

TOWN OF DRUMHELLER
Community Standards
Bylaw Number 16-10

Being a Bylaw of the Town of Drumheller in the Province of Alberta for the purpose of prohibiting certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly Premises, control weeds and public disturbances.

WHEREAS: Part 2 of the Municipal Government Act, being Chapter M26 or the revised Statutes of Alberta and amendments thereto, provide that the council of a municipality may pass a bylaw for the purpose of prohibiting certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly Premises, weeds and public disturbances within the corporate limits of the Town of Drumheller.

NOW THEREFORE: the Council of the Town of Drumheller, in the Province of Alberta, duly assembled, enact the following:

1. TITLE

This Bylaw shall be cited as the "Community Standards Bylaw".

2. DEFINITIONS

In this By-Law unless the context otherwise requires:

- (a) "Act" shall mean a product, such as a statute, decree, or enactment, resulting from a decision by a legislative or judicial body.
- (b) "Automobile Parts" includes, but is not limited to, any vehicle part or collection of vehicle parts, or vehicles that are dilapidated, derelict or not in operation.
- (c) "Board" shall mean the Community Standards Appeal Board as established by the Community Standards Appeal Bylaw 22.10.
- (d) "Bullying" shall mean verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever.
- (e) "Chief Administrative Officer" shall mean a Municipal Official employed by the Town of Drumheller in the position of Chief Administrative Officer, or in his/her absence, the person appointed as Acting Chief Administrative Officer; or designate.
- (f) "Child" shall mean a person, male or female, fifteen (15) years of age or under.

- (g) "Council"
 - (i) The Council of a city, town, village, summer village, municipal district or specialized municipality.
 - (ii) The Council of a town under the Parks Town Act, or
 - (iii) The Council of a municipality incorporated by a special act.
- (h) "Community Standards Appeal" means the appeal of;
 - (i) A Remedial order issued pursuant to the Community Standards Bylaw;
 - (ii) An order issued pursuant to Section 545 of the Municipal Government Act regarding contraventions of other bylaws or enactments that the Town is authorized to enforce; or
 - (iii) An order issued pursuant to Section 546 of the Municipal Government Act;
- (i) "Court" shall mean the Provincial Court of Alberta.
- (j) "Derelict Vehicle" means a vehicle, whether or not in operating condition which,
 - (i) is unlicensed for the current year; or
 - (ii) has all or part of its superstructure removed, or
 - (iii) is in a dilapidated or unsightly condition.
- (k) "Director" of any department of the Town means the Chief Administrative Officer or the Chief Administrative Officers designate.
- (l) "Fire Chief" shall mean the Chief Administrative Officer or the Chief Administrative Officers designate.
- (m) "Grass" shall mean a member of the grass family which is of an objectionable and unsightly nature, forms a nuisance or a fire hazard, or is not controlled;
- (n) "Guardian" shall mean a person who is eighteen (18) years of age or older and responsible for a youth, child or minor.
- (o) "Lane" shall mean an alley intended primarily for access to the rear of Premises located adjacent to the alley;
- (p) "Municipal Government Act" shall mean the Municipal Government Act, R.S.A. 2000, and Chapter M-26 as amended or replaced from time to time.

- (q) "Notice" shall mean a notice issued pursuant to this bylaw to remedy a condition that is not in compliance with any provision of this bylaw.
- (r) "Nuisance" for the purpose of this bylaw includes any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighborhood.
- (s) "Owner" of a property or Premises;
 - (i) A Person who is registered under the Land Titles Act as the owner of the land;
 - (ii) A person who is recorded as the owner of the property on the tax assessment roll of the Town;
 - (iii) A person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
 - (iv) A person holding himself out as the person having the powers and the authority of ownership of the Premises or who for the time being exercises the powers and authority of ownership;
 - (v) A person controlling the property or Premises under construction; or
 - (vi) A person who is the occupant of the property or Premises pursuant to a rental or lease agreement, license or permit.
- (t) "Peace Officer" shall mean a Community Peace Officer, Bylaw Enforcement Officer, Police of Jurisdiction or other person appointed by the Town and who is authorized to enforce Bylaws of the Town of Drumheller.
- (u) "Person" shall mean and includes a corporation, other legal entities and an individual having charge or control of a Premises.
- (v) "Plants" shall mean and includes any vegetation which is of an objectionable and unsightly nature, forms a nuisance or a fire hazard, or is not controlled.
- (w) "Public Place" shall mean any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.
- (x) "Premises" shall mean any land situated in whole or in part within the Town including the external surface of all buildings and land immediately adjacent to any building or buildings and including any land or buildings owned or leased by the Town.

- (y) "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34 and the regulations thereof, as amended or replaced from time to time.
- (z) "The Regulations" shall mean the regulations passed pursuant to the Weed Control Act.
- (aa) "Remedial Order" shall mean an order written pursuant to Section 545 and Section 546 of the Municipal Government Act.
- (bb) "Restricted Weeds" shall mean a plant that is designated under the regulations or this bylaw as a prohibited noxious weed and includes prohibited weed seed.
- (cc) "Town" shall mean the municipal corporation of the Town of Drumheller in the Province of Alberta, or the area located within the Town of Drumheller corporate limits, as the context requires.
- (dd) "Vehicle" has the same meaning as defined in the Traffic Safety Act, and includes any motorized vehicle that is unable to be moved under its own power.
- (ee) "Weed Control Act" shall mean the Weed Control Act of Alberta, RSA 2008 cW-5.1.
- (ff) "Weed Inspector" shall mean a person appointed as an inspector pursuant to the Act.
- (gg) "Work Forces" shall include employees of the Town of Drumheller and persons under contract to the Town of Drumheller.
- (hh) "Yard Material" shall mean any waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities including grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds.
- (ii) "Young Person" shall mean an individual less the eighteen (18) years of age.

