

BYLAW 31-23

BEING A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING NEIGHBOURHOOD NUISANCE, SAFETY, AND QUALITY OF LIFE MATTERS

WHEREAS pursuant to the provisions of the *Municipal Government Act (Act)*, RSA 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; and

WHEREAS the *Act* authorizes a Council to pass bylaws for municipal purposes respecting nuisances; and

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

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

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

1.1 This Bylaw shall be known as the "Community Standards Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

2.1 **bullying** means verbal or physical abuse, threats, taunts, teasing, name calling, and put downs, written or electronically transmitted, or repeated abusive communication, directly or indirectly through any medium whatsoever.

2.2 **Chief Administrative Officer (CAO)** means the person appointed to the position of the chief administrative officer for the Town of Okotoks, within the meaning of the *Act* and the Town's CAO Bylaw.

- 2.3 **Council** means the Mayor and Councillors of the Town of Okotoks duly elected pursuant to the provisions of the *Local Authorities Election Act*.
- 2.4 **distributor** means any person, owner of a business, company, or organization that distributes, permits to be distributed, or causes to be distributed, any flyer that promotes the distributor's activities.
- 2.5 **drinking establishment** means any business, organization, or individual that holds a liquor license issued by the Alberta Gaming, Liquor and Cannabis Commission.
- 2.6 **fare** means the cost of a journey on any public transportation vehicle.
- 2.7 **flyer(s)** means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, or any other printed or otherwise reproduced matter of literature.
- 2.8 **graffiti** means the defacement or disfigurement of any property or object, through the performance of any of the following acts:
- 2.8.1 the application of any substance, including paint, ink, stain, or whitewash to any surface; or
 - 2.8.2 the affixing of any substance including paper, fabric, or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
 - 2.8.3 the marking, scratching, etching, or other alteration or disfigurement of any surface.
- 2.9 ~~**graphic image** means a visual image showing, or purporting to show any subject matter that is not in compliance with the *Canadian Code of Advertising Standards* and offends the standards of public decency prevailing among a significant segment of the population.~~
- graphic image** means a visual image that offends the standards of public decency prevailing among a significant segment of the population, or showing or purporting to show a fetus, or any part of a fetus outside of the womb, aborted or not.
- 2.10 **holiday** includes every Sunday and every Statutory holiday observed by the Town.

- 2.11 **nuisance odour** means any odour caused by smoke, decomposing materials, animal feces, or other airborne matters that is excessive and deemed to be offensive, or reasonably interferes with the lawful enjoyment of another person's property.
- 2.12 **panhandling** means to communicate, in person, using the spoken, written, or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return but does not include a solicitation allowed or authorized pursuant to the *Charitable Fundraising Act*, or any other legislation permitting the solicitation of charitable donations.
- 2.13 **Peace Officer** means:
- 2.13.1 a member of the Royal Canadian Mounted Police;
 - 2.13.2 a Community Peace Officer as appointed by the Solicitor General of Alberta; or
 - 2.13.3 a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town.
- 2.14 **person** means any:
- 2.14.1 individual;
 - 2.14.2 proprietorship;
 - 2.14.3 corporation; or
 - 2.14.4 society.
- 2.15 **premises** means the external surfaces of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings.
- 2.16 **public place** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access, and includes a public transportation vehicle.
- 2.17 **public transportation vehicle** means a vehicle which is being used by, or being offered for hire to, a passenger or passengers, and includes but is not limited to a:
- 2.17.1 school bus;
 - 2.17.2 bus;
 - 2.17.3 taxicab;
 - 2.17.4 limousine; or
 - 2.17.5 any other similar vehicle.

- 2.18 **telecommunication** means any transmission, emission, or reception of signs, signals, writing, images, or sounds, or intelligence of any nature by wire, radio, visual, or other electromagnetic system.
- 2.19 **Town** means the Corporation of the Town of Okotoks in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof.
- 2.20 **Town tag** means a notice or tag in a form as approved by the CAO, issued by the Town allowing a voluntary payment option of a fine established under this Bylaw.
- 2.21 **violation ticket** means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*.
- 2.22 **youth** means an individual 12 to 17 years of age.

