

Bylaw No. 2022-15

COMMUNITY STANDARDS BYLAW

**BEING A BYLAW OF THE TOWN OF MILLET, IN THE PROVINCE OF ALBERTA,
RESPECTING COMMUNITY STANDARDS FOR THE BENEFIT OF ALL CITIZENS**

The Municipal Government Act (MGA), R.S.A. 2000, c. M-26, authorizes a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

The *MGA* authorizes a council to pass bylaws for municipal purposes respecting nuisances, including unsightly property;

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

The *MGA* authorizes a council to pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or a place that is open to the public;

The *MGA* authorizes a council to pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment;

Council deems it desirable for regulations which affect community standards to be located, as much as possible, in one Bylaw;

Section 66(2) of the Safety Codes Act, R.S.A. 2000, c. S-1, authorizes a Council to pass bylaws respecting minimum maintenance standards for buildings and structures and unsightly or derelict buildings or structures; and

Therefore, Council enacts:

PART 1 – PURPOSE, DEFINITIONS AND INTERPRETATIONS

BYLAW TITLE

This Bylaw shall be known as the “**Community Standards Bylaw**”.

DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:
 - (a) “**Boulevard**” means that part of a highway that:
 - (i) is not a roadway; and

- (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians, and includes the undeveloped road a allowance adjacent to a laneway;
- (b) **“Bullying or Bully”** means the intentional, repeated, and hostile or demeaning behaviour by an individual or group, either directly or through any medium whatsoever, where the behaviour results in physical, emotional, or mental harm, fear, or distress to one or more individuals, based on but not limited to ability, race, ethnicity, gender, or sexual orientation or identity;
- (c) **“Business”** means a commercial, merchandising, institutional or industrial activity or undertaking, a profession, trade, occupation, calling or employment, or an activity providing goods or services and includes any activity carried on by an education institution, municipality, or charitable organization;
- (d) **“Bylaw Enforcement Officer”** means a Bylaw Enforcement Officer appointed by the CAO pursuant to the MGA to enforce Town Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the Peace Officer Act, S.A. 2006, c. P-3.5 and amendments thereto;
- (e) **“Cannabis”** has the meaning given to that term in the Federal Cannabis Act (Bill C-45, an Act respecting cannabis and the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Sess, 42nd Parl, 2017);
- (f) **“CAO”** means the Chief Administrative Officer of the Town or their delegate;
- (g) **“Child”** means any person less than twelve (12) years of age;
- (h) **“Town”** means the Town of Millet;
- (i) **“Cyber Bullying”** means the use of electronic communication or any other media to Bully a person or group, by the sending of messages or images intended to intimidate, threaten, or cause mental anguish to a person or group of persons;
- (j) **“Designated officer”** means a person appointed to a position established under section 210(1) of the MGA;
- (k) **“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;
- (l) **“Graffiti”** means words, figures, letters or drawings scribbled, scratched or sprayed on a surface and stickers or other adhesive materials affixed on a surface with or without the consent of the person who owns or occupies the property on which they are placed;
- (m) **“Graffiti Instruments”** means a tool used for the purpose of creating Graffiti.;
- (n) **“Highway”** has the same meaning as in the Traffic Safety Act, R.S.A. 2000, c. T-6 and amendments thereto;
- (o) **“Indecent Act”** means sexual or lewd activity in a Public Place;
- (p) **“Liquor”** means any wine, beer, cider, spirits or other product that is intended for human consumption;
- (q) **“Loiter”** means to linger aimlessly in or about a public place, or remain in an area for no obvious reason;

