

**Province of Alberta**

**BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA  
RESPECTING COMMUNITY STANDARDS**

**WHEREAS** Part 2 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended or repealed and replaced from time to time, provides that the Council of a Municipality may pass a bylaw for the purpose of prohibiting certain activities in order to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 and public disturbances within the corporate limits of the Town of Westlock;

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

**NOW THEREFORE**, the Council of the Town of Westlock, duly assembled, enacts as follows:

This Bylaw may be cited as the Town of Westlock "Community Standards Bylaw".

**1. DEFINITIONS and INTERPRETATIONS**

1.1 For the purposes of this Bylaw:

- (a) "Automobile Parts" includes, but is not limited to, any part of a Motor Vehicle or collection of Motor Vehicle parts;
- (b) "Boulevard" means that part of a Highway in an urban area that:
  - (i) is not a Roadway; and
  - (ii) is that part of the Sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (c) "Building Materials" means material or debris which may result from the construction, renovation, or demolition of any building or other Structure and includes, but is not limited to wood, gypsum board, roofing, vinyl siding, metal, packaging material and containers of Building Materials, gravel, concrete and asphalt and any earth, rocks and Vegetation displaced during such construction, renovation or demolition of any building or other Structure;
- (d) "Bully" means to engage in verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, in person or by any other means of written or electronic communication which includes but is not limited to video, text, photo and/or social media, which causes or is likely to cause physical or emotional distress.
- (e) "Charity Collection Site" means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;
- (f) "Composting" means the managed practice of recycling organic material,

including food and yard waste, through biological degradation in a container or pile, to create a usable soil conditioner;

- (g) "Condemned Building" means a building or Structure that has been condemned or has been deemed unfit for human or animal habitation by Alberta Health Services pursuant to the *Public Health Act RSA 2000. C P-37 Alberta*;
- (h) "Court" means the Provincial Court of Alberta;
- (i) "Drinking Establishment" means any business, organization, or individual that holds a liquor license issued by the Alberta Gaming and Liquor Commission;
- (j) "Fence" includes a privately built Fence or a developer built community screening Fence;
- (k) "Fight" means any confrontation involving violent physical contact between two or more people; but, shall not include the definition of assault under the *Criminal Code of Canada*;
- (l) "Garden" means an area of land or a container in which flowers, vegetables, fruits or herbs are cultivated;
- (m) "Good Repair" means a condition where something is free from significant damage, peeling surfaces, broken, missing or fallen parts, rot or other significant deterioration, openings which are not secured against trespassers, infiltration, precipitation, or other visual evidence of a lack of general maintenance;
- (n) "Graffiti" means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on, or to the surface of any Premises, Structure, or other thing;
- (o) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, land, alley, square, bridge, causeway, trestle way or other place or part of any of them whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
  - (i) a Sidewalk, including a Boulevard adjacent to a Sidewalk;
  - (ii) if a ditch lies adjacent to and parallel with the Roadway, the ditch; and
  - (iii) if a Highway right of way is contained between Fences or between a Fence and one side of the Roadway, all the land between the Fences, or all the land between the Fence and the edge of the Roadway, as the case may be.
- (p) "Industrial Fluids" includes, but is not limited to engine oil, brake fluid, anti-freeze or hydraulic fluid;

- (q) "Junked Motor Vehicle" means any Motor Vehicle that is not located in an enclosed Structure such that the vehicle, or any portion thereof, would not be visible from a Highway or another Premises or Property and:
- (i) the whole of any part of any vehicle which are not currently registered or licensed in accordance with Alberta Motor Vehicle Registries for the current year;
  - (ii) are inoperative or incapable of movement under its own power by reason of disrepair, removed parts or missing equipment; or
  - (iii) does not form part of the business enterprise with a valid business licence lawfully being operated on that Premises or Property.
- (r) "Lane" means an alley intended primarily for access to the rear of Premises located adjacent to the alley;
- (s) "Litter" means any solid or liquid material or product, combination of solid or liquid materials, or liquid materials or products, which includes but is not limited to any rubbish, garbage, paper, packages, containers, bottles, cans, metal, human or animal excrement, or the whole or part of an animal carcass, or the whole or part of any article, raw or processed material, or a dismantled or inoperative Motor Vehicle or other machinery;
- (t) "Motor Vehicle" has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c.T-6 as amended or repealed and replaced from time to time;
- (u) "Night Time" means the period beginning at 9:00 p.m. and ending the following day at:
- (i) 7:00 a.m. if the following day is Monday through Friday; or
  - (ii) 9:00 a.m. if the following day is a Saturday or Sunday; or Statutory/Civic holiday.
- (v) "Nuisance" 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;
- (w) "Occupier" means any Person occupying any Property, or having control over the condition of any Property and the activities conducted on the Property, whether he is the Owner or Lessee of such Property, or whether such Person resides thereon or conducts business thereon;
- (x) "Open Composting Pile" means a Composting site which is not fully contained in a Structure;
- (y) "Order" means an Order issued pursuant to this Bylaw or to the *Municipal Government Act* to remedy a condition that is not in compliance with any provision of this Bylaw;