3. GENERAL

- (1) The owner of any real property, as registered on title at the Land Title Office is ultimately responsible for all activities on the property which may constitute prohibition of this bylaw.
- (2) 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.

- (3) Where this bylaw refers to another act, bylaw, regulation or agency, it includes reference to any Act, Bylaw, regulation or agency that may be substituted therefore.
- (4) Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.
- (5) All schedules attached to this bylaw shall form part of this bylaw.

4. REMEDIAL ORDER AND COMMUNITY STANDARDS APPEAL BOARD.

- (1) Every remedial Order written with respect to this bylaw must:
 - (a) indicate the Person to whom it is directed;
 - (b) identify the property to which the Remedial Order relates by municipal address or legal description;
 - (c) the date that it is issued;
 - (d) identify how the Premises fails to comply with this or another bylaw;
 - (e) identify the specific provisions of the Bylaw the Premises contravenes;
 - (f) identify the nature of the remedial action required to be taken to bring the Premises into compliance;
 - (g) identify the time within which the remedial action must be completed;
 - (h) indicate that if the required remedial action is not completed within the time specified, The Town may take whatever action or measures are necessary to remedy the contravention;
 - (i) indicate that the expenses and costs of any action or measures taken by The Town under this Section are an amount owing to The Town by the Person to whom the order is directed;
 - (j) indicate that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by a specified time;

- (k) indicate that an appeal lies from the Remedial Order to the Community Standards Appeal Board, if a notice of appeal is filed in writing with the Town within fourteen days of the receipt of the Remedial Order.
- (2) Every Remedial Order written with respect to provisions of another bylaw must contain the same information as set out in subsection (1) as modified as necessary in the context of that bylaw.
- (3) A Remedial Order written pursuant to this Bylaw may be served personally upon the owner of the Premises to which it relates, or it may be left with a Person apparently over the age of 18 years at the Premises.
- (4) If, in the opinion of a Peace Officer, service of the Remedial Order cannot be reasonably affected, or if a Peace Officer believes that the owner of the Premises is evading service, a Peace Officer may post the Remedial Order in a conspicuous place on the Premises to which the Remedial Order relates, or on the private dwelling place of the owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.
- (5) Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.
- (6) Appeal of Remedial Orders
 - (a) A Person to whom a Remedial Order is directed may seek a review of the Remedial Order by filing an appeal in writing with the Town within fourteen (14) days of receiving the Order issued under the provisions of Section 545 of the Municipal Government Act and within seven (7) days of receiving the Order issued under Section 546 of the Municipal Government Act.
 - (b) An appeal filed pursuant to this Section must state the name of the appellant, the municipal address of the property to which the Remedial Order being appealed from relates, a day time telephone contact number at which the appellant may be reached, and an address at which documents in relation to the appeal may be delivered.

5. ENFORCEMENT

5.(1) General Penalty Provision

- (a) Any Person who contravenes any provision of this Bylaw by:
 - (i) doing any act or thing which the Person is prohibited from doing; or

- (ii) failing to do any act or thing the Person is required to do; is guilty of an offence.
- (b) Any Person who is convicted of an offence pursuant to this Bylaw is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.

5.(2) Violation Tickets and Penalties

- (a) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, a Peace Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*, R.S.A. 2000 c. P-24.
- (b) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- (c) Where there is a minimum penalty listed for an offence in schedule "A" to this bylaw, that amount is the minimum penalty for the offence
- (d) 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:
 - (i) the Person is a "Young Person" (as defined in the Youth Justice Act, R.S.A. 2000, c. Y-1, as amended); and
 - (ii) the convictions are under either Subsection 19(1), Subsection 19(2)), of this Bylaw; in which case the specified penalty for a "Young Person" shall apply."
- (e) This Section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, R.S.A. 2000 c. P-24, or from laying an information in lieu of issuing a violation ticket.
- (f) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

6. UNSIGHTLY PREMISES

6.(1) Scope

- (a) The standards, requirements and prohibitions contained in this Section shall apply to:

- (i) Residential Premises;
- (ii) Vacant lots within residential areas;
- (iii) Commercial Premises; and
- (iv) Industrial areas unless otherwise approved.

6.(2) Accumulation of Materials

- (a) No owner or occupier of a Premises shall allow on the Premises, the accumulation of:
 - (i) any material that creates unpleasant odours;
 - (ii) any material likely to attract pests; or
 - (iii) animal remains, parts of animal remains, or animal feces.
- (b) No owner or occupier of a Premises shall allow the open or exposed storage on the Premises of any industrial fluid, including engine oil, brake fluid or antifreeze.
- (c) No owner or occupier of a Premises shall allow the following to accumulate on the Premises such that the accumulation is visible to a Person viewing from outside the property:
 - (i) loose garbage;
 - (ii) bottles, cans, boxes or packaging materials; and
 - (iii) household furniture or other household goods.
- (d) Vehicle and Automobile Parts, except where contained in an approved structure under the Land Use Bylaw, or a maximum of one vehicle per Premises if covered and stored in a manner approved by the Chief Administrative Officer;
 - (i) a person, being the owner, lessee, tenant, agent, manager, or occupant of any land or Premises within the Town shall allow a dilapidated or derelict vehicle to remain on the aforementioned land or Premises for a period of more than (14) days.
 - (ii) Notwithstanding Section (d)(i), a person being the owner, lessee, tenant, agent, manager, or occupant of any land or Premises within the Town

shall allow a dilapidated or derelict vehicle to remain on the aforementioned land or Premises provided that:

1. the vehicle is contained within a structure, approved under the Land Use By-Law for the Town, which prevents it from being viewed from any neighboring property or public area.