- (r) **“Minor”** means a person under the age of eighteen (18) years of age;
- (s) **“MGA”** means the Municipal Government Act RSA 2000, Chapter M-26 and amendments thereto;
- (t) **“Motor Vehicle”** has the same meaning as in the Traffic Safety Act, R.S.A. 2000, c. T-6 and amendments thereto;
- (u) **“Municipal Tag”** means a tag or similar document issued by the Town pursuant to the MGA;
- (v) **“Occupy”** or **“Occupies”** means residing on or to be in apparent possession or control of a Property;
- (w) **“Own”** or **“Owns”** means:
 - (i) in the case of land, to be registered under the Land Titles Act, R.S.A. 2000, c. L-4, as the owner of the fee simple estate in a parcel of land; or
 - (ii) 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;
- (x) **“Panhandling”** means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, R.S.A. 2000, c. C-9, or any other legislation permitting the solicitation of charitable donations;
- (y) **“Peace Officer”** means any sworn member of the Royal Canadian Mounted Police, a Peace Officer or Community Peace Officer appointed under the Peace Officer Act, S.A. 2016, c. P35 and amendments thereto and employed by the Town or a Bylaw Enforcement Officer employed by the Town;
- (z) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (aa) **“Property”** means in the case of land, a parcel of land including any buildings; or in other cases, personal property;
- (bb) **“Public Place”** means any place or any part of a building, structure, or other enclosed area to which members of the public have access as of right or by express or implied invitation including:
 - (i) the common area of a multi-unit residential facility, including patios, pools, other recreational areas, and enclosed parking garages;
 - (ii) a group living facility;
 - (iii) an outdoor bus or taxi shelter;
 - (iv) licensed premises;
 - (v) a restaurant; and
 - (vi) hotel.
- (cc) **“Public Vehicle”** means a bus, taxi or other vehicle that is used to transport members of the public for a fee;
- (dd) **“Residence”** means a place used by a person as a permanent private dwelling, including a structure or land adjacent to the private dwelling that is used for the

- convenience or enjoyment of the occupants of the dwelling. This does not include multi-unit family units;
- (ee) **“Sidewalk”** means that part of the highway especially adapted to the use of 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 it is paved or unpaved;
- (ff) **“Smoke”** or **“Smoking”** mean to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted or heated device or apparatus designed to burn or heat tobacco, cannabis, shisha or any other weed or substance for the purpose of inhaling or tasting its emissions, as well as the emissions themselves;
- (gg) **“Temporary Residence”** means a tent that is set up in an area where overnight camping is legally permitted or a recreational vehicle or other vehicle that is parked in an area that is not a highway or road and where overnight camping is legally permitted; and for clarity, shall not include any area outside of a tent, recreational vehicle or other vehicle located on a campsite;
- (hh) **“Tobacco”** means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy;
- (ii) **“Vape”** or **“Vaping”** means inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, cannabis or any other substance; or holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco, cannabis, or any other substance;
- (jj) **“Violation Ticket”** has the same meaning as in the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34;
- (kk) **“Weapon”** means any item used, designed to be used or intended for use in causing death or injury to another person, or for the purpose of threatening or intimidating a person;
- (ll) **“Wildlife”** means non-domesticated animals, or an animal that is wild by nature and living in its natural habitat, but does not include feral cats and birds;
- (mm) **“Workplace”** includes the whole or any part of a building, structure, vehicle, or passenger conveyance in which a business is carried out on but excludes any part which constitutes public space, and private residences. This does not include multi-family units;
- (nn) **“Young Person”** means any person who is twelve (12) years of age or older but less than eighteen (18) years of age.

RULES FOR INTERPRETATION

2. The following rules apply to interpretation of this bylaw:
- (a) headings, titles, and margin notes in this bylaw are for ease of reference only;

- (b) gender-specific words, phrases, and references are intended to be gender neutral, and the singular includes the plural as the context requires;
- (c) every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable; and
- (d) references to bylaws and enactments in this bylaw include Bylaw 2022-15 Page 5 amendments and replacement bylaws and enactments, and regulations and orders thereunder.

PART II – PUBLIC BEHAVIOURS

LITTERING

- 3. A Person shall not leave any garbage, litter, or other refuse in a Public Place, except in a receptacle designated and intended for such use.

FLYERS

- 4. A Person shall not place, deposit, or throw upon or into any Motor Vehicle any leaflet, pamphlet, poster, handbill, flyer, or any paper containing printed or written matter, whether advertising or not, except for a Municipal Tag or Violation Ticket issued pursuant to lawful authority.

- 5. A Person shall not deposit any leaflet, pamphlet, poster, handbill, flyer, or any paper containing printed or written matter, whether advertising or not, on a Property where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit, indicating that such material is not wanted.

URINATION AND DEFECCATION

- 6. A Person shall not urinate or defecate in a Public Place except in a facility designed and intended for such use.
- 7. A Person shall not spit at or on any Person or Property in a Public Place.

DANGEROUS ACTIONS

- 8. A Person shall not throw or propel an object, or act in any other way, in a Public Place that is reasonably likely to cause injury to another Person, damage to Property, or damage to any Person's personal property.
- 9. No Person shall threaten or intimidate another Person in a Public Place or use an object for the purpose of threatening or intimidating another Person in a Public Place.