3. NOISE

- 3.1 No person shall cause or permit noise that annoys or disturbs the peace of any other person.
- 3.2 No person shall permit property that they own, occupy, or control to be used so that noise from the property annoys or disturbs the peace of any other person.
- 3.3 In determining what constitutes noise likely to annoy or disturb the peace of any other person, considerations may be given, but are not limited to:
- 3.3.1 type, volume, and duration of the sound;
 - 3.3.2 time of day, and day of the week;
 - 3.3.3 nature and use of the surrounding area.
- 3.4 No person shall yell, scream, swear, or conduct any other activity in any public place thereby creating a disturbance.
- 3.5 No person shall advertise events or merchandise by ringing bells or by use of mechanical, electrical, or sound amplification devices in a residential district between the hours of 9:00 p.m. and 9:00 a.m.
- 3.6 No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment such that it annoys or disturbs any other person

outside the boundary of the drinking establishment. Section 3.3 of this Bylaw applies to this provision.

4. INDUSTRIAL AND CONSTRUCTION NOISE

4.1 Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:

4.1.1 is a permitted use; or

4.1.2 is an approved discretionary use; or

4.1.3 is a non-conforming use as defined in the *Act*, but not illegal.

4.2 In the operation or carrying on of an industrial or construction activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

5. PERMITTABLE HOURS

5.1 With the exception of the activities referred to in section 4.1, no person shall use, operate, or allow to be used or operated, any tools, machinery, or equipment so as to create a noise or disturbance which may be heard in a residential building between the hours of 10:00 p.m. and 7:00 a.m. on Monday to Saturday and from 10:00 p.m. to 9:00 a.m. on holidays.

6. EXCEPTIONS

6.1 These provisions do not apply to:

6.1.1 work carried on by the Town, or by a contractor carrying out instructions of the Town, providing it is work of an emergent nature or circumstance;

6.1.2 Town sanctioned events; and

6.1.3 Special events which the CAO has approved or issued a special events permit, with conditions that the CAO deems appropriate for such special events.

6.2 Snow removal from school, commercial, or industrial sites located adjacent to or within residential districts may be allowed if it is in the best interest of the public and their safety and at a time when there will be minimal vehicular and/or pedestrian traffic that may obstruct such snow removal operations.

6.3 In the case of snow removal from commercial or industrial sites located adjacent to residential districts, the Town may require noise abatement practices including the following conditions:

6.3.1 A requirement that snow not be removed between the hours of 12:00 a.m. and 6:00 a.m.; or

6.3.2 a requirement that snow be removed from sites in a sequence which is least disruptive to the peace and quiet of residents.

7. GRAFFITI

7.1 No person shall place any graffiti or cause it to be placed on any property.

7.2 Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view within seven (7) days.

7.3 A property owner, who breaches the provisions of Section 7.2, where, following the issuance of and failure to comply with an order under section 545 of the *Act*, shall be liable to payment of a penalty as prescribed in Schedule "A".

7.4 In prosecution for an offence under this section, the consent of the property owner of any premises to place graffiti shall not be a defense under this Bylaw.

8. ORDER

8.1 An officer designated by the CAO may, by written order, require a person responsible for the contravention to remedy the contravention.

8.2 The written order shall:

8.2.1 state a time within which the owner must comply with the order; and

8.2.2 state that if the owner does not comply with the order within a specified time, the Town will take the action or measure at the expense of the owner.

8.3 The Town may, in respect of an order, register a caveat under the *Land Titles Act* against the certificate of title for the land that is the subject of the order.

9. CONSTRUCTION WASTE

- 9.1 Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.
- 9.2 A waste container on a construction site must be designed and/or have the capacity to contain all waste construction material within the container to ensure that the waste construction material is not capable of blowing off the construction site.
- 9.3 No construction material is to be stored or accumulated on a construction site unless it is not capable of being blown away from the construction site.