2. the vehicle is covered by a tarpaulin or other device acceptable to the Chief Administrative Officer which prevents it being from any neighboring property or public area.

(e) parts of or disassembled machinery, equipment or appliances; and

(f) yard material.

6.(3) Appliances

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

(b) No owner or occupier of a Premises shall allow any appliance to remain on the Premises such that the appliance is visible to a Person viewing from outside the property.

(c) Notwithstanding subsections (a) and (b), it shall not be an offence for an owner or occupier of a Premises to allow a refrigerator on a Premises:

(i) if the refrigerator is not visible to a Person viewing from outside the property; and

(ii) the refrigerator remains locked at all times with a padlock and key or similar device.

6.(4) Outdoor Storage of Building Materials

(a) No owner or occupier of real property shall allow on the Premises the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking is being carried out on the Premises and that:

(i) The project has begun or the beginning of work is imminent; and

(ii) The materials found on the Premises relate to the project taking place on the Premises in a quantity reasonable to complete the project; and

- (iii) The work on the project has not been suspended for a period in excess of one-hundred and twenty days (120); and
- (iv) The work on the project has not ceased.
- (b) An owner or occupier of a Premises shall ensure that all Building materials stored on a Premises that are not in contravention of subsection (1), are stacked or stored in an orderly manner.
- (c) Notwithstanding anything in this section, it shall not be an offence to store a small amount of neatly stacked materials on a Premises for basic property maintenance.

7. FIRE ON PREMISES

7.(1) For the purposes of this section:

- (a) "Fire Pit" includes a permanently affixed outdoor fire receptacle and a Portable Fire receptacle.
- (b) "Fire Place" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry.
- (c) "Portable Fire Receptacle" means an outdoor fire receptacle which is not permanently affixed.

7.(2) General Prohibition

- (a) Except for a fire which is allowed by the Fire Department Bylaw, or another bylaw, no Person shall burn, or allow to be burned, a fire on a Premises that does not comply with the requirements of this Bylaw.

7.(3) All Fires must be supervised

- (a) Every Person who builds, ignites or allows a fire on a Premises must ensure that the fire is not unsupervised at anytime.

7.(4) Restrictions Applying to All Fires Allowed Pursuant to this Bylaw

- (a) No Person shall burn, at any time, on any Premises, the following materials:
 - (i) treated or painted lumber;
 - (ii) lumber products containing glue or resin;
 - (iii) wet or unseasoned wood;
 - (iv) leaves, brush or yard waste;

- (v) garbage;
- (vi) rubber, tires or plastic; or
- (vii) any animal carcass or part thereof.

7.(5) No Person shall ignite or allow a fire to burn on a Premises between one o'clock a.m. (2:00 a.m.) and ten o'clock a.m. (10:00 a.m.).

7.(6) Fires in Fireplaces

- (a) A Person may build, ignite or allow a fire on a Premises in a Fire Place, as long as that Person complies with Sections 7(3) and 7(4) of this Bylaw.

8. GRAFFITI PREVENTION AND ABATEMENT

8.(1) For the purposes of this Section, "*Graffiti*" means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to a surface.

8.(2) No person shall create or apply Graffiti.

8.(3) Every owner or occupier of a Premises shall, within a reasonable time, ensure that Graffiti placed on their Premises is removed, painted over, or otherwise permanently blocked from public view.

9. NOISE

9.(1) For the purposes of this Section; contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;

(a) "Ambient Sound Level" shall mean the Sound Level measured by a Tester at a Point of Reception, which excludes the noise generated by an activity with respect to which a complaint about noise has been made;

(b) "Concrete Mixer" shall mean a machine that is mounted on a Truck chassis or trailer capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used;

(c) "Construction" means the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process;

(d) "Continuous Sound" shall mean any Sound Level that occurs:
(i) for a continuous duration of more than 3 minutes; or

- (ii) Sporadically for a total of more than 3 minutes, in any continuous 15 minute time period;
- (e) "Daytime" shall mean the period:
 - (i) beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or
 - (ii) beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a Weekend;
- (f) "Downtown" shall mean the area in the downtown core designated as DT (Downtown Transitional) or CB (Central Business) as identified in the Land Use Bylaw;
- (g) "Field Calibrator" shall mean an instrument (as established by the American National Standards Institute "A.N.S.I.") to be used for the calibration of a Sound Level Meter. The Field Calibrator must be approved by the manufacturer for use with the Sound Level Meter being used and must also be certified and calibrated by the manufacturer within the previous 12 months prior to its use;
- (h) "Garbage Truck" shall mean any vehicle equipped for transporting refuse or any vehicle equipped to load, unload and transport containers for handling refuse;
- (i) "Leq" shall mean the equivalent continuous Sound Level over periods of time as specified in this Bylaw at a specified location as measured by a Sound Level Meter;
- (j) "Motorized Garden Tool" shall mean any tool used for horticulture that is powered by an electric or internal combustion engine of any kind;
- (k) "Night-time" shall mean 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;
- (l) "Non-Continuous Sound" shall mean any Sound Level that is not a Continuous Sound measured with a Sound Level Meter;
- (m) "Non-Residential Development" shall mean any land or building that is not a Residential Development or Residential Building;
- (n) "Outdoor Speaker System" shall mean any sound amplification device that converts electrical impulses into sound, whether the device is independent or

incorporated into a radio, stereo, television, public address or other system, which is used for general listening purposes and positioned:

