



BYLAW 457-24

A BYLAW OF THE TOWN OF COALHURST IN THE PROVINCE OF ALBERTA "COMMUNITY STANDARDS BYLAW"

WHEREAS, Section 7, Part 2, Division 1 of the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, authorizes a council to pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property.

WHEREAS, Section 7, Part 2, Division 1 of the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, authorizes a council to pass bylaws for municipal purposes respecting nuisances, including unsightly premises or property.

WHEREAS, pursuant to the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, Council believes the regulation through a Community Standards Bylaw would benefit the community.

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

NOW THEREFORE, the Municipal Council of the Town of Coalhurst, Alberta duly assembled, hereby enacts as follows:

TITLE: This bylaw may be cited as the "**Community Standards Bylaw**".

PART 1: DEFINITIONS AND INTERPRETATION

- 1.1. **"ALLEY"** means a narrow highway intended chiefly to provide access to the rear of buildings and parcels of land and is considered a highway for the purposes of this Bylaw.
- 1.2. **"BOULEVARD"** means the portion of highway between the curb lines or lateral lines of a roadway and the adjoining property lines, exclusive of the sidewalk; also, that portion of a street between the curb lines or lateral lines of a divided roadway.
- 1.3. **"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 it is so affixed to become transferred without special mention by a transfer or sale of the land.

- 1.4. **“BUILDING MATERIAL”** means any construction material which may result from the construction, renovation, or demolition of any structure and includes, but is not limited to, wood, gypsum, vinyl siding, metal, brick, packaging material and containers of construction material, gravel, concrete, and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any structure.
- 1.5. **“CHIEF ADMINISTRATIVE OFFICER (CAO)”** means the Chief Administrative Officer of the Town of Coalhurst, or designate of the Chief Administrative Officer;
- 1.6. **“COMMUNITY SPECIAL EVENT”** means any event that is operated, coordinated, approved or sanctioned by the Town of Coalhurst or by resolution of Council and is meant for the unhindered enjoyment and benefit of all residents (e.g. Miner’s Days, festivals, parades, special events, sporting events)
- 1.7. **“COMMERCIAL VEHICLE”** - means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle;
- 1.8. **“CONSTRUCTION EQUIPMENT”** means and includes but is not limited to a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack-hammer, pneumatic drill, truck, dump truck, vac truck, tractor, other than a tractor used in agriculture, bulldozer, frontend loader, bob-cat, scraper, motor grader, or any other tool, device or machine if of a noisy nature;
- 1.9. **“CONSTRUCTION NOISE”** means noise caused by construction equipment;
- 1.10. **“COUNCIL”** means the duly elected Municipal Council of the Town of Coalhurst;
- 1.11. **“DANGEROUS ACTIVITY”** refers to any act, behaviour, or condition that poses a significant risk to the health, safety, or well-being of individuals, property, or the environment. This includes any threat to public safety, fire and explosive hazards, unlawful or reckless conduct, environmental hazards, endangerment of infrastructure, or interference with emergency services.
- 1.12. **“DEBRIS”** means building material or refuse arising from building construction or development;
- 1.13. **“FENCE”** means a vertical barrier that is used to prevent or restrict passage, to provide visual screening, sound attenuation, protection from dust or other elements, or to mark a boundary;
- 1.14. **“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;

- 1.15. **"MOTOR VEHICLE (MV)"** means the same as in the Traffic Safety Act, Revised Statutes of Alberta 2000 Chapter T-6 and amendments thereto;
- 1.16. **"MEDICAL OFFICER OF HEALTH"** means the individual that holds that position for the Health Region at any given time and includes any person authorized to act for and in the name of that individual;
- 1.17. **"MUNICIPAL GOVERNMENT ACT (MGA)"** means the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto;
- 1.18. **"MUNICIPAL PROPERTY"** means all physical assets, such as land, roads, buildings, infrastructure, and vehicles, owned by the municipality.
- 1.19. **"MUNICIPAL VIOLATION TAG"** means a violation notice or tag, allowing for a voluntary payment of a specified penalty to be paid out of court to the Town in lieu of appearing in answer to a summons;
- 1.20. **"MUNICIPAL VIOLATION TICKET"** means the same as in the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto;
- 1.21. **"NIGHT-TIME"** means the period beginning at 10:00 p.m. and ending the following day at 7:00 a.m., with the exception of Sunday and statutory holidays where night-time will end at 9:00 a.m.
- 1.22. **"NOISE"** means any sound having regard for all circumstances, including the time of day and the nature of the activity generating the sound, likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, repose, health, peace and safety of persons within the boundary of the Town of Coalhurst;
- 1.23. **"NUISANCE ACTIVITY"** means any activity or thing which arises from unreasonable, unwarranted or unlawful use by any person on a premises or property so as to produce a material annoyance, inconvenience or discomfort to the public or create annoyance or inconvenience to people living, working or pursuing activities in the vicinity of the premises or property; and, anything by act or omission that causes or permits a condition to exist which injures or endangers the public health, safety or welfare, or may reasonably be anticipated to be likely to injure or endanger public health, safety or welfare;
- 1.24. **"OCCUPANT"** means residing on or to be in apparent possession or control of premises or property including property pursuant to a written or verbal rental or lease agreement, license or permit;
- 1.23. **"OFF-HIGHWAY VEHICLE"** means any motorized vehicle designated for cross-country travel and without limiting the generality of the foregoing, includes:

