

**BYLAW NO. B-09/2012
CITY OF AIRDRIE
PROVINCE OF ALBERTA¹**

BEING A BYLAW OF THE CITY OF AIRDRIE WITH A PURPOSE OF ESTABLISHING AND ENFORCING THE COMMUNITY STANDARDS FOR PROPERTY WITHIN THE CITY OF AIRDRIE.

WHEREAS under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, City Council may pass Bylaws establishing and enforcing the minimum standards for the maintenance and occupancy of property and prohibit the use of property that does not conform to the prescribed standards;

AND WHEREAS under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass Bylaws preventing and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises;

AND WHEREAS City Council wishes to carry out a program of property conservation, both residential and non-residential, and thereby prevent blight and deterioration in residential and non-residential areas;

AND WHEREAS pursuant to the *Safety Codes Act*, a Council may make a bylaw respecting the following matters:

- (a) Minimum maintenance standards for buildings and structures; and
- (b) Unsightly or derelict buildings or structures.

AND WHEREAS it is desirable for regulations affecting the community standards of property within Airdrie to be located, as much as possible, in one bylaw;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF AIRDRIE ENACTS AS FOLLOWS:

SECTION 1 Title

1.01 This Bylaw may be cited as the “Community Standards Bylaw”²

¹ Table of contents deleted, Bylaw B-32/2023

² Bylaw B-12/2021

SECTION 2 Definitions

2.01 In this Bylaw unless the context otherwise requires:

- (a) **“Airdrie”** means the geographical area contained within the boundaries of the City of Airdrie;
- (b) **“Appeal Board”** means the General Appeal Board appointed by the City of Airdrie Council;
- (c) **“Approved”** means acceptable to the Appeal Board or City Manager, or his designate;
- (d) **“Boulevard Landscaping”** means the scope as defined in Appendix E of City of Airdrie Standard Landscaping Design Specification (2014), as may be amended from time to time;³
- (e) **“Building”** means any structure used or intended for supporting or sheltering any use or occupancy and includes a structure and any part of a building or structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land;
- (f) **“City”** means the municipal corporation of the City of Airdrie;
- (g) **“City Clerk”** means the City Clerk of the City of Airdrie or her designate;
- (h) **“City Manager”** means the Chief Administrative Officer of the City of Airdrie or his designate the employee of the City of Airdrie who has been delegated the authority to exercise the powers, duties, and functions under this Bylaw;
- (i) **“Construction”** means the temporary process of demolishing or building any structure, or repairing or improving a building or premises that already exists, including landscaping, home repair, property improvement and any work in connection with that process;
 - (i.1) **“Compost”** means organic material, including food and yard waste, that is recycled through biological degradation in a container or pile into a useable soil conditioner;
- (j) **“Council”** means the Municipal Council of the City of Airdrie;
- (k) **“Day-time”** means the period:

³ Bylaw B-21/2019

- (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;
- (l) **“dB(A)”** means the sound pressure measured in decibels using the “A” weighted scale of a Sound Level Meter set to fast response;
- (m) **“Decibel”** means a unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to approximately one hundred and thirty (130) for the average pain level;

(m.1) **“Derelict Vehicle”** means a vehicle that is:

- (i) incapable of being safely operated (for example having one or more attributes similar to a missing windshield, a missing driver’s seat, a missing steering wheel, multiple flat tires, or being used for storage of items in such a way that the vehicle cannot be driven safely);
 - (ii) partially or fully dismantled (for example having one or more attributes similar to: missing tires, left on blocks or on a jack or other non-tire support, or missing equipment such that it is not lawful to operate on streets); or
 - (iii) substantially damaged;
- and, for greater certainty, includes both passenger vehicles and recreational vehicles;
- (n) **“Development Permit”** means a document issued by the City, authorizing a development pursuant to the City of Airdrie Land Use Bylaw, and includes plans and conditions of approval;
 - (o.1) **“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;⁴
 - (o) **“Dugout”** means a reservoir dug on a farm in which water from rain and snow is collected for use in irrigation, watering livestock, etc.;
 - (p) **“Dwelling Unit”** means habitable space used or intended to be used by one or more Persons which contains cooking, eating, living, sleeping and

⁴ Bylaw B-32/2023

sanitary facilities and is accessed by a separate locked entrance or serviced by one or more separate utility connections or accounts, or both;

- (q) **“Existing Development”** means development that is not governed, covered or approved by existing permits and agreements, including but not limited to development permits, building permits, development agreements and subdivision servicing agreements;
- (r) **“Fence”** means a vertical barrier which is used to prevent or restrict passage, to provide visual screening, sound attenuation, protection from dust or other elements, or to mark a boundary;
- (r.1) **“Fetus”** means a developing but unborn mammal;⁵
- (s) **“Firearm”** means a weapon, including a pistol or rifle, capable of firing a projectile and using an explosive charge as a propellant;
- (s.1) **“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;⁶
- (t) **“Front Driveway”** means a parking pad located at the front of the house adjacent to the principal street address but does not include laneways or back alleys;
- (u) **“Good Repair”** means maintaining the condition of an object or Structure such that it does not become untidy, unsightly or dangerous and such that the object or Structure can continue to be used in the means that it was originally intended;
- (u.1) **“Graphic Image”** means a visual image showing, or purporting to show, a Fetus or any part of a Fetus;⁷
- (v) **“Graffiti”** means one or more letters, symbols, figures, etchings, scratches, drawings, inscriptions, stickers, stains, or other markings or things however affixed on the surface of any Premises, Structure or other property;
- (w) **“Handicapped Parking Stall”** means a space or portion of a Highway or parking lot set apart and designated exclusively for the parking of vehicles bearing a valid disabled placard or license plate issued or recognized by the Registrar of Motor Vehicle Services, and so marked with a sign or other marking authorized by the Chief Administrative Officer.

⁵ Bylaw B-32/2023

⁶ Bylaw B-32/2023

⁷ Bylaw B-32/2023

- (x) **“Highway”** means any thoroughfare, street, via duct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and
 - (i) includes:
 - a. Sidewalk (including a boulevard portion thereof);
 - b. where a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - c. where a Highway right-of-way is contained between fences or between a fence and on one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be, but;
 - (ii) does not include a place declared by the Lieutenant Governor in Council not to be a Highway;
- (y) **“Land”** means the land around and appurtenant to the whole or any part of the Premises and used or intended to be used, or capable of being used in connection with the Dwelling Unit or Building and includes those portions of public lanes or streets normally maintained by residents or non-residents of the adjacent Premises;
- (z) **“Land Use Bylaw”** means the Land Use Bylaw of the City of Airdrie, as amended;
- (aa) **“Motorized Garden Tool”** means any tool used for horticulture or lawn maintenance that is powered by an electric or internal combustion engine of any kind;
- (bb) **“Motor Vehicle”** means
 - (i) A vehicle propelled by any power other than muscular power, or
 - (ii) A moped,but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.