CAUSE A DISTURBANCE

- 10. No Person located in a Public Place shall disturb the peace and enjoyment of other members of the public by:
 - (i) screaming, shouting, or using loud, abusive or grossly insulting language;
 - (ii) being intoxicated by alcohol or other substances; or
 - (iii) openly exposing or exhibiting an indecent act.

INTERFERENCE WITH PROPERTY

11. No person shall damage, destroy, deface, tamper, or otherwise interfere with any Property.
12. No Person shall stand or put their feet on the top of a table or surface of any table, bench, planter, sculpture, or other fixture in a Public Place.

FIGHTING

13. Person shall not participate in a fight or other similar physical confrontation in a Public Place; this prohibition does not apply to participants of an event held under the authority of a sporting commission established pursuant to ss. 535.1 of the MGA to the extent that such event is in full compliance with any regulations or requirements established by the sporting commission.

BULLYING

14. No Person shall Bully any person in any Public Place
15. No Person shall participate in or encourage by verbal or other means the Bullying of any person in any Public Place.
16. No parent or guardian of a Child shall allow, permit, or encourage a Minor or Child under their care to engage in the Bullying or Cyber Bullying of another person or group of persons.

COURT DIVERSION ALTERNATIVE

17. (a) A Peace Officer, upon completing their investigation, who reasonably believes that an offence under this Bylaw has been committed, based on the totality of the circumstances of the offense, may recommend to the Commanding Officer of the RCMP or Designate, that the person accused of Bullying may avoid attending court and any further penalty by completing measures within a specified period of time;
 - i. Provide a Peace Officer with a letter of apology to the victim of their Bullying behaviour. Upon approval of the contents of the letter, a copy of that letter will be provided to the victim; or
 - ii. Attend and successfully complete an anti-bullying awareness course, which may require they are accompanied by a parent or guardian, to be determined by the Town of Millet; or
 - iii. Complete both requirements as specified in Section 14 (a) of this Bylaw.
- (b) If the Court Diversion Alternative is pursued and following the successful completion of the Court Diversion Alternative, the matter will be concluded, however; this record may be used as evidence; should the Bullying behaviour result in a charge issued pursuant to this bylaw;
- (c) Should any requirement of a Court Diversion Alternative issued pursuant to Section 14(a) of this Bylaw not be completed within the period specified by the Peace Officer, the matter may be referred to the RCMP for prosecution;
- (d) The Court Diversion Alternative is available only once to any individual;
- (e) The Commanding Officer of the RCMP or Designate has the discretion to accept the recommendation of the Peace Officer(s) or decide to pursue measure(s) outlined in the Bylaw.

WEAPONS

18. A person shall not possess a Weapon in any public place.

LOITERING

19. A Person shall not loiter in a Public Place to obstruct or harass any other Person.

PANHANDLING

20. A Person shall not engage in Panhandling.

GRAFFITI

21. A Person shall not create or apply Graffiti.
22. A person shall not possess Graffiti Instruments
23. Every Person who Owns or Occupies Property shall ensure that Graffiti placed on their Property is removed, painted over, or otherwise permanently blocked from public view within seventy-two (72) hours or as directed by receiving written notice from a Bylaw Enforcement Officer.

PART III – PROPERTY MAINTENANCE

DEFINITIONS

24. In this Part:

- (a) **“Building”** includes any part of a building placed in, on, or over land whether it is so affixed to become transferred without special mention by a transfer or sale of that land;
- (b) **“Nuisance”** means any use of or activity on land which demonstrates a disregard for the general maintenance and upkeep of Property to produce a material annoyance, inconvenience, or discomfort to other Persons, whether it is detrimental to the surrounding area. Some examples of which include, but are not limited to, the following:
 - i. excessive accumulation of material, including but not limited to: building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
 - ii. loose litter, garbage, construction debris or refuse whether located in a storage area, collection area or elsewhere on the land;
 - iii. damaged, dismantled or derelict vehicles or Motor Vehicles, whether insured, or registered or not;
 - iv. smelly or messy compost heaps;
 - v. grass or weeds higher than 20 centimeters;
 - vi. production of excessive dust, dirt or smoke;
 - vii. production of any generally offensive odours;

