

VILLAGE OF ROSEMARY
In the Province of Alberta



Bylaw No. 484-20
Community Standards

A Bylaw of the Village of Rosemary, in the Province of Alberta for the purpose of regulating neighbourhood nuisance, safety and quality of life matters.

WHEREAS the Municipal Government Act, R.S.A. 2000 c. M-26, provides that Council may pass bylaws respecting the Safety, health and welfare of people and property;

WHEREAS the Municipal Government Act, R.S.A 2000, c. M-26 authorizes municipalities to pass bylaws respecting nuisances;

WHEREAS the intent of this Bylaw is that all noises shall be reduced as much as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated; and

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

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

1. Short title

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

2. Definitions

(1) In this bylaw, unless the context otherwise requires:

- a) **“Act”** means the Municipal Government Act, R.S.A. 2000, c. M-26 as amended, and any amendment or substitutions thereof.
- b) **“Bullying”** means verbal or physical abuse, threats, taunts, teasing, name calling, and put downs, written or electronically transmitted, or repeated abusive communication, directly or indirectly through any medium whatsoever.
- c) **“Chief Administrative Officer (CAO)”** means the person appointed to the position of the chief administrative officer for the Village of Rosemary, within the meaning of the Municipal Government Act.
- d) **“Council”** means the Council for the Village of Rosemary.

- e) **“Daytime”** means the period:
- i. beginning at 7:00 a.m. and ending at 10:00 p.m. of the same day on a weekday;
or
 - ii. beginning at 9:00 a.m. and ending at 10:00 p.m. of the same day on a weekend or Holiday.
- f) **“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 white-wash to any surface; or
 - ii. The affixing of any substance, including paper, fabric, or plastic, by any form of adhesion that 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.
- g) **“Holiday”** means any statutory holiday as defined in the Interpretation Act, R.S.A. 2000, c. I-8.
- h) **“Municipality”** means the Village of Rosemary.
- i) **“Peace Officer”** means:
- i. A Community Peace Officer as appointed by the Solicitor General of Alberta; or
 - ii. A Bylaw Enforcement Officer as appointed by the County of Newell to enforce bylaws of the County; or
 - iii. A member of the Royal Canadian Mounted Police
- j) **“Premises”** means the external surfaces of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings.
- k) **“Public Place”** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.
- l) **“Residential Building”** means a building which is constructed as a dwelling for human beings and includes a hotel or motel.
- m) **“Telecommunication”** means any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other

electromagnetic system.

- n) **“Village”** means the Village of Rosemary.
- o) **“Violation Tag”** means a notice or tag in a form as approved by the CAO, issued by the Village of Rosemary allowing a voluntary payment option of a fine established under this Bylaw.
- p) **“Violation Ticket”** means a ticket issued pursuant to the Provincial Offences Procedure Act, R.S.A. 2000, c. P-21.5, as amended and Regulations there under.
- q) **“Weekday”** means Monday through Friday, inclusive unless it falls on a Holiday.
- r) **“Weekend”** means Saturday and Sunday.
- s) **“Youth”** means an individual 12 (twelve) to 17 (seventeen) years of age.

3. Industrial, Construction and Farming

- (1) Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial or farming activity where the activity is one of which:
 - a) is a permitted use; or
 - b) is an approved discretionary use; or
 - c) is a non-conforming use as defined in the Municipal Government Act, but not illegal.
- (2) In the operation or carrying on of an industrial, construction or farming 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.

4. Permittable Hours

- (1) With the exception of the activities referred to in section 3(1), 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. on Monday to Saturday and from 10:00 p.m. to 9:00 a.m. on Sundays and holidays.

5. Prohibitions

- (1) No person shall:
 - a) cause or permit any noise that disturbs or is likely to disturb the peace of any other individual; or
 - b) cause or permit property they own, occupy, or have control of to be used so that noise from the property disturbs or is likely to disturb the peace of any other individual.
- (2) A person may be found guilty of being in contravention of section 5(1) whether the noise is measured by a sound level device or not.

