

BYLAW 2020-16

BEING A BYLAW OF THE TOWN OF CALMAR TO REGULATE NEIGHBOURHOOD NUISANCE, SAFETY AND LIVEABILITY ISSUES

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WHEREAS, the Municipal Government Act; (RSA 2000, c. M-26) authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and protection of people and property;

AND WHEREAS, the Municipal Government Act authorizes a municipality to pass bylaws respecting nuisances, including unsightly property;

AND WHEREAS, the Municipal Government Act authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

AND WHEREAS, it is desirable for regulations which affect neighborhood livability to be located, as much as possible, in one bylaw;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF CALMAR, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

INTERPRETATION AND DEFINITIONS

1. (1) This Bylaw shall be cited as the "Community Standards Bylaw".
- (2) In this Bylaw:
 - (a) "Alberta Fire Code" means the Alberta Fire Code 2006, passed pursuant to Alberta Regulation 11812007, as amended;
 - (b) "Ambient Sound Level" means the Sound Level measured at a Point of Reception which excludes the noise generated by an activity with respect to which a complaint about noise has been made;
 - (c) "Automobile Parts" includes, but is not limited to, any vehicle part or collection of vehicle parts, or one or more vehicles that are dilapidated, derelict or not in operable condition;
 - (d) "Boulevard" means that portion of the street which lies between the roadway and the front property line of the land abutting said street;
 - (e) "Building" a structure with a roof and walls, such as a house, shed, storage shed, school, store, or factory;
 - (f) "Bylaw Enforcement Officer" means the person appointed as Bylaw Enforcement Officer by the Town Manager;
 - (g) "Cannabis" means and includes;

cannabis non-solid concentrates means substances that are in non-solid form at a temperature of $22 \pm 2^{\circ}\text{C}$ and that have a maximum yield percentage of greater than 3% w/w of THC, taking into account the potential to convert THCA into THC. (cannabis sous forme d'un concentré qui n'est pas solide);

cannabis oil means an oil that contains anything referred to in item 1 or 3 of Schedule 1 to the Act and that is in liquid form at a temperature of $22 \pm 2^{\circ}\text{C}$. (huile de cannabis);

cannabis solid concentrates means substances that are in solid form at a temperature of $22 \pm 2^{\circ}\text{C}$ and that have a maximum yield percentage of greater than 3% w/w of THC, taking into account the potential to convert THCA into THC. (cannabis sous forme d'un concentré solide);

fresh cannabis means freshly harvested cannabis buds and leaves, but does not include plant material that can be used to propagate cannabis. (cannabis frais);

non-solids containing cannabis means substances that are in non-solid form at a temperature of $22 \pm 2^{\circ}\text{C}$ and that have a maximum yield percentage of 3% w/w or less of THC, taking into account the potential to convert THCA into THC. (substances qui ne sont pas solides et qui contiennent du cannabis);

solids containing cannabis means substances that are in solid form at a temperature of $22 \pm 2^{\circ}\text{C}$ and that have a maximum yield percentage of 3% w/w or less of THC, taking into account the potential to convert THCA into THC. (*solides qui contiennent du cannabis*);

- (h) "Charity Collection Site" means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;
- (i) "Commercial District" means a commercial district as defined in Bylaw 2017-07, the Land Use Bylaw;
- (j) "Composting" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner;
- (k) "Concrete Mixer" means a machine that is mounted on a Truck chassis or trailer capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used;
- (l) "Construction" means the temporary process of demolishing or building any Structure, or repairing or improving a structure that already exists, including landscaping, home repair, property improvement and any work in connection with that process;
- (m) "Continuous Sound" means any sound level that occurs:
 - (i) for a continuous duration of more than 3 minutes; or
 - (ii) sporadically for a total of more than 3 minutes, in any continuous 15 minute time period;
- (n) "Daytime" means the period:
 - (i) beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or
 - (ii) beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a Weekend;
- (o) "Distributor" means any person, owner of a business, company, or organization which distributes, permits to be distributed or causes to be distributed any flyer which promotes the distributor's activities;
- (p) "Electronic Device" means any device or mechanism which is operated by the application of electric current, and without restricting the generality of the foregoing, includes any radio receiver, radio transmitter, record or tape player or device which produces recorded sound, television set, amplifier and loud speaker system, public address system, alarm, siren;
- (q) "Explosives Act" means the Explosives Act, R.S.C. 1985, c. E-17, as amended and any regulations thereunder;
- (r) "Fire Ban" means any fire ban, whether municipally or provincially declared, that prohibits the ignition of fires in all or part of the Town;
- (s) "Fence" includes a privately-built fence and a developer-built community screening fence;
- (t) "Fire Pit" includes a permanently affixed outdoor fire receptacle and a portable fire receptacle;
- (u) "Fireplace" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry;

- (v) "Flyer" means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, or any other printed or otherwise reproduced matter of literature;
- (w) "Garbage Truck" means any vehicle equipped for transporting refuse or any vehicle equipped to load, unload and transport containers for handling refuse;
- (x) "Garden" means:
 - (i) an area of landscaped land; or
 - (ii) a container; in which flowers, vegetables, fruits, shrubs, vines or herbs are cultivated;
- (y) "Good Repair" means a condition where something is free from:
 - (i) broken, missing, or fallen parts; or
 - (ii) rot or other significant deterioration; or
 - (iii) openings which are not secured against trespassers or infiltration or air and precipitation;
- (z) "Graffiti" means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any premises, structure, or other property, but does not include words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any vehicle;
- (aa) "Herbaceous Plant" means a plant having little or no woody tissue above ground;
 - (i) "Lane" means an alley intended primarily for access to the rear of Premises located adjacent to the alley;
- (ab) "High-Hazard Fireworks" means fireworks listed in Class 7, Division 2 Subdivision 2 in Section 14 of the Explosives Act and refers to fireworks which only professionals licensed under the Explosives Act may use (also known as "display fireworks");
- (ac) "Leq" means the equivalent continuous Sound Level over periods of time as specified in this Bylaw at a specified location as measured by a sound level meter;
- (ad) "Lessee" means any person, including his agent or any member of his family, who rents, or occupies property owned by another person or persons;
- (ae) "Low-Hazard Fireworks" means fireworks listed in Class 7, Division 2 Subdivision 1 in Section 14 of the Explosives Act and refers to fireworks intended for use by the general public for recreational purposes (also known as "consumer fireworks");
- (af) "Major Event" means any outdoor concert, festival, sporting event, performance, attraction, revival or other event, for which either at least 5,000 tickets are available for paid admission or 5,000 or more people can be accommodated if there is no admission charge;
- (ag) "Motorized Garden Tool" means any tool used for gardening that is powered;
- (ah) "Municipal Government Act" means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended and any regulations thereunder;
- (ai) "Municipal Tag" means a notice issued by the Town pursuant to the Municipal Government Act for the purpose of providing a person with an opportunity to acknowledge a contravention of this Bylaw and to pay a penalty directly to the Town, in order to avoid prosecution for the contravention;
- (aj) "Night-time" means the period beginning at 10:00 P.M. and ending the following day at:
 - (i) 7:00 A.M. if the following day is a Weekday; or
 - (ii) 9:00 A.M. if the following day is a Weekend;
- (ak) "Noise" means any sound which is, or is considered to be, sharp or piercing; or shrill, or explosive; or unnecessarily loud; or persistent and/or annoying, but shall not include a sound intended to warn persons of danger or of emergency;