- viii. any structure placed in, on or over land whether or not it is so affixed to open or exposed storage of industrial fluids, including engine oil, brake fluid or anti-freeze;
 - ix. use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - x. any tree, shrub, other type of vegetation or any structure:
 - 1. that obstructs any Sidewalk adjacent to the land;
 - 2. that impairs the visibility required for safe traffic flow at any intersection adjacent to the land; or
 - 3. that has any rot and or other deterioration;
 - xi. the failure to destroy prohibited weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
 - xii. any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and
 - xiii. any construction project or activity not completed within five (5) years of the date the building permit for the project or activity was issued by the Town or, if no permit was issued or required, within five (5) years of starting the building;
 - xiv. any conditions likely to attract nuisance animals, pests or other vermin.
- (c) **“Unightly” or “Untidy”** means:
- i. A Property that, because of its condition or the accumulation of refuse is detrimental to the use and enjoyment of the surrounding area or neighboring properties;
 - ii. In respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep, or repair; or which constitutes a Nuisance;
 - iii. In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep, or which constitutes a Nuisance; or
 - iv. In an unsightly condition within the meaning of s. 546 of the Municipal Government Act.

NUISANCE, UNSIGHTLY AND UNTIDY LANDS

25. A Person shall not cause or permit a Nuisance to exist on land they Own or Occupy.
26. A Person shall not allow Property which they Own or Occupy to be or to become Unightly or Untidy.
27. No Owner or Occupant of a Property shall have or allow in or on the Property, the accumulation of:
 - i. any material that creates unpleasant odour; or
 - ii. any material likely to attract animals, pests, or wildlife; or
 - iii. animal remains, parts of animal remains or animal feces.
28. A Person shall not have or allow the following to accumulate on Property which they Own or Occupy such that the accumulation is visible to a Person viewing from outside the Property:
 - (a) loose garbage or bagged garbage;
 - (b) bottles, cans, boxes, or packaging materials;
 - (c) household furniture or other household goods;
 - (d) automobile parts;
 - (e) parts of or disassembled machinery, equipment or appliances; or
 - (f) yard waste, including grass, tree and hedge cuttings, leaves and other refuse.

SIDEWALKS

29. An Owner shall ensure the removal from any improved public sidewalk located adjacent to the Property, including private driveway crossings, all snow and ice deposited, whether from natural or unnatural means, within forty-eight (48) hours of deposit.
30. If a Person fails to reasonably remove snow and ice from any Sidewalk adjacent to land they Own or Occupy within forty-eight (48) hours after the snow or ice has been deposited, the Town may carry out the removal of snow and ice or contract out the removal of snow and ice, with all the costs, expenses, and administrative fees involved charged to the Person responsible for the removal and any unpaid costs or expenses shall be added to the tax roll for the Property to be recovered in the same manner as other taxes; pursuant to the provisions of the Municipal Government Act.
31. No person shall damage any sidewalk or pavement in the Town by striking, picking or cutting the same, whether such person is engaged in removing snow, ice, dirt or foreign material from the said sidewalk or pavement or not.
32. No person shall remove dirt, debris, or other materials from any sidewalk by causing such material to be placed upon any other portion of the highway or other public place adjacent to such property.
33. No person shall place, or permit, to be placed, any snow, ice, dirt, debris, or other material removed from private property onto the highways or other public places of the Town.

34. No Person shall place, or permit to be placed, any snow, ice, dirt, debris, or other material removed from their own private property onto another person's property.

BOULEVARDS

35. A Person shall maintain any Boulevard adjacent to land they Own or Occupy by:
- (a) keeping any grass on the Boulevard cut to a length of no more than 20 centimeters;
 - (b) removing any accumulation of fallen leaves or other debris; and
 - (c) notifying the Town if tree maintenance is required.

ALLEYS

36. A Person shall maintain any Alley at the rear or side of the land they Own or Occupy by:
- (a) keeping any grass on the Boulevard cut to a length of no more than 20 centimeters;
 - (b) removing any accumulation of fallen leaves or other debris; and
 - (c) notifying the Town if tree maintenance is required.
37. No Person shall store any material in any Alley at the rear or side of the land they Own or Occupy.

BUILDINGS

38. A Person shall not cause or permit a Nuisance to exist in respect of any Building on land they Own or Occupy.
39. For greater certainty, a Nuisance in respect of a Building means a Building showing signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area. Some examples of which include, but are not limited to, the following:
- (a) any damage to the Building;
 - (b) any rot or other deterioration within the Building; and
 - (c) any inappropriate infiltration of air, moisture, or water into the Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building.