6. Criteria

- (1) In determining what constitutes noise that disturbs or is likely to disturb the peace of another individual, the following criteria may be considered:
 - a) type, volume, and duration of the noise;
 - b) time of day and day of week;
 - c) maturity and/or use of the surrounding area;
 - d) any other relevant factor.

7. Motor Vehicle Noises

- (1) No person shall allow noise to emanate from a Motor Vehicle that disturbs or is likely to disturb the peace of any other individual.
- (2) If a Motor Vehicle is the cause of any noise that contravenes a provision of this Bylaw, the owner of that Motor Vehicle is liable for the contravention.
- (3) Section 8 does not apply if the owner, on a balance of probabilities, satisfies the court that, at the time the Motor Vehicle was involved in the contravention, the owner was not present in the Motor Vehicle and no other person was operating the Motor Vehicle with the owner's expressed or implied consent.

8. Noise Exceptions

- (1) Noise provisions do not apply to:
 - a) Emergency vehicles;
 - b) Work carried on by the Municipality, or by a contractor carrying out instructions of the Municipality, providing it is work of an emergent nature or circumstance.
 - c) Municipality sanctioned events; and
 - d) Utility workers, providing the work is emergent in nature or circumstance.

- (2) Street sweeping, snow removal or street sanding activities as may be required between the hours of 10:00 p.m. and 7:00 a.m. or between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and holidays, provided such work or activities are carried out in the normal manner as to create as little noise as is practicable under the circumstances.

9. Repairing of Motor Vehicles

- (1) For the purpose of this section “motor vehicles” means:
 - a) a vehicle propelled by any power other than muscular power; or
 - b) a moped; or
 - c) off highway vehicles as defined by the *Traffic Safety Act*, RSA 2000, c T-6 Section 117; and
 - d) includes, but is not limited to, the repair of any internal combustion engine.

- (2) No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a motor vehicle, on any premises in the Village unless:
 - a) the activity does not create a nuisance or noise complaints from the neighbourhood;
 - b) there is no escape of offensive, annoying or noxious odours, fumes or smoke from the premises;
 - c) vehicle fluids, oil, gasoline products or other hazardous material are properly disposed of and not swept or washed into lanes, streets, or down storm or sanitary sewers;
 - d) all discarded vehicle parts and materials are properly stored and disposed of from the premises; and
 - e) no power washing of motor or power train is performed on the premises.

- (3) 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 the premises, provided that all building and fire code regulations are met.

- (4) Notwithstanding any other provision of this Bylaw, a person may store one (1) inoperable, unlicensed, or unregistered vehicle on a residential property for:
 - a) Conducting the private sale of a motor vehicle legal owned by the owner or occupier of a property; or
 - b) The non-commercial restoration of a motor vehicle; providing that the activity does not create a nuisance or unsightly condition on the property.
- (5) Persons engaging in the non-commercial restoration of a motor vehicle shall ensure that the vehicle, and any associated equipment, materials, parts, tools, or any other items are secured in an enclosed area, screened from view of the public.

10. Nuisance and Unsightly Properties

- (1) A “nuisance” or “unsightly” property for the purpose of this Bylaw includes any use, activity, or general lack of maintenance and repair which is offensive to any person, or may have a negative effect on the quality of life, use, or enjoyment of a person of their own property, or have a negative effect on property values in the area. Generally, a nuisance or unsightly property is characterized by a general lack of care, maintenance, or upkeep of a property.
- (2) Without limiting the definition of an unsightly or nuisance property in Section 10(1), the following are examples of behaviors, conditions, and/or situations which are considered “unsightly” or “nuisance” properties:
 - a) Allowing the storage and/or accumulation of:
 - i) any material which creates or emanates unpleasant odours;
 - ii) any material likely to attract pests, insects, or wild animals;
 - iii) animal remains, parts of animal remains, or animal feces;
 - iv) open or exposed industrial fluids, including engine oils, lubricants, antifreeze;
 - v) building materials, whether new or used, except during the construction of an approved development where a development permit has been granted by the Village, or where a development permit is not required and the materials are placed in an orderly manner on the premises;
 - vi) loose or bagged garbage and refuse;
 - vii) bottles, cans, boxes, or packing materials;
 - viii) household furniture or other household goods;
 - ix) automobile parts;
 - x) parts of disassembled machinery, equipment, or appliances;
 - xi) yard waste, including grass, tree and hedge cuttings, but excluding the contents of a composting pile;