- (z) "Owner" means a Person who:
  - (i) in the case of land, is registered under the *Land Titles Act* as the Owner of the fee simple estate in a parcel of land; or
  - (ii) in the case of Person al Property, is in lawful possession, or has the right to exercise control over the Property, or is the registered Owner of the Property;
- (aa) "Panhandling" means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the *Charitable Fundraising Act*, or any other legislation permitting the solicitation of charitable donations;
- (bb) "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, buildings, 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 Westlock 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 Westlock as a trail system, including pathways other than sidewalks.
- (cc) "Peace Officer" includes a Bylaw Enforcement Officer, a Community Peace Officer or a member of the Royal Canadian Mounted Police;
- (dd) "Person " includes a firm, corporation, partnership, Owner, occupier, lessee, or tenant;
- (ee) "Pest" means any animal, bird, reptile, or insect which causes, or could reasonably be expected to cause annoyance, damage, or injury to any Person , animal or plant;
- (ff) "Premises" includes the external surface of all buildings and the whole or part of any parcel of real Property, including the land immediately adjacent to any Structure and includes all forms of Vegetation and including any Property or Structures owned or leased by the Town;
- (gg) "Property" means a parcel of land including any buildings or, where the context so requires, a chattel;
- (hh) "Public Place" means any Property, whether publicly or privately owned, to which members of the public have access as of right, or by express or implied invitation, whether on payment of any fee or not;
- (ii) "Recreational Vehicle" means a Vehicle used or intended for use as a shelter, and without restricting the generality of the foregoing, includes any motor-home,

holiday Trailer, camper, tent Trailer and any bus or truck converted for use as a Recreational Vehicle and shall include any vehicle defined under the *Traffic Safety Act* as an Off Highway Vehicle;

- (jj) "Residential Building" means a Structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;
- (kk) "Sidewalk" means that part of the 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 or unpaved;
- (ll) "Structure" means any Structure, including but not limited to a building, Fence, retaining wall, scaffolding, shed, portable shack, or other similar types of construction;
- (mm) "Town" means the Town of Westlock;
- (nn) "Town Manager" means the Town's Chief Administrative Officer or his designate;
- (oo) "Trailer" means a vehicle so designed that it:
  - (i) may be attached to or drawn by a Motor Vehicle or tractor; and
  - (ii) is intended to transport Property or Persons, and includes any Vehicle defined by regulation as a Trailer but does not include machinery or equipment solely used in the construction or maintenance of Highways;
- (pp) "Unightly" means any Property which, because of deposits of rubbish, Litter, garbage, Weeds, or lack of general maintenance to a Structure or Property, whether or not the condition of the property impacts the Property values of the Property or other Properties in the area; and,
  - (i) In respect of a structure, a structure whose exterior shows signs of significant physical deterioration, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighborhood,
  - (ii) In respect of land, land that shows signs of serious disregard for general maintenance and upkeep, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighborhood.
- (qq) "Urinate" means to discharge urine from the body;
- (rr) "Vegetation" means the collective plant cover over an area including but not limited to; trees, shrubs, bushes and the total of the plant communities of a region;
- (ss) "Violation Tag" means a tag or similar document issued by the Town pursuant to

the *Provincial Offence Procedures Act*; for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;

- (tt) "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time;
  - (uu) "Weed" means plants designated under the *Weed Control Act R.S.A 2008, c W 5.1* and dandelions.
  - (vv) "Xeriscaped Area" means an area of land that is landscaped using plants that are adapted to the local area or that are drought resistant;
  - (ww) "Yard Material" means 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;
- 1.2 The Owner of a property is ultimately responsible for all activities on their Property which may constitute contravention of this Bylaw.
  - 1.3 Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or Regulation, other Bylaws or any requirements of any lawful permit.
  - 1.4 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.
  - 1.5 Every provision of the Bylaw is independent of all other provision 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.