10. REPAIR OF MOTOR VEHICLES

- 10.1 For the purposes of this section "motor vehicle" means:
 - 10.1.1 a vehicle propelled by any power other than muscular power; or
 - 10.1.2 a moped; or
 - 10.1.3 off highway vehicles as defined by the *Traffic Safety Act* RSA 2000 Chapter T-6 Section 117; and
 - 10.1.4 includes, but is not limited to, the repair of any internal combustion engine.
- 10.2 No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a motor vehicle, on any premises in a residential district unless:
 - 10.2.1 the activity does not create a nuisance or noise complaints from the neighbourhood;
 - 10.2.2 there is no escape of offensive, annoying or noxious odours, fumes, or smoke from the premises;
 - 10.2.3 vehicle fluids, oil, gasoline products, or other hazardous material are properly disposed of and not swept or washed into lanes, streets, or down storm or sanitary sewers;
 - 10.2.4 all discarded vehicle parts and materials are properly stored and disposed of from the premises; and
 - 10.2.5 no power washing of motor or power train is performed on the premises.

- 10.3 This prohibition shall not apply to routine maintenance work done on any vehicles owned, operated, and registered in the name of the owner or occupant of the premises, provided that all building and fire code regulations are met.

11. LITTERING

- 11.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Town property, including any street, lane, sidewalk, parking lot, park or other public place or water course:
- 11.1.1 a cardboard or wooden box, carton, container, or receptacle of any kind;
 - 11.1.2 a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionary;
 - 11.1.3 paper of any kind, whether or not containing written or printed matter thereon;
 - 11.1.4 any human, animal, or vegetable matter or waste;
 - 11.1.5 any glass, crockery, nails, tacks, barbed-wire, or other breakable or sharp objects;
 - 11.1.6 scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts there from;
 - 11.1.7 any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way, or other public place; or
 - 11.1.8 dirt, filth, or rubbish of any kind whether similar or dissimilar to the foregoing.
- 11.2 A person who has place, deposited, or thrown or caused to be placed, deposited, or thrown anything or any matter mentioned in subsection 11.1 shall forthwith remove it.

12. AUTHORITY TO REMOVE

- 12.1 The CAO may authorize any Town employee, or delegate, to remove and put in storage or destroy anything placed upon Town property in contravention of this Bylaw.

13. SPITTING/HUMAN WASTE

- 13.1 No person shall urinate or deposit human waste in any public place or in view of a public place, other than in a public washroom.

13.2 No person shall spit in or on any public place.

14. FLYERS

14.1 No person shall place, deposit, throw, or cause to be placed, deposited, or thrown onto or into any motor vehicle, which is parked on any street, lane, parking lot, or other public place; any leaflet, pamphlet, poster, handbill, flyer, or any other paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or Town tag issued pursuant to lawful authority.

14.2 No person shall deposit a flyer at or on a premises where a sign or notice has been posted and which is clearly visible at the entrance of a dwelling unit indicating that such flyers are not wanted.

14.3 No distributor shall distribute or cause to be distributed flyers for the purpose of depositing them at or on a premises where a sign or notice has been posted and which is clearly visible at the entrance of a dwelling unit indicating that such flyers are not wanted.

14.4 Section 14.2 and 14.3 do not apply to:

14.4.1 any election advertising material which is permitted to be transmitted or delivered pursuant to any applicable federal, provincial, or municipal legislation;

14.4.2 newspapers delivered to paid subscribers;

14.4.3 community association newsletters or newspapers;

14.4.4 information circulars produced by a federal, provincial, or municipal government or an agency of such government;

14.4.5 information circulars produced by a member of Okotoks Town Council, a member of the Alberta Legislative Assembly, or a member of the Federal Parliament.

14.5 No person or distributor shall deposit or distribute a flyer with a graphic image at or on a premises unless:

14.5.1 the graphic image is contained in a sealed opaque envelope;

14.5.2 the exterior of the envelope contains the following legible warning:

“Contains a graphic image that may be offensive or disturbing”; and

14.5.3 the exterior of the envelope clearly identifies the sender and the sender’s address.