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- (al) "Non-Continuous Sound" means any Sound Level that is not a Continuous Sound measured with a Sound Level Meter;
- (am) "Non-Residential Development" means any land or building that is not a Residential Development or Residential Building;
- (an) "Nuisance" means any act or deed, or omission, or thing, which is, or could be reasonably be expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and/or his property;
- (ao) "Occupant" means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon;
- (ap) "Officer" includes a Bylaw Enforcement Officer and a member of the Calmar Enforcement Services;
- (aq) "Open Composting Pile" means a Composting site which is not fully contained in a Structure;
- (ar) "Open fire" means any fire which is not an incinerator fire, pit fire, public park site fire and which, without limiting the generality of the foregoing shall include grass fires, forest fires, brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;
- (as) "Open Air Fire Permit" means an approved application in writing in the prescribed form set out by the Town of Calmar Public Works, and such other information as may be required by Leduc County Fire Services;
- (at) "Outdoor Speaker System" means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, public address or other system, which is used for general listening purposes and positioned:
 - (i) outside of a building; or
 - (ii) inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building; or
 - (ii) in a tent;
- (au) "Owner" means a person having title to, or legal possession of any property, or who possesses property under a purchase agreement;
- (av) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed by the Town, or a Bylaw Enforcement Officer appointed to enforce the Town's Bylaws;
- (aw) "Permit" includes a fireworks permit and a sales permit;
- (ax) "Person" includes a corporation, other legal entities and an individual having charge or control of a premises;
- (ay) "Pest" means any animal, bird, reptile or insect which causes or could reasonable be expected to cause annoyance or damage or injury to any person, or animal or plant;
- (az) "Point of Reception" means any location at the place of work or residence where noise or sound levels are heard by a complainant;
- (ba) "Portable Fire Receptacle" means an outdoor fire receptacle which is not permanently affixed;
- (bb) "Power Tool" includes any tool powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity or a fossil fuel;
- (bc) "Premises" includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;
- (bd) "Privy" a small building which may have a bench with holes through which the user may defecate or urinate;

- (be) "Property" means anything owned by any person, whether in whole or in part, and also includes real property;
- (bf) "Public Park Site Fire" means a fire on land owned or leased by the Town of Calmar or its agents for recreational purposes and is confined to either a non-combustible container supplied by the Town, as approved by the Leduc County Town Manager or designate, or a portable appliance, which is set for the purposes of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fueled with seasonal wood, charcoal, natural gas or propane;
- (bg) "Pyrotechnic Special Effects" means fireworks listed in Class 7, Division 2 Subdivision 5 in Section 14 of the Explosives Act and refers to fireworks which only professionals licensed under the Explosives Act may use (also known as "theatrical effects");
- (bh) "Real Property" means any land and/or buildings whether occupied or not;
- (bi) "Remedial Order" means an order written pursuant to Section 545 and Section 546 of the Municipal Government Act;
- (bj) "Residential Building" means a structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;
- (bk) "Residential Development" means any land which is the site of a residential building and is designated as one of the following land use districts:
 - (i) a residential district; or
 - (ii) a direct control district pursuant to Bylaw 2017-07, the Land Use Bylaw, where the applicable land use allows a use which is residential; or
 - (iii) any other land use district pursuant to Bylaw 2017-07, the Land Use Bylaw which allows residential uses;
- (bl) "Residential District" means a residential district as defined in Bylaw 2017-07, the Land Use Bylaw;
- (bm) "Rubbish" may include, but not limited to, any paper product, or fabric, or wood, or plastic, or glass, or metal and/or any matter or substance of any kind which has been discarded, or abandoned, or in any way disposed of;
- (bn) "Running Fire" means a fire burning without being under the proper control of any person;
- (bo) "Sales Permit" means a permit, issued by the Town Manager or their designate, authorizing the sale, possession, handling, and storage for sale of fireworks in the Town, and constituting written permission for purposes of the Alberta Fire Code;
- (bp) "Signalling Device" means any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon or public address system;
- (bq) "Sound Level" means the sound pressure measured in decibels using the "A" weighted network of a Sound Level Meter with fast response;
- (br) "Sound Level Meter" means any Type 2 or better integrating instrument (as established by the standards of the American National Standards Institute "A.N.S.I.") that measures sound levels;
- (bs) "Structure" means a building, garage, shed, Fence or other thing erected or placed in, on, over or under land, whether or not it is affixed to the land;
- (bt) "Town" means the municipal corporation of The Town of Calmar, and includes the geographical area within the boundaries of The Town of Calmar where the context so requires;
- (bu) "Town Manager" means the person designated by Council as its chief administrative officer, or that person's designate;
- (bv) "Truck" means any vehicle that has a gross allowable maximum vehicle weight in excess of 5450 kilograms as listed on the official registration certificate issued by the Government of the Province of Alberta, regardless of the vehicle's actual

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weight at a specific time, and includes a truck-tractor and tractor-trailer, but does not include a Concrete Mixer or a Garbage Truck;

- (bw) "Untidy" or "Unsightly" means any property or part of it on which is litter or rubbish which causes the property or any part of it to look untidy or unsightly;
 - (bx) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended;
 - (by) "Weeds" means any plant that is designated in the Weed Control Act of Alberta as "restricted", "noxious" or "nuisance" and shall also include any fungus which may be destructive or injurious to gardens or lawns or trees or shrub;
 - (bz) "Weekday" means Monday through Saturday, inclusive unless it falls on a holiday, as defined in the Interpretation Act, R.S.A. 2000, c. I-8, as amended or replaced from time to time; (51M2016, 2016 December 14);
 - (ca) "Weekend" means Sunday and any other holiday, as defined in the Interpretation Act, R.S.A. 2000, c. I-8, as amended or replaced from time to time; (51M2016, 2016 December 14);
 - (cb) "Work Forces" includes employees of The Town and Persons under contract to The Town.
- (3) The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibitions of this Bylaw.
 - (4) Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit, order or licence.
 - (5) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
 - (6) 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.
 - (7) All appendix attached to this Bylaw shall form part of this Bylaw.

ADDRESSING

- 2.
 - (1) The owner or occupier of a premises on which a dwelling unit has been erected shall display the number assigned to the property at a location plainly visible from the street in front of the premises to which the property is addressed.
 - (2) The owner or occupier of a premises on which a dwelling unit has been erected that has access to a lane shall display the number assigned to the property at a location plainly visible from the lane.

CANNABIS

- 3.
 - (1) Cannabis in any format shall not be sold or distributed from any residential property.
 - (2) Cannabis edibles are prohibited from consumption in all public places.

CHARITY COLLECTION SITES

- 4. For the purpose of this part no person shall scavenge from or disturb any material, bag or box in or at a charity collection site, whether or not that material, bag or box is contained in a receptacle or resting upon the ground.