- (cc) **“Municipal Boulevard”** means all that portion of a municipal road right of way between the curb and the adjoining property boundary even when a sidewalk or pathway separates the property and municipal boulevard;⁸
- (dd) **“Municipal Ticket”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (ee) **“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;
- (ff) **“Noise”** means any sound that is reasonably likely to disturb the peace of others;
- (gg) **“Non-residential”** means the use or occupancy of a Building or Land or part thereof for any purpose other than Residential;
- (gg.1) **“Nuisance”** means any use of or activity on land which unreasonably interferes with a Person’s use and enjoyment of surrounding property or demonstrates a disregard for the general maintenance and upkeep of land so as to produce a material annoyance, inconvenience, or discomfort to other persons, whether it is detrimental to the surrounding area, some examples of which include, but are not limited to, the following:
 - (i) smelly or messy compost heaps;
 - (ii) production of excessive dust, dirt, or smoke;
 - (iii) production of generally offensive odours;
 - (iv) any condition likely to attract wild animals, nuisance animals, other vermin, or domestic animals not associated with the subject Property; and
 - (v) any accessible excavation, ditch, or standing water that could pose a danger to public safety or negatively impacts surrounding properties;
- (hh) **“Nuisance Animal”** means a coyote, porcupine, badger, striped skunk, Richardson ground squirrel, gopher, red fox, pigeon, starling, raccoon, crow, rabbit or magpie;

⁸ Bylaw B-21/2019

- (ii) **“Occupant”** means any Person who resides, leases or carries on any kind of business in a Residential or Non-residential Premises with or without a License of Occupation granted by the owner of said Premises;
- (jj) **“Off-Highway Vehicle”** means an off-highway vehicle as defined in the *Traffic Safety Act*;
- (kk) **“Owner”** means the Person or Persons listed on the title of a parcel of Land at the Land Titles Office or in the case of a vehicle, the person registered as the vehicle owner with the Driver and Motor Vehicle Registry;
- (ll) **“Pathway”** means a thoroughfare or trail controlled by the City which is primarily intended for the use of pedestrians and cyclists, is improved by asphalt, shale and/or gravel surfaces greater than one point four (1.4) metres in width;⁹
- (mm) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Peace Officer, a Community Peace Officer or a Bylaw Enforcement Officer of the City;
- (nn) **“Person”** includes a corporation, other legal entities and an individual;¹⁰
- (oo) **“Point of Reception”** means any location at the place of work or residence where noise or sound levels are heard by the complainant, as determined by the Sound Level Meter Operator to be appropriate in each circumstance;
- (pp) **“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;
- (qq) **“Ranch Farm”** means a quarter section of land or a large balance of lands from a previous subdivision providing for agricultural activities as the primary land use, as defined in the Rocky View County Land Use Bylaw;
- (rr) **“Ranch Farm 2”** means mid-sized parcels of land providing for agricultural use where residential uses are accessory to the agricultural use, as defined in the Rocky View County Land Use Bylaw;
- (ss) **“Ranch Farm 3”** means small parcel sizes of land providing for agricultural uses where residential uses are accessory to the agricultural use, as defined in the Rocky View County Land Use Bylaw;

⁹ Bylaw B-15/2016

¹⁰ Bylaw B-32/2023

- (tt) **“Rear-yard to Rear-yard Fence”** means a uniform fence erected by a developer intended to enclose an entire development or subdivision area, excluding sound Fences;
- (uu) **“Recreational Vehicle”** means a vehicle or trailer that is designed, constructed and equipped, either temporarily or permanently, as an accommodation for travel, vacation, or recreational use and includes a travel trailer, motorized homes, slide-in campers, chassis-mounted campers, boats, all-terrain vehicles, snowmobiles and tent trailers, whether licensed or unlicensed;
- (vv) **“Receptacles”** means a container designed or used for containing Refuse awaiting collection and disposal or used for moving purposes;
- (ww) **“Refuse”** means any discarded or abandoned organic or inorganic material and without restricting the generality of the foregoing, includes garbage, ashes and all forms of grass, tree and hedge cuttings and clippings, broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other materials, all trees, shrubs, stumps, scrap lumber, scrap metal, large boxes and crates, oil drums, and similar unwieldy materials, discarded furniture and fixtures, including but not limited to tables, mattresses, water heating tanks, stoves, furnaces, fences, gates and other discarded fixtures;
- (ww.1) **“Remedial Order”** means an order written pursuant to section 545 of the Municipal Government Act;
- (xx) **“Residential”** means a room or a suite of rooms which form a Dwelling unit that is exclusively used for human habitation purposes and includes houses, duplexes, townhouses, condominiums, and apartments, and means a vacant lot that is contained within a Residential Development;
- (yy) **“Residential Development”** means an area of Airdrie that is designated by the Land Use Bylaw as suitable for Residential Dwellings;
- (zz) **“Rocky View County Land Use Bylaw”** means *Land Use Bylaw* No. C-4841-97 of the County of Rocky View, as amended, administered by the City of Airdrie in accordance with the Annexation Agreement between the City of Airdrie and Rocky View County, dated September 9, 2011 and effective December 31, 2011;
- (aaa) **“Sediment Basin”** means a water impoundment constructed to collect and store sediment and/or debris made by constructing a dam or embankment or by excavating a pit or dugout pond for water storage. Its purpose is:

- (i) to detain storm water volume and slowly release it to the downstream waterways;
- (ii) to prevent undesirable deposits on downstream drainage waterways;
- (iii) to trap sediment originating from construction sites; and
- (iv) to provide a basin for deposits and storage of sediments and debris;

This specification applies if the following conditions exist:

- (i) failure of the dam will not result in loss of life;
 - (ii) damage to homes, commercial or industrial buildings, main highways, or railroads; or
 - (iii) interruption of the use or service of public utilities;
- (bbb) ~~“Shooting Permit”~~ Deleted ~~in its entirety~~; ¹¹
- (ccc) **“Shoot Zone”** means a property that is designated in the Rocky View County Land Use Bylaw:
- (i) as a Ranch Farm, Ranch Farm 2 or Ranch Farm 3 which is larger than 12.14 hectares (29.99 acres); or
 - (ii) a quarter section of land containing less than twenty (20) Residential Buildings;

Notwithstanding subsection (i) and (ii), a Shoot Zone does not include any land designated Public Services, Business, or Commercial in the Land Use Bylaw, or any land within the urban area of Airdrie;

- (ddd) **“Sidewalk”** means:
- (i) that part of a Highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a Highway between the curb line thereof (or the edge of the roadway where there is no curb line) and the adjacent property line, whether or not paved or improved; ~~and~~