- (i) outside of a building;
 - (ii) inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building; or
 - (iii) in a tent;
- (o) "Point of Reception" shall mean any location at the place of work or residence where noise or Sound Levels are heard by a complainant, as determined by the Tester to be appropriate in each circumstance;
- (p) "Power Tool" shall mean and includes any tool powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity or a fossil fuel;
- (q) "Residential Building" shall mean a structure that is
- (i) Direct Control, where the applicable land use guidelines allows a use which is residential; or
 - (ii) any other Land Use Districts which allows residential uses;
- (r) "Residential Development" shall mean any land which is the site of a Residential Building and is designated as a residential use district in the Land Use Bylaw:
- (i) Direct Control, where the applicable land use guidelines allows a use which is residential; or
 - (ii) Any other Land Use Districts which allows residential uses.
- (s) "Signaling Device" shall mean any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon or public address system;
- (t) "Sound Level" shall mean the sound pressure measured in decibels using the "A" weighted network of a Sound Level Meter with fast response;
- (u) "Sound Level Meter" shall mean any Type 2 or better integrating instrument (as established by the standards of the American National Standards Institute "A.N.S.I.") that measures Sound Levels;

- (v) "Tester" shall mean an Officer or individual authorized by the Chief Administrative Officer and trained in the operation of a Sound Level Meter as defined in this Bylaw;
- (w) "Truck" shall mean any vehicle that has a gross allowable maximum vehicle weight in excess of 6000 kilograms as listed on the official registration certificate issued by the Government of the Province of Alberta, regardless of the vehicle's actual weight at a specific time, and includes a truck-tractor and tractor-trailer, but does not include a Concrete Mixer or a Garbage Truck;
- (x) "Weekday" shall mean Monday through Saturday, inclusive unless it falls on a holiday, as defined in the *Interpretation Act* R.S.A. 2000, c. I-8, as amended or replaced from time to time;
- (y) "Weekend" shall mean Sunday and any other holiday, as defined in the *Interpretation Act* R.S.A. 2000, c. I-8, as amended or replaced from time to time.

9.(2) This section does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads, or aeronautical related activities of aircraft.

9.(3) General Prohibitions and Noise from Vehicles on Premises

- (a) Except as authorized pursuant to this Bylaw, no Person shall make or cause or allow to be made or continued any noise which disturbs or annoys a Person, including any loud outcry, clamor, shouting, screaming, swearing, movement, music or activity.
- (b) Except as authorized pursuant to this Bylaw, no owner or occupier of a Premises shall make or cause or allow to be made or continued any noise which emanates from the Premises and disturbs or annoys a Person, including any loud outcry, clamor, shouting, screaming, swearing, movement, music or activity.
- (c) No person shall permit a vehicle located on a Premises to emit noise which emanates from that Premises and disturbs or annoys a Person, including noise from excessive engine revving and stereo and amplification equipment in the vehicle.
- (d) No owner or occupier of a Premises shall permit a vehicle located on the Premises to emit noise which emanates from that Premises and disturbs or annoys a Person, including noise from excessive engine revving and stereo and amplification equipment in the vehicle.

- (e) Whether any sound annoys or disturbs a Person, or otherwise constitutes objectionable noise, is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw.
- (f) No drinking establishment shall permit any noise to emanate from the Premises of such drinking establishment such that it annoys or disturbs any person outside the boundary of the drinking establishment, within the Corporate Limits of the Town of Drumheller.
- (g) No person may activate or apply engine retarder brakes within the Corporate Limits of the Town of Drumheller, except The Town of Drumheller Infrastructure and Emergency Services Vehicles in the course of responding to an emergency situation in the use of retarder brakes.

9.(4) Continuous Sound in Residential Developments

- (a) No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of the following Sound Levels:
 - (i) 65 decibels (dBA) Leq measured over a one (1) hour period during the Day-time; or
 - (ii) 50 decibels (dBA) Leq measured over a one (1) hour period during the Night-time; at any Point of Reception within a Residential Development.
- (b) Notwithstanding subsection (a), where the Ambient Sound Level for an area is at or above the maximum allowable Day-time or Night-time Sound Levels referred to in subsection (a), measured over a one (1) hour period, a Sound Level must exceed 5 decibels (dBA) Leq over the Ambient Sound Level before it becomes an offence.

9.(5) Continuous Sound in the Downtown

- (a) No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of the following Sound Levels:
 - (i) 75 decibels (dBA) Leq measured over a one (1) hour period during the Day-time; or
 - (ii) 60 decibels (dBA) Leq measured over a one (1) hour period during the Night-time; at any Point of Reception within the Downtown.
- (b) Notwithstanding subsection (a), where the Ambient Sound Level for an area is at or above the maximum allowable Day-time or Night-time Sound Levels referred to in subsection (a), measured over a one (1) hour period, a Sound Level must exceed 5 decibels (dBA) Leq over the Ambient Sound Level before it becomes an offence.

9.(6) Non-Continuous Sound in Residential Developments and Downtown

(a) No Person shall cause or permit to be caused a Non-Continuous Sound that exceeds:

- (i) 85 decibels (dBA) Leq measured over a period of 15 minutes during the Daytime; or
- (ii) 75 decibels (dBA) Leq measured over a period of 15 minutes during the Night-time; at any Point of Reception within a Residential Development or Downtown.