ENFORCEMENT

General Penalty Provision

5. (1) Any person who contravenes any provision of this Bylaw by:
 - (a) doing any act or thing which the person is prohibited from doing; or
 - (b) failing to do any act or thing the person is required to do; is guilty of an offence.
- (2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to a period of imprisonment not exceeding six (6) months.

Violation Tickets and Penalties

6. (1) Where an Officer believes that a person has contravened any provision of this Bylaw, the Officer may commence proceedings against the person by issuing a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000 c. P-24.
- (2) Where there is a specified penalty listed for an offence in Appendix "A" to this Bylaw, that amount is the specified penalty for the offence.
- (3) Where there is a minimum penalty listed for an offence in Appendix "A" to this Bylaw, that amount is the minimum penalty for the offence.
- (4) If a Person is convicted twice of the same provision of this Bylaw within a 24 month period, the minimum penalty for the second conviction and any subsequent convictions within a 24 month period shall be twice the amount of the specified penalty, unless:
 - (a) the Person is a "Young Person" (as defined in the Youth Justice Act, R.S.A. 2000, c. Y-1, as amended); and
 - (b) the convictions are under either Subsection 17.1(1), Subsection 18(3), Subsection 18(5) or Subsection 19(2) of this Bylaw; in which case the specified penalty for a "Young Person" shall apply.
- (5) This Section shall not prevent any Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, R.S.A. 2000 c. P-24, or from laying an information in lieu of issuing a violation ticket.
- (6) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other Bylaw.

Municipal Tag

7. (1) A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag may be issued to such person:
 - (a) either personally; or
 - (b) by mailing a copy to such person at his or her last known post office address.
- (3) The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (a) the name of the person;
 - (b) the offence;
 - (c) the specified penalty established by this Bylaw for the offence;

- (d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
- (e) any other information as may be required by the Chief Administrative Officer.

Payment in Lieu of Prosecution

- 8. 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 to the Town the penalty specified within the time period indicated on the Municipal Tag.

EXCAVATIONS AND PONDING WATER

- 9.
 - (1) No owner or occupier of a premises shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.
 - (2) If, in the opinion of the Town Manager or designate, a water-course, pond or other surface water becomes or remains a nuisance or poses a danger to public safety, the Town Manager or designate may declare the water-course, pond or other surface water a nuisance and require the owner or occupier of the premises to eliminate the nuisance or danger.
 - (3) prevent stagnant water from remaining on such property and becoming a breeding place for mosquitoes or other pests.

FIRE ON PREMISES

- 10. Except for a fire which is allowed by another Town Bylaw, no person shall burn, or allow to be burned, a fire on a premises that does not comply with the requirements of this Bylaw.

All Fires Must be Supervised

- 11. Every person who builds, ignites or allows a fire on a premises must ensure that the fire is not left unsupervised at any time.

Restrictions Applying to All Fires Allowed Pursuant to This Bylaw

- 12.
 - (1) No person shall burn, at any time, on any premises, the following materials:
 - (a) treated or painted lumber;
 - (b) lumber products containing glue or resin;
 - (c) wet or unseasoned wood;
 - (d) leaves, brush or yard waste;
 - (e) garbage;
 - (f) rubber, tires or plastic;
 - (g) any animal carcass or part thereof;
 - (h) used oil;
 - (i) animal manure;
 - (j) pathological waste;
 - (k) combustible material in automobiles;

- (l) combustible material in automobile bodies; or
- (m) household refuse.

- (2) No person shall ignite or allow an outdoor fire to burn on a premises:
 - (a) between midnight (12:00 a.m.) and ten o'clock a.m. (10:00 a.m.) on any day from Monday to Thursday; or
 - (b) between one o'clock a.m. (1:00 a.m.) and ten o'clock a.m. (10:00 a.m.) on a Friday, Saturday or Sunday.

Fires in Fire Places

- 13. (1) A person may build, ignite or allow a fire on a premises in a fireplace, as long as that person complies with Sections 11 and 12 of this Bylaw.

Fires in Fire Pits

- 14. (1) A person may build, ignite, or allow a fire on a premises in a fire pit as long as that person ensures that the fire is contained in a fire pit that:
 - (a) is constructed of non-combustible material;
 - (b) has an open flame area that does not exceed 1 metre at its widest point;
 - (c) does not have walls which exceed 0.75 metres in height measured from the floor of the fire pit to the top of the wall of the fire pit excluding any chimney;
 - (d) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
 - (e) is situated at least 2 metres from any house, garage or similar structure including wooden decks, porches and similar amenity space attached to a structure measured from the part of the fire pit which is closest to the structure or amenity space;
 - (f) is situated at least 2 metres from any other combustible material measured from the part of the fire pit which is closest to the combustible material;
 - (g) is not located directly under any tree or overhanging branches; and
 - (h) is covered with a non-combustible mesh screen with openings no greater than 1.24 cm across, for fire pits in which wood is burned.
- (2) Notwithstanding subsection 14(1)(e), a person may build, ignite or allow a fire in a portable fire receptacle on a wooden deck as long as that person ensures that:
 - (a) a non-combustible material such as brick or stone is placed between the portable fire receptacle and the wooden deck; and
 - (b) the portable fire receptacle is situated at least 2 metres from any house, garage, similar structure or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
- (3) Every person who builds, ignites or allows a fire in a fire pit must ensure that:
 - (a) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - (b) the flames from the fire do not exceed 1 metre in height at any time; and
 - (c) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.
- (4) Every person who does not comply with section 14 is in violation of this bylaw.

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Open Air Fires

15. No person shall permit an open air fire or any other fire upon land owned, occupied, or under his or her control within the Town, unless an open air permit has been obtained, the provisions outlined on the permit are complied with, and no materials pursuant to Section 28(1) are burned in the fire.

GRAFFITI PREVENTION AND ABATEMENT

16. (1) No person shall create or apply graffiti on or to any
- (a) Premises,
 - (b) Structure, or
 - (c) Other property which is owned or occupied by another person unless the graffiti is not in public view and the person who owns or occupies the premises, structure or other property to which the graffiti has been created or applied has given prior written approval for the creation or application of the graffiti.
- (2) Every owner or occupier of a premises shall ensure that graffiti placed on their premises is removed, painted over, or otherwise blocked from public view.
- (3) Subsections (2) and (3) do not apply to a sign, as defined in the Land Use Bylaw 2017-07, as amended, for which a development permit has been issued.

Vehicle Owner Liable

17. If a vehicle is involved in an offence referred to in this part, the owner of that vehicle is guilty of an offence unless the owner of that vehicle satisfies the Court that the owner was not in control of the vehicle and that the person having control of the vehicle at the time of the offence had control of the vehicle without the owner's express or implied consent.

Prohibitions

18. (1) No owner or occupier of a premises shall place or allow to be placed cat feces, dog feces, animal parts or animal meat on a composting pile or in a composting container on the premises.
- (2) No owner or occupier of a premises shall allow an open composting pile on the premises within ten (10) metres of an adjacent dwelling house, measured from the nearest part of the open composting pile to the nearest part of the adjacent dwelling house.
- (3) Every owner or occupier who allows a composting container or composting pile to remain on a premises must ensure that it is maintained in such a manner that it does not become a nuisance by:
- (a) creating offensive odours; or
 - (b) attracting pests.

MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES

19. (1) No owner or occupier of a premises shall allow a structure to remain in an unsightly condition.
- (2) Every owner or occupier of a premises shall ensure the following are maintained in good repair:
- (a) Fences and their structural members;
 - (b) Structures and their structural members, including:
 - (i) Foundations and foundation walls;
 - (ii) Exterior walls and their components;

- (iii) Roofs;
 - (iv) Windows and their casings;
 - (v) Doors and their frames;
- (c) Protective or decorative finishes of all exterior surfaces of a structure or fence; and
- (d) Exterior stairs, landings, porches, balconies and decks
- (3) when requested to do so by an Enforcement Officer, clean up an untidy and/or unsightly property or build a fence or screen to keep such property from being viewed from any street or other public place

NUISANCES ESCAPING PROPERTY

- 20.
 - (1) No owner or occupier of a premises shall allow a flow of water from a hose or similar device on the premises to be directed towards an adjacent premises if it is likely that the water from the hose or similar device will enter the adjacent premises.
 - (2) An owner or occupier of a premises shall direct any rainwater downspout or eavestrough on the premises towards:
 - (a) the front of the premises;
 - (b) the rear of the premises;
 - (c) a side yard which does not abut another premises; or
 - (d) a side yard which abuts another premises only if there is a minimum of 6 (six) metres of permeable ground between the outfall of the downspout or eavestrough and the adjacent premises.

Smoke and Dust

- 21. A person shall not engage in any activity that is likely to allow smoke, dust or other airborne matter that may disturb any other person to escape the premises without taking reasonable precautions to ensure that the smoke, dust or other airborne matter does not escape the premises.

Light

- 22. No owner or occupier of a premises shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house unless the outdoor light is permitted or required pursuant to the Land Use Bylaw 2017-07, a development permit or a similar approval.

Flyers and Debris

- 23.
 - (1) An owner or occupier of a premises shall ensure that articles such as papers, flyers and loose debris are collected and contained on the premises so that they do not escape onto adjacent or other neighboring properties.
 - (2) An owner or occupier of a premises is responsible for papers and flyers on their premises regardless of whether they solicited for the delivery of these papers or flyers.
 - (3) No person shall deposit a flyer at or on a premises where a sign or notice has been posted and which is clearly visible at the entrance of a dwelling unit indicating that such flyers are not wanted.
 - (4) No distributor shall distribute or cause to be distributed flyers for the purpose of depositing them at or on a premises where a sign or notice has been posted and which is clearly visible at the entrance of a dwelling unit indicating that such flyers are not wanted.
 - (5) Subsections (3) and (4) do not apply to:

- (a) any election advertising material which is permitted to be transmitted or delivered pursuant to any applicable federal, provincial or municipal legislation;
- (b) newspapers delivered to paid subscribers;
- (c) community association newsletters or newspapers;
- (d) information circulars produced by a federal, provincial or municipal government or an agency of such government;
- (e) information circulars produced by a member of Calmar Town Council, a member of the Alberta Legislative Assembly or a member of the federal Parliament.

PRIVY

24. (1) No person shall construct, modify, or use a building for the purpose of a privy within the town of Calmar;
- (2) All buildings containing any use for human urination or defecation must comply with all Alberta building codes.

REGULATION OF NOISE

25. (1) This part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads, or aeronautical related activities of aircraft.
- (2) In the case where "Noise" has been deemed to be excessive, a person shall comply with the conditions to stop the source of said "noise" immediately.
- (3) Restrictions in this section shall not apply so as to prohibit any Town of Calmar employees or anyone authorized by the Town of Calmar for general maintenance and or construction that has been authorized, and takes place within the corporate limits of Calmar.
- (4) In any proceedings under this section, the following persons shall be deemed to be the occupants of any property upon which it has been alleged that an offense has been committed:
- (a) any person who:
 - i. resides therein, or
 - ii. claims to reside therein, or
 - iii. is a lessee with respect to such property, or
 - iv. has title to such property, or
 - v. possesses said property under a purchase agreement
 - (b) provided, however, that such person was present at the time of alleged offense, or permitted other persons to use said property.

General Prohibitions and Noise from Vehicles on Premises

26. (1) except as authorized pursuant to this Bylaw, no person shall make or cause or allow to be made or continued any noise which would disturb or annoy a reasonable person.
- (2) Except as authorized pursuant to this Bylaw, no owner or occupier of a premises shall make or cause or allow to be made or continued any noise which emanates from the premises and which would disturb or annoy a reasonable person.
- (3) No person shall permit a vehicle located on a premises to emit noise which emanates from that premises and which would disturb or annoy a reasonable person, including noise from excessive engine revving and stereo and amplification equipment in the vehicle.
- (4) No owner or occupier of a premises shall permit a vehicle located on the premises to emit noise which emanates from that premises and which would disturb or annoy a reasonable person, including noise from excessive engine revving and stereo and amplification equipment in the vehicle.
- (5) operate any electronic device in such a manner as to be a nuisance.

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Continuous Sound in Residential Developments

27. (1) No person shall cause or permit to be caused a continuous sound that exceeds the following sound levels:
- (a) 65 decibels (dBA) Leq measured over a one (1) hour period during the daytime; or
 - (b) 50 decibels (dBA) Leq measured over a one (1) hour period during the nighttime; at any point of reception within a residential development.
- (2) Notwithstanding subsection (1), where the ambient sound level for an area is at or above the maximum allowable daytime or nighttime sound levels referred to in subsection (1), measured over a one (1) hour period, a sound level must exceed 5 decibels (dBA) Leq over the ambient sound level before it becomes an offence.
28. (1) In this section, "Sound Level" means the sound pressure measured in decibels using the "C" weighted network of a sound level meter with fast response.
- (2) No person shall operate or permit to be operated an air conditioner, fan, central vacuum system or generator that causes a continuous sound that exceeds the greater of the following sound levels:
- (a) 70 decibels (dBC) Leq measured over a one (1) hour period during the daytime; or
 - (b) 60 decibels (dBC) Leq measured over a one (1) hour period during the nighttime; at any point of reception within a residential development.
- (3) Notwithstanding subsection (2), where the ambient sound level for an area is at or above the maximum allowable daytime or nighttime sound levels referred to in subsection (2), measured over a one (1) hour period, a sound level must exceed 5 decibels (dBC) Leq over the ambient sound level before it becomes an offence.
- (4) operate any electronic device in such a manner as to be a nuisance.