¹¹ Bylaw B-25/2017

- (ii) a Pathway that is adjacent to a Highway that fronts and/or flanks a Premises; and
- (iii) a Pathway in a park space that is adjacent to the property line of a Premises and is connected to the primary pedestrian entrance of the Premises, and includes the connection from the pathway to entrance of the Premises;
- (eee) **“Sound Level Meter”** means a device used to measure sound pressure which meets the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part I, or the U.S.A. Standard S1.4-1961;
- (eee.1) **“Vacant Lot”** means any real property, including a bare lot, construction site, building, structure, or other improvement, that has remained unoccupied by its owner or occupant for a continuous period of more than 30 days or, because of a fire or other act of God, has been unoccupied for any length of time;
- (fff) **“Stagnant Lot”** means a lot that has not been developed in a residential or non-residential subdivision two (2) years after the ~~development permit~~ approval of the subdivision has been given by the City of Airdrie;
- (ggg) **“Standards”** means the standards set out in this Bylaw;
- (hhh) **“Structural Member”** means a support that is a constituent part of any Structure or Building;
- (iii) **“Structure”** includes any Building, utility box, retaining wall, scaffolding, Receptacle, mobile home, shed or portable shack;
- (jjj) **“Trap Low Area”** means a component of a storm water overland drainage system that may be located on both public and privately owned lands that is used to control and contain storm water through the temporary storage of storm water on streets, lanes and adjacent lands during and after high intensity rainfall events;
- (kkk) **“Utility Trailer”** means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property, goods, etc.;
- (III) **“Violation Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (mmm) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedures Act, R.S.A. 2000*, as amended or replaced from time to time;

- (nnn) **“Weapon”** means any device that propels a projectile by means of an explosion, spring, air, gas string, wire or elastic material or any combination of those things and includes but is not limited to pellet guns, BB guns, slingshot and archery equipment, but does not include bona fide Construction equipment when being used for its intended purpose;
- (ooo) **“Weekday”** means Monday through Saturday; as defined in the Interpretation Act, RSA 2000, as amended or replaced from time to time;
- (ppp) **“Weekend”** means Sunday and any other holiday, as defined in the Interpretation Act, R.S.A. 2000, as amended or replaced from time to time;
- (qqq) **“Yard”** means an open space on Land which is unoccupied and unobstructed by the principal building.¹²

SECTION 3 PROPERTIES

Untidy and Unsightly Condition

General

- 3.01 No Person, Owner or Occupant of a Premises or Building within Airdrie shall permit the Land, Premises, Building or Municipal Boulevard to be or remain in an untidy or unsightly condition, which means that the Premises, Building, Lands or Municipal Boulevard shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, which includes but is not limited to the following:¹³
- (a) any loose litter, feces, garbage or Refuse, whether located in a storage area, collection area or elsewhere on the Land;
 - (b) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
 - (c) smelly or messy compost heaps;
 - (d) unkempt grass or weeds higher than ten (10) centimetres;
 - (e) production of any generally offensive odours;
 - (f) any tree, shrub, other type of vegetation or any Structure;
 - (i) that interferes or could interfere with any public work or utility;

¹² Bylaw B-25/2017, Bylaw B-21/2019, Bylaw B-12/2021

¹³ Bylaw B-21/2019

- (ii) that obstructs any Sidewalk adjacent to the Land;
 - (iii) that impairs the visibility required for safe traffic flow at any intersection adjacent to the Land; or
 - (iv) that becomes a nuisance by encroaching on a neighbouring Premises.
 - (g) any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and
 - (h) any Construction project or activity not completed within three (3) years of the date the permit for the project or activity was issued by the City or, if no permit was issued or required, within three (3) years of starting Construction.
- 3.02 All Residential Premises shall be kept free of any vehicle, Recreational Vehicle, Utility Trailer, or object, which is in a wrecked, discarded, or abandoned condition.
- 3.03 For Existing Developments, Land shall be protected by suitable ground cover which prevents erosion of the soil.
- 3.04 The provisions of this Section shall not be interpreted to prevent *bona fide* and lawfully permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other related lawful activities from being carried out on, in or in relation to a Premises.
- 3.05 The Owner or Occupant of a Premises upon which activities contemplated in the preceding sub-section are being carried on, shall ensure that all reasonable and practicable steps are taken to minimize the duration and visual impact of any resulting untidy or unsightly condition of the Premises.

Nuisance Properties

3.05.1 No owner or occupier of a Premises shall cause or permit a nuisance to exist on a Premises.

Outside Storage - Residential Premises

- 3.06 No Owner or Occupant of a Residential Premises shall allow on the Premises the accumulation of building materials, whether new or used, unless that Person, Owner or Occupant can establish that a Construction undertaking is being carried out on the Premises and that:
- (a) the project has begun or the work shall begin within thirty (30) days;

- (b) the materials found on the Premises relate to the project taking place on the Premises in a quantity reasonable to complete the project; and
 - (c) the work on the project has not been suspended for a period in excess of one-hundred and twenty (120) days.
- 3.07 An Owner or Occupant of a Residential Premises shall ensure that all building materials stored on a Premises, that are not in contravention of subsection (a), are stacked or stored in an orderly manner;
- 3.08 Notwithstanding anything in this Section, it shall not be an offence to store a small amount of neatly stacked material on a Residential Premises for basic property maintenance.

Outside Storage - Non Residential Premises

- 3.09 Any vehicle, mechanical equipment or object on Non-residential Land, which is in a wrecked or dismantled condition shall be removed from the Land, unless the storage area is defined and enclosed with an Approved Fence and visually screened to the satisfaction of the City Manager.
- 3.10 Any outdoor storage area on Non-residential Land will not be permitted, unless the outdoor storage area is permitted by the granting of an Approved Development Permit and is visually screened to the satisfaction of the City Manager.
- 3.11 All signs which are excessively weathered or faded, or those upon which the paint has peeled or cracked, shall be removed, repainted or replaced.

Refrigerators and Freezers

- 3.12 A Person shall not place, cause or permit to be placed a refrigerator, freezer or other similar appliance on Land they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- 3.13 Without limiting the generality of the preceding sub-section, measures considered to be effective may include:
- (a) the complete removal of the door for the appliance;
 - (b) the removal of the door handle mechanism if this prevents opening and closing of the door;
 - (c) the removal of the door hinges;

- (d) locking the appliance; or
- (e) otherwise wrapping or containing the appliance so that the interior is inaccessible.

Construction Garbage and Receptacle Placement

3.14 Construction Refuse shall be placed in a Receptacle with a fixed cover and Construction material shall not be allowed to blow out of the Receptacle or off the Premises from where the Construction is taking place.¹⁴

3.15

- (a) Construction Refuse, subject to displacement by wind, shall be placed in a Receptacle with a fixed cover in the closed position during the periods as noted in 3.15 (b)¹⁵.
- (b) Deleted.¹⁶
 - (i) Required covers on Construction Receptacles must be kept in the closed position from 7 PM to 7 AM Monday to Sunday when construction garbage is not being loaded into the Receptacle. From 7 AM to 7 PM Construction Receptacle covers would only need to be kept in the closed position if no construction activity is taking place or during periods of high wind.¹⁷
 - (ii) The Owner or Occupant of the land cannot be held responsible for not closing the Receptacle cover when obvious signs of illegal dumping have taken place.
 - (iii) Construction Refuse Receptacle fixed covers must be securely attached to the Receptacle and capable of containing the Refuse placed within the Receptacle.
 - (iv) Prior to a citation being handed out, a warning giving the Owner or Occupant 24 hours to comply is required to be given to the Owner or Occupant. This warning would be considered to be served if provided to any employee or representative of the Owner or Occupant. The warning shall indicate that the Owner or Occupant is required to remove the Receptacle or have a fixed cover installed on the Construction Receptacle within 24 hours. Bins placed adjacent to a property will be considered to be controlled by the Owner or Occupant of that property, officers shall take a picture of each offence showing the bin and property for reference by the Owner or Occupant or to be

