community Standards Bylaw”.

### **PART 1 - DEFINITIONS**

1. In this Bylaw:

- a) **“Animal Material”** shall mean any animal excrement and includes all material accumulated on a premises from pet pens or pet yards, stables, veterinary clinics, animal hospitals, kennels, or shelters or any similar uses;
- b) **“Abandoned Equipment”** shall mean equipment or machinery, which has been rendered inoperative by reason of its disassembly, age or mechanical condition.
- c) **“Abandoned Vehicle”** shall mean the whole or any part of any motor vehicle or farm implement that is in a rusted, wrecked, partly wrecked, in a dismantled condition, or partly dismantled condition and is not located in a building or located on the property such that it can be concealed from view.
- d) **“Building Material”** shall mean all construction and demolition material accumulated on a premises while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, wood debris, vegetation or rock displaced during such construction, alteration or repair;
- e) **“Court”** shall mean the Provincial Court of Alberta;
- f) **“Defecate”** means to discharge human waste matter from the bowels.

- g) **“Designated Officer”** shall mean a Bylaw Enforcement Officer, Peace Officer or a member of the Royal Canadian Mounted Police or any other person so authorized to act on behalf of the Town of Rocky Mountain House.
- h) **“Graffiti”** means:
- i. the application of any substance, including paint, ink, stain or whitewash;
  - ii. the affixing of any substance, including paper, fabric or plastic by any form of adhesion which does not remove cleanly when pulled away from the applied surface; or
  - iii. the marking, scratching, etching or other alteration or disfigurement
- to any property, without permission of the owner, which results in a visual effect commonly referred to as “Graffiti”.
- i) **“Minor”** means an individual under 18 years of age.
- j) **“Occupant”** shall mean any person other than the Owner who is actually occupying, legally responsible or is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.
- k) **“Owner”** shall mean:
- i. a person who is registered under the Land Titles Act as the owner of the land or;
  - ii. the person who is recorded as the owner of the Property on the assessment roll of the Town or;
  - iii. a person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not become the registered owner thereof or;
  - iv. a person holding himself out as the person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership or;
  - v. a person controlling the property under construction.
- l) **“Panhandling”** means the solicitation of gratuitous donations of money, food, or goods of any kind, whether by spoken, written or printed word, or bodily gesture, but does not include the solicitation of charitable donations by or on behalf of a registered charitable organization.
- m) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, or a Community Peace Officer appointed pursuant to the provisions of the *Police Act*, RSA 2000, c. P-17 and all amendments or successors thereto.
- n) **“Public Nuisance”** shall mean:
- i. Any condition or use of Property which, in the opinion of a Designated Officer, constitutes an unreasonable interference with the use and / or enjoyment of other Property and includes, without limiting the aforementioned, conditions set out in Section 11 (b);

- ii. anything that is annoying, unpleasant or obnoxious and shall include, but not be limited to litter; or
  - iii. any act or emission which obstructs, or causes inconvenience, or damage to the public within the Town of Rocky Mountain House.
- o) **“Public Place”** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access, whether on pavement or otherwise, within the corporate limits of the Town of Rocky Mountain House.
  - p) **“Reasonable Notice”** shall mean 48 hrs notice
  - q) **“Reasonable State of Repair”** shall mean the condition of being:
    - i. structurally sound;
    - ii. free from significant damage;
    - iii. free from rot or other deterioration;
    - iv. safe for its intended use; or
    - v. close to the intended building design at the time of initial development.
  - r) **“Refuse”** shall mean all solid and liquid wastes including, but not limited to: food waste, broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, abandoned equipment, abandoned vehicles, tires, or any other form of waste or litter.
  - s) **“Remedial Notice”** a warning to the owner or person responsible, in form of written notice, stating the contravention and expected date of which to remedy the situation.
  - t) **“Spit or Spitting”** means to eject phlegm, saliva, chewing tobacco, juice or any other substance from the mouth.
  - u) **“Unsightly Premises”** shall mean:
    - i. in respect of Land, including which, in the opinion of the Designated Officer shows serious signs of disregard for general maintenance or upkeep, and/or;
    - ii. land on which refuse from domestic, commercial or industrial activities including, but not limited to grass, tree and hedge clippings and other animal material or waste are located, and/or;
    - iii. in respect of a structure, includes a structure whose exterior, in the opinion of the Designated Officer shows signs of significant physical deterioration.
    - iv. the presence of accumulation of refuse, dirt, stone, garden refuse, dead leaves or grass, construction materials, implements, abandoned vehicles and/or parts thereof, and abandoned equipment and/or;
    - v. the presence of fences, signs, billboards, garbage containers, playground equipment, or anything used, or erected on the property which in the opinion of the Designated Officer are not kept in a Reasonable State of Repair
  - v) **“Untidy”** shall mean:

- i. any land that, in the opinion of the Designated Officer, is not keeping with the condition of surrounding properties. This includes properties that may have a detrimental effect on the market value of the property in the surrounding area;
  - ii. any property or premise located in the Town of Rocky Mountain House that, in the opinion of the Designated Officer has grass that is allowed to exceed 25 cm in height, the vegetation is not cut, or is not free from weeds; or
  - iii. land that is not protected by suitable ground cover which prevents soil erosion of the soil or the devaluation of neighboring property and shall also include grass, plants and vegetation which is not trimmed.
- w) **“Urinate”** means to discharge urine from the body.
- x) **“Violation Ticket”** means a violation ticket as defined in the Provincial Offences Procedure Act.