9.(7) Activities in Residential Developments

(a) No Person shall operate

- (i) a hand lawn mower;
 - (ii) a motorized garden tool;
 - (iii) a power tool outside of any building or structure;
 - (iv) a model aircraft or toy driven by an internal combustion engine of any kind;
 - (v) a snow clearing device powered by an engine of any kind; or
 - (vi) a motorized snow or leaf blowing device;
- in a Residential Development during the Night-time.

(b) No Person shall load or unload a Truck, Concrete Mixer, or Garbage Truck in a Residential Development or within 150 metres of a Residential Development during the Night-time.

(c) Notwithstanding subsection (b) a Person may, at any time, unload a vehicle containing:

- (i) fresh fruit, produce and perishable merchandise including milk, milk products and baked goods; or
- (ii) daily or weekly newspapers being delivered to vendors.

(d) Notwithstanding subsection (b), a Person may load a Garbage Truck between 6:00 A.M. and 10:00 P.M. on any Weekday.

(e) A Person must not use a Signaling Device to promote or advertise the sale of ice cream or any other food stuffs in a Residential Development during the Nighttime.

(f) A Person who owns, occupies or controls a Truck must not at any time allow it to remain running for longer than 20 minutes when it is stationary in a Residential Development or within 150 metres of a Residential Development.

9.(8) Sound in Non-Residential Developments

(a) No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of:

(i) 85 decibels (dBA) Leq measured over a one (1) hour period during the Day-time or Night-time; or

(ii) 5 decibels (dBA) Leq over the Ambient Noise measured over a one (1) hour period during either the Day-time or Night-time; at any Point of Reception within a Non-Residential Development.

(b) No Person shall, in a Non-Residential Development, cause or permit to be caused a Non-Continuous Sound that exceeds 85 decibels (dBA) Leq measured over a period of one (1) hour during the Day-time or Night-time where the Point of Reception is within a Non-Residential Development.

9.(9) Outdoor Speaker Systems

(a) No Person shall operate an Outdoor Speaker System on a parcel where a property line of the parcel is within 150 metres of a Residential Development during the period beginning at 10:00 P.M. and ending at 7:00 A.M. the following day.

(b) Notwithstanding subsection (a), an Outdoor Speaker System must comply with the Sound Levels established in this Bylaw.

(c) Notwithstanding subsection (a), for the duration of the July 01st Celebrations each year, no Person shall operate an Outdoor Speaker System on a parcel where a property line of the parcel is within 150 metres of a Residential Development during the period beginning at Midnight and ending at 7:00 A.M. each day.

9.(10) Relaxations

(a) Notwithstanding subsection 7(a)(v), a person may operate a snow clearing device powered by an engine for the purpose of commercial and non-commercial removal of snow and ice from streets, parking lots and sidewalks during the 48 hour period following a snowfall, rain or freezing rain, subject to the right of the Chief Administrative Officer to withdraw this relaxation on a site-specific basis.

(b) Notwithstanding subsection 7(a)(ii), it shall not be an offence to use 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.

9.(11) Exemptions

- (a) The provisions of this Section do not apply to:
 - (i) Emergency vehicles;
 - (ii) Construction in Residential Developments during the Day-time, whether or not the Construction requires any Town permits;
 - (iii) the use of Motorized Garden Tools in Residential Developments where:
 - the Sound Level does not exceed 75 decibels (dBA) Leq measured over a one (1) hour period; and
 - the tool is used during the Day-time and for less than 3 hours during any given day;
 - (iv) work on a Town street or on a public utility carried out by the owner or operator of the public utility, or its contractors;
 - (v) the activities of a valid permit holder; or
 - (vi) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.
- (b) Notwithstanding Subsection (a), the Chief Administrative Officer may issue a permit;
 - (i) the building permit number (if applicable);
 - (ii) a description of the source(s) of noise or Sound Levels;
 - (iii) the period of time that the exemption is desired;
 - (iv) the applicant's reason(s) why the exemption should be given; and
 - (v) a statement of the measures that will be taken to minimize the noise or Sound Levels.
- (c) The Chief Administrative Officer may, in his sole discretion
 - (i) waive any requirement of this Section; apply any other provision of this Section to Subsections (a) (ii) through (v) on a site-specific basis in the Chief Administrative Officer's sole discretion.

9.(12) Permits

- (a) A Person may make a written application to the Chief Administrative Officer for a temporary permit allowing for noise or Sound Levels that would otherwise violate this Bylaw.
- (b) Any application made pursuant to Subsection 9.(12)(a) must be made at least 5 business days prior to the proposed activity and must contain sufficient information pertaining to the activity for which the exemption is sought.
- (c) Upon receipt of an application under Subsection 9.(12)(a), the Chief Administrative Officer may:
 - (i) issue the temporary permit, where the Chief Administrative Officer determines those circumstances make it impractical for the applicant to comply with this Bylaw;

- (ii) impose any conditions on the issuance or use of the permit that the Chief Administrative Officer considers appropriate;
- (iii) refuse to issue a permit; or
- (iv) revoke any temporary permit that has been issued, where the Chief Administrative Officer determines that the applicant has not taken sufficient measures to minimize the noise or Sound Levels.

9.(13) Scope

- (a) The provisions contained in this Section shall not be interpreted to prevent:
 - (i) the ringing of bells in churches, religious establishments and schools;
 - (ii) the sounding of any alarm or warning to announce a fire or other emergency;
 - (iii) the playing of a band in connection with a parade allowed pursuant to any Town bylaw; or
 - (iv) the use of Signaling Devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons.