## **2.0 UNSIGHTLY PREMISES**

- 2.1 **The standards, requirements and prohibitions contained in this Section 2.0 shall apply to the following districts as defined by the Town of Westlock Land Use Bylaw.**
  - i) **Residential Districts**
  - ii) **Vacant lots within Residential Districts; and**
  - iii) **Commercial Districts; but not Industrial Districts.**
- 2.2 No Person shall cause another Person to contravene Section 2.0.
- 2.3 An Owner or Occupier shall be considered to occupy the Boulevard and Sidewalks immediately adjacent to their Property.
- 2.4 No Owner or Occupier shall cause or permit a Nuisance or Unsightly condition to exist on Property they own or occupy.

**2.5** A Nuisance or Unsightly condition in respect of Property means Property that shows serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area:

**2.6 Accumulation of Materials**

- (i) No Owner or Occupier of a Premises shall allow on the Premises the accumulation of Yard Material, animal remains, parts of animal remains, animal feces, any material that creates unpleasant odour or is likely to attract Pests, or disassembled machinery, equipment, Junked Motor Vehicles, appliances and parts thereof.
- (ii) No Owner or Occupier of a Premises shall allow the open or exposed storage on the Premises of any Industrial Fluid.
- (iii) No Owner or Occupier of a Premises shall allow loose garbage, bottles, cans, boxes, packaging materials, household furniture or other household goods to accumulate on the Premises such that the accumulation is visible to a Person viewing from outside the Property.
- (iv) The Owner or Occupier of a Premises shall ensure that the Premises is supplied with a sufficient number of animal and water proof containers for the amount of Litter that is a result of normal use of the Premises.

**2.7 Appliances**

- (i) No Owner or Occupier of any Premises shall allow a refrigerator or freezer to remain on the exterior of the Premises without first ensuring that the hinges, latches, or lid/doors of the unit have been removed, unless authorized by the Town.
- (ii) No Owner or Occupier of any Premises shall allow any appliances to remain on the Premises such that the appliance is visible to a Person viewing from outside the Property unless authorized by the Town.
- (iii) Notwithstanding Section 2(b) (i) and (ii), it shall not be an offence for an Owner or Occupier of a Premises to allow a refrigerator or freezer to remain on the Premises if the refrigerator or freezer is not visible to a Person viewing from outside the Property and the refrigerator remains locked at all times with a padlock and key or similar device.

**2.8 Compost Sites**

- (i) No Owner or Occupier of a Premises shall place or allow to be placed cat feces, dog feces, animal parts or meat on a Composting Pile or in a Composting container on the Premises.
- (ii) No Owner or Occupier of a Premises shall allow a Composting pile, which is not fully enclosed in a container, on the Premises, within three (3) metres of an adjacent dwelling house, measured from the nearest part of the Composting pile to the nearest part of the adjacent dwelling house.

- (iii) Every Owner or Occupier who allows a Composting container or Composting pile to remain on a Premises must ensure that it is maintained in such a manner that it does not become a Nuisance by creating offensive odours or attracting Pests.

## **2.9 Motor Vehicles**

- (i) No Person may conduct any repair work on a Motor Vehicle, 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:
  - (a) the activity does not create a Nuisance or Noise;
  - (b) there is no escape of offensive, annoying, or noxious odours, fumes or smoke from the Premises;
  - (c) vehicle fluids, oil, gasoline products or other hazardous material are properly disposed of and not swept or washed onto a Highway or down storm or sanitary sewers;
  - (d) all discarded Automobile Parts and materials are properly stored or disposed of from the Premises; and
  - (e) the activity is routine maintenance work done on any Motor Vehicle owned, operated, and registered in the name of the Owner or Occupier of the Premises, provided that all building and fire code regulations are met.
- (ii) No Owner or Occupier of a Premises shall allow the accumulation of Automobile Parts on the Premises unless they are contained in a Structure which has been approved by the Town.
- (iii) No Owner or Occupier of a Premises shall allow more than one (1) Motor Vehicle which does not have a valid license plate, registration and insurance certificate, to remain on the Premises and the Motor Vehicle must be either contained within a Structure, which has been approved by the Town or covered by a tarpaulin or other device acceptable to the Town, which prevents it from being seen from any neighbouring Premises or public area.
- (iv) No Owner or Occupier of a Premises shall park or store a Motor Vehicle, Junk Motor Vehicle, Recreational Vehicle or Trailer in a front yard of a Premises except on or within an area approved for such use under the Land Use Bylaw;
- (v) Owners or Occupiers of Premises shall be allowed to park or store a Motor Vehicle, Junked Motor Vehicle, Recreational Vehicle or Trailer in a back yard as long as it does not contravene this Bylaw or any other Town Bylaw.