¹⁴ Bylaw B-26/2014

¹⁵ Bylaw B-26/2014

¹⁶ Bylaw B-26/2014

¹⁷ Bylaw B-12/2021

used as evidence in Court. Once an Owner or Occupant has been found in violation of the bylaw they may be served future fines without warning for each bin violation of the Bylaw within the same calendar year.¹⁸

- 3.16 Construction and moving bins in developed residential areas must be removed from the yard after ninety (90) days of placement.¹⁹

Vacant Lots

3.16.1 Any owner of a Premises which is vacant, undeveloped, or otherwise stagnant shall ensure the property remains free of any hazards, accumulation of debris and does not violate any other provisions within this bylaw.

Excavations and Ponding Water

- 3.17 No Person, Owner or Occupant of a Premises shall allow an excavation, drain, ditch, Dugout or other depression in the ground to become or remain a danger to public safety.
- 3.18 If, in the opinion of the City Manager, a water course, pond or other surface water becomes or remains a nuisance or poses a danger to public safety, the City Manager may declare the water course, pond or other surface water a nuisance and require the Owner or Occupant of the Premises to eliminate the nuisance or danger. City approved engineered storm ponds, Trap Low Areas and a Sediment Basin are exempt from this Section.
- 3.19 Stagnant Lots in residential and non-residential areas shall be graded to prevent ponding water.

Drainage

- 3.20 Eavestroughs, sump pump discharges and downspouts, if provided along any Building, shall prevent the discharge of water onto external stairs, landings and walkways, and shall direct water away from the Building.
- 3.21 Rainwater downspouts, sump pump discharges or flow of water from a hose, or eavestroughs, attached to a Building, shall not discharge onto any adjacent Premises.

Exterior Maintenance of Buildings and Fences

- 3.22 Any Structure shall be kept in Good Repair and shall be free from health and fire hazards.

¹⁸ Bylaw B-26/2014, Bylaw B-12/2021, Bylaw B-26/2014, Bylaw B-12/2021

¹⁹ Bylaw B-26/2014

3.23 Every Person, Owner, or Occupant of a Premises shall ensure the following areas are maintained in Good Repair;

- (a) Fences, and their Structural Members; and
- (b) Structures including:
 - (i) foundations and foundation walls;
 - (ii) exterior walls and their components;
 - (iii) roofs;
 - (iv) windows and their casings;
 - (v) doors and their frames;
 - (vi) protective or decorative finishes of all exterior surfaces; and
 - (vii) exterior stairs, landings, porches, balconies and decks.

3.24 In the event that an Owner or Occupant neglects to repair or maintain a damaged or deteriorating Fence, the City may require the Owner of the subject Premises to repair, rehabilitate or replace their portion of the Fence through the enforcement of this Bylaw.

3.25 The maintenance and/or replacement of any Fence shall be the sole responsibility of the Owner.

3.26 Once a Rear-yard to Rear-yard Fence has been constructed by a subdivision developer to the City's satisfaction, it shall become the property of the Owner of the lot or lots upon which it is situated, and maintenance shall be the responsibility of the respective Owner.

Graffiti

3.27 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 the 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 of the creation or application of the Graffiti.

- 3.28 Every Owner or Occupant of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.
- 3.29 The previous two (2) sub-sections do not apply to a sign as defined in the Land Use Bylaw, for which a sign permit has been issued.

Unoccupied Buildings

- 3.30 "If a Building normally intended for human habitation is unoccupied, any and all door openings, window openings or any other openings in the Building are to be securely closed, or may be covered with a solid piece of wood, but only if the wood is:²⁰
- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - (b) of a thickness sufficient to prevent unauthorized entry into the building; and
 - (c) secured in a manner sufficient to prevent unauthorized entry into the building.

Sidewalks

- 3.31 An Owner or Occupant shall remove or caused to be removed and cleared away snow, ice and/or slush, dirt, debris and obstructions from any Sidewalk adjoining the property owned or occupied by them, such removal to be completed within twenty-four (24) hours of the time when the snow, ice and/or slush, dirt, debris and obstructions was formed or deposited thereon.
- 3.32 No Person shall remove snow, ice and/or slush, dirt, debris and obstructions from any sidewalk or driveway by causing such material to be placed upon any other portion of the highway or other public place adjacent to such property.
- 3.33 Every Occupant, and in the case there is no Occupant, the Owner of every house, shop, building church or chapel, abutting on or erected within three (3) metres of any highway or public place shall, whenever snow or ice shall accumulate on the roof or eaves of such building, to an extent that a danger is created to persons passing, cause the same to be removed at once and every

²⁰ Bylaw B-12/2021

person while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.

- 3.34 An Owner or Occupant who has an awning extending from a portion of his/her premises over a highway or portion thereof shall keep the awning free from snow and ice.
- 3.35 A Person may, in such a way as not to cause injury or unduly interfere with any Person lawfully using the Sidewalk, use a power device that is sufficiently light and of such construction that will not damage the surface of the Sidewalk to clear snow, ice, and/or slush, dirt, debris and obstructions from any portion of a Sidewalk.
- 3.36 For the purpose of clearing snow, ice, and/or slush, dirt, debris and obstructions from a Sidewalk, no Person shall drive a vehicle onto, across, or on any boulevard, ditch or Sidewalk except at a vehicular crossing provided for that purpose as stated in the "Use of the Highway and Rules of the Road Regulation". City vehicles, contractors contracted by the City and any vehicle or Person(s) exempted by the City Manager are exempt from the above requirement.
- 3.37 Off-Highway Vehicles, including all-terrain vehicles, are not permitted on Airdrie Sidewalks or Highways for any purpose. City vehicles are exempt from this Section.
- 3.38 If an Owner or Occupant who is required by the provision of this Bylaw neglects or refuses to remove snow, ice, and/or slush, dirt, debris and obstructions from a Sidewalk, a Peace Officer may ~~cause the Owner or Occupant to be served with a notice to clear or remove snow, ice, and/or slush, dirt, debris and obstructions. The notice will require the Owner or Occupant to clear the Sidewalks to the bare surface within twenty-four (24) hours. If the Sidewalk is not cleared, a Violation Ticket may be issued at the discretion of.~~ If the Sidewalk is not cleared, Issue a violation ticket, the Peace Officer and the City may cause the removal of the snow, ice, and/or slush, dirt, debris and obstructions and the cost thereof shall be paid to the City upon demand and failing payment such cost shall be added to the tax roll for said property.