9.(14) Testers

- (a) The Chief Administrative Officer of The Town of Drumheller or his designate may establish the qualifications for and appoint Persons as Testers to measure Sound Levels.
- (b) When measuring Sound Levels, the Tester must measure the Sound Level at the Point of Reception with the Sound Level Meter at least 1.0 metres above the ground.
- (c) When measuring Sound Levels, the Tester is the person who determines the Point of Reception.
- (d) The Tester must ensure the accuracy of the Sound Level Meter by testing it with the Field Calibrator immediately before and after measuring the Sound Level and record the results of those tests.

10. NUISANCES ESCAPING PROPERTY

10.(1) Interpretation

- (a) Whether a thing or activity annoys or disturbs a Person or otherwise constitutes a nuisance is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw.
- (b) In making a determination with respect to an offence under this Section a Court may take into consideration any or all of the following factors:

- (i) the frequency of the activity;
- (ii) the intensity and duration of the activity;
- (iii) the time of day or season;
- (iv) the nature of the surrounding area;
- (v) the effect of the thing or activity on a complainant or complainants; and
- (vi) the effect of the thing or activity on the surrounding area.

10.(2) Water, Eavestroughs and Downspouts

- (a) No owner or occupier of a Premises shall allow a flow of water from a hose or similar device on the Premises to be directed towards an adjacent Premises if it is likely that the water from the hose or similar device will enter the adjacent premises.
- (b) An owner or occupier of a Premises shall direct any rainwater downspout or eavestrough on the Premises towards:
 - (i) the front of the Premises;
 - (ii) the rear of the Premises; or
 - (iii) a side yard which does not abutt another Premises;
 unless it is pre-existing, otherwise authorized or would be considered unreasonable or impractical to change.
- (c) No owner or occupier of a Premises shall allow a flow of water from a hose or similar device, rain water, downspout or eavestrough to be directed over a public sidewalk so as to be a hazardous to any Person.

10.(3) Smoke and Dust

- (a) A Person shall not engage in any activity that is likely to allow smoke, dust or other airborne matter that may disturb any other Person to escape the Premises without taking reasonable precautions to ensure that the smoke, dust or other airborne matter does not escape the Premises.

10.(4) Light

- (a) No owner or occupier of a Premises shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.
- (b) An outdoor light shall not constitute a violation of subsection (a) if the owner or occupier of the Premises shields the light from shining directly at the living or sleeping areas of the adjacent dwelling house.
- (c) Where an outdoor light is permitted or required pursuant to a land use bylaw, a development permit or a similar approval, the land use bylaw, development permit or similar approval shall take precedence over this Bylaw, and the light shall not constitute a violation of subsection (a).

10.(5) Flyers and Debris

- (a) An owner or occupier of a Premises shall ensure that articles such as papers, flyers and loose debris are collected and contained on the Premises so that they do not escape onto adjacent or other neighboring properties.
- (b) An owner or occupier of a Premises is responsible for papers and flyers on their Premises regardless of whether they solicited for the delivery of these papers or flyers.
- (c) No Person shall deposit commercial flyers on a Premises where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit, indicating that such material is not wanted.
- (d) No Person responsible for the operation of a business engaged in the distribution of commercial flyers shall allow the deposit of their commercial flyers on a Premises where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit, indicating that such material is not wanted.

10. (6) Grass

- (a) no owner or occupier of a Premises shall fail to maintain grass or grasses on the Premises to exceed a height of 15 centimetres.
- (b) This Section shall not apply to:
 - (i) golf courses; or
 - (ii) parks and natural areas under the direction and control of Town of Drumheller; or
 - (iii) areas under the direction and control of Town of Drumheller Roads including boulevards adjacent to major roadways, areas subject to naturalization efforts and sound attenuation berms; and for greater certainty, shall apply to vacant lots within residential areas and the grass on any boulevard that lies directly between the boundary of a parcel of land and an adjacent highway, road or alley.

11. WEEDS CONROL ACT

11.(1) Interpretation

- (a) Unless specifically altered by this Bylaw, the definitions found in the *Act* shall apply to this Section.
- (b) For the purpose of this Section:

- (i) "*Act*" means *The Weed Control Act*, R.S.A. 2008, c. W-5.1 as amended or replaced from time to time;
 - (ii) all plants designated as noxious weeds in the Regulations.
 - (iii) all plants designated as prohibited noxious weeds in the Regulations.
 - (iv) Objectionable Grass.
 - (v) "*Objectionable Grass*" means grass or a member of the grass family which is unsightly, forms a nuisance, or is not controlled or managed;
 - (vi) "*Weed Seed*" includes the seed of an Objectionable Grass.
- (c) This Section shall not be interpreted to prevent the controlled and managed practice xeriscaping or other low water use gardening practices.
- (d) Nothing in this Section relieves a Person from complying with the *Act* or the Regulations.
- (e) For the purpose of this Section, the Owner of a parcel of land as registered at the Land Titles is ultimately responsible for vegetation on that parcel and shall also be responsible for that portion of any highway, road or alley which adjoins that parcel and lies between the boundary of the parcel and the middle of the highway, road or alley.
- (f) The failure to destroy or remove objectionable grass, restricted prohibited noxious weeds shall constitute an offence under this bylaw.