### **3.0 OBLIGATION TO MAINTAIN PROPERTY**

**3.1 The standards, requirements and prohibitions contained in Sections 3.0, 4.0, 6.0, 7.0, 9.0 shall apply to the following districts as defined by the Town of Westlock Land Use Bylaw.**

- i) Residential Districts**
- ii) Vacant lots within Residential Districts;**
- iii) Commercial Districts; and**
- (v) Industrial Districts.**

### **3.2 Obligation to Maintain**

- (i) No Owner or Occupier of a Premises whether occupied or not, shall allow a Structure or Fence to become a safety hazard.**
- (ii) Every Owner or Occupier of a Premises shall ensure the following are maintained in Good Repair:**
  - (a) Fences and its structural members; and**
  - (b) Structures and its structural members, including foundations and foundation walls, exterior walls and its components, roof, windows and casings, doors and frames, protective or decorative finishes of all exterior surfaces of a Structure or Fence, and exterior stairs, landings, porches, balconies and decks.**
- (iii) No Owner or Occupier of a Premises shall allow a Nuisance to exist in respect of any Structure on the Premises.**
- (iv) The Owner, agent, lessee, or Occupier of a Premises shall prevent stagnant water from remaining on any such Premises and becoming a breeding place for mosquitoes or other Pests.**
- (v) No Owner or Occupier of a Premises shall permit any excavation, depression, drain, ditch, watercourse, pond, surface water, Litter or other matter or thing to remain upon private land, Highway, or in or about any Structure, and/or to be or to remain a Nuisance or danger to public health and safety.**
- (vi) No Owner or Occupier of a Premises shall allow any accumulation of Litter on the Premises or Property and shall ensure Litter is stored in weather-proof and animal-proof container on the Premises or Property.**

### **3.3 Outdoor Storage of Building Materials**

- (i) No Owner or Occupier of a Premises shall allow on the Premises the accumulation of Building Materials, whether new or used, unless that Owner or Occupier can establish a construction or renovation undertaking is being carried out on the Premises, and that:**

- (a) the project has begun or the beginning of work is imminent;
  - (b) the materials found on the Premises relate to the project taking place on the Premises of a quantity reasonable to complete the project; and
  - (c) the work on the project has not been suspended for a period in excess of one-hundred and twenty (120) days.
- (ii) An Owner or Occupier of a Premises shall ensure that all Building Materials stored on a Premises that are not in contravention of Subsection (i) are stacked or stored in an orderly manner.
  - (iii) Notwithstanding anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on a Premises for basic Property maintenance.

### **3.4 Unoccupied Buildings/Condemned Buildings**

- (i) If a Structure normally intended for human habitation is unoccupied, then the Owner or Occupier may cover any door or window opening in the Structure with a solid piece of wood. The wood must be installed from the exterior and fitted within the frame of the opening in a watertight manner, of a thickness sufficient to prevent unauthorized entry into the Structure.
- (ii) If a Structure normally intended for human habitation is unoccupied then every Sidewalk and driveway on or adjacent to the Property shall be maintained clear of all snow and ice by the Owner.
- (iii) No Person shall allow a Structure to remain in a Condemned condition for a period that exceeds one (1) year from the date of notice, to the Owner or Occupier. If it is to exceed one (1) year then approval is required in writing from the Town Manager.

### **3.5 Salvage Yards**

- (i) Salvage yards, auto wreckers or other businesses which by their very nature appear to be untidy or Unsightly shall be obscured from view by, Town approved screening.

### **3.6 Construction Sites**

- (i) No Owner or Occupier of a Premises on which there is construction shall allow the Premises or Property under construction to contravene any Section of this Bylaw.
- (ii) The Owner or Occupier of the Premises is to ensure the site is kept in a reasonable condition so as not to constitute a Nuisance condition.
- (iii) An Owner 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.

- (iv) An Owner of a Premises or Property under construction or renovation shall not pile or store any Building Materials or debris related to the construction or renovation on the Highway, Sidewalk or any Premises or Property owned by the Municipality or other Owners without written permission to do so.
- (v) Each construction, renovation, or demolition of a Premises site shall ensure that waste construction materials are placed in a container of a design to prevent the material from being blown away from the construction site.