Continuous Sound in the Downtown

29. (1) No person shall cause or permit to be caused a continuous sound that exceeds the following sound levels:
- (a) 75 decibels (dBA) Leq measured over a one (1) hour period during the daytime; or
 - (b) 60 decibels (dBA) Leq measured over a one (1) hour period during the nighttime; at any point of reception within the Town Calmar downtown described as all buildings from 51 STREET to 47 STREET, along 50th AVENUE (HWY 39), North and South sides of 50th AVENUE (HWY 39).
- (2) Notwithstanding subsection (1), where the ambient sound level for an area is at or above the maximum allowable daytime or nighttime sound levels referred to in subsection (1), measured over a one (1) hour period, a sound level must exceed 5 decibels (dBA) Leq over the ambient sound level before it becomes an offence.
- (3) Sections 28 and 28.1 do not apply to a residential development in the downtown.

Non-Continuous Sound in Residential Developments and Downtown

30. No person shall cause or permit to be caused a non-continuous sound that exceeds:
- (1) 85 decibels (dBA) Leq measured over a period of 15 minutes during the daytime; or
 - (2) 75 decibels (dBA) Leq measured over a period of 15 minutes during the nighttime; at any point of reception within a residential development or downtown.

Activities in Residential Developments

31. (1) No person shall operate or use:
- (a) a hand lawn mower;
 - (b) a motorized garden tool;
 - (c) a power tool outside of any building or structure;
 - (d) a model aircraft driven by an internal combustion engine of any kind;
 - (e) a snow clearing device powered by an engine of any kind;
 - (f) a motorized snow or leaf blowing device; or
 - (g) a sports ramp; in a residential development during the nighttime.
- (1.1) In subsection (1), "Sports Ramp" means a structure that is used to provide a surface upon which an individual may use or operate a skateboard, bicycle, roller skates or other similar device.
- (2) No person shall load or unload a truck, concrete mixer, or garbage truck in a residential development or within 150 metres of a residential development during the nighttime.
- (3) Notwithstanding subsection (2) a person may, at any time, unload a vehicle containing:
- (a) fresh fruit, produce and perishable merchandise including milk products and baked goods; or
 - (b) daily or weekly newspapers being delivered to vendors.
- (4) Notwithstanding subsection (2), a person may load a garbage truck between 6:00 A.M. and 10:00 P.M. on any weekday in the downtown.
- (5) A person must not use a signalling device to promote or advertise the sale of ice cream or any other food stuffs in a residential development during the nighttime.
- (6) A person who owns, occupies or controls a truck must not at any time allow it to remain running for longer than 20 minutes when it is stationary in a residential development or within 150 metres of a residential development.
- (7) Bow and arrows within the corporate limits of the Town of Calmar shall be prohibited, excepting licensed approved facilities.
- (8) Cross bows and bolts within the corporate limits of the Town of Calmar shall be prohibited, excepting licensed approved facilities.
- (9) B-B guns, air rifles and paintball guns within the corporate limits of the Town of Calmar shall be prohibited, excepting licensed approved facilities
- (10) Any firearm, or discharge any firearm, unless permission in writing is first obtained from the Town Manager, or Town Manager designate, or any person authorized by them, unless by a Peace Officer who is authorized to discharge a firearm by the Solicitor General of the Province of Alberta.

Relaxations

32. (1) Despite subsection 31(1)(e), a person may operate a snow clearing device powered by an engine for the purpose of commercial and non-commercial removal of snow and ice from streets, parking lots and sidewalks during the 48 hour period following a snowfall, rain or freezing rain, subject to the right of the Town Manager or designate to withdraw this relaxation on a site-specific basis.

Sound in Non-Residential Developments

33. (1) No person shall cause or permit to be caused a continuous sound that exceeds the greater of:
- (a) 85 decibels (dBA) Leq measured over a one (1) hour period during the daytime or nighttime; or

- (b) 5 decibels (dBA) Leq over the ambient noise measured over a one (1) hour period during either the daytime or nighttime; at any point of reception within a non-residential development.
- (2) No person shall, in a non-residential development, cause or permit to be caused a non-continuous sound that exceeds 85 decibels (dBA) Leq measured over a period of one (1) hour during the daytime or nighttime where the point of reception is within a non-residential development.

Outdoor Speaker Systems

- 34. (1) No person shall operate an outdoor speaker system on a parcel where a property line of the parcel is within 150 metres of a residential development during the period beginning at 10:00 P.M. and ending at 7:00 A.M. the following day.
- (2) Notwithstanding subsection (1), an outdoor speaker system must comply with the sound levels established in this Bylaw.

Outdoor Concerts

- 35. (1) No person shall cause or permit to be caused sound from an outdoor concert whether recorded or live, that exceeds the following:
 - (a) 65 decibels (dBA) Leq measured over a one (1) hour period; or
 - (b) 85 decibels (dBC) Leq measured over a one (1) hour period; at any point of reception within a residential development.
- (2) Despite subsection (1), where the ambient sound level for an area is at or above the maximum allowable sound levels, measured over a one (1) hour period, a sound level must exceed 5 decibels Leq over the ambient sound level before it becomes an offence.

Exemptions and Scope

- 36. (1) The provisions of this part do not apply to:
 - (a) emergency vehicles;
 - (b) Construction in residential developments during the daytime, whether or not the construction requires any Town permits;
 - (c) the use of motorized garden tools in residential developments where:
 - (i) the sound level does not exceed 75 decibels (dBA) Leq measured over a one (1) hour period; and
 - (ii) the tool is used during the daytime and for less than 3 hours during any given day;
 - (d) work on a Town street or on a public utility carried out by the owner or operator of the public utility, or its contractors; or
 - (e) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.
- (2) Notwithstanding Subsection (1), the Town Manager or designate may apply any other provision of this part to Subsections (1)(b) through (e) on a site-specific basis in the Town Manager or designate's sole discretion.
- (3) The provisions contained in this part shall not be interpreted to prevent:
 - (a) the ringing of bells in churches, religious establishments and schools;
 - (b) the sounding of any alarm or warning to announce a fire or other emergency;
 - (c) the playing of a band in connection with a parade allowed pursuant to any Town bylaw; or
 - (d) the use of signalling devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or persons.

Permits

- 37. (1) A person may make a written application to the Town Manager or designate for a temporary permit allowing for noise or Sound Levels that would otherwise violate this Bylaw.

- (2) Any application made pursuant to Subsection 36(1) must be made at least 5 business days prior to the proposed activity and must contain the following information pertaining to the work or activity for which the exemption is sought:
 - (a) the name, address and telephone number of the applicant;
 - (b) the address of the site;
 - (c) the building permit number (if applicable);
 - (d) a description of the source(s) of noise or Sound Levels;
 - (e) the period of time that the exemption is desired;
 - (f) the applicant's reason(s) why the exemption should be given; and
 - (g) a statement of the measures that will be taken to minimize the noise or sound levels.
- (3) The Town Manager or designate may, in their sole discretion:
 - (a) waive any requirement of this section;
 - (b) issue the temporary permit, where the Chief Bylaw Enforcement Officer determines that circumstances make it impractical for the applicant to comply with this Bylaw;
 - (c) revoke any temporary permit that has been issued, where the Chief Bylaw Enforcement Officer determines that the applicant has not taken sufficient measures to minimize the noise or sound levels; or
 - (d) impose any conditions on the issuance or use of the permit that the Town Manager or designate considers appropriate.