11.(5) Appeals under the Weed Control Act

- (a) The Community Standards Appeal Board shall constitute the independent committee contemplated by Section 19 of the *Act* to hear appeals of orders or notices relating to this Section and the *Act*.
- (b) Any appeal filed pursuant to the *Act* or this Section shall be heard by the Community Standards Appeal Board within five (5) days of the receipt of the notice of appeal by the Chief Administrative Officer.
- (c) A notice of appeal respecting this Section must be delivered personally or sent by certified or registered mail to the Chief Administrative Officer within 10 days of the issuance of the Order or Notice.
- (d) Pursuant to the *Act* and the Regulation, any notice of appeal filed with respect to a notice under this Section or the *Weed Control Act* shall be accompanied by a deposit in the amount of \$500.00, which shall be refunded if the applicant's appeal is successful.

12. MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES

12.(1) Interpretation

For the purpose of this Section:

- (a) "*Fence*" includes a privately-built fence and a developer-built community screening fence;
- (b) "*Good Repair*" means a condition where something is free from:
 - i. significant damage;
 - ii. peeling surfaces;
 - iii. broken, missing, or fallen parts;
 - iv. rot or other significant deterioration;
 - v. openings which are not secured against trespassers or infiltration or air and precipitation; or
 - vi. other visual evidence of a lack of general maintenance.
- (c) "*Structure*" includes any building, retaining wall, scaffolding, garbage container, trailer, mobile home, shed or portable shack.

12.(2) Obligation to Maintain

- (a) No owner or occupier of a Premises shall allow a Structure or Fence to become a safety hazard.
- (b) Every owner or occupier of a Premises shall ensure the following are maintained in Good Repair:
 - (i) Fences and their structural members;
 - (ii) Structures and their structural members, including:
 - 1. Foundations and foundation walls;
 - 2. Exterior walls and their components;
 - 3. Roofs;
 - 4. Windows and their casings;
 - 5. Doors and their frames;
 - (iii) Protective or decorative finishes of all exterior surfaces of a Structure or Fence; and
 - (iv) Exterior stairs, landings, porches, balconies and decks.

13. EXCAVATIONS AND PONDING WATER

- 13.(1) No owner or occupier of a Premises shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.
- 13.(2) If, in the opinion of a Peace Officer, a water-course, pond or other surface water becomes or remains a nuisance or poses a danger to public safety, a Peace Officer may declare the water-course, pond or other surface water a nuisance and require the owner or occupier of the Premises to eliminate the nuisance or danger.

14. ADDRESSING

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

15. LITTERING

- 15.(1) No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any property, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, public transportation shelter, or other public place or water course:
- (a) a cardboard or wooden box, carton, container, or receptacle of any kind;
 - (b) any tobacco product or part thereof, paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
 - (c) paper of any kind, whether or not containing written or printed matter thereon;
 - (d) any human, animal or vegetable matter or waste;
 - (e) any furniture, glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
 - (f) scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts there from;
 - (g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;
 - (h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
- 15.(2) A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection (1) upon any street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course shall forthwith remove it.
- 15.(3) Authority to Remove

- (a) A Peace Officer may authorize any Town employee, or other person, to remove and put in storage or destroy anything placed upon Town property in contravention of this bylaw.

16. SPITTING/URINATING

- 16.(1) No person shall urinate or deposit any human waste in any public place or in any place to which the public is allowed access, other than a public washroom.
- 16.(2) No person shall spit at any person or on any public or private property that they do not own.

17. FIGHTING, ASSEMBLY of PERSONS, and LOITERING

- 17.(1) No person shall participate in a fight or any physical confrontation or verbal in any public place or any place to which the public is allowed access.
- 17.(2) No person shall be a member of an assembly of three or more persons in any public place or any place to which the public is allowed access where a peace officer has reasonable grounds to believe the assembly will disturb the peace of the neighborhood, and any such person shall disperse as requested by a Peace Officer.
- 17.(3) No person shall loiter and thereby obstruct any other person in any public place.

18. BULLYING

- 18.(1) No person shall bully any person in any public place.
- 18.(2) No person shall participate in or encourage by verbal or public means in the bullying of any person in any public place.
- 18.(3) Any person who contravenes sections 18(1) or 18(2) is guilty of an offence and subject to penalties in Schedule "A".

19. CURFEW

- 19.(1) No child shall be in a public place within the corporate limits of the Town of Drumheller after the hour of 11:00 p.m. on any day and before the hour of 06:00 a.m. on the following day without a guardian present.
- 19.(2) Any child to whom this Bylaw applies who is found in a public place without proper guardianship after the hour of 11:00 o'clock p.m. on any day and before the hour of 6:00 o'clock a.m. on the following day may be warned to go home by a Peace Officer and if after the warning the child refuses or fails to go home he/she either may be detained and taken to his/her home or a shelter by the Peace Officer.

19.(3) This bylaw does not apply to any person under the age of sixteen (16) years who is in a public place in the Town of Drumheller after the hour of 11:00 o'clock p.m. on any day and before the hour of 06:00 a.m. on the following day should they be there:

- (a) in connection with a legitimate employment, business or trade; or
- (b) on an emergency errand.

20. COMMENCEMENTS, REPEALS

This bylaw shall take effect on the date of the 3rd and final reading

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

- 1) The Weed Bylaw 14.00, Noise Bylaw 25.98, Nuisance Bylaw 24.98, and Curfew Bylaw 21.00 are hereby repealed.

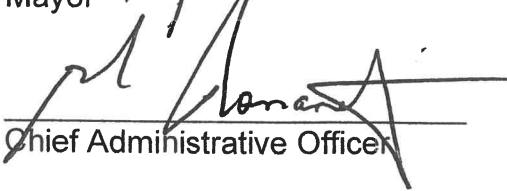
The Bylaw shall come into force and effect upon final passing.