### **3.7 Boulevards**

- (i) Every Owner or Occupier of a Premises shall maintain any Boulevard adjacent to that Premises by:
  - (a) Not allowing grass on the Boulevard to exceed fifteen (15) cm in length;
  - (b) Removing any accumulation of fallen leaves or other debris;
  - (c) Replace or reseed dead grass.
- (ii) No Person shall park a Motor Vehicle or Recreational Vehicle on a Boulevard.

## **4.0 NUISANCE ESCAPING PROPERTY**

**4.1** In making a determination with respect to an Offence under this part a Peace Officer acting in reasonable manner will 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;
- (vi) the effect of the thing or activity on a complainant or complainant; and
- (vii) the effect of the thing or activity on the surrounding area.

### **4.2 Water, Eaves troughs and Downspouts**

- (i) 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.
- (ii) An Owner or Occupier 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 pre-existing, otherwise authorized or would be considered unreasonable or impractical to change.

- (iii) No Owner or Occupier of a Premises shall allow a flow of water from a hose or similar device, rain water, downspout or eaves trough to be directed over a public Sidewalk so as to be a hazard to any Person.

#### **4.3 Dust and Airborne Matter**

- (i) No Person shall engage in any activity that is likely to allow dust or other airborne matter that may disturb any other Person to escape the Premises without taking reasonable precautions to ensure that the dust or other airborne matter does not escape the Premises.

#### **4.4 Outdoor Lighting**

- (i) No Owner or Occupier of a Premises shall allow an outdoor light to point or shine directly into the living or sleeping areas of an adjacent dwelling house.
- (ii) No Owner or Occupier of a Premises shall allow an outdoor light to shine in a manner in which it will interfere with the effectiveness of a traffic control device, operation of a Motor Vehicle or the proper use of a Sidewalk or Highway.
- (iii) An outdoor light shall not constitute a violation of Subsection (c)(i) if the Owner or Occupier of the Premises shields the light from pointing or shining directly at the living or sleeping areas of the adjacent dwelling house.
- (iii) Where an outdoor light is permitted or required pursuant to the Land Use Bylaw, a development permit or a similar approval; the Land Use Bylaw, a development permit or a similar approval shall take precedence over this Bylaw, and the light shall not constitute a violation of Subsection (c)(i).

#### **4.5 Flyers and Debris**

- (i) 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 neighbouring properties.
- (ii) 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.
- (ii) 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.

#### **4.6 Pests**

- (i) Owner or Occupier of a Premises shall not allow the formation, by Pests, of any hives, nests, or colonies on said Premises.
- (ii) Every Owner or Occupier of a Premises shall remove and destroy immediately any hives, nests, or colonies upon discovery on the same.

#### **5.0 PLACARDS, POSTERS AND PLAYBILLS**

- 5.1 No Person shall place, post, or erect, or cause, permit, or allow to be posted or exhibited, any sign, placard, playbill, poster, writing, or picture on any Town owned Premises, Property, Fence, Park, or Structures, without written permission from the Town Manager.
- 5.2 A Peace Officer is authorized to remove and destroy any placard, playbill, poster, writing, or picture erected or maintained without permission.

#### **6.0 GRAFFITI**

- 6.1 No Person shall create or apply Graffiti except at a site that has been designated by the Town.
- 6.2 Every Owner or Occupier of a Premises shall ensure that any Graffiti placed on their Premises or Property is removed, painted over, or otherwise permanently blocked from public view within fourteen (14) days of receiving written notice from a Peace Officer.
- 6.3 Notwithstanding Section 6.1, signs, street painting, graphic art, street art, murals and other similar art work on Structures, Premises, sidewalks and other specified areas may be allowed where the Owner has granted consent and 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.

#### **7.0 MAINTENANCE OF GRASS AND VEGETATION**

- 7.1 For the purposes of this Bylaw a Person is the Owner or Occupier of the Highway to the Highway's midpoint to the extent that the Person is the Owner or Occupier of the land that borders the Highway.
- 7.2 No Owner or Occupier of a Premises shall allow grass or Weeds on the Premises to exceed a height of fifteen (15) centimetres.
- 7.3 Every Owner or Occupier of a Premises shall eradicate Weeds as designated in the *Weed Control Regulation, Alberta Regulation 19/2010*, on the Premises and shall control the spread of such Weeds.
- 7.4 This Section shall not apply to golf courses, maintained gardens (area of land or a container in which flowers, vegetables, fruits or herbs are cultivated) or maintained Xeriscaped Areas, Parks or natural areas under the direction and

control of the Town, or other areas under the direction and control of the Town including Boulevards adjacent to major Roadways, and areas subject to naturalization efforts.