## PART 2

### NOISE

2. (1) No person shall:
- (a) cause or permit any noise that disturbs the peace of any other individual; or
  - (b) yell, scream, or swear in any public place.
- (2) No person shall cause or permit property they own or occupy to be used so that noise from the property disturbs the peace of any other individual.
- (3) No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment such that it annoys or disturbs any person outside the boundary of the drinking establishment.
- (4) In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
- (a) type, volume, duration and place of the sound;
  - (b) time of day and day of the week;
  - (c) nature and use of the surrounding area.
3. Where an area is designated by signs or other means as being a Hospital District, no person shall:
- (a) carry on any noise-making activity in the area unless it cannot be carried on in some other area; or
  - (b) make or continue any noise or loud sound within the area.

4. Unless the permission of the Designated Officer is first obtained, no person shall use or allow to be used 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. from Monday to Saturday. On Sunday, the prohibited times will be between the hours of 10:00 p.m. and 9:00 a.m. Commercial Snow removal equipment is considered exempt from the mentioned hours.

## **GRAFFITI**

5. (1) No person shall create or apply Graffiti on or to any:

- (a) Premises;
- (b) Structure, or
- (c) Other property which is owned or occupied by another person

Unless the Graffiti is not in public view and the person who owns or occupies the Premises, Structure or other Property to which the Graffiti has been created or applied has given prior written approval for the creation or application of the Graffiti.

- (2) Every owner or occupier of a Premise shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.

## **LITTERING**

6. (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, public facility or other public place or water course any refuse, debris or litter.
- (2) A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in section 6 upon any street, lane, sidewalk, parking place, park, public facility or other public place or water course shall forthwith remove it.

## **SPITTING/URINATING**

7. (1) No person shall urinate or defecate in any public place other than a public washroom.
- (2) No person shall urinate or defecate in a public washroom other than in the supplied toilet or urinal.
- (3) No person shall spit at any person, or on any public property or on any private property that they do not own.

## **FIGHTING/LOITERING**

8. No person shall participate in a fight or any physical confrontation in any public place.
9. No person shall loiter in any public place and thereby obstruct any other person.

#### **PANHANDLING**

10. No person shall panhandle on any public roadway and/or public property.
  - (a) This section will not pertain to those who have obtained or been designated town permission or a temporary business licence for public property use.

#### **UNSIGHTLY / UNTIDY PROPERTIES**

##### **11. GENERAL PROHIBITIONS**

- (a) No owner or owners, agent, lessee or occupant of a Property shall cause, allow or permit the Property to become or to continue to be an Unsightly or Untidy Premise.
- (b) No owner or owners, agent, lessee or occupant of a Property shall cause, allow or permit the Property to become or continue to be a Public Nuisance.

#### **MAINTENANCE STANDARDS**

- (a) No owner or owners, agent, lessee or occupier of a Property in designated residential or business area shall allow or permit the Property to become or continue to be Untidy.
- (b) All buildings, structures and improvements to Property in a designated residential or business area shall be maintained so that:
  - i. the foundations;
  - ii. exterior walls;
  - iii. roof;
  - iv. windows;
  - v. steps and sidewalks and
  - vi. fences;are kept in a Reasonable State of Repair.
- (c) All fixtures, improvements, renovations, or additions to any building, structure or improvement to Property within a residential or business area, including, but not limited to:
  - i. exterior stairs;
  - ii. porches;
  - iii. decks;
  - iv. landings;
  - v. balconies;
  - vi. other similar structures; or
  - vii. signage / lighting

shall be maintained in a Reasonable State of Repair.

### **13. EXEMPTIONS & EXCEPTIONS**

- (a) The provisions in this Bylaw shall not be interpreted to prevent bona fide work diligently carried out in accordance with a development permit issued by the Development Authority such as; commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to a Property.
- (b) The Owner of a Property that carries on or permits the carrying on of any activities referred to in Section 13(a) of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the Property.
- (c) Whether or not an Owner has taken all reasonable steps to minimize the duration and visual impact of any resulting untidiness or unsightliness of the Premise, as referred to in Section 13(b) of this Bylaw, is a question of fact to be determined by the Court hearing a prosecution of an offence pursuant to the provisions of this Bylaw.