Handicapped Parking Stalls

- 3.39 The Owner or Occupant of Land or a Premises that contains an area or areas that are designated as a Handicapped Parking Stall, shall clear snow, ice, and/or slush, dirt, debris and obstructions of the Handicapped Parking Stall within twenty-four (24) hours after the snow, ice and/or slush, dirt, debris and obstructions have been deposited and shall keep the Handicapped Parking Stall in a state of cleanliness from edge to edge, free from snow, ice, and/or slush, dirt, debris and obstruction.

- 3.40 No Person shall clear snow, ice, and/or slush, dirt, debris and obstructions from any Handicapped Parking Stall by causing such material to be placed upon any other portion of the Highway or any other public place adjacent to such Land or a Premises.
- 3.41 Where a Handicapped Parking Stall is contained on Land in which the Premises are unoccupied or under development, the Owner shall ensure that the Handicapped Parking Stall is clear of snow, ice and/or slush, dirt, debris and obstructions.
- 3.42 A Peace Officer may deem that snow, ice, and/or slush, dirt, debris and obstructions on the Handicapped Parking Stall pose a danger to the public and the City may then clear the snow, ice, and/or slush, dirt, debris and obstructions.
- 3.43 Where the Owner or Occupant of Land has not complied with this Section, the City may remove the snow, ice, and/or slush, dirt and obstructions, and the Owner of the Land or Premises is liable for such removal costs.
- 3.44 If an Owner or Occupant who is required by the provision of this Bylaw neglects or refuses to remove snow, ice, and/or slush, dirt, debris and obstructions from a Handicapped Parking Stall, a Peace Officer may cause the Owner or Occupant to be served with a notice to clear or remove snow, ice, and/or slush, dirt, debris and obstructions. The notice will require the Owner or Occupant to clear the Handicapped Parking Stall within twenty-four (24) hours. If the Handicapped Parking Stall is not cleared, a Violation Ticket may be issued at the discretion of the Peace Officer, and the City may cause the removal of the snow, ice, and/or slush, dirt, debris and obstructions and the cost thereof shall be paid to the City upon demand and failing payment such cost shall be added to the tax roll for said property.

Flyer with Graphic Image²¹

- 3.45 No Person or Distributor shall deposit or distribute a Flyer with a Graphic Image at or on a Premises unless:
- (a) the Graphic Image is contained in a sealed opaque envelope;
 - (b) the exterior of the envelope contains the following legible warning: "Contains a Graphic Image that may be offensive or disturbing"; and
 - (c) the exterior of the envelope clearly identifies the sender and the sender's address.

SECTION 4 Recreational Vehicles, Utility Trailers and Off-Highway Vehicles

²¹ Bylaw B-32/2023

Deleted.²²

SECTION 4 Noise Control

Prohibited Noise ²³

- 4.01 A Person shall not cause or permit any Noise that disturbs the peace of another individual.
- 4.02 No Owner or Occupant of a Premises shall make or cause to allow to be made or continue any noise which emanates from the Premises.
- 4.03 A Person may be found guilty of a contravention of this Section whether or not the decibel level:
 - (a) is measured; or
 - (b) if measured, exceeds any limit prescribed by this Bylaw.

Criteria

- 4.04 In determining if a sound is reasonably likely to disturb the peace of others, the following criteria may be considered:
 - (a) type, volume, and duration of the sound;
 - (b) time of day and day of week;
 - (c) nature and use of the surrounding area;
 - (d) decibel level, if measured; and
 - (e) any other relevant factor.

Construction Activity

- 4.05 A Person shall not cause or permit any Construction activity on Premises they own or occupy which is directly adjacent or within three hundred (300) meters of a Residential Development during the Night-time.

Garbage Collection

- 4.06 A Person shall not collect, cause or permit the collection of garbage with a motor vehicle on or adjacent to any Residential Development during the Night-time.

²² Bylaw B-15/2016

²³ Bylaw B-15/2016

Day-time Decibel Limit - Residential

- 4.07 A Person shall not cause or permit the Premises they own or occupy to be used so that any sound coming from the Premises exceeds sixty-five (65) dB(A), as measured at the property line of a Residential Premises, during the Day-time, except those designated as a Ranch Farm, Ranch Farm 2 or Ranch Farm 3 under the Rocky View County Land Use Bylaw.
- 4.08 The preceding sub-section does not apply to sound up to:
- (a) seventy (70) dB(A) lasting a total period of time not exceeding two (2) hours in any one (1) day;
 - (b) seventy-five (75) dB(A) lasting a total period of time not exceeding one (1) hour in any one (1) day;
 - (c) eighty (80) dB(A) lasting a total period of time not exceeding thirty (30) minutes in any one (1) day; or
 - (d) eighty-five (85) dB(A) lasting a total period of time not exceeding fifteen (15) minutes in any one (1) day.

Night-time Decibel Limit – Residential

- 4.09 A Person shall not cause or permit any sound exceeding fifty (50) dB(A), as measured at the property line of a Residential Premises, during the Night-time.
- 4.10 A Person and/or Owner shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds fifty (50) dB(A), as measured at the property line of Residential Premises, during the Night-time.
- 4.11 No Person shall operate:
- (a) a hand lawn mower;
 - (b) Motorized Garden Tool;
 - (c) power tool outside of any Building or Structure;
 - (d) snow clearing device powered by an engine of any kind; or
 - (e) motorized snow or leaf blowing device;
- in a Residential Development during the Night-Time.

Day-time Decibel Limit – Non-Residential

- 4.12 A Person shall not cause or permit any sound exceeding seventy-five (75) dB(A), as measured at the property line of a Non-residential Premises, during the Day-time.
- 4.13 A Person and/or Owner shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds seventy-five (75) dB(A), as measured at the property line of a Non-residential Premises during the Day-time.
- 4.14 This preceding section does not apply to sounds up to:
- (a) eighty (80) dB(A) lasting for a total period of time not exceeding two (2) hours in any one (1) day; or
 - (b) eighty-five (85) dB(A) lasting for a total period of time not exceeding one (1) hour in any one (1) day.

Night-time Decibel Limit – Non –Residential

- 4.15 A Person shall not cause or permit any sound exceeding sixty (60) dB(A), as measured at the property line of a Non-residential Premises, during the Night-time.
- 4.16 A Person shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds sixty (60) dB(A), as measured at the property line of a Non-residential Premises, during the Night-time.

Noise Created by Vehicles, Off-Highway Vehicles and Motorcycles

- 4.17 No Person who owns or operates a Motor Vehicle equipped with engine retarder brakes shall allow such brakes to be engaged in any area within Airdrie where the use of engine retarder brakes is prohibited by signage placed by the City, the Province or other body having jurisdiction.
- 4.18 No Person who owns or operates or controls a Motor Vehicle equipped with an audible alarm system shall allow such systems to be activated repeatedly or excessively, regardless if such activation is due to system malfunction, improper installation, setting, or otherwise.
- 4.19 A Person shall not operate a Motor Vehicle on a Highway that is capable of:
- (a) emitting any sound exceeding ninety-two (92) dB(A) while the engine is at idle; or
 - (b) emitting any sound exceeding ninety-six (96) dB(A).