UNOCCUPIED BUILDINGS

40. If a Building normally intended for human habitation is unoccupied then any door or window opening in the Building may be covered with a solid piece of wood, but only if the wood is:

- (a) installed from the exterior and fitted within the frame of the opening in a water tight manner;
- (b) of a thickness sufficient to prevent unauthorized entry into the Building;
- (c) secured in a manner sufficient to prevent unauthorized entry into the Building; and
- (d) coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

CONSTRUCTION WASTE

- 41. 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.
- 42. No Person shall allow loose construction material to be stored or accumulated on a construction site they Own or Occupy unless it is:
 - (a) stacked or stored on the Property in an orderly manner; and
 - (b) not capable of being blown around the construction area or off the construction site.

REPAIR OF MOTOR VEHICLES

- 43. A Person shall not conduct any repair work on Motor Vehicles, including mechanical repairs, autobody work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a Motor Vehicle, on any land in a residential district.
- 44. This prohibition shall not apply to routine maintenance work performed on any Motor Vehicles owned, operated, or registered in the name of the Person who Owns or Occupies the Property on which the work is being performed, provided that:
 - (a) the work is done in a garage that can have the doors and windows closed;
 - (b) the activity does not create a Nuisance or noise complaints from neighbours;
 - (c) there is no escape of offensive, annoying or noxious odors, fumes or smoke from the Property;
 - (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 Property;

- (f) no power washing of motor or powertrain is performed on the Property; and
- (g) all building and fire code regulations are met.

REFRIGERATORS AND FREEZERS

- 45. A Person shall not place, cause, or permit to be placed a refrigerator freezer or other similar appliance on land they Own or Occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- 46. Without limiting the generality of the foregoing section, measures considered to be effective may include, but are not limited to, the following:
 - (a) the removal of the door from the appliance;
 - (b) The removal of the door handle mechanism if this prevents opening and closing of the door;
 - (c) the removal of the door hinges;
 - (d) the locking of the appliance; or
 - (e) otherwise wrapping or containing the appliance so that the interior is inaccessible.

PART IV – NOISE CONTROL

DEFINITIONS

47. In this Part:

- (a) **“Holiday”** means New Year's Day, Alberta Family Day, Good Friday, Victoria Day, Canada Day, Heritage Day, Labour Day, Thanksgiving Day, Remembrance Day, and Christmas Day of every year;
- (b) **“Noise”** means any sound that is reasonably likely to annoy or disturb the peace of others;
- (c) **“Weekday”** means Monday through Friday; and
- (d) **“Weekend”** means Saturday through Sunday

PROHIBITED NOISE

- 48. A Person shall not cause or permit any Noise that annoys or disturbs the peace of any other Person.
- 49. A Person shall not cause or permit Property they Own or Occupy to be used so that Noise from the Property annoys or disturbs the peace of any other Person.

CRITERIA

50. In determining what sound is reasonably likely to annoy or disturb the peace of others, consideration may be given to, but is not limited to, the following criteria:
- (a) type, volume, and duration of the sound;
 - (b) time of day and day of week; and
 - (c) nature and use of the surrounding area.

CONSTRUCTION ACTIVITY

51. A Person shall not cause or permit any construction activity on Property they Own or Occupy before 7:00 a.m. or after 9:00 p.m. on a Weekday or before 9:00 a.m. or after 9:00 p.m. on a Weekend or Holiday.

GARBAGE COLLECTION

52. A Person shall not collect, cause, or permit the collection of garbage with a Motor Vehicle on or adjacent to any Property zoned for residential use before 7:00 a.m. or after 9:00 p.m. on a Weekday or before 9:00 a.m. or after 9:00 p.m. on a Weekend or Holiday.

MOTOR VEHICLES

53. If a Motor Vehicle is the cause of any sound that contravenes a provision of this Bylaw, the Owner of that Motor Vehicle is liable for the contravention.

EXCEPTIONS

54. Nothing in this Part prohibits:
- (a) a person who is an employee or authorized agent of the Town from producing certain sounds while acting within the scope of their functions, duties, or powers; or
 - (b) situations where the CAO has issued a permit allowing the production of certain sounds on whatever conditions the CAO deems appropriate.