14.6 Any advertising ~~with graphic imagery~~ must be in compliance with the *Canadian Code of Advertising Standards*.

14.7 This section does not apply to mail that is delivered to a residence by Canada Post.

15. FIGHTING/LOITERING/CONDUCT

15.1 No person shall engage in a fight or any physical confrontation in any public place or any place to which the public is allowed access.

15.2 No person shall be a member of an assembly of three (3) or more persons in any public place or any place to which the public is allowed access where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighbourhood, and any such person shall disperse as requested by a Peace Officer.

15.3 No person shall loiter and thereby obstruct any person in any public place.

15.4 No person in a public place shall:

15.4.1 cause anything to become damaged;

15.4.2 engage in any activity which is inconsistent with the intended use of such public place; and

15.4.3 behave in a manner that reasonably interferes with the comfort, convenience, enjoyment, or quiet use of any other person using such public place.

15.5 No person shall board, ride upon, or otherwise use any public transportation vehicle unless such person has paid the required fare to use such public transportation vehicle.

15.6 Any person who boards, rides upon, or otherwise uses any public transportation vehicle who:

15.6.1 refuses to; or

15.6.2 is unable to;

produce proof of valid payment of the required fare to use such public transportation vehicle shall be deemed to have no paid such fare.

16. BULLYING

- 16.1 No person shall bully any person in any public place.
- 16.2 No person shall participate in, or encourage by verbal or other means, the bullying of any person in any public place.
- 16.3 No person shall bully any person by means of telecommunication or writing.

17. PANHANDLING

- 17.1 No person shall engage in panhandling:
 - 17.1.1 as a group of two or more persons;
 - 17.1.2 from any person who at the time is an occupant or engaged in operating a motor vehicle;
 - 17.1.3 from a person who has refused or declined such solicitation;
 - 17.1.4 so as to obstruct the passage of, walk next to, ahead of, or follow the person being solicited;
 - 17.1.5 within 10 metres of the entrance to a bank, credit union, trust company, or other financial institution where cash can be withdrawn;
 - 17.1.6 within 10 metres of an automated teller machine or other device from which cash can be electronically accessed; or
 - 17.1.7 in, from, or near any public transportation vehicle.

18. ODOUR

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

19. PENALTIES AND ENFORCEMENT

- 19.1 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:
 - 19.1.1 a Town tag allowing a payment of the specified penalty to the Town; or
 - 19.1.2 a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedures Act*.
- 19.2 Service of a Town tag will be sufficient if it is:
 - 19.2.1 personally served; or

- 19.2.2 served by regular mail to the person's last known mailing address.
- 19.3 If a violation ticket is issued in respect to an offence, the violation ticket may:
- 19.3.1 specify the fine amount established by this Bylaw for the offence; or
 - 19.3.2 require a person to appear in Court without the alternative of making a voluntary payment.
- 19.4 A person who commits an offence may:
- 19.4.1 if a violation ticket is issued in respect of the offence; and
 - 19.4.2 if the violation ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.
- 19.5 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars.
- 19.6 The minimum specified penalty for where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.
- 19.7 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.
- 19.8 The levying and payment of any fine 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.
- 19.9 No person shall willfully obstruct, hinder, or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of the Bylaw.

20. GENERAL

- 20.1 Any person who contravenes any provision of this Bylaw by:
- 20.1.1 doing any act or thing which the person is prohibited from doing; or
 - 20.1.2 failing to do any act or thing the person is required to do;

is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

- 20.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order, or license.
- 20.3 Words in the singular include the plural and words in the plural include the singular.
- 20.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- 20.5 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the Town from pursuing any other remedy in relation to a premises as provided by the *Act*, or any other law of the Province of Alberta.

21. SEVERABILITY

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

This Bylaw shall come into full force and effect upon third and final reading and Bylaw 19-10 and any amendment thereto is hereby repealed.