Sound Level Meters Operation

- 4.20 When measuring sound levels the Peace Officer must measure the sound level at the Point of Reception with the Sound Level Meter in accordance with the manufacturers' specifications.
- 4.21 When measuring sound levels, the Peace Officer shall determine the Point of Reception.
- 4.22 The Peace Officer must ensure the accuracy of the Sound Level Meter by testing the meter with a Field Calibrator immediately before and after measuring the Sound Level and record the results of those tests.

Exceptions

- 4.23 Nothing in this Section prohibits:
 - (a) situations where the City Manager issued approval to allow the production of certain sounds on whatever conditions the City Manager deems appropriate; and
 - (b) the use of a Motorized Garden Tool or grass cutting device on a golf course between the hours of 6:00 a.m. and 9:00 a.m. on any day of the week.
- 4.24 This Section does not regulate the cumulative effect of Noise created by vehicular traffic on Highways, railways, or the aeronautical related activities of aircraft.
- 4.25 The provisions of this Section do not apply to:
 - (a) City vehicles and equipment used to clear snow and ice, and sweep, wash and/or remove debris from Highways, Municipal Boulevards, or City Premises;²⁴
 - (b) emergency vehicles;
 - (c) Construction in a Residential Development during the Day-time, whether or not the Construction requires any City permits;
 - (d) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta;

²⁴ Bylaw B-12/2021

- (e) the sounding of any alarm or warning to announce a fire or other emergency;
- (f) the playing of a band or activity in connection with a parade allowed pursuant to any City bylaw;
- (g) the use of signaling devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons; or
- (h) work of any urgent nature carried on by or on behalf of the City, ATCO Gas, Fortis, Telus, Shaw Cable or any other utility company authorized to carry out such work.

SECTION 5 Firearms Use²⁵

5.01 No Person shall discharge a Firearm outside a Shoot Zone.

5.02 No Person shall cause a projectile from a Firearm or a Weapon to pass within one hundred and eighty-three (183) meters of a Building, including a Residential Building unless that Person is the Owner, Occupant or a Person authorized by the Owner or Occupant of said Building, which Building is contained in a Shoot Zone.

Exceptions

5.03 Deleted²⁶

5.04 Deleted²⁷

5.05 Deleted²⁸

5.06 This Section does not apply to:²⁹

- (a) a Peace Officer who may be required to use or discharge a Firearm or Weapon in carrying out his duties as a Peace Officer;
- (b) any Person who uses or discharges a Firearm or Weapon at a lawful Shooting Range or Gun Club or any similar facility which is designed and operated in accordance with the Land Use Bylaw and all Federal, Provincial and City bylaws, rules and regulations; or

²⁵ Bylaw B-15/2016

²⁶ Bylaw B-25/2017

²⁷ Bylaw B-25/2017

²⁸ Bylaw B-25/2017

²⁹ Bylaw B-25/2017

- (c) any Person shooting in accordance within the terms and conditions of a valid Shooting Permit issued by the Provincial or Federal Government.

SECTION 6 Administration and Enforcement³⁰

Powers of the City Manager

- 6.01 Without restricting any other power, duty or function granted by this Bylaw, the City Manager may:
- (a) carry out any inspections to determine compliance with this Bylaw;
 - (b) take any steps or carry out any actions required to enforce this Bylaw;
 - (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - (d) establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;
 - (e) establish areas where activities restricted by this Bylaw are permitted;
 - (f) establish forms for the purposes of this Bylaw;
 - (g) issue permits with such terms and conditions as are deemed appropriate;
 - (h) establish the criteria to be met for a permit pursuant to this Bylaw;
 - (i) delegate any powers, duties or functions under this Bylaw to an employee of the City; and
 - (j) appoint inspectors for the purposes of the *Agricultural Pest Act* and the *Weed Control Act*.

Permits

- 6.02 A Person to whom a permit has been issued pursuant to this Bylaw, and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
- 6.03 A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.

³⁰ Bylaw B-15/2016

- 6.04 If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the City Manager may immediately cancel the permit.

Proof of Permit

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

Right of Entry and Inspections

- 6.06 The City Manager may enter into or upon any Land or Building within Airdrie, pursuant to authority set out in the *Municipal Government Act*, for the purpose of ensuring compliance with this Bylaw.

Notice

- 6.07 Where any Lands or Premises in Airdrie are deemed to be in any untidy or unsightly condition, the City Manager may give notice in writing to a Person who is under a duty imposed by this Bylaw to prevent such a condition to remedy the same, and the City Manager may direct that this be done in such a manner as he or she deems advisable on or before a day to be named in the notice.
- 6.08 The notice shall describe the property by:
- (a) municipal address or location; and/or
 - (b) legal description.
- 6.09 The notice shall:
- (a) state that the Premises fails to comply with the Standards;
 - (b) give reasonable particulars of the repairs, demolition, clearing or other actions required to be made;
 - (c) state the time within which the repairs, demolition, clearing, or other actions are to be done;
 - (d) unless otherwise stated, give not less than seven (7) days' notice from the date of delivery for its compliance; and
 - (e) state that if the repairs or other actions are not done within the time specified, the City may carry out the repairs or other actions required and

charge the cost thereof against the Premises concerned as taxes due and owing in respect of those Premises.

- 6.10 A copy of the notice shall be served upon the Owner or Occupant of the Premises.
- 6.11 A notice given by the City Manager pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the Person to whom it is addressed:
- (a) on the notice being personally delivered to the Owner/Occupant to whom it is addressed;
 - (b) on sending it by mail in a prepaid cover addressed to the last known postal address of the Owner/Occupant to whom the notice is addressed; or
 - (a) on posting the notice in a conspicuous place on the Land referred to in the notice or on a Building(s) or Structures thereon, when the City Manager has reason to believe:
 - (i) that the Person to whom the notice is addressed is evading service thereof, or
 - (ii) for any reason it is improbable that the notice will be received by the Person to whom it is addressed within seven (7) days of the date of the notice if it is delivered in any of the ways mentioned in this Section.
- 6.12 If, after the day designated for the compliance in any notice given pursuant to this Bylaw, the Owner fails to remedy the condition stated in the notice, the City Manager may determine if there is an infraction and issue an Order to Remedy.

Section 7 Order to Remedy³¹

- 7.01 A ~~Peace Officer~~Remedial Order issued pursuant to this Bylaw may be served:
- (a) in the case of an individual:
 - (i) by delivering 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;

³¹ Bylaw B-15/2016

(iii) by delivering it by regular mail to the individual at their apparent place of residence; or

(iv) by delivering it by regular mail to the last address of the individual who is hereby authorized to be served as shown on the records of the Registration of motor Vehicle Services in Alberta; and empowered to issue an Order to Remedy

(b) in the case of a corporation:

(i) by delivering it personally to a director or officer of the corporation;

(ii) by delivering it personally to any person who the Peace Officer has reasonable and probable grounds to believe has contravened apparently in charge of any provision of this Bylaw office of the corporation at the address held out by the corporation to be its address; or

(iii) by delivering it by regular mail addressed to the registered office of the corporation.