- a) 4-wheel drive or low pressure tire vehicles;
 - b) motorcycles and related 2-wheel vehicles;
 - c) all terrain vehicles;
 - d) miniature motor vehicles;
 - e) snow vehicles;
 - f) mini bikes, and
 - g) any other means of transportation that is propelled by any power other than muscular power or wind.
- 1.24 **“ORDER TO REMEDY”** means written notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw or any applicable Bylaw within The Town of Coalhurst including the Land Use Bylaw or an order written pursuant to Section 545 of the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M- 26 and amendments thereto;
- 1.25 **“OWNER”** means a person:
- a) who is registered under the Land Titles Act, Revised Statutes of Alberta 2000 Chapter L-4 and amendments thereto as the owner of a parcel of land;
 - b) who is recorded as the owner of a premises or property on the tax assessment roll of the Municipality of Town of Coalhurst.
who has purchased or otherwise acquired a parcel of land, whether he or she has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof.
 - c) holding himself or herself out as the person having the powers and authority of ownership of a premises or property or who for the time being exercises the powers and authority of ownership;
 - d) in possession or control of a premises or property under construction;
- 1.26 **“PARK”** means any development specifically designed or reserved for the general public for active or passive recreational use. It includes all natural and man-made landscaping, facilities, building, playing fields, and other structures consistent with the general purposes or purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other entities pursuant to arrangements with the public authority owning the park; Any land acquired by Coalhurst as a municipal reserve and/or school reserve, public utility lots, or environmental reserve as defined in the Land Use Bylaw; Any land designated by Council as a park or recreational area for the purposes of this Bylaw; Any land developed or designated by the Town of Coalhurst as a trail system including pathways other than sidewalks;
- 1.27 **“PEACE OFFICER”** has the same meaning as in the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto. This includes a Town of Coalhurst Community Peace Officer, as well as a Bylaw Enforcement Officer duly appointed by the Town of Coalhurst Council;

- 1.28 **"PERSON"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative;
- 1.29 **"PLAYGROUND EQUIPMENT"** means swings, slides, climbing apparatus, and municipally-owned swimming pools, outdoor water parks, and outdoor ice skating surfaces. Playground equipment does not include facilities for walking and biking trails, park fences, trees, a picnic table, bridge, or gazebo.
- 1.30 **"PREMISES"** means any external surfaces of all structures and the whole or part of any parcel of real property, including property immediately adjacent to any structure and includes all forms of vegetation and including any property or structures owned or leased by the Municipality, including up to the center of lanes or alleys at the rear or side of the premises;
- 1.31 **"PROPERTY"** means:
- a) in the case of land, a parcel of land including any structures; or,
 - b) in other cases, personal property;
- 1.32 **"PUBLIC PLACE"** means any premises or property, whether publicly or privately owned, to which members of the public have access as a right or by express or implied invitation, whether on payment of any fee or not and shall also mean:
- a) a highway, road, street, sidewalk, lane, other thoroughfare or a parking lot;
 - b) a place or building to which the public has or is permitted to have access (i.e.: coffee shops, restaurants, shopping malls, retail stores, movie theatres);
 - c) a park or playground or any other place of public resort of amusement;
- 1.33 **"RECREATIONAL VEHICLE"** means a vehicle or trailer that provides temporary accommodation for recreation or travel purposes and includes any motor home, travel trailer, fifth wheel trailer, tent trailer, camper van, bus, or truck converted for use as a recreation vehicle, campers mounted on a truck or any similar vehicle, but does not include small utility trailers, off-road vehicles or watercraft and trailers to transport them, unless they are being used as a dwelling unit, in which case they will be considered recreational vehicles for the purposes of this bylaw;
- 1.34 **"REFUSE"** means articles including, but not limited to, loose scrap or litter including cigarettes or cigarette "butts/ends", solid waste such as rubber, metal, glass, plastic, paper, cardboard, fabric, food, garbage bags, grass cuttings, shrubbery and tree pruning, weeds, garden waste, the whole or part of an animal carcass, animal or human feces, sewage, manure, dirt, soil, ash, gravel, rocks, or any other such waste of a decomposing or non-decomposing matter which may or may not harbor vermin or pests therein; petroleum products, hazardous materials, disassembled equipment and machinery, discarded household chattels or goods; and/or equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances;

