



**TOWN OF BLACKFALDS
BYLAW 1142/12**

BEING A BYLAW OF THE TOWN OF BLACKFALDS, IN THE PROVINCE OF ALBERTA, FOR THE PROTECTION, SAFETY, HEALTH AND WELFARE OF PEOPLE TO REGULATE CERTAIN ACTIVITIES IN ORDER TO PREVENT AND COMPEL THE ABATEMENT OF NOISE, NUISANCES, UNSIGHTLY PREMISES, PUBLIC DISTURBANCES AND TO ESTABLISH A CURFEW FOR CHILDREN

NOW THEREFORE the Municipal Council of the Town of Blackfalds, duly assembled, enacts as follows:

1 This Bylaw shall be called the "Community Standards Bylaw".

2 In this Bylaw, the following definitions shall apply:

"Bullying" means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever

"Child" means a person who is under 15 years of age.

"Chief Administrative Officer" means the Chief Administrative Officer as appointed by the Town of Blackfalds Council.

"Council" means the Municipal Council of the Town of Blackfalds.

"Curfew period" means the period of time between 11:00 p.m. of one day and 6:00 a.m. of the following day.

"Drinking Establishment" means an establishment where the primary purpose of which is the sale of alcoholic beverages for the consumption on the premises and the secondary purpose of which may include entertainment, dancing, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises. A drinking establishment includes any premises in respect of which a "Class A" liquor license has been issued and where minors are prohibited by the terms of the license.

"Graffiti" means the defacement or disfigurement of any Property or object through the performance of any of the following acts:

- (i) the application of any substance, including paint, ink, stain or whitewash to any surface: or
- (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 of any surface to any property, without permission of the owner, which results in a visual effect commonly referred to as "graffiti".

“Guardian or parent” means the actual parent, guardian or foster parent of a child and shall include any other person 18 years of age or over having the care and control of a child.

“Panhandling” means personal and direct solicitation by a person for gratuitous donations of money, food or goods of any kind, or the exchange of money, food or goods, or an unsolicited service of any kind for money from any member of the public, 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.

“Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer for the Town of Blackfalds or a By-Law Enforcement Officer for the Town of Blackfalds.

“Planning and Development Manager” means the person acting in the position of Planning and Development Manager for the Town of Blackfalds or a person designated to act on the Manager’s behalf.

“Property” includes land or buildings and real or personal property, as the context requires, whether privately owned or leased or owned or leased by the Town.

“Public Place” means any place, including privately owned or leased Property, to which the public reasonably has or is permitted to have access.

“Youth” means an individual 12 to 17 years of age.

PART 1 - NOISE

- 3 (1) No person shall cause or permit any noise that annoys or disturbs, or is likely to annoy or disturb, the peace of any other person.
- (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.
- (3) No person shall yell, scream, or swear in any public place.
- (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 and duration of the sound;
- b) time of day and day of the week;
- c) nature and use of the surrounding area.
- (5) 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. Section 3 (4) of this Bylaw applies to this provision.
- 4 (1) Where an area is designated by signs or other means as being an approved Seniors Housing 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.

Industrial/Construction Noise

- 5 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 as defined by the Land Use Bylaw; or
 - (b) is an approved discretionary use as defined by the Land Use Bylaw; or
 - (c) is a non-conforming, but not illegal, use as defined in the Municipal Government Act.
- (2) In the operation or carrying on of an industrial 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.
- 6 With the exception of the activities referred to in section 5 herein, unless permission from the Development Authority is first obtained, 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.

Exceptions

- 7 These provisions do not apply to work carried on by The Town of Blackfalds, or by a contractor carrying out the instructions of The Town of Blackfalds in the provision of essential services to the Town of Blackfalds.
- 8 These provisions do not apply to contractors carrying out snow removal from commercial or industrial site which are not adjacent to residential districts.
- 9 In the case of snow removal from commercial or industrial sites located adjacent to residential districts, and where in the reasonable opinion of the Development Authority it is necessary to do so to ensure the peace and quiet of residents, the Development Authority 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 residents.