Permits for Major Events

38. (1) Where a person makes an application pursuant to Section 36 for a major event in the Town or designate may, before making a decision thereon, require the applicant to provide public notice of the application in a manner directed by the Town Manager or designate, which may include posting, media advertising or direct notice.
- (2) As soon as practicable after deciding on an application under Section 36 for a major event, the Town Manager or designate shall so advise all parties who have requested of the Town Manager or designate that they be notified of the decision.
- (3) Any approval of an application under Section 36 for a major event may be appealed by an affected person to the Town Manager or their designate within 14 days of the date of approval.
- (4) If no appeal is filed within 14 days of the date of approval, the temporary permit may be issued.
- (5) Any rejection of an application under Section 36 for a major event may be appealed by the applicant to the Town Manager or their designate within 14 days of the date of the rejection decision.
- (6) An appeal to the Town Manager or their designate pursuant to this section shall be filed in the same manner as an appeal of a remedial order as set out in Section 4 of this Bylaw.
- (7) If an appeal is filed pursuant to this section, the Town Manager or their designate shall hear the application within 30 days, or at their next meeting, whichever is sooner.
- (8) The Town Manager or their designate may determine its own procedure for a hearing pursuant to this section, and may reverse, vacate, confirm or vary the approval or conditions thereof made by the Town Manager or designate, and its decision is final.

REMEDIAL ORDERS

39. (1) Every remedial order written with respect to this Bylaw must:
 - (a) indicate the person to whom it is directed;
 - (b) identify the property to which the remedial order relates by municipal address or legal description;

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- (c) identify the date that it is issued;
 - (d) identify how the premises fails to comply with this or another Bylaw;
 - (e) identify the specific provisions of the Bylaw the premises contravenes;
 - (f) identify the nature of the remedial action required to be taken to bring the premises into compliance;
 - (g) identify the time within which the remedial action must be completed;
 - (h) indicate that if the required remedial action is not completed within the time specified, The Town may take whatever action or measures are necessary to remedy the contravention;
 - (i) indicate that the expenses and costs of any action or measures taken by The Town under this section are an amount owing to The Town by the person to whom the order is directed;
 - (i) indicate that the expenses and costs referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time;
 - (j) indicate that an appeal lies from the remedial order to the Licence and Community Standards Appeal Board, if a notice of appeal is filed in writing with the Town Clerk within fourteen days of the receipt of the remedial order.
- (2) Every remedial order written with respect to provisions of another bylaw must contain the same information as set out in subsection (1) as modified as necessary in the context of that Bylaw.
- (3) A remedial order issued pursuant to this Bylaw may be served:
- (a) in the case of an individual:
 - (i) by delivering it personally to the individual;
 - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - (iii) by delivering it by registered mail to the individual at their apparent place of residence; or
 - (iv) by delivering it by registered mail to the last address of the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta;
 - (b) in the case of a corporation:
 - (i) by delivering it personally to a director or officer of the corporation; or
 - (ii) by delivering it personally to any person apparently in charge of an office of the corporation at the address held out by the corporation to be its address; or
 - (iii) by delivering it by registered mail addressed to the registered office of the corporation.
- (4) If, in the opinion of a person serving a remedial order, service of the remedial order cannot be reasonably effected, or if the person serving the remedial order believes that the owner of the premises is evading service, the person serving the remedial order may post the remedial order:
- (a) at a conspicuous place on the premises to which the remedial order relates; or
 - (b) at the private dwelling place of the owner of the premises to which the remedial order relates, as shown on a certificate of the title pursuant to the Land Titles Act or on the municipal tax roll; or
 - (c) at any other property owned by the owner of the premises to which the remedial order relates, as shown on a certificate of title pursuant to the Land Titles Act or shown on the municipal tax roll; and the remedial order shall be deemed to be served upon the expiry of 3 days after the remedial order is posted.
- (5) Every person who fails to comply with a remedial order issued pursuant to this Bylaw within the time set out in the remedial order commits an offence.

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UNTIDY / UNSIGHTLY PROPERTIES

- 40. This part applies to premises and vacant lots in residential areas and commercial areas but does not apply to industrial areas.
- 41. When a "Remedial Order" has been issued, a person has twenty-one (21) days to comply with the stated conditions.

Accumulation of Materials

- 42. (1) No owner or occupier of a premises shall allow on the premises, the accumulation of:
 - (a) any material that creates unpleasant odors;
 - (b) any material likely to attract pests; or
 - (c) animal remains, parts of animal remains, or animal feces.
- (2) No owner or occupier of a premises shall allow the open or exposed storage on the premises of any industrial fluid, including engine oil, brake fluid or antifreeze.
- (3) No owner or occupier of a premises shall allow the following to accumulate on the premises such that the accumulation is visible to a person viewing from outside the property:
 - (a) loose garbage;
 - (b) bottles, cans, boxes or packaging materials;
 - (c) household furniture or other household goods;
 - (d) parts of or disassembled machinery, equipment or appliances; and
 - (e) yard waste, including grass, tree and hedge cuttings but excluding the contents of a composting pile as defined in this Bylaw.
- (4) No owner or occupier of real property shall allow on the premises the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking is being actively carried out on the premises and that the project has begun or the beginning of work is imminent.
- (5) An owner or occupier of a premises shall ensure that all building materials stored on a premises, that are not in contravention of subsection (4), are stacked or stored in an orderly manner.
- (6) Despite anything in this part, it shall not be an offence to store a small amount of neatly stacked materials on a premises for basic property maintenance.

Vehicles

- 43. No owner or occupier of a premises shall allow on the premises, the accumulation of:
 - (1) debris, including any vehicle, tractors, or objects which is in wrecked, discarded, dilapidated or abandoned condition.
 - (2) Motor vehicle parts, recreational vehicle parts, off highway vehicle parts, ie. tires bumpers, engines, transmissions, partial body parts, etc. thereof which is in a dilapidated or unsightly condition to remain outside a building or on property located within the boundaries of the Town of Calmar in a residential area.
 - (3) More than one unregistered motor vehicle.

Appliances

- 44. (1) No owner or occupier of a premises shall allow a refrigerator or freezer to remain outside on a premises without first ensuring that the hinges and latches, or lid or doors of the unit have been removed.

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- (2) No owner or occupier of a premises shall allow any appliance to remain on the premises such that the appliance is visible to a person viewing from outside the property.
- (3) Notwithstanding subsection (1), it shall not be an offence for an owner or occupier of a premises to allow a refrigerator to remain outside on a premises:
 - (a) if the refrigerator is not visible to a person viewing from outside the property; and
 - (b) the refrigerator remains locked at all times with a padlock and key or similar device.