- 1.35 **“SIDEWALK”** means 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, or where there is no curb line, the edge of the roadway and the adjacent property line, whether or not it is paved
- 1.36 **“SMOKE OR SMOKING, VAPE OR VAPING”** means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted or heated device or apparatus designed to burn or heat tobacco, cannabis, shisha or any other weed or substance for the purpose of inhaling or tasting its emissions.
- 1.37 **“SPECIAL PERMIT”** means a written permit issued by the CAO (as defined) pursuant to this Bylaw and is designed to be temporary in nature;
- 1.38 **“STRUCTURE”** includes any Building, utility box, retaining wall, scaffolding, receptacle, mobile home, shed, or portable shack;
- 1.39 **“STRUCTURAL MEMBER”** means a support that is a constituent part of any Structure or Building.
- 1.40 **“UNTIDY AND UNSIGHTLY”** means any Premises or Property or part of it which is characterized by visual evidence of a lack of general maintenance and upkeep or the excessive accumulation on the premises or property of:
- a) Garbage, animal or human excrement, overgrown grass, weeds, trees or bushes, sewage, , tree pruning or dead grass, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, petroleum products, hazardous materials, disassembled equipment or machinery, broken household chattels or goods, or
 - b) the whole or any part of any vehicle or vehicles which are not registered with a Motor Vehicle Registry for the current year and which are inoperative by reason of disrepair, removed parts or missing equipment, or
 - c) equipment or machinery which has been rendered inoperative by reason of disassembly, age, or mechanical condition, including household appliances, or
 - d) animal material, ashes, building material, refuse or debris as defined in this bylaw, or
 - e) any other form of scrap, litter, trash, or waste of any kind.
- 1.41 **“VEHICLE”** means the same as in the Traffic Safety Act, Revised Statutes of Alberta 2000 Chapter T-6, and amendments thereto.
- 1.42 **“WEAPON”** means a firearm, B-B gun, air rifle, air pistol, pellet gun, crossbow, bow, slingshot and any other weapon or device that it designed or intended to discharge a shot, pellet, or other projectile dangerous to public health or which may damage property.
- 1.43 **“WEEDS”** means the definitions found in the Weed Control Act, Statutes of Alberta 2011 Chapter W-5.1 and amendments thereto; For the purposes of this Bylaw, all terms referred to and not defined in this Bylaw are as defined in the Land Use Bylaw and amendments thereto.

PART 2: PROPERTY MAINTENANCE

2.1 Untidy and Unsightly Premises or Property

- 2.1.1** No owner of a Premises or Property shall cause, allow or permit the premises or property to become or continue to be an untidy and unsightly premises or property as defined by this bylaw.

2.2 Boulevards/Alleyways

- 2.2.1** An owner or occupant of a premises shall maintain any boulevard or alleyway adjacent to the premises or property by:
- a)** keeping any grass on the boulevard cut to a length of no more than 15 cm.
 - b)** removing any accumulation of fallen leaves or other refuse or debris; and,
 - c)** keeping the alleyway clean from all weeds, grass, overgrown trees and bushes, garbage, refuse, and debris from property line to the centre of the alleyway.
- 2.2.2** No owner or occupant of a premises shall block access to any fire hydrant by placing hedges, shrubs, trees, fences, stored items, or anything else between a fire hydrant and the roadway, within 1.2 metres on each side of a hydrant or one metre on the side facing the property.
- 2.2.3** Subject to obtaining written permission from the Municipality, any owner who chooses to utilize any landscaping material other than natural grass (e.g. crushed rock, mulch, artificial turf, hard- surfacing, plantings, etc.) in the boulevard or any other publicly owned premises or property adjacent to their premises or property assumes responsibility for all maintenance of such landscaping material and the repair of damage to such landscaping material, regardless of cause.
- 2.2.4** Notwithstanding the above, if the Municipality is responsible for the damage due to the repair of public utilities, the Municipality will only cover the cost to repair the damage with natural grass.

2.3 Commercial Vehicles

- 2.3.1** No owner or occupant of a premises shall keep in any part of any yard within any residential premises or property any vehicle that is registered for commercial use, loaded or unloaded, of a gross vehicle weight in excess of 5,000 kg. for longer than is reasonably necessary to actively load or unload the vehicle.
- 2.3.2** Commercial vehicles with a town-approved trucking permit are exempt from section 2.3.1 of this bylaw, provided they are following the conditions of the permit as per the Traffic Control Bylaw.

2.4 Construction of Premises or Property

- 2.4.1** An owner or occupant of a premises or property under construction shall ensure that building materials or debris on the premises or property are removed or contained and secured in such a manner that prevents such building material or debris from being blown off or scattered from the premises or property;
- 2.4.2** No person shall keep or permit in any part of a premises or property, an excavation or debris during construction or renovation unless said excavation is properly secured or debris is stored in a container and removed within a reasonable period of time of being filled or required to complete the stage of renovation or construction, unless said excavation or debris is allowed pursuant to the Land Use Bylaw;
- 2.4.3** Upon such container being filled, it must be completely secured in such a manner so that no portion of the load can escape, blow, drop, spill, or fall onto a highway or premises or property adjacent thereto. It must then be transported to an appropriate location designated for the disposal of such building materials or debris;
- 2.4.4** An owner or a premises or property under construction or renovation shall not pile or store any building materials, landscaping materials (e.g. crushed rock, mulch, artificial turf, hard-surfacing, plantings, etc.), or debris related to the construction or renovation on the street, sidewalk or any premises or property owned by the Town or other landowners without written permission from the Town to do so.
- 2.4.5** No person, contractor, developer, or property owner shall cause, permit, or allow mud, dirt, gravel, dust, or any other debris from a construction site to be deposited, tracked, or discharged onto any municipal road, sidewalk, or public right-of-way in a manner that creates a hazard, nuisance, or obstruction.