SMOKING AND CANNABIS RESTRICTIONS

55. Subject to Section 52, the following are designated Public Places for the purpose of this Bylaw:
- (a) Public Buildings and those areas within six (6) meters of an entrance or exit to a Public Building;
 - (b) Town Buildings, and those areas within six (6) meters of an entrance or exit to a Town Building;

- (c) Public Vehicles and Public Vehicle Shelters; and,
 - (d) Workplaces and those areas within six (6) meters of an entrance or exit to a Workplace
56. The proprietor or employer of every designated Public Place shall, if employees or members of the public from time to time gather to smoke at a location outside the designated Public Place, ensure that ashtrays are placed more than six (6) meters from the entrance or exit of the designated Public Place
57. No Person shall smoke in a designated Public Place, whether a “No Smoking” sign is posted or visible.
58. No Proprietor or employer shall permit smoking in a designated Public Place, whether or not a “No Smoking” sign is posted or visible
59. Except as permitted in this part, no person shall use or consume cannabis in a public place or any other place other than a residence, temporary residence, licensed premises, or a place prescribed in the regulations where cannabis may be used or consumed.
60. Notwithstanding subsection 60, a person may smoke in an area designated as a smoking area for cannabis under the provisions of this bylaw.
61. A person who owns or occupies a place where smoking is prohibited by this part shall not permit any individual to smoke, vape, or used electronic cigarette in that place.
62. Nothing in this part prohibits a person from smoking in an area of a building designed, intended, and used exclusively as a private residence unless it is a multi-family unit.
63. Nothing in this part affects the rights of aboriginal people respecting traditional aboriginal spiritual or cultural practices of ceremonies
64. Subject to the provisions of this section, a person who owns or occupies a place where smoking is otherwise prohibited by this part may permit smoking in that place when smoking is permitted pursuant to provincial or federal legislation or powers exercised pursuant to each legislation.
65. If smoking is permitted pursuant to this section, the person who owns or occupies the premises shall ensure that:
- (a) smoke does not enter any place where smoking is prohibited;
 - (b) signage is clearly and prominently displayed at each entrance to a place where smoking is permitted, indicating that smoking is permitted inside and;
 - (c) no person under the age of 18 years of age is allowed to enter or remain in a place where smoking is permitted.
66. Any building or part of a building where cannabis or anything that will be used as an ingredient is produced, packaged, labelled, stored or tested must be equipped with a system that:
- (a) Filters that prevent the escape of odours associated with cannabis material to the outdoors;

- (b) Provides natural or mechanical ventilation with sufficient air exchange to provide clean air in order to prevent smell to neighbors.

E-CIGARETTES (VAPING)

67. Nothing in this section prohibits a person from using an electronic cigarette for the sole purpose of testing the device, or sampling products used with the device, prior to purchase within an electronic cigarette retailer. Cannabis e-cigarettes (vaping) are not allowed to be tested in the retail store and follows section 50.

EDIBLE CANNABIS

68. No person shall eat or consume edible cannabis product in any public place.

LIQUOR

69. No person shall, except in accordance of a liquor license, sell or consume liquor in a Public Place except:
- (a) Where it is a temporary campsite in an approved campsite location; or
 - (b) Where a special event permit and liquor license has been issued.

PROOF OF EXCEPTION

70. The burden of proving that an exception applies in a particular case is on the person alleging such exception on a balance of probabilities.

PROSECUTION

71. In a prosecution for contravention of this Part:

- (a) it is not necessary that a witness testify to the precise description, kind, brand, or name of the tobacco product, cannabis, or electronic cigarette possessed, smoked or consumed;
- (b) the court may, in the absence of evidence to the contrary, infer that the product smoked was cannabis, a tobacco product or electronic cigarette from the fact that a witness describes it by a name that is commonly used to describe cannabis, a tobacco product or electronic cigarette; and
- (c) evidence
 - i. that a substance had an odour of cannabis or a tobacco product or an electronic cigarette; or
 - ii. that a substance appeared to be labelled or packaged as cannabis or a tobacco product or an electronic cigarette is, in the absence of evidence to

the contrary, sufficient to establish that the substance was cannabis or a tobacco product.

DESIGNATED AREAS

72. The CAO may designate any public place, or portion of a public place, as a no smoking area or as a smoking area.
73. The CAO shall place temporary or permanent signs or other markings identifying a no smoking area or smoking area.
74. The CAO may impose any requirements on a smoking area including, but not limited to, requirements that the area be enclosed or that no minors be permitted within the area.
75. No person shall remove, move, alter, deface, conceal, or destroy any signs or other markings identifying as a no smoking area or a smoking area that are placed pursuant to Section 64.
76. The CAO may approve a special event permit upon application to the CAO.
77. No Person shall remove, alter, destroy a No Smoking/Smoking sign.