Read a first time this 12th day of October, 2010

Read a second time this 8th day of November, 2010.

Read a third time this 8th day of November, 2010.



Mayor

Chief Administrative Officer

Schedule A**COMMUNITY STANDARDS BYLAW FINES**

Failure to Comply with a Remedial Order	4(5)	\$ 500.00
Accumulation of Offensive Material	6(2)	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences		\$1,000.00
Exposed Storage of Harmful Fluids	6(2)(b)	\$ 250.00
Accumulation of Material Visible from Off Property	6(2)(c)	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences with in 1 year		\$1,000.00
Refrigerator Improperly Stored	6(3)(a)	\$ 200.00
Improper Appliance Storage	6(3)(b)	\$ 200.00
Improper Storage of Building Materials	6(4)	\$ 250.00
Prohibited or Non-Compliant Fire	7(2)	\$ 500.00
Unsupervised Fire	7(3)	\$ 500.00
Burn Prohibited Materials	7(4)	\$ 500.00
Fire between 1:00 a.m. and 10:00 a.m.	7(5)	\$ 500.00
Placing Graffiti on Property	8(2)	\$ 500.00
a) second offence within 1 year		\$1,000.00
b) third and subsequent offences with in 1 year		\$2,500.00
General Prohibitions and Noise from vehicles on Premises	9(3)	\$ 500.00
a) second offence		\$1,000.00
b) third and subsequent offences		\$2,500.00
Continuous sound in residential developments	9(4)	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences		\$1,000.00

Continuous sound in downtown	9(5)	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences		\$1,000.00
Non Continuous sound in residential developments and downtown	9(6)	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences		\$1,000.00
Operate Prohibited equipment or device during night Time	9(7)(a)	\$ 250.00
Load Truck during night time	9(7)(b)	\$ 250.00
Use Signaling device during night time	9(7)(e)	\$ 250.00
Idle Truck more than 20 Minutes in residential development	9(7)(f)	\$ 250.00
Continuous sound in non residential developments	9(8)	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences		\$1,000.00
Operate outdoor speaker when prohibited	9(9)(a)	\$ 250.00
a) second offence within 1 year		\$ 400.00
b) third and subsequent offences with in 1 year		\$ 600.00
Direct water flow to adjoining premises	10(2)(a)	\$ 250.00
Improper direction of downspout	10(2)(c)	\$ 250.00
Smoke or dust escaping premises	10(3)(a)	\$ 500.00
Light directed to adjacent dwelling house	10(4)(a)	\$ 300.00
Flyers and Debris escaping premises	10(5)(a)	\$ 300.00
Deposit Commercial Flyer contrary to sign	10(5)(c)	\$ 300.00
Person responsible allow deposit of commercial flyer contrary to sign	10(5)(d)	\$ 300.00
Failure to destroy weeds	11(1)(f)	\$ 250.00
a) second offence with in 1 year		\$ 500.00
b) third and subsequent offences with in 1 year		\$ 750.00

Failure to maintain grass		
a) second offence with in 1 year	11(3)(a)	\$ 250.00
b) third and subsequent offences with in 1 year		\$ 500.00
		\$ 750.00
Accessory building, structure or fence safety hazard	12(2)(a)	\$ 300.00
Accessory building, structure or fence unsightly	12(2)(b)	\$ 300.00
Hazardous excavation, drain, ditch or depression	13(1)	\$ 300.00
Improper address or failure to address front of property facing street	14(1)	\$ 300.00
Improper address or failure to address the rear of property adjacent to lane	14(2)	\$ 300.00
Depositing litter on Town property		
a) second offence with in 1 year	15(1)	\$ 250.00
b) third and subsequent offences with in 1 year		\$ 500.00
		\$ 750.00
Failure to remove litter		
a) second offence with in 1 year	15(2)	\$ 250.00
b) third and subsequent offences with in 1 year		\$ 500.00
		\$ 750.00
Urinating or depositing human waste in a public place	16(1)	\$ 250.00
a) second offence with in 1 year		\$ 500.00
b) third and subsequent offences with in 1 year		\$ 750.00
Spitting		
a) second offence with in 1 year	16(2)	\$ 250.00
b) Third and subsequent offences with in 1 year		\$ 500.00
		\$ 750.00
Fighting in a public place		
a) second offence with in 1 year	17(1)	\$ 500.00
b) third and subsequent offences with in 1 year		\$ 750.00
		\$1,000.00
Being a member of an assembly and failing to disperse as requested by a Peace Officer	17(2)	\$ 250.00
a) second offence with in 1 year		\$ 500.00
b) third and subsequent offences with in 1 year		\$ 750.00
Loitering		
a) second offence with in 1 year	17(3)	\$ 200.00
b) third and subsequent offences with in 1 year		\$ 300.00
		\$ 600.00

Bullying

	18(1)(2)\$	200.00
a) second offence with by a young person***	\$	250.00
b) third and subsequent offences by a young person in 1 year	\$	300.00
c) first offence by an adult	\$	500.00
d) second and subsequent offences by an adult		\$1,000.00

***The fine for the first offence may be waived if the offender successfully completes and anti-bullying educational program approved by an accredited agency.

Curfew

	19(1)	\$ 200.00*
a) second offence with in 1 year	\$	250.00
b) third and subsequent offences	\$	300.00

* The fine for the first offence may be waived if the offender successfully completes Community Service Hours as directed by the Town.