2.5 Graffiti, Flyers, and Refuse

- 2.5.1** An owner or occupant of a premises or property shall ensure that loose refuse or debris are collected and contained on the premises or property so that they do not escape onto adjacent or other neighbouring properties.
- 2.5.2** An owner or occupant of a premises or property is responsible for papers and flyers on their premises or property regardless of whether they solicited for the delivery of these papers or flyers.

2.5.3 The owner or occupant of a premises or property shall ensure that any graffiti placed on their premises or property is removed, painted over, or otherwise permanently blocked from public view.

2.5.4 Notwithstanding Section 2.5.3, street painting, graphic art, street art, murals and other similar artwork on buildings, specified areas and on sidewalks may be allowed where sanctioned and authorized by the Town in accordance with any applicable bylaws of the town, including any relevant provisions of the Land Use Bylaw; or, made with the consent of the owner of the premises or property, the onus of proving the owner's consent rests with the person relying on consent.

2.6 Motor Vehicles

2.6.1 No person may conduct any repair work on a Motor Vehicle, including mechanical repairs, maintenance, autobody work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a Motor Vehicle, on any premises in a residential district unless:

- a) the activity does not create a nuisance or noise complaints from the neighbourhood;
- b) there is no escape of offensive, annoying, or noxious odors, fumes or smoke from the premises;
- c) they hold a development permit and business license for such activity, unless it is their own personal vehicle.

2.6.2 No owner or occupant of a residential premises shall allow the storage of more than one derelict, junked, inoperable, or unregistered vehicle on a premises for more than seven consecutive days, unless otherwise permitted as per the Land Use Bylaw, on the condition that any and all required approvals have been obtained, and in the opinion of the Peace Officer, the vehicle is not unsightly or does not adversely affect the character of the neighbourhood.

2.6.3 No owner of an undeveloped lot shall park or allow to be parked any motor vehicle, recreational vehicle, trailer, ATV, snowmobile, boat or the trailers used to convey the snowmobile or boat, on the undeveloped lot until such time there appears on the lot a principal building as per the conditions of the Land Use Bylaw.

2.7 Obligation to Maintain Property

2.7.1 All structures shall be kept in good repair and shall be free from health and fire hazards.

2.7.2 In the event that an owner or occupant neglects to repair or maintain a damaged or deteriorating fence, the Town may require the owner of the premises to repair, rehabilitate

or replace their portion of fence through the enforcement of this bylaw. The maintenance and/or replacement of any fence shall be the sole responsibility of the owner.

2.7.3 No owner or occupant of a premise shall allow the proliferation of pests, insects, or other vermin on his or her property.

2.7.4 No owner or occupant of a premises shall permit any excavation, depression, drain, ditch, watercourse, pond, surface water, refuse or other matter of thing upon private land, street, road, or in or about any building to be or to remain a nuisance or danger to public health or safety.

2.7.5 With respect to eaves troughs and downspouts:

- a)** An owner or occupant of a premises shall direct any rainwater downspout or eaves trough on the premises towards the front or rear of the premises or a side yard which does not abut another premises unless it is into a swale designed to take water to the front or back, or if it was otherwise authorized, or would be considered unreasonable or impractical to change.
- b)** No owner or occupant of a premises shall allow a flow of water from a hose or similar device, rainwater, downspout or eaves trough to be directed over a public sidewalk so as to be a hazard to any person.

2.7.6. Every 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 and decorative finishes of all exterior surfaces; and,
 - vii.** exterior stairs, landings, porches, balconies and decks

2.8 Snow and Ice Removal from Adjacent Sidewalks

2.8.1 All persons owning or controlling properties shall remove and clear away all snow and ice from the sidewalk(s) adjacent to their property within 48 hours of the time that the snow and/or ice accumulated or formed.

- 2.8.2** The Town may, after termination of 48 hours, take any action it feels necessary to remove and clear away the accumulation of snow and/or ice on a sidewalk adjacent to a private property.
- 2.8.3** No person shall place snow or ice on municipal property and if deemed necessary, the Town may remove such snow or ice.
- 2.8.4** Snow and ice from private property must remain on private property, but notwithstanding section 2.8.3 snow and ice accumulation on a sidewalk may be pushed onto the edge of the street.
- 2.8.5** The owner or person controlling the property shall make payment on demand to the Town for all of the costs of snow and ice removal under section 2.8.2. and section 2.8.3.

PART 3: NOISE

3.1 Provisions, Infractions, and General Abatement Provision

- 3.1.1** No person at any time shall make, continue, or cause, or allow to be made or continue any loud, unnecessary, or unusual noise or any noise whatsoever which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace, or safety of other persons within the limits of the Town of Coalhurst.
- 3.1.2** No person shall operate a power mower, snow-clearing device, power tools or machinery, or carry on construction activities such as hammering, sawing or any activity which creates noise or disturbance in any area designated as a Residential Zone during the night-time.
- 3.1.3** No person shall engage in any activity or permit any activity which creates noise or disturbance in any area designated as a Residential Zone during the night-time.
- 3.1.4** Except to the extent permitted by the Bylaw, no person shall:
- a)** cause excessive noise within the Town of Coalhurst
 - b)** operate or permit any other person to operate within the Town of Coalhurst a motor vehicle that causes noise.
 - c)** operate or permit any other person to operate within Town of Coalhurst an off-highway vehicle that causes noise.