PART 2 - NUISANCE, UNSIGHTLY PREMISES, GRAFFITI

- 10 "Nuisance" for the purpose of this bylaw includes any use of, or activity upon, any property, which is offensive to any person or that has, or may have, a detrimental impact upon any person or other property in the neighbourhood. Without limiting the generality of the foregoing, the following are nuisance offences:
- (a) No owner or occupier of any Property shall fail to cut or otherwise maintain or control grass, weeds, shrubs, trees or other landscaping features on any Property, and on any boulevard that abuts or flanks the Property, including up to the centre of lanes or alleys at the rear or side of the Property

- (b) No owner or occupier of any Property shall fail to maintain grass, weeds, shrubs or other landscaping features incidental to an approved landscaped area in a commercial, industrial, institutional, government, or multi-family development
- (c) No owner or occupier of any Property shall fail to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds on a Property and on any boulevard which abuts or flanks the Property, including up to the centre of the lands or alleys at the rear or side of the Property;
- (d) No owner or occupier of any Property shall fail to cut, remove, or otherwise fail to maintain or control the growth of trees or shrubs on a Property such as to cause, allow, or permit interference with, or obstruction of, the visibility of street signage, sidewalk and roadway clearance and visibility, or cause, allow or permit trees or shrubs to become a public safety hazard;
- (e) No owner or occupier of any Property shall fail to maintain a Property such as to cause, allow, or permit the accumulation of any material creating unpleasant odours or attracting pests, or any animal remains, parts of animal remains, or animal feces, on a Property, and on any boulevard which abuts or flanks the Property including up to the centre of the lanes or alleys at the rear or side of the Property;
- (f) No owner or occupier of any Property shall fail to remove discarded or dilapidated furniture or household appliances, garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of machinery, equipment, appliances, or motor vehicle parts from the Property and on any boulevard which abuts or flanks the Property including up to the centre of the lanes or alleys at the rear or side of the Property;
- (g) No owner or occupier of any Property shall cause or permit opaque or dense smoke to be emitted into the atmosphere for a period in excess of 10 (ten) minutes in any one hour, or at a point other than the opening of the flue, stack or chimney, unless specifically authorized by the Chief Administrative Officer or designate;
- (h) No owner or occupier of any Property shall cause or permit the generation of excessive dust and permit such dust to escape from the Property, or from any boulevard which abuts or flanks the Property, including up to the centre of the lanes or alleys at the rear or side of the Property.
- (i) No owner or occupier of any Property shall use any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
- (j) No owner or occupier of any Property shall fail to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
- (k) No owner or occupier of any Property shall cause or permit the storage or accumulation of dilapidated or derelict vehicles, or the storage of unregistered vehicles on any residential or commercial site except vehicles that are stored in an approved accessory building;
- (l) No owner or occupier of any Property shall fail to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;

- (m) No owner or occupier of any Property shall fail to fence or secure any excavation, drain, ditch or other depression such that it becomes a danger to public safety;
- (n) No owner or occupier shall fail to remove posters, signs, billboards, placards, writings or pictures upon any garbage receptacle, fence or wall on any Property where the same have accumulated and become dilapidated or unsightly.
- (o) No owner or occupier of any Property shall burn anything other than dry, untreated, clean wood in a residential wood fireplace or fire pit on any Property

11 No person being the owner, agent of the owner, lessee or occupier of any Property within the Town, shall permit such Property, or the activities upon such Property, including any boulevard that abuts or flanks the Property, up to the centre of the lanes or alleys at the rear or side of the Property, to be, or remain, a nuisance or safety hazard.

Graffiti

12 No person shall place or cause graffiti to be placed on any Property.

Construction Waste

- 13
- (a) 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.
 - (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 area.

Repair of Motor Vehicles

- 14
- (1) 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.
 - (2) 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:
 - (a) the work is done in a garage, driveway or parking pad of the premises;
 - (b) the activity does not create a nuisance or noise complaints from neighbourhood;
 - (c) there is no escape of offensive, annoying or noxious odours, fumes or smoke from the site;
 - (d) 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;
 - (e) all discarded vehicle parts and materials are properly stored and disposed of from the site;
 - (f) no power washing of motor or power train is performed on the site;

- (g) all building and fire code regulations are met.