General – Material on Streets

- 45. (1) Except to the extent specified in and subject to the conditions of a permit signed by or on behalf of the Department of Public Works, no person shall:
 - (a) No person shall, except in a receptacle, dispose of litter on any portion of a street.
 - (b) No person shall, except in a receptacle, dispose of litter on any portion of a street from a vehicle.
 - (c) No person shall dispose of burning litter on any portion of a street.
- (2) If a vehicle is involved in an offence referred to in Subsection (1)(b), the owner of that vehicle is guilty of an offence.
 - (a) Subsection (2) does not apply if the owner of the vehicle satisfies the Court that the owner was not in control of the vehicle, and that the person having control of the vehicle at the time of the offence had control of the vehicle without the owner's express or implied consent.
- (3) No person shall place or allow to be placed an electrical cord, hose, chain, or other similar obstruction over or across any portion of a street.
- (4) No person shall place, dispose, direct or allow to be placed, directed, or disposed, any material belonging to that person or over which that person exercises control on a portion of a street unless authorized to do so:
 - (a) by the Department of Public Works pursuant to this Bylaw; or
 - (b) by any other Bylaw.
- (5) Notwithstanding Subsection (4), sand, gravel, salt or calcium chloride placed upon icy portions of a street to reduce the danger of slippery conditions shall be allowed under this Bylaw.
- 46. A landowner shall ensure that material on his property or on property in his control is stored, placed or disposed of in such a way that the material does not enter onto the street by any means including natural forces.
- 47. No person shall store, place or dispose of any material in such a way that it may enter onto the street by any means including natural forces.
- 48. A person authorized under permit to develop private or public land adjacent to a street, or the general contractor or other person acting on behalf of such person, shall not allow mud, dirt, or other construction debris to be tracked by motor vehicles from said lands onto a street.

Construction and Maintenance Operations – Permits

- 49. (1) Where a person wishes to park, leave, stand, store or station any vehicle, material, or object used in connection with a building construction or maintenance operation on a portion of a street that person shall:

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- (a) obtain a permit in writing from the Department of Public Works,
 - (b) in addition to any other charges required, pay a daily charge as specified by the Department of Public Works.
- (2) A person who obtains a permit from the Department of Public Works pursuant to this section shall comply with all of the provisions and conditions of the permit.
- (3) A person who obtains a permit from the Department of Public Works pursuant to this section shall:
 - (a) erect and maintain any fenced enclosure around the portion of street pursuant to the permit
 - (b) ensure that:
 - (i) warning signs are posted for the approaching public, and
 - (ii) pedestrian movements can be maintained past the work area.
- (4) A person who obtains a permit from the Department of Public Works pursuant to this section shall ensure that temporary traffic controls are:
 - (a) properly in place prior to commencement of the operations, and
 - (b) removed from the street upon completion of the operation.
- (5) A person who obtains a permit from the Department of Public Works pursuant to this section shall ensure no motor vehicles of any type are parked or allowed to be parked in that area permitted for the storage of items.
- (6) A person who obtains a permit from the Department of Public Works pursuant to this section shall ensure access is maintained to all fire hydrants and water valves.
- 50. A person who obtains a permit from the Department of Public Works pursuant to this Section shall:
 - (a) maintain any tree protection barriers, and
 - (b) follow any tree protection plans to the satisfaction of the Director of Calmar Publics Works.
- 51. A person who has received authorization in the form of any required permits from the Town to carry out construction activities of any nature adjacent to a street shall ensure that any type of structure erected in connection with such construction activities will not block the vision of pedestrian signals or any other traffic control devices located on the street adjacent to such construction site.
- 52.
 - (1) The Department of Public Works shall consult with the Director, Calmar Parks before issuing a permit pursuant to Section 20.
 - (2) Where it is determined to be advisable by the Director, Calmar Publics Works, the Department of Public Works may require an applicant for a permit to submit a tree protection plan before issuing a permit pursuant to Section 20.
- 53. Except to the extent specified in and subject to the conditions of a permit signed by or on behalf of the Department of Public Works, no person shall:
 - (a) place any building materials, building tools, machinery, or construction device on any portion of a street;
 - (b) park, leave, stand, or station a trailer, shed, mobile home or other structure used in connection with a building operation, or a mobile crane or other mobile building construction machine on any portion of a street;
 - (c) load or unload material, machinery, or equipment of any kind used in connection with a building operation on any portion of a street;
 - (d) leave standing a portable garbage container with a width greater than 2.0 metres on any portion of a street;
 - (e) use any portion of a boulevard which is not designed and constructed for vehicular travel as access for vehicles or machinery to a building operation
- 54.
 - (1) A person who obtains a permit from the Department of Public Works pursuant to this Bylaw shall pay to the Town a monthly fee, as specified by the Department of Public Works:

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- (a) for each lineal metre of a sidewalk or boulevard up to a maximum of 3.0 metres in perpendicular distance from the property line for the purposes of the operation; and
 - (b) for each lineal metre of a traffic lane on the street so used up to a maximum of 2.5 metres in perpendicular distance of the roadway from the curb or sidewalk for the purposes of the operation.
 - (2) The Department of Public Works may reduce the fees or a portion of the fees required pursuant to this section where a person provides enhanced screening in connection with a building construction or maintenance operation on a portion of a street.
55. If a person who obtains a permit from the Department of Public Works pursuant to this Bylaw requires an additional portion of sidewalk or boulevard than provided for in Section 26(a) for the storage of building materials, or building tools and any construction devices or a combination of any of them, that individual shall pay to the Town a further charge, as specified by the Department of Public Works for each additional square metre of street required
56. If a person who obtains a permit from the Department of Public Works pursuant to this Bylaw requires an additional portion of the street than provided for in Section 26(b) for the storage of building materials or building tools and any construction devices or a combination of any of them, that individual shall pay to the Town a further charge, as specified by the Department of Public Works, for each additional square metre of street required
57. Where a person has obtained authorization in the form of a permit issued by the Department of Public Works pursuant to Section 20 which require that temporary traffic control devices be erected, all costs incurred in providing such temporary traffic control shall be deemed a debt due to the Town.
58. (1) A person who, without written authorization in the form of a permit from the Department of Public Works pursuant to Section 20, makes use of any portion of a street in connection with a construction or maintenance operation of any nature shall, notwithstanding any penalty assessed under this Bylaw, upon direction of an Enforcement Officer forthwith cease such use and remove any and all things from the street.
- (2) Failure to comply with the directions of an Enforcement Officer pursuant to Subsection 31(1) may result in work forces performing such work required to remove any and all such things, and the costs of the work performed may be recovered from the person responsible as a debt due to the Town. (3) Any items removed pursuant to Subsection 31(2), if deemed of value, will be removed to a place of safekeeping and will:
- (a) be assess a daily fee for storage costs as may be determined from time to time by the Director, Roads, and
 - (b) if unclaimed within ninety (90) days, will be sold at public auction with any monies received accruing to the Town to the extent of the debt due pursuant to Subsection 31(2)
59. The registered owner of private property adjacent to a street shall, at the time such property is being developed in any manner:
- (1) be responsible for and ensure the replacement of any shrubbery or trees located on the street which have been damaged or removed during the process of development to the satisfaction of the Director, Calmar Public Works;
 - (2) be responsible for and ensure the rehabilitation of the boulevard area to the satisfaction of the Director, Roads; and
 - (3) be responsible for and ensure any repairs or replacement of the sidewalk, curb or gutter including the removal and rehabilitation of any existing unused driveway crossings and driveway aprons.
60. Any damage or alteration to a street pursuant to Section 32 that a developer fails to rehabilitate to the satisfaction of the Director, Roads may result in work forces performing such work and all costs will be deemed a debt due to the Town by the registered owner.