3.2 Determination of unreasonable sound

- 3.2.1** 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; and,
- d) Any other relevant factor, such as multiple complaints.

3.3 Operation of Equipment

3.3.1 No person shall operate any type of equipment or motorized equipment; gas, diesel or electric, that could be disruptive to a residential district during the night-time. Any such equipment must be properly maintained, operated in a normal manner for that type of equipment, and the noise must be temporary and intermittent in nature. Where an activity which is not specifically prohibited by any federal, provincial, or municipal law or regulation or statute; including this Bylaw and which involves creating or making a sound which:

- a) is or may become; or, creates or produces or may create or produce noise,
- b) a person engaging in such activity shall do so in such a manner as to create as little sound as practicable under the circumstances.

3.3.2 A person who owns, occupies or controls a Truck-Tractor or Tractor-trailer must not at any time allow it to remain running for longer than 15 minutes when it is stationary in a Residential Zone or within 150 meters of a residential building.

3.4 Construction

3.4.1 No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site during the night-time.

3.4.2 Persons owning or controlling construction equipment, and persons owning or controlling land on which construction equipment is being operated shall be exempt from the provisions of this Bylaw if:

- a) the noise is generated pursuant to work done in the normal manner to the industry;
- b) the noise is not generated during the night-time, and
- c) all necessary federal, provincial, and municipal permits, licenses, and approvals have been obtained and the work is not contrary to any federal, provincial, or municipal laws, statutes, or regulations.

3.4.3 Notwithstanding Section 3.3.1 (Operation of Equipment), a person may at any time unload a vehicle containing:

- a) Fresh fruit, produce and perishable merchandise including milk, milk products and baked goods, meat or;
- b) Daily or weekly newspapers delivered to vendors;

- c) Canada Post deliveries;
- d) Banking deliveries; and
- e) Commercial merchandise within the truck route.

3.5 Sound Amplifying Equipment

- 3.5.1** No person shall operate sound amplifying equipment from any premises, park, or other public space that unduly disturbs residents of the Town of Coalhurst.

3.6 Noise Exemptions and Allowances

- 3.6.1** A person may make a written application to the CAO for a special permit allowing for temporary noise or sound levels that would otherwise violate this Bylaw.
- 3.6.2** Any application made pursuant to this section must be made at least ten (10) 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 and 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.

3.7 Coalhurst-Sanctioned Activities

- 3.7.1** Activities of employees, servants, contractors, utility companies and agents of the Town of Coalhurst while acting in the course of their employment and duties are exempt from the provisions of this Bylaw. This provision includes, but is not limited to, activities such as snow removal, street cleaning, emergency repairs and community special events.
- 3.7.2** Activities of persons operating domestic equipment including without restricting the generality of the foregoing; lawn mowers, snow blowers, garden tillers, hedge trimmers, weed trimmers, and air blowers (gas or electric), and persons owning or controlling property upon which such equipment is used if the noise is of a temporary or intermittent nature, the equipment is properly maintained and operated in a normal manner for that type or equipment; and the noise occurs during the night-time.

3.8 Emergencies

3.8.1 Any person performing work of an emergency nature for the preservation or protection of public safety, life, health, or property, including, but not limited to, the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police, Municipal Police Force, an Inspector of the Inspection Service Branch of the Department of Attorney General or a Special Constable may be exempt from this Bylaw. The onus will be on the person performing the work to demonstrate that the work was of an emergency nature to the satisfaction of a Peace Officer. This includes those acting in “goodwill”.

3.9 Relaxations

3.9.1 Notwithstanding Section 3.1, a person may operate a snow-clearing device powered by an engine for the purpose of commercial, industrial, and institutional 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 CAO to withdraw this relaxation on a site-specific basis.

3.10 The CAO May in Their Sole Discretion:

3.10.1 Waive any requirement of Part 3 (Noise);

3.10.2 Issue the special permit where a Peace Officer determines that circumstances make it impractical for the applicant to comply with this Bylaw;

3.10.3 Revoke any special permit that has been issued where a Peace Officer or the R.C.M.P. determine the applicant has not taken sufficient measures to minimize the noise of sound levels; or,

3.10.4 Impose any conditions on the issuance that a Peace Officer or the R.C.M.P. considers appropriate.

3.10.5 Any such special permit or permission shall be produced to a Peace Officer upon demand.

PART 4: PUBLIC BEHAVIOUR

4.1 WEAPONS

4.1.1 No person shall discharge any weapon within the boundaries of the Town.

- 4.1.2** Section 4.1 of this bylaw does not apply to a Peace Officer or other class of persons who require the use of weapons to carry out the responsibilities of their lawful occupations.