- xii) household appliances, including fridges and freezers, unless the appliance is in good working order, always locked, and screened from view so that the appliance is not visible to a person viewing from outside the property;
 - xiii) all or part of inoperable, immobile, unregistered, and/or unlicensed automobiles, except as part of a permitted salvage yard, auto dealership or other business where unregistered or unlicensed vehicles is an integral part of a legally operating business; or
 - xiv) stagnant water remaining on the property and becoming a breeding location for mosquitos or other pests;
- b) Allowing grass, trees, shrubs, or other living plants to grow uncontrolled, unmaintained, and/or excessively;
 - c) Allowing trees or shrubs to grow in a manner which interferes with utilities, road signs, or the safe movement of vehicle and pedestrian traffic;
 - d) Failing to destroy noxious weeds, as defined in the Weed Control Act;
 - e) Failing to destroy, eradicate or control blight or disease on living plants, trees, shrubs or other vegetation;
 - f) Allowing the release from the property to any surrounding property, including public spaces, of:
 - i) dense or opaque smoke, except from the opening of a flue, stack, chimney, or as otherwise authorized by Council;
 - ii) dust;
 - iii) garbage, refuse or other waste; or
 - iv) any chemical, substance, compound or product for any purpose with disregard to the manufacturer's recommendations for use, including any safety precautions, that results in adverse effects to the environment, another property, or another person;

without taking reasonable precautions and/or preventative measures to ensure that the substance(s) in question escape the premises;
 - g) Failing to maintain a principal or accessory building, structure, or fence to a point where it deteriorates, becomes a safety hazard, or otherwise becomes unsightly to other people; or
 - h) Failing to secure a hole, excavation, ditch, or other depression so that it does not present a safety hazard to other people.

- (3) No person shall cause or allow a property they own or occupy within the Village to become or remain unsightly, unsafe, or a nuisance either by doing or failing to do any activity upon the Property.
- (4) In determining whether a property is in an unsightly or nuisance condition, a Peace Officer may consider the nature and character of adjacent or surrounding properties and whether the subject property is maintained in a similar character to its surroundings.

11. Construction Sites

- (1) An owner of a property or premises under construction shall ensure that building materials and waste materials on the premises are removed or contained and secured in such a manner that prevents such material from being blown off or scattered from the property.
- (2) An owner of a property or premises under construction or renovation shall ensure that waste building material on the premises is removed or secured within a reasonable time by means of appropriate containers.

12. Littering

- (1) No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Village property, including any street, lane, sidewalk, parking lot, park 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 confectionary;
 - 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 there from;
 - 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; or
 - h) dirt, filth, or rubbish of any kind whether similar or dissimilar to the foregoing.
- (2) A person who has placed, deposited, or thrown or caused to be placed, deposited, or thrown anything or any matter mentioned in subsection 10(1) shall forthwith remove it.

13. Authority to remove

- (1) The Chief Administrative Officer may authorize any Village employee, or other person, to remove and put in storage or destroy anything placed upon Village property in contravention

of this Bylaw.

14. Odor

- (1) No person shall cause, permit, or engage in any activity that allows any nuisance odour to originate from a premises or residential building that reasonably interferes with the lawful enjoyment of any other person's property.

15. Graffiti

- (1) No person shall place any graffiti or cause it to be placed on any property.
- (2) The owner or occupier of a property shall ensure graffiti placed on their property is removed, painted over, or screened from public view within 10 days of the placement of the graffiti.
- (3) A property owner, who breaches the provisions of Section 15(2), where, following the issuance of and failure to comply with an Order under section 545 of the Municipal Government Act, shall be liable to payment of a penalty as prescribed in Schedule "A"
- (4) In prosecuting an offense this Section the consent of the owner to place graffiti on a property they own or occupy shall not be a valid defense under this Bylaw.

16. Fighting/Loitering

- (1) No person shall engage in a fight or any physical confrontation in any public place or any place to which the public is allowed access.
- (2) 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.
- (3) No person shall loiter and thereby obstruct any person in any public place.