7.02 ~~If the Person to whom an~~ in the opinion of a person serving a Remedial Order to Remedy under Section, 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;

(b) at the private dwelling place of the owner of the Premises to which the Remedial Order relates, as shown on the certificate of the title pursuant to the Land Titles Act or on the municipal tax role; or

(c) at any other property owned by the owner of the Premises to which the Remedial Order relates, as show on a certificate of title pursuant to the Land Titles Act or shown on the municipal tax role;

and the Remedial Order shall be deemed to be served upon the expiry of 3 days after the Remedial Order is posted.

7.03 of this Bylaw has been issued Every Person who fails to comply with thea Remedial Order issued pursuant to Remedythis Bylaw within the time specified therein;set out in the Remedial Order has committed an offence.

- ~~(a) the City may take whatever steps are necessary to remedy the contravention of the Bylaw and the cost of doing so becomes a debt owing to the City by the Person to whom the order was issued; and~~
- ~~(b) any items removed pursuant to this Section, if deemed of value by the City, will be removed to a place of safekeeping and will:
 - ~~(i) be assessed a daily fee for storage as may be determined from time to time by the City Manager; and~~
 - ~~(ii) if unclaimed within thirty (30) days, may be disposed of or sold by the City.~~~~

Time to Remedy Situation

7.04 Deleted.

~~7.03 Any such Order may require the Person, within a period of time which shall not be more than twenty-one (21) days from the date of making of the Order unless otherwise ordered, to remedy the untidy or unsightly condition of the Premises in the manner set forth in the Order.~~

~~7.04 If the Person to whom an Order to Remedy has been issued fails to comply with the Order within the time specified therein, the City Manager shall remedy the condition to the extent directed in the Order, in accordance with the preceding Section of this Bylaw.~~

Appeal

7.05 The Person and/or Owner may request the General Appeal Board to review the Order to Remedy issued pursuant to this Bylaw by written notice within fourteen (14) days of the date the Order to Remedy is received. Appeals are not permitted under the Sidewalk Section or the Handicapped Section of Section 3, Section 4 or Section 5 of this Bylaw.

- (a) Each notice of appeal shall:
 - (i) state with reasonable detail, the grounds of appeal;
 - (ii) state the name, address and interest of the appellant in the Premises;
 - (iii) be in the form determined by the City Clerk and must be accompanied by the appropriate fee; and

- (iv) be dated and signed by the appellant or on his behalf by his agent and, if signed by an agent shall state the name and address of the agent as well as that of the appellant.

Hearing and Decisions

7.06 The Appeal Board shall:

- (a) hold a hearing within thirty (30) days after receipt of the notice of appeal;
- (b) ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing; and
- (c) consider each appeal having due regard to the circumstances and merits of the case and to this Bylaw;

7.07 When hearing an appeal the Appeal Board shall be governed by the rules and procedures established for the Subdivision and Development Appeal Board.

7.08 In determining an appeal, the General Appeal Board:

- (a) may confirm, revoke or modify the decision of the City Manager; and
- (b) shall render its decision in writing to the appellant within fifteen (15) days from the date of the hearing.

Section 8 General Penalty Provisions³²

Offence

8.01 A Person who contravenes this Bylaw is guilty of an offence.

8.02 Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine not less than Three Hundred (\$300.00) Dollars and not more than Two Thousand Five Hundred (\$2,500.00) Dollars and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.

8.03 The specified ~~fine~~penalty and minimum penalty for an offence committed pursuant to this Bylaw are set out in the attached Schedule "A."

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

³² Bylaw B-15/2016

8.05 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 or imprisonment for not more than one year, or both.

8.06 If a vehicle is involved in an offence under this Bylaw, 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.

Section 9 Voluntary Payment Tag³³

9.01 A Peace Officer is hereby authorized and empowered to issue a Voluntary Payment Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

9.02 A municipal Voluntary Payment Tag may be issued to such Person:

- (a) either personally; or
- (b) by mailing a copy to such Person at his last known address.

9.03 Where a contravention of this Bylaw is of a continuing nature, further Voluntary Payment Tags or Summons may be issued by a Peace Officer provided that no more than one (1) Voluntary Payment Tag or Summons shall be issued for each calendar day that the contravention continues.

9.04 Where a Voluntary Payment Tag is issued pursuant to this Bylaw, the Person to whom the Voluntary Payment Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Voluntary Payment Tag.

9.05 Nothing in this Bylaw shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

Section 10 Violation Ticket³⁴

10.01 If the penalty specified on a Voluntary Payment Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

³³ Bylaw B-15/2016

³⁴ Bylaw B-15/2016

10.02 Notwithstanding any other provision of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

Section 11 Violation Tickets and Penalties³⁵

11.01 Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, ~~hethey~~ may commence proceedings by issuing a summons by means of a Violation Ticket against that Person in accordance with Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, as amended.

11.02 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw.

11.03 Notwithstanding the preceding sub-section:

- (a) where any Person has been convicted of a contravention of the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second conviction is double the amount shown in Schedule "A" of this Bylaw in respect of that provision; and
- (b) where any Person has been convicted of a contravention of the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule "A" of this Bylaw in respect of that provision.

11.04 Without restricting the generality of Section 9.02, the minimum fine for any offences not listed in Schedule "A" shall be Three Hundred (\$300.00) dollars.

11.05 Where ~~the~~ payment of ~~thea~~ penalty is received for the first offense within one twelve (12) month period and the ticket issued ~~for breach of any of the sections of this bylaw~~ is paid within five (5) business days from date of issuance of the ticket to a person authorized by the City to receive such payment, the specified penalty shall be reduced to the penalty in lieu of prosecution as set out in Schedule "A" ~~shall be reduced to one hundred (\$100) dollars~~ and such reduced payment shall be accepted in lieu of prosecution.³⁶

11.06 Where a Peace Officer is investigating a complaint involving untidy, unsightly property, the Peace Officer shall classify property by means of reference to Schedule "C" of this Bylaw.

³⁵ Bylaw B-15/2016

³⁶ Bylaw B-26/2014, Bylaw B-12/2021

11.07 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 by the Youth Justice Act, RSA 2000, c Y-1, as amended or replaced); and

(b) the convictions are under either subsection 18(2) or subsection 19(1) of the Youth Justice Act;

in which case the specified penalty for a “Young Person” shall apply.

11.08 In the event of a second offence or third offence within a twelve-month (12) period, the Penalty in Lieu of Prosecution shall not be applicable. In the event of a second offence within a twelve-month (12) period, the Specified Penalty shall double. In the event of a third offence within a twelve-month (12) period, the Specified Penalty shall triple.

Section 12 Miscellaneous³⁷

12.01 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, consent or other direction.

12.02 Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.

12.03 Every provision of this Bylaw is independent of all other provisions. 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.