4.2 RECREATIONAL USE OF PUBLIC INFRASTRUCTURE AND GREEN SPACE

- 4.2.1** No person shall use rollerblades, skateboards or other wheeled apparatus on a parking lot or any other municipal property in a manner that interferes with or endangers the public, or damages municipal property.
- 4.2.2** No person shall drive an off-highway vehicle on municipal parks or on green space.
- 4.2.3** In addition to other penalties established under this By-Law any person causing damage to municipal property in violation of this By-Law shall be responsible for the cost of repairing such damage.

4.3 SMOKING AND VAPING

- 4.3.1** No person shall smoke or vape within a fifteen (15) metre (approximately fifty feet), radius of any playground equipment or athletic field.

4.4 LITTERING/UNLAWFUL DUMPING

- 4.4.1** No person shall place, deposit, discard, throw, or otherwise allow to be placed or deposited on any Town property, including any street, lane, alley, sidewalk, boulevard, parking lot, park, or other public place or watercourse, any debris, litter, refuse, or discarded materials of any kind.
- 4.4.2** No person shall place, deposit, discard, throw, or otherwise allow to be placed any debris, litter, refuse, or discarded materials of any kind into a bin owned, leased, or designated for use by another person, business, or entity without the express permission of the owner or authorized user.

4.5 VENDORS

- 4.5.1.** No person shall ring bells or knock-on doors to advertise the sale of goods and services in a residential area between the hours of 7:00 PM and 9:00 AM.

4.6 DANGEROUS/NUISANCE ACTIVITY

- 4.6.1** No person shall cause, permit, or engage in any activity on public or private property that is dangerous or is a nuisance within the Town of Coalhurst. Based on the impact on the surrounding community, frequency, duration, and potential harm to individuals or property, a Peace Officer may, in his or her discretion, deem any activity to be dangerous or a nuisance.

PART 5: INSPECTION AND ORDER TO REMEDY

5.1 INSPECTIONS

- 5.1.1** A Peace Officer, a Medical Health Officer, Public Health Inspector, a Building Inspector or person(s) as designated by the CAO are hereby authorized in accordance with Section 542 of the *Municipal Government Act* to enter into any premises or property other than a dwelling unit after giving reasonable notice to the owner of the premises or property to be inspected; and to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw.
- 5.1.2** A Peace Officer, when investigating an alleged contravention of this Bylaw, is hereby authorized to enter upon any premises or property other than a dwelling unit, to inspect for conditions that may contravene the provisions of this Bylaw. A Peace Officer may thereafter issue a verbal or written order to the owner to remedy any condition(s) of the subject premises or property that have been found to be in contravention of this Bylaw.
- 5.1.3** If a person refuses to allow or interferes with the entry, inspection, enforcement, or action referred to in Sections 5.1.1 or 5.1.2 or, refuses to produce anything to assist in the inspection, remedy, enforcement, or action referred to in Sections 5.1.1 or 5.1.2, the Town may apply to the Court of King's Bench for an order under Section 543(2) of the *Municipal Government Act*.

5.2 Order to Remedy

- 5.2.1** Where premises or property are found to be in violation of any provisions of this Bylaw, the Peace Officer may in accordance with Section 546 of the *Municipal Government Act* issue a written order to the owner of the premises or property to remedy the condition on the premises or property which violates this Bylaw.
- 5.2.2** Without limiting the powers under Sections 5.2.1, an order written pursuant to Section 5.2.1 may:
- a)** require the owner of a structure in disrepair to eliminate the danger to public safety in the matter specified, or remove and demolish the structure and level the site after obtaining all required permits;
 - b)** require the owner of the premises or property that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;

- c) require the owner of the premises or property to relocate or remove any vehicle, including recreational vehicles and junked, inoperable or unregistered vehicles, that do not comply with this bylaw in the manner specified in the order;
- d) require the owner of the untidy and unsightly premises or property or that creates a nuisance to improve the condition of the premises or property in the manner specified in the order or if the premises or property is a structure, to remove or demolish the structure and level the site;
- e) direct a person to stop doing something, or to change the way in which the person is doing it;
- f) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- g) state a time within which the person must comply with the directions;
- h) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person; and/or
- i) require the owner, lessee, or occupant of the premises or property to remove graffiti that is in an unsightly or nuisance condition to improve the appearance of the premises or property in the manner specified in the order.

5.2.3 The Peace Officer shall give not less than seven (7) days from the date of the notice being issued for compliance with the notice. During this period for compliance, a person may appeal the notice with the appeals section of this Bylaw.

5.3 Service of an Order to Remedy

- 5.3.1** An Order to Remedy by a Peace Office shall be deemed to be sufficiently served if:
- a) served personally on the individual or corporation named in the order;
 - b) mailed to the last known address of the registered owner of premises or property as it appears on the Town of Coalhurst Tax records or to the person concerned;
 - c) it is left with a person apparently over the age of 16 years at the place of abode of the person to whom the notice is addressed;
 - d) it is posted in a conspicuous place on the premises or property referred to on the order; or,
 - e) in the opinion of a Peace Officer, service of the written order cannot be reasonably affected, or if the Peace Officer believes that the owner of the premises or property is evading service, the Peace Officer may post the written order in a conspicuous place

on the premises or property to which the written order relates, or on the private dwelling place of the owner of the premises or property, and the written order shall be deemed to be served upon the expiry of three (3) days after the written order is posted.