In the event that a person fails or neglects or refuses to remedy any condition which is deemed to be in contravention of this bylaw, after having been ordered to remedy such condition:

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- (1) When a "Notice to Comply" has been issued, a person has twenty-one (21) days to comply with the stated conditions.

WEEDS AND GRASS

Interpretation

61.
 - (1) The definitions found in the Weed Control Act, S.A. 2008, c. W-5.1 shall apply to this part.
 - (3) Nothing in this part relieves a person from complying with the Weed Control Act, or the Weed Control Regulation AR 19/2010.
 - (4) Pursuant to section 26 of the Weed Control Act, for the purposes of the Act a person is the owner or occupant of the highway to the highway's midpoint to the extent that the person is the owner or occupier of the land that borders the highway.

Weed Inspectors

62. The Town Manager or designate, may appoint Weed Inspectors pursuant to subsection 7(1) of the Weed Control Act to enforce the Act.

Regulation

63.
 - (1) No owner or occupier of a premises shall allow grass or other herbaceous plants on the premises to exceed a height of 15 centimetres (5.9 inches);
 - (a) For residential properties this includes the front of property to street curb (boulevards), rear of property to ally, and side of property to street curb (as it applies).
 - (2) This section shall not apply to:
 - (a) golf courses;
 - (b) maintained gardens;
 - (c) parks and natural areas under the direction and control of Calmar Publics Works; or
 - (d) areas under the direction and control of Calmar roads including boulevards adjacent to major roadways, areas subject to naturalization efforts and sound attenuation berms; and for greater certainty, shall apply to vacant lots within residential areas and the grass on any boulevard that lies directly between the boundary of a parcel of land and an adjacent highway, road or alley.
 - (3) Owner or occupier of a premises shall:
 - (a) eradicate or control any weeds growing on such property to prevent propagation and the spreading from such plants or weeds of any seeds, or roots, or rhizomes, or spores, to the property of other persons.
 - (b) remove or prune any shrub or tree owned by him which is, or could be, a nuisance to any person using any publicly owned or maintained sidewalk or street.
 - (c) cut or mow the grass on any boulevard or street, situated on Town of Calmar owned land adjoining, or abutting adjacent to property owned or occupied by him, to prevent such grass from growing to such a height as to be untidy or unsightly, having regard to the height of the grass on adjacent or surrounding property.
 - (d) remove from such property any dead grass or brush or rubbish which may be untidy or unsightly, or may harbor vermin or pests thereon.

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- (4) Contravention of the Weed Control Act, and or, section 63 of this bylaw, may or will result in a remedial order being issued to the offending property land owner with the following conditions:
- (a) When a weed/grass order has been issued, a person has seven (7) days to comply from the date the Remedial order was sent or given, or the town will come in and execute the remedial order conditions at the landowners expense.
 - (b) In addition to section 61, the weed/grass order will also state three (3) future dates with which the currant infraction must be maintained.
 - (c) If any of the three (3) future dates on the remedial order are not complied with, the town will come in and execute the remdial order conditions at the landowners expense the following day of each date.
 - (d) Residential Weed/Grass Remedial Order costs are billed out at \$150.00 per man hour, and \$100.00 per hour, per piece of equipment charge.
 - (e) Commercial Weed/Grass Remedial Order costs are billed out at \$250.00 per man hour and \$250.00 equipment per hour, per piece of equipment charge.
 - (f) If the land owner is unwilling to pay the costs within thirty (30) days of invoice date, the outstanding balance will be placed on the landowners tax roll.

Fire Hazards

64. If in the opinion of a Town Manager or designate, the grass or any other vegetation on a premises poses a fire hazard, a Weed Inspector may issue a Remedial Order to modify the vegetation on the premises to abate the hazard, and the Remedial Order shall include the manner in which the fire hazard may be abated.

Offence

65. A person who contravenes this Bylaw is guilty of an offence.

Vicarious Liability

66. 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 in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

Fines and Penalties

67. (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than 6 months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the fine amounts set out in Appendix "A" of this Bylaw are established for use on municipal tags and violation tickets if a voluntary payment option is offered.

Voluntary Payment

68. A person who commits an offence may:
- (1) if a violation ticket is issued in respect of the offence; and
 - (2) if the violation ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

Obstruction

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

EFFECTIVE DATE

70. This Bylaw shall be in effect on the date of final reading.
71. Bylaw 2018-25 is hereby rescinded.

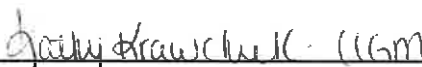
THIS BYLAW GIVEN FIRST READING THIS 21st DAY OF SEPTEMBER, 2020.

THIS BYLAW GIVEN SECOND READING THIS 5th DAY OF OCTOBER, 2020.

THIS BYLAW GIVEN THIRD READING THIS 19th DAY OF OCTOBER, 2020.



Mayor



Town Manager

This Bylaw signed this 19th day of October, 2020.

APPENDIX

"A"

SECTION	OFFENCE	MINIMUM PENALTY
2 (1)(2)	Fail to display address	100.00
3 (1)	Sell Cannabis from residential property	\$1000.00
3 (2)	Consume edible cannabis	\$250.00
4 (4)	Scavenge or disturb from charity collection site	\$500.00
9 (1)	Allow ditch, drain or excavation to be a danger	\$2000.00
10	Fire not permitted on premise	\$500.00
11	Fire not supervised	\$250.00
12 (2)	Ignite or allow fire during prohibited times	\$250.00
14 (4)	Fire pit non-compliant	\$250.00
15	Unauthorized open air fire	\$1000.00
16 (1)	Graffiti	\$250.00
16 (2)	Fail to remove or cover Graffiti	\$250.00
18	Improper Composting	\$300.00
19	Unsightly Building, Structure, Fences	\$500.00
20	Water directed from property	\$250.00
21	Allow smoke/ dust to escape property	\$250.00
22	Allow light to shine Neighboring property	\$250.00
23 (1) (2) (3) (4)	Flyers/Debris escape property	\$250.00
24 (1)	Privy on private premise	\$250.00
25	Excessive noise	\$250.00
26	Excessive noise from a vehicle	\$150.00
27/ 28/ 29 30	Excessive noise	\$250.00
31	Contravention of section 31	\$250.00
33/ 34 /35	Excessive noise	\$500.00
41	Fail to comply with remedial order	\$1000.00

42	Accumulation of prohibited material	\$500.00
43	Accumulation of vehicles/parts	\$500.00
44	Accumulation of appliances/parts	\$250.00
45/ 46 /47 48	Accumulation of material on street	\$500.00
49 thru to 58	Operate or store without a permit	\$1000.00
59	Fail to repair/replace damage to town property while developing	\$10,000.00
63 (1) (2)	Fail to maintain proper height of grass	\$200.00
63 (3)	Fail to maintain or dispose foliage weeds grass	\$250.00
69	Obstruct Peace Officer	\$1000.00