### **PART 4**

### **14. ENFORCEMENT**

- (a) The Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter upon any Property, in accordance with Sec. 542 of the Municipal Government Act, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the Municipal Government Act, or other statute.
- (b) When exercising his authority to enter onto a Property for inspection or enforcement under Section 14(a), the Designated Officer shall provide the Owner or Occupant of the Property with Reasonable Notice.
- (c) Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Designated Officer may commence enforcement against such person by issuing a Remedial Notice giving a specified time to remedy violation.
- (d) Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Designated Officer may commence court proceedings against such person by;
  - i. Issuing the Person a Violation Ticket pursuant to the provision of Part 2 of the Provincial Offences Procedure Act; or
  - ii. Swearing out an Information and Complaint against the Person.
- (e) Where a Designated Officer issues a Violation Ticket in accordance with Section 14(c) of this Bylaw, the Officer may either;
  - i. Require the person to pay the specified penalty as provided for the offence in Sections 15 of this Bylaw by including such specified penalty in the Violation Ticket; or
  - ii. Require a Court appearance of the Person where the Designated Officer believes that such appearance is in the public interest, pursuant to the provisions of part 2 of the Provincial Offences Procedure Act.

- (f) 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 Property provided by the Municipal Government Act, or any other law of the Province of Alberta.
- (g) Notwithstanding whether a Violation Ticket has been issued under Section 14 (c) of this Bylaw, any Owner or Occupant who contravenes this Bylaw may be issued an Order by a Designated Officer to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Sec. 545 or Sec. 546 of the Municipal Government Act.

## 15. PENALTIES

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule “A” of this Bylaw.
- (b) Where a contravention of this Bylaw is of a continuing nature, more than one Violation ticket may be issued by a Designated Officer provided however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.
- (c) If the Designated Officer has reasonable grounds to believe that a person has contravened any provisions of this Bylaw, such Officer may serve upon such person an offence ticket allowing payment of the specified penalty to the Town of Rocky Mountain House, which payment shall be accepted by the Town in lieu of prosecution for the offence.

## 16. AUTHORITY TO ENTER LANDS

- (a) Subject to Sec. 543 of the Municipal Government Act, an enforcement officer or designated officer of the municipality may, after giving Reasonable Notice to the owner or occupier of the land, enter the land to carry out the inspection, remedy, enforcement or action:
  - i. enter such land at any reasonable time, and carry out the inspection, enforcement or action authorized or required by this bylaw;
  - ii. request anything be produced to assist in the inspection, remedy, enforcement or action, and;
  - iii. make copies of anything related to the inspection, remedy, enforcement or action.
- (b) The Designated Officer must, on request, display or produce identification showing that the person is authorized to make the entry.

That Bylaw No. 01/27V (Nuisance Bylaw) and Bylaw No.09/15V (Community Standards Bylaw) are rescinded.

This Bylaw shall come into effect on the day of its third reading.

Read a first time in Council this 19<sup>th</sup> day of June 2012.

Read a second time in Council this 19<sup>th</sup> day of June 2012.

Read a third and final time in Council this 19<sup>th</sup> day of June 2012.

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MAYOR



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TOWN MANAGER

**SCHEDULE "A" Community Standards Bylaw**

SECTION	DESCRIPTION	SPECIFIED PENALTY		
		1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> and subsequent Offences
2(1)(a)	Cause or permit any noise that annoys or disturbs the peace of a person	\$150	\$250	\$500
2(1)(b)	Yell, scream or swear in a public place	\$150	\$250	\$500
2(2)	Owner of property permit / allow property to cause noise	\$150	\$250	\$500
2(b)	Drinking establishment permit noise to emanate from the premise	\$500	\$1,000	\$2,500
3(a)	Carry on any noise making activity in hospital district	\$150	\$250	\$500
3(b)	Make or continue any noise or loud sound within a hospital district	\$150	\$250	\$500
4	Make a noise during prohibited hours	\$150	\$250	\$500
5(1)	Place or cause graffiti to be placed on any property	\$2,500	\$5,000	\$7,500
5(2)	Property owner permit / allow graffiti to remain on property after receiving notification	\$250	\$500	\$1000
6(a)	Place, deposit, throw or cause to be placed, refuse / litter upon any town property	\$250	\$500	\$750
6(b)	Fail to remove any matter as listed in Section 6(a) of this bylaw	\$250	\$500	\$750
7(a)	Urinate or deposit any human waste in a public place	\$250	\$500	\$750
7(b)	Urinate or deposit any human waste in a public washroom other than in the supplied toilet or urinal	\$250	\$500	\$750
7(c)	Spit at any person or on any public or private property that they do not own	\$150	\$250	\$500
8	Participate in a fight or any physical confrontation in a public place	\$500	\$750	\$1,000
9	Loiter in a public place	\$50	\$100	\$200
10	Panhandle in a public place	\$50	\$100	\$200
11(a)	Permit / allow Unsightly or Untidy premises	\$150	\$250	\$500
11(b)	Permit / allow Public Nuisance	\$150	\$250	\$500