5.4 Failure to Comply with an Order to Remedy

- 5.4.1** When an owner fails to remedy a contravention of this Bylaw within the time allowed in an order to remedy issued under Section 5.2 of this Bylaw, the Town of Coalhurst may exercise its powers under Sections 546.1 and 549 of the *Municipal Government Act* in its discretion, including but not limited to entering upon the premises or property to perform or complete the work necessary to remedy the violation of this Bylaw. The costs incurred by the Town to remedy the violation, as well as any applicable fines under this Bylaw, will be billed to the owner and will be amounts owing to the Town. If the costs are not paid in the time specified by the Town of Coalhurst, the costs may be charged against the premises or property as a special assessment to be recovered in the same manner as other taxes and in accordance with Sections 553, 553.1 or 553.2 of the *Municipal Government Act*.
- 5.4.2** Every person who fails to comply with a written order issued pursuant to this section within the time set out in the written order commits an offence.
- 5.4.3** In addition, any owner, agent, lessee, or occupier of any premises or property within the Town who fails to comply with this Bylaw will be liable for fines listed in the Fees and Rates Bylaw.
- 5.4.4** If the municipality sells all or a part of a structure that has been removed under subsection 5.2, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the person entitled to them.
- 5.4.5** The imposition of a violation ticket or summary conviction in court shall not relieve any person so fined of any costs incurred in having work performed by the Town or agents of the Town where authorized by this Bylaw.
- 5.4.6** The Town may register a caveat under the *Land Titles Act*, Revised Statutes of Alberta 2000 Chapter L-4 and amendments thereto, in respect to an order made under Section 5.2 of this Bylaw dealing with a dangerous structure, excavation, or hole or untidy and unsightly premises or property against the certificate of title for the land that is the subject of the order.
- 5.4.7** If the Town registers a caveat under subsection 5.4.6 the Town must discharge the caveat when the order has been complied with or when the Town has performed the actions or measures referred to in the order.

5.4.8 When a structure is being constructed in contravention of this bylaw, a contravention of this bylaw is of a continuing nature, or any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by this bylaw, in addition to any other remedy and penalty imposed by this bylaw, the Municipality may apply to the Court of King's Bench for an injunction or other order.

5.4.9 Any items of value, in the opinion of CAO and the Peace Officer, removed pursuant to Section 5.2 will be removed to a place of safekeeping and will:

- a)** be subject to a daily fee for storage costs; and
- b)** if unclaimed within ninety (90) days of removal, will be sold or disposed of at the discretion of the Town.

5.5 Emergencies

In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in Section 542(1)(a) and (c) of the *Municipal Government Act* without the consent of the owner or occupant. Pursuant to Section 551 of the *Municipal Government Act*, in an emergency, a municipality may take whatever actions or measures are necessary to eliminate the emergency.

5.6 Appeals

5.6.1 A person who receives a written order to comply with a section pursuant to this Bylaw may by written notice; request CAO to review the order within fourteen (14) days after the date the order is received.

5.6.2 After reviewing the order, CAO may confirm, vary, substitute, or cancel the order.

5.6.3 Notwithstanding subsections 5.6.1 and 5.6.2, this subsection does not apply to violation tickets written by a Peace Officer.

5.6.4 If a person considers himself aggrieved by a decision under subsection 5.6.2, he may appeal the decision by originating Notice to the Court of King's Bench

- a)** in the case of an appeal of an order under section 545 of the *Municipal Government Act*, within 30 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision, and;
- b)** in the case of an appeal of an order under section 546 of the *Municipal Government Act*, within fifteen 15 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision.

5.6.5 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.

PART 6: POWERS OF PEACE OFFICERS AND PROSECUTION

6.1 General Penalty Provisions

- 6.1.1** Any person who contravenes any provision of this Bylaw is guilty of an offence.
- 6.1.2** The fine amounts established for use on Violation Tickets if a voluntary payment option is offered, are as set out in Schedule A of this Bylaw.

6.2 Municipal Violation Tags and Violation Tickets

- 6.2.1** A Peace Officer is hereby authorized and empowered to issue a Municipal Violation Tag to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.2.2** A Municipal Violation Tag may be served:
 - a) personally, to the accused; or
 - b) mailed to the address of the owner as registered with the Town of Coalhurst.
- 6.2.3.** Where a contravention of this Bylaw is of a continuing nature, further Municipal Violation Tags may be issued by a Peace Officer.
- 6.2.4** A person to whom a Municipal Violation Tag has been issued may pay the penalty specified on the Municipal Violation Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- 6.2.5** Where a Municipal Violation Tag has been issued and the penalty specified on the Municipal Violation Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto.
- 6.2.6** Notwithstanding subsection 6.2.5, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.2.7** A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the Provincial

Offences Procedure Act, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto.