Nuisance Enforcement

- 15
 - (1) The Planning and Development Manager may, after giving reasonable notice to the owner or occupier of the premises, enter upon the said premises and carry out an inspection.
 - (2) Upon completion of the inspection, the Planning and Development Manager may direct the owner or occupant of the property to:
 - (a) cease the activity which causes the nuisance;
 - (b) change the way in which such person is carrying out any activity;
 - (c) direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including:
 - (i) the removal of any thing or matter from the property, which constitutes the nuisance; and
 - (ii) the construction or installation of a garbage bin or enclosure or the repair of an existing garbage enclosure;
 - (iii) enter into a cleanliness agreement in a form to the satisfaction of the Planning and Development Manager.
 - (3) In any direction given under Section 15(2), the Planning and Development Manager must:
 - (i) specify the time within which such person must comply with the directions contained in the notice; and
 - (ii) notify the owner or occupant that, if compliance with the notice is not effected within a specified time, the municipality will take the actions or measures specified in the notice to abate the nuisance, at the expense of the owner or occupier; and
 - (iii) offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the Town to keep the premises clean, tidy and free of nuisances.
 - (4) Any person who refuses to allow an inspection of the premises under Section 15(1) is guilty of an offence.
 - (5) Any person who fails to comply with a direction made under Section 15(2) is guilty of an offence.
- 16 No person shall cause or permit or undertake any activity upon any Town property which is a nuisance.

Littering

- 17
 - (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 transportation vehicle, public transportation shelter, or other public transportation facility 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 confectionery;
 - (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 therefrom;
 - (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;
 - (h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
 - (i) the dumping of garbage, grass cuttings, concrete, construction wrappers, etc on any lots, lanes or roadways will not be allowed in all districts.
- (2) A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection (1) upon any street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course shall forthwith remove it.
- (3) No person shall post or exhibit posters, signs, billboards, placards, writings or pictures upon any light standard, bench garbage receptacle or other signs on Town property.

Spitting/Urinating

- 18 (1) No person shall urinate or deposit any human waste in any public place or in any place to which the public is allowed access, other than a public washroom.
- (2) No person shall spit at any person or on any public or private property that they do not own.

Flyers on Vehicles

- 19 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon 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 paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.

Authority to Remove

- 20 The Planning and Development Manager 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.

PART 3 - FIGHTING, LOITERING, PANHANDLING, ASSEMBLY OF PERSONS, CURFEW

Fighting/Loitering

- 21 No person shall participate in a fight or any physical confrontation in any public place or any place to which the public is allowed access.

- 22 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.

- 23 No person shall loiter and thereby obstruct any other person in any public place.

Bullying

- 24 (1) (a) No person shall bully any person in any public place.

- (b) No person shall participate in or encourage by verbal or public means in the bullying of any person in any public place.

- (c) Any person who contravenes sections 24(1)(a) or 24(1)(b) is guilty of an offence.

Panhandling

- 25 No person shall engage in panhandling:

Curfew

- 26 No Child shall be in a public place during the Curfew period unless accompanied by a parent or guardian.

- 27 No parent of guardian shall suffer, permit or allow any Child who is in his or her custody, care or control to be in a public place during the Curfew period unless that child is accompanied by a parent or guardian.

- 28 Notwithstanding anything contained herein, it shall not be an offence under this bylaw for a Child to be in a public place during the Curfew period while acting in the interests of an employer or voluntary organization or while returning home as soon as reasonably practical from an organized sporting or other event which has been supervised by an adult.

- 29 Any child in violation of Section 26 herein may be warned to go home by a Peace Officer. If after the warning, the Child refuses or fails to go home, he/she either may be taken to his/her home or a shelter by the Peace Officer.

PART 4 - PENALTIES

- 30 (1) Any person who breaches any section of this Bylaw is guilty of an offence and liable to:
 - a) payment of the penalty specified in Schedule “A” hereto for first, second and third offences; and

 - b) for a penalty of not less than \$1000.00 and not more than \$10,000.00 for fourth and subsequent offences; and

- c) for any offence for which there is no penalty specified in Schedule A, a penalty of not less than \$200.00 and not more than \$10,000.00;

and in default of payment of any penalty, to imprisonment for up to 6 (six) months.