PART V – ENFORCEMENT OFFENCE

78. Any Person who contravenes any provisions of this Bylaw is guilty of an offence and liable upon summary conviction:
 - (a) for the first offence, to a specified penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw;
 - (b) for the second or subsequent offence occurring within 365 days of the previous offence, to a specified penalty of double the original penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw; or,
 - (c) where no specific penalty is specified, a penalty of not less than one hundred (\$100.00) dollars and not more than two thousand five hundred dollars (\$2,500.00) to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the MGA.

MUNICIPAL TAG

79. A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.
80. Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the Town the penalty specified on the Municipal Tag.

VIOLATION TICKET

81. If the penalty specified on the Municipal Tag is not paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.
82. Notwithstanding anything else in this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedures Act, as amended, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.
83. 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.

CONTINUING OFFENCE

84. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

VICARIOUS LIABILITY

85. For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred during the employee's employment with the Person, or during the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

86. When a corporation commits an offence under this Bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
87. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

ORDER TO COMPLY

88. Notwithstanding anything else in this Bylaw:

(a) If the CAO or designate believes, on reasonable grounds, that a Person is contravening any provision of this Bylaw, including where any Property in the Town is deemed by a Bylaw Enforcement Officer to be Untidy, Unsightly, or a Nuisance, the CAO or designate may, by written order, require any Person responsible for the contravention to remedy it.

(b) The order may:

- i. direct a Person to stop doing something, or to change the way in which the Person is doing it;
- ii. direct a Person to take any action or measures necessary to remedy the contravention of the Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
- iii. state a time within which the Person must comply with the directions;
- iv. state that if the Person does not comply with the directions within a specified time, the Town will take the action or measure.

(c) A Person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

(d) An order issued pursuant to this section may be served:

- i. in the case of an individual:
 1. by delivering it personally to the individual;
 2. by leaving it for the individual at their apparent place of residence with someone who appears to be at least eighteen (18) years of age; or
 3. by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Town or at the Land Titles registry;
- ii. in the case of a corporation:
 1. by delivering it personally to any director or officer of the corporation;
 2. by delivering it personally to a Person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
 3. by mail addressed to the registered office of the corporation.

OBSTRUCTION

89. A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.

PART VI – GENERAL POWERS OF THE CAO

90. Without restricting any other power, duty or function granted by this Bylaw, the CAO may:
- (a) carry out any inspections to determine compliance with this Bylaw;
 - (b) take any steps or carry out any actions required to enforce this Bylaw;
 - (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - (d) establish 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 question;
 - (e) establish areas where activities restricted by this Bylaw are permitted;
 - (f) establish forms for the purposes of this Bylaw;
 - (g) issue permits with such terms and conditions as are deemed appropriate;
 - (h) establish the criteria to be met for a permit pursuant to this Bylaw;
 - (i) delegate any powers, duties or functions under this Bylaw to an employee of the Town; and
 - (j) appoint inspectors for the purposes of the Agricultural Pest Act, R.S.A. 2000, c. A-8.; and
 - (k) appoint inspectors under the Weed Control Act.

PERMITS

91. A Person to whom a permit has been issued pursuant to this Bylaw, and any Person carrying out an activity otherwise regulated, restricted, or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part other permit.
92. A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
93. If any term or condition of a permit issued pursuant to this Bylaw is contravened, or if a false or misleading statement or false or misleading information was provided to obtain the permit, the CAO may immediately cancel the permit.

PROOF OF PERMIT

94. The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

CERTIFIED COPY OF RECORD

95. A copy of a record of the Town, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

NUMBER AND GENDER REFERENCES

96. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

SEVERABILITY

97. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

98. The Town, a Bylaw Enforcement Officer or any Person who inspects Property under this Bylaw or any person who performs work on behalf of the Town is not liable for any damages caused by the inspection, the work or disposing of anything referred to in an Order.

PART VII – TRANSITIONAL

REPEALS

99. The following bylaws, and their amendments where applicable, are repealed upon passage of this Bylaw:

- 1) Nuisance Bylaw 2009/04
- 2) Public Places Bylaw 2018/10

ENACTMENT


93. This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 7th Day of December 2022

READ A SECOND TIME IN COUNCIL THIS 11th Day of January 2023

Received unanimous consent for presentation of third reading this 11th Day of January 2023

READ A THIRD TIME IN COUNCIL THIS 11th Day of January 2023

Date signed: Jan 13/23 MAYOR 

Date signed: January 13/23 Chief Administrative Officer 

SCHEDULE "A"