Bylaw 31-23 received third and final reading August 21, 2023

ORIGINAL SIGNED BY
MAYOR AND CHIEF ADMINISTRATIVE OFFICER

Schedule "A"

Section	Offence	1st Offence	2nd Offence (in 1 year)	3rd and Subsequent (in 1 year)
3.1	Cause/permit noise to disturb	250.00	500.00	1000.00
3.2	Property cause noise to disturb	250.00	500.00	1000.00
3.4	Yell, scream, swear, activity cause a disturbance	250.00	500.00	1000.00
3.5	Advertise with bells, etc.	150.00	250.00	500.00
3.6	Drinking establishment allow/cause noise	500.00	1000.00	1500.00
4.2	Industrial or construction noise	500.00	1000.00	1500.00
5.1	Noise outside permitted hours	500.00	1000.00	1500.00
7.1	Youth place/cause to be placed graffiti	1000.00	2000.00	5000.00
	Adult place/cause to be placed graffiti	2500.00	5000.00	7500.00
7.2	Fail to remove graffiti in 7 days	250.00	500.00	1000.00
7.3	Fail to comply with graffiti order (per day)	250.00	500.00	1000.00
9.1	Fail to contain construction waste	500.00	1000.00	1500.00
9.3	Improper storage of construction material	500.00	1000.00	1500.00
10.2	Repair vehicle in residential area	250.00	500.00	1000.00
11.1	Person place litter	250.00	500.00	1000.00
11.2	Person fail to remove litter	250.00	500.00	1000.00

13.1	Deposit human waste in public place	250.00	500.00	1000.00
13.2	Spit in public place	250.00	500.00	1000.00
14.1	Place flyer, etc. on vehicle	250.00	500.00	750.00
Section	Offence	1st Offence	2nd Offence (in 1 year)	3rd and Subsequent (in 1 year)
14.2	Deposit flyer contrary to sign	250.00	500.00	750.00
14.3	Distribute flyer contrary to sign	250.00	500.00	750.00
14.5	Deposit or distribute a Graphic Image not contained in a sealed opaque envelope	500.00	750.00	1000.00
14.5	Deposit or distribute a Graphic Image without identifying the sender or sender's address	500.00	750.00	1000.00
14.5	Deposit or distribute a Graphic Image without the legible warning	500.00	750.00	1000.00
14.6	Advertising does not comply with the <i>Canadian Code of Advertising Standards</i>	500.00	750.00	1000.00
15.1	Fight/physical confrontation in public place	500.00	1000.00	1500.00
15.2	Member of assembly fail to disperse	500.00	1000.00	1500.00
15.3	Loiter in public place	250.00	500.00	1000.00
15.4 a)	Cause damage in public place	250.00	500.00	1000.00
15.4 b)	Inconsistent activity in public place	250.00	500.00	1000.00
15.4 c)	Interfere with comfort, enjoyment in public	250.00	500.00	1000.00

15.5	Use public transportation without fare payment	250.00	500.00	1000.00
16.1	Youth bully person in public place	250.00	500.00	1000.00
	Adult bully person in public place	500.00	1000.00	1500.00
16.2	Encourage bullying of person in public	250.00	500.00	1000.00
Section	Offence	1st Offence	2nd Offence (in 1 year)	3rd and Subsequent (in 1 year)
16.3	Bully person through telecommunication	250.00	500.00	1000.00
17.1 a)	Panhandle as group of 2 or more	75.00	150.00	300.00
17.1 b)	Panhandle from person in vehicle	75.00	150.00	300.00
17.1 c)	Panhandle to person who has refused	75.00	150.00	300.00
17.1 d)	Panhandle so as to obstruct person	75.00	150.00	300.00
17.1 e)	Panhandle within 10 metres of entrance to financial institution	75.00	150.00	300.00
17.1 f)	Panhandle within 10 metres of cash dispensing machine	75.00	150.00	300.00
17.1 g)	Panhandle on/near public transportation	75.00	150.00	300.00
18.1	Cause or permit nuisance odour	250.00	500.00	1000.00
19.9	Interfere with enforcement of Bylaw provisions	500.00	1000.00	1500.00