12.04 Deleted.³⁸

Obstruction

12.05 It shall be considered an offence in this Bylaw to interfere, obstruct or hinder any Person authorized by the City Manager in the exercise or performance of the Person's powers pursuant to this Bylaw.

Section 13 Recovery of Enforcement Costs³⁹

³⁷ Bylaw B-15/2016

³⁸ Bylaw B-12/2021

³⁹ Bylaw B-15/2016

- 13.01 The expenses and costs of any action or measures taken by the City under this Bylaw are an amount owing to the City by the Owner, Occupant, or any other Person in contravention of this Bylaw.
- 13.02 If the City sells all or part of a Building, Structure, or improvement that has been removed under this Bylaw, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess must be paid to the Owner or Occupant, if entitled to them pursuant to the *Municipal Government Act*.
- 13.03 The expenses and costs incurred by the City in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll of the Premises that is the subject of the enforcement proceedings under this Bylaw. Included in the costs is an administration fee set out in the *User Fees and Charges Bylaw*.⁴⁰

SECTION 14 Repeal of Bylaws/Policies⁴¹

Bylaws, Resolution, and Policies Repealed

- 14.01 Minimum Standards Bylaw No. 961 and any amendments thereto are hereby repealed in their entirety.
- 14.02 Streets Bylaw No. 910, Part 4, Sections 401 and 402, are hereby repealed.
- 14.03 Noise Bylaw No. 731 and any amendments thereto are hereby repealed in their entirety.
- 14.04 The “Unsightly Premises Policy” is hereby repealed in its entirety.
- 14.05 Traffic Bylaw No. 803, Sections 701 (1), (2), 702, 703 are hereby repealed.

SECTION 15 Effective Date⁴²

- 15.01 This Bylaw shall come into full force and effect upon execution of this Bylaw.

Read a first time this 4th day of June, 2012.

Read a second time this 3rd day of December, 2012.

Read a third time this 17th day of December, 2012

Executed this 18th day of December, 2012.

⁴⁰ Bylaw B-44/2023

⁴¹ Bylaw B-15/2016

⁴² Bylaw B-15/2016

"P. Brown"
Mayor

"S. Pollyck"
City Clerk

Consolidated on _____

Charlotte Satink, City Clerk

Schedule “A”⁴³
SCHEDULE OF FINES

SECTION/ PARAGRAPH	OFFENCE	PENALTY IN LIEU OF PROSECUTION	SPECIFIED PENALTY
<u>3.01</u>	<u>Untidy and Unsightly Condition</u>	<u>\$300</u>	<u>\$500</u>
3.04 <u>02</u> to 3.05	Untidy and Unsightly Condition	\$100 <u>\$300</u>	\$300 <u>\$500</u>
<u>3.05.1</u>	<u>Nuisance Property</u>	<u>\$300</u>	<u>\$500</u>
3.06 to 3.08	Outside Storage – Residential Premises	\$100	\$300
3.09 to 3.11	Outside Storage – Non-Residential Premises	\$100	\$300
3.12 to 3.13	Refrigerators and Freezers	\$100	\$300
3.14 to 3.16 <u>15</u>	Construction Garbage and Receptacle Placement	\$100	\$300
<u>3.16.1</u>	<u>Vacant Property</u>	<u>\$300</u>	<u>\$500</u>
3.17 to 3.19	Excavation and Ponding Water	\$100	\$300
3.20 to 3.21	Drainage	\$100	\$300
3.22 to 3.26	Exterior Maintenance of Building and Fences	\$100	\$300
3.27 to 3.29	Graffiti	N/A <u>\$100</u>	N/A <u>\$300</u>
3.30	Unoccupied Buildings	\$100	\$300
3.31 to 3.38	Sidewalks	\$100	\$300
3.39 to 3.44	Handicapped Parking Stall	\$100	\$300
3.45(a)	Deposit or distribute a Graphic Image not contained in a sealed opaque envelope	\$500	\$1000
3.45(b)	Deposit or distribute a Graphic Image without the legible warning	\$500	\$1000
3.45(c)	Deposit or distribute a Graphic Image without identifying the sender and sender's address	\$500	\$1000
Section 4	Noise Control	\$100	\$300
Section 5	Firearms Use	\$100	\$300
6.05	Failure to Provide Proof of Permit	\$100	\$300
12.05	Obstruction	\$100	\$300

⁴³ Bylaw B-36/2008, Bylaw B-26/2014, Bylaw B-15/2016, Bylaw B-32/2023

~~*In the event of a second offence or third offence within a twelve month period, the Penalty in Lieu of Prosecution shall not be applicable. In the event of a second offence within a twelve month period, the Specified Penalty shall double. In the event of a third offence within a twelve month period, the Specified Penalty shall triple.~~

~~Schedule "B" Deleted.~~

Schedule "B" ⁴⁴

Schedule "B"
Unsightly Property Fine Multiplier based on Severity Level Classification

In accordance with paragraph 11.06, the fine amount for an unsightly property depends on the severity of the unsightly condition, as classified by the Peace Officer investigating, as set out in the table below:

<u>Severity Level</u>	<u>Description</u>	<u>Fine amount</u>
<u>1</u>	<u>Minor in nature. Single deficiency such as, but not limited to, long grass, small accumulation of dog feces, loose debris, etc.</u>	<u>The Specified Penalty amount listed in Schedule A.</u>
<u>2</u>	<u>A combination of two or three violations under this bylaw that likely requires less than one hour to clean up.</u>	<u>Twice the Specified Penalty amount listed in Schedule A.</u>
<u>3</u>	<u>Various violations requiring up to one hour cleanup.</u>	<u>Three times the Specified Penalty amount listed in Schedule A.</u>
<u>4</u>	<u>Lengthy cleanup required, multiple resources needed to complete work such as bins, additional contractor staff, equipment, requiring over one hour cleanup.</u>	<u>Four times the Specified Penalty amount listed in Schedule A.</u>

⁴⁴ Bylaw B-12/2021

Schedule "C"
Unsightly Property Fine Multiplier based on Severity Level Classification

In accordance with paragraph 11.06, the fine amount for an unsightly property depends on the severity of the unsightly condition, as classified by the Peace Officer investigating, as set out in the table below:

<u>Severity Level</u>	<u>Description</u>	<u>Fine amount</u>
<u>1</u>	<u>Minor in nature. Single deficiency such as, but not limited to, long grass, small accumulation of dog feces, loose debris, etc.</u>	<u>The Specified Penalty amount listed in Schedule A</u>
<u>2</u>	<u>A combination of two or three violations under this bylaw that likely requires less than one hour to clean up.</u>	<u>Twice the Specified Penalty amount listed in Schedule A</u>
<u>3</u>	<u>Various violations requiring up to one hour cleanup</u>	<u>Three times the Specified Penalty amount listed in Schedule A</u>
<u>4</u>	<u>Lengthy cleanup required, multiple resources needed to complete work such as bins, additional contractor staff, equipment, requiring over one hour cleanup</u>	<u>Four times the Specified Penalty amount listed in Schedule A</u>