SCHEDULE A - VIOLATIONS AND PENALTIES

Section	Description	Penalties	1st	2nd	3rd
3)	Litering	\$	250	500	1000
4)	Distributing Flyers on vehicle	\$	75	150	300
5)	Distributing Flyers on property	\$	75	150	300
6)	Urinating/Defecating in public	\$	250	500	1000
7)	Spitting in public	\$	250	500	1000
8)	Throwing or propelling object	\$	350	500	1000
9)	Threaten or Intimidate Person in Public	\$	350	500	1000
10)	Cause a disturbance	\$	250	500	1000
11)	Damage/destroy/deface/tamper property	\$	250	500	1000
12)	Stand/place feet	\$	250	500	1000
13)	Fighting in Public	\$	250	500	1000
14)	Communicate in a manner to bully	\$	250	500	1000
15)	Encourage or support the act of bullying	\$	250	500	1000
16)	Allow, permit/encourage bullying	\$	250	500	1000
18)	Possessing a Weapon	\$	500	1000	2500
19)	Loitering in Public	\$	250	500	1000
20)	Panhandling	\$	250	500	1000
21)	Applying or Creating Graffiti	\$	500	1000	2500
22)	Possessing Graffiti Instruments	\$	250	500	1000
23)	Failing to Remove Graffiti	\$	250	500	1000
25)	Cause/permit a nuisance on property	\$	250	500	1000
27(a)	Accumulation of unpleasant odour	\$	250	500	1000
27(b)	Accumulation of any material	\$	250	500	1000
27(c)	Accumulation of animal remains	\$	250	500	1000
28(a)	Accumulation of loose garbage	\$	250	500	1000
28(b)	Accumulation of materials	\$	250	500	1000
28(c)	Accumulation of household furniture	\$	250	500	1000
28(d)	Accumulation of automobile parts	\$	250	500	1000
28(e)	Accumulation of parts or machinery	\$	250	500	1000
28(f)	Accumulation of yard waste	\$	250	500	1000
29)	Failing to remove Snow and Ice	\$	250	500	1000
31)	Damage any sidewalk	\$	250	500	1000

32)	Placing dirt on the highway	\$	250	500	1000
33)	Placing snow, ice, dirt on highway	\$	250	500	1000
34)	Place snow, ice, or debris on others property	\$	250	500	1000
35)	Failing to Maintain Boulevards	\$	250	500	1000
36)	Fail to maintain alley at rear or side of land	\$	250	500	1000
37)	Store any Material in any Alley	\$	250	500	1000
38)	Nuisance Building	\$	250	500	1000
40)	Failing to Secure Unoccupied Building	\$	250	500	1000
41)	No Waste Container on Construction Site	\$	250	500	1000
42(a)	Construction Material Not Neatly Stacked	\$	250	500	1000
42(b)	Waste Material Blown Off Construction Site	\$	250	500	1000
43)	Repairing Motor Vehicles in a residential district	\$	250	500	1000
45)	Failing to Secure Appliances	\$	250	500	1000
48)	Person causing excessive noise	\$	250	500	1000
49)	Person allowing excessive noise	\$	250	500	1000
51)	Prohibited Construction Activity	\$	250	500	1000
52)	Prohibited Garbage Collection	\$	250	500	1000
53)	Motor Vehicle Noise	\$	250	500	1000
55(a)	Smoke/Consume/Vape	\$	150	250	500
55(b)	Smoke/Consume/Vape town building	\$	150	250	500
55(c)	Smoke/Consume/Vape in public vehicles	\$	150	250	500
55(d)	Smoke/Consume/Vape workplace	\$	150	250	500
56)	Fail to place ashtray	\$	150	250	500
57)	Smoke/Consume/Vape in a public place	\$	150	250	500
58)	Proprietor/Employer allow individual to smoke	\$	250	500	1000
57)	Smoke/Consume/Vape cannabis public place	\$	250	500	1000
61)	Owner allows person to smoke	\$	250	500	1000
65(a)	Allow smoke to enter area	\$	250	500	1000
65(b)	Fail to display signs	\$	250	500	1000
65(c)	Allow a person under the age of 18	\$	250	500	1000
66)	Fail to have filter allowing escape of odour	\$	250	500	1000
68)	Consume edibles in a Public Place	\$	250	500	1000
69)	Consume alcohol in public	\$	250	500	1000
77)	Remove, Alter, Destroy Signs	\$	250	500	1000
89)	Obstruction of Enforcement	\$	500	1000	1500
91)	Fail to comply with conditions of a permit	\$	250	500	1000