17. Bullying

- (1) No person shall bully any person in any public place.
- (2) No person shall participate in, or encourage by verbal or other means, the bullying of any person in any public place.

(3) No person shall bully any person by means of telecommunication or writing.

18. Severability

(1) It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provisions of the Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable

19. Penalties

(1) Any Person who contravenes any provisions of this Bylaw is guilty of an offence and is liable to a penalty, as set out in Schedule "A" of this Bylaw.

(2) Where a Peace Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw, a Peace Officer may serve upon such person a Violation Tag either personally or by delivering it to the person at their residence with a person on the premises who appears to be at least eighteen (18) years of age or by delivery to their residence by mail and such service shall be adequate for the purpose of this Bylaw.

(3) A Violation Tag shall be in such form as determined by the County and shall state:

- a) the section of the Bylaw which was contravened; and
- b) the fine which is provided for within schedule "A" of this Bylaw, including any amendments or additions thereto, that will be accepted by the County in lieu of prosecution.

(4) If a Violation Tag issued pursuant to this Bylaw is presented within fourteen (14) days from the issue thereof, together with payment to the County of the specified penalty and/or fee, the person to whom the Violation Tag was issued will not be liable for prosecution for the contravention in respect of which the Violation Tag was issued.

(5) Notwithstanding the provisions of this Bylaw, a person to whom a Violation Tag has been issued may exercise his right to defend any charge of committing a contravention of any provision of this Bylaw.

20. Summary Conviction

(1) A Person who contravenes a provision of this Bylaw by doing something they are prohibited from doing, or by failing to do something which they are required to do, or by doing something in a manner different from that in which they are required or permitted to do by this Bylaw, is guilty of an offence and upon summary conviction, liable to a fine of not more than ten thousand (\$10,000) dollars.

- (2) Where there has been a breach of this Bylaw, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act RSA 2000, c P-34 as amended.

21. Coming into Force

This Bylaw shall come into full force and effect upon third and final reading, and Village of Rosemary Bylaw #419-10 and all amendments thereto are hereby repealed upon this Bylaw coming into effect.

READ a first time this 16th day of June 2020.

READ a second time this 21st day of July 2020.

READ a third time and passed this 21st day of July 2020.

Bill Marshall, Mayor

Sharon Zacharias, CAO

Schedule A

Penalties

Section	Offence	Minimum Penalty	Specified Penalty
3(2)	Unnecessary construction noise	\$300	\$500
4(1)	Make noise outside of permitted hours	\$250	\$300
5(1)(a)	Cause or permit noise that disturbs any other person	\$300	\$400
5(1)(b)	Cause or permit property to be used so that noise disturbs the peace of another person	\$300	\$400
7(1)	Cause noise emanate from a Motor Vehicle that disturbs the peace of any other person	\$300	\$400
9(2)	Non-approved repairing of motor vehicle	\$300	\$400
10(3)	Being the owner of / or occupying unsightly property	\$300	\$400
11(3)	Fail to contain construction waste/material	\$300	\$400
12(1)	Littering	\$250	\$300
14(1)	Permit/cause/engage in an activity allowing nuisance odour interfering with other persons property	\$300	\$400
15(1)	Placing Graffiti on property by an Adult	\$750	\$2,500
	Placing Graffiti on property by a Youth	\$600	\$1,000
15(2)	Fail to remove graffiti	\$250	\$300
15(3)	Failure to comply with Graffiti Order	\$150 each day after breach	
16(1)	Fighting in a Public Place	\$500	\$1,000
15(2)	Being a Member of an Assembly and failing to disperse as directed by a Peace Officer	\$300	\$750
15(3)	Loitering	\$100	\$200
17(1)	Bullying any person in a public place (Adult)	\$500	\$1,000
	Bullying any person in a public place (Youth)	\$250	\$300
17(2)	Participate/Encourage the bullying of any person (Adult)	\$500	\$1,000
	Participate/Encourage the bullying of any person (Youth)	\$250	\$300
17(3)	Bullying by means of telecommunication or writing (Adult)	\$500	\$1,000
	Bullying by means of telecommunication or writing (Youth)	\$250	\$300