6.2.8 The Municipal Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:

- a) the name of the person to whom the Municipal Violation Tag is issued, if known;
- b) a description of the offence and the applicable Bylaw section;
- c) the appropriate penalty for the offence as specified in Fees and Rates Bylaw;
- d) that the penalty shall be paid on or prior to the prescribed due date in order to avoid prosecution;
- e) and any other information as may be required by the Chief Administrative Officer.

6.2.9 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- a) specify the fine amount established by this Bylaw for the offence; or;
- b) require a person to appear in court without the alternative of making a voluntary payment.

6.2.10 A person who commits an offence may:

- a) if a Violation Ticket is issued in respect of the offence; and
- b) if a Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment equal to the specified fine.

6.2.11 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

- a) 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 the offence continues and any 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 separate offence.

6.2.12 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 he is liable under the provisions of this Bylaw.

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

6.2.14 If any section or part of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable

and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

6.2.15 With passage of this Bylaw, Weed Bylaw No. 116-86, Rollerblades, Skateboards, Golf, and Off-Highway Vehicles Bylaw No. 288-02, Weapon Control Bylaw No. 291-02, Unsightly Premises Bylaw No. 303-04, Noise Control Bylaw No. 315-06, and Smoking and Vaping Bylaw No. 432-22 are rescinded in their entirety.

Community Standards Bylaw No. 457-24 shall come into force when it receives the THIRD and FINAL reading and is duly signed.

READ a FIRST time this third day of September, 2024

READ a SECOND time this 11th day of March, 2025

READ a THIRD time this 11th day of March, 2025

Mayor

Chief Administrative Officer

SCHEDULE A – FINES - BYLAW 457-24

SECTION	OFFENCE	First Offence	Second Offence	Subsequent Offence (within 12 months)
2.1.1	Untidy or Unsightly Property	\$250	\$500	\$1000
2.2.1	Failure to Maintain Boulevard/Alleyway	\$250	\$500	\$500
2.2.2	Blocking access to a fire hydrant	\$250	\$500	\$500
2.3.1	Commercial Vehicle Storage in Excess of 5,000 kg.	\$250	\$500	\$500
2.4.1	Failure to Contain Construction Material or Debris	\$250	\$500	\$500
2.4.2	Failure to Secure Excavation or Debris	\$250	\$500	\$500
2.4.3	Failure to Secure Debris Load	\$250	\$500	\$1000
2.4.4	Storage of Construction Material on Town or other property without permission	\$250	\$500	\$500
2.4.5	Soiling of Road, Sidewalk, or Public Right-of-way	\$250	\$500	\$500
2.5.1	Failure to Contain Refuse or Debris	\$250	\$500	\$1000
2.5.2	Failure to secure Papers or Flyers	\$250	\$500	\$1000
2.5.3	Failure to Remove or Obscure Graffiti	\$250	\$500	\$1000
2.6.1	Illegal Repair of Motor Vehicle in Residential District	\$250	\$500	\$1000
2.6.2	Storage of derelict or unregistered vehicles	\$250	\$500	\$1000
2.6.3	Parking on Undeveloped Lot	\$250	\$500	\$500
2.7.3	Proliferation of pests, insects, or other vermin	\$250	\$500	\$1000
2.7.4	Danger to Public Health or Safety on Premises	\$250	\$500	\$1000
2.7.5	Failure to Control Water from Premises	\$250	\$500	\$1000
2.7.6	Failure to Maintain Premises in Good Repair	\$250	\$500	\$1000
2.8	Placement of snow and ice, or failure to remove snow and ice within 48 hours	\$250	\$500	\$500
3.1.1	Excessive Noise at Any Time	\$250	\$500	\$1000
3.1.2	Excessive Noise from tools, equipment, or machinery in a residential zone outside of permitted hours	\$250	\$500	\$1000
3.1.3	Creation of Noise or Disturbance during Night-time	\$250	\$500	\$1000
3.1.4	Cause excessive noise or Operation of a Vehicle Causing Excessive Noise	\$250	\$500	\$1000
3.3.1	Operation of Equipment Outside of Permitted Hours	\$250	\$500	\$1000

	Disruptive to a Residential District			
3.3.2	Allow a truck-tractor or tractor-trailer to remain running for longer than 15 minutes when stationary in a Residential Zone or within 150 meters of a residential building	\$250	\$500	\$1000
3.4.1	Making construction noise outside of permitted times	\$250	\$500	\$1000
3.5.1	Disturbing Residents by Using Sound Amplifying Equipment	\$250	\$500	\$1000
4.1.1	Weapon discharge within Town boundaries	\$250	\$1000	\$2000
4.2.1	Rollerblading, Skateboarding or Similar on Municipal Property that interferes, endangers, or causes damage	\$250	\$500	\$1000
4.2.2	Driving an off-highway vehicle on municipal parks or on green space	\$250	\$500	\$1000
4.3.1	Smoking or vaping within 15 metres of a playground equipment or athletic field	\$250	\$500	\$1000
4.4.1	Littering/Unlawful Dumping	\$250	\$500	\$1000
4.4.2	Use of bin without permission of owner	\$250	\$500	\$1000
4.5.1	Door-to-door sales outside of permitted hours	\$250	\$500	\$1000
4.6.1	Engaging in a dangerous or nuisance activity	\$250	\$1000	\$2000