- 31 A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 32 If a violation ticket is issued in respect of 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.
- 33 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 Court Office specified on the violation ticket.

Severability

- 34 The invalidity of any provision of this Bylaw shall not affect the validity of the remaining provisions.
- 35 This bylaw shall rescind Bylaw 1059/08 and amending Bylaws 1090/09 and 1128/11 and shall come into effect upon the date on which it is finally read and passed.

READ for a First time this 12th day of June A.D., 2012

(RES NO. 535/12)


MAYOR, MELODIE STOL


C.A.O. CORINNE NEWMAN

READ for a Second time this 10th day of July A.D., 2012

(RES NO. 561/12)


MAYOR, MELODIE STOL


C.A.O. CORINNE NEWMAN

READ for a Third and Final time this 10th day of July A.D., 2012

(RES NO. 562/12)


MAYOR, MELODIE STOL


C.A.O. CORINNE NEWMAN

SCHEDULE A

OFFENSE	SECTION	FINE
PART I		
Make noise	3(1)	\$250.00
a) second offence		\$500.00
b) third offences		\$750.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Permit Noise from Property	3(2)	\$250.00
a) second offence		\$500.00
b) third offences		\$750.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Yelling, Screaming or Swearing	3(3)	\$150.00
a) second offence		\$250.00
b) third offences		\$500.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Drinking Establishment making noise	3(5)	\$2,000.00
a) second offence		\$5,000.00
b) third offences		\$10,000.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Industrial or construction noises	6	\$150.00
a) second offence		\$300.00
b) third offences		\$600.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
PART II		
Permitting a nuisance on Private Property 10(a) to 10(o)	10 & 11	\$200.00
a) second offence		\$400.00
b) third offences		\$600.00
b) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Placing Graffiti on property	12	\$300.00
a) second and third offences		\$750.00
b) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Failing to contain construction waste 13 (a) or 13 (b)	13	\$250.00
a) second offence		\$500.00
b) third offences		\$1,000.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Automobile repairs in residential district	14(1)	\$250.00
a) second offence		\$400.00
b) third offences		\$600.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Refusing to allow the Planning and Development Manager access to carry out an inspection	15(1)	\$500.00
Failing to comply with direction of Planning and Development Manager	15 (4)	\$500.00
a) second offence		\$750.00
b) third offences		\$1,000.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Nuisance upon Town property	16	\$500.00
Depositing litter on Town property	17 (1)	\$500.00
a) second offence		\$750.00
b) third offences		\$1,000.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		

Failing to remove litter	17(2) (3)	\$500.00
a) second offence		\$750.00
b) third offences		\$1,000.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Urinating or depositing human waste in a public place	18(1)	\$500.00
a) second offence		\$750.00
b) third offences		\$1,000.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Spitting	18(2)	\$75.00
a) second and third offences		\$150.00
b) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Placing item on motor vehicle	19	\$250.00
PART III		
Fighting in a public place	21	\$500.00
a) second offence		\$750.00
b) third offences		\$1,000.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Being a member of an assembly and failing to disperse as requested by peace officer	22	\$250.00
a) second offence		\$500.00
b) third offences		\$750.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Loitering	23	\$250.00
a) second offence		\$500.00
b) third offences		\$750.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Bullying	24(1) (a) or 24 (1) (b)	24
a) first offence by a YOUTH*		\$125.00
b) second and third offences by a YOUTH		\$250.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
d) first offence by an ADULT*		\$500.00
e) second and third offences by an ADULT		\$1,000.00
f) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Panhandling	25	\$75.00
a) second offence		\$200.00
b) third offences		\$500.00
c) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Breach of Curfew		
a) first offence	26 & 27	50.00
b) second offence		100.00
c) third offence		300.00
e) fourth and subsequent offences as per Section 30 (1) (b) \$1000-\$10,000		
Fourth & Subsequent Penalties as per Section 30 (1) (b)		