**7.5** No Owner or Occupier of a Premises shall allow dead Vegetation to remain standing; or allow any Vegetation to remain standing when the Vegetation is diseased or infested and all attempts to treat have failed.

**7.6** No Owner or Occupier of a Premises shall allow any Vegetation to:

- i. Interfere or obstruct any work done by the Town or Utility;
- ii. Obstruct any Highway or Sidewalk;
- iii. Impair the visibility at any intersection adjacent to the Premises.

## **8.0 CHARITY COLLECTION SITES**

**8.1** No Person shall dump or deposit household garbage or other Litter at a Charity Collection Site.

**8.2** No Person shall scavenge from or disturb any material, bag or box in or at a Charity Collection Site, whether or not that material, bag or box is contained in a receptacle or resting upon the ground.

## **9.0 FIRE HYDRANTS**

**9.1** (a) Every Owner or Occupier of a Premises on which a fire hydrant is located on Property which is adjacent to the Property on which a fire hydrant is located:

- (i) Shall maintain a two (2) meter clearance on each side of the fire hydrant and a one (1) meter clearance on the back of the fire hydrant.
- (ii) Shall assure the site shall be kept free of all Litter, Structures, and Vegetation.

(b) No Person shall leave in place any Motor Vehicles, Recreational Vehicles that will obstruct the access to the fire hydrant.

(c) No Person shall deposit snow from a Property, Sidewalk, Boulevard, or Highway within the area described in Section 9.1 (a) (i); or leave in place snow piles in such a manner as to interfere with free access or approach to any fire hydrant.

**9.2** No Person shall obstruct, hinder or refuse to allow any Person engaged by the Town of Westlock from entering the Property for purposes of maintenance or clearing of obstructions on or near a fire hydrant.

**10.0 NOISE CONTROL**

**10.1 In determining if a sound is reasonably likely to annoy or disturb the peace of others, consideration may be given, but is not limited to:**

- (i) type, volume, and duration of the sound;**
- (ii) time of day and day of week;**
- (iii) nature and use of the surrounding area; and**
- (iv) any other relevant factor.**

**10.2 Prohibited Noise**

- (i) No Person shall make, cause, or continue to cause, or allow to be made any loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other Persons within the corporate boundaries of the Town.**
- (ii) No Person shall allow Property belonging to him or under his control to be used so that there occurs thereon or emanate from a loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other Persons within the corporate boundaries of the Town.**
- (iii) With the exception of the activities referred to herein, unless written permission from the Town is first obtained, 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 on another Property in the Night Time.**
- (iv) Where an area is designated by signs, or by other means, as being restricted noise, no Person shall:**
  - i. carry on any noise making activity in the area unless it cannot be carried on in some other area; or**
  - ii. make or continue any noise or loud sound within the area.**
- (v) 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.**
- (vi) No Person shall operate a power tool, Motor Vehicle or any such device that may cause a similar noise in any area designated as a Residential District at Night Time.**
- (vii) No Person shall operate a speaker system on a parcel where a Property line of the parcel is within one hundred fifty (150) meters of a Residential District during the Night Time.**

- (viii) No Person shall operate sound amplifying equipment from any Premises, park or other public space so as to unduly disturb Persons in a residential district.
- (ix) Section 10.0 does not apply to work or activities carried on by the Town or by a contractor carrying out the instructions of the Town.
- (x) Where an activity, which is not specifically prohibited or restricted by any provision of any legislation or regulations of Canada or of the Province of Alberta or by any provision of this Bylaw, involves creating or making a sound which becomes, creates or produces or may create or produce a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a Person engaging in such a manner is to create as little of such sound as practicable under the circumstances.

### **10.3 Construction Noise**

- (i) Unless permission from the Town for such operation is first obtained:
  - (a) No Person shall carry on the construction of any type of Structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound, which may be heard beyond the boundaries of the site on which the activity is being carried on, at Night Time.

### **10.4 Commercial and Industrial Noise**

- (i) The provisions of this Bylaw shall not apply to a Commercial or Industrial District as outlined in the Town Land Use Bylaw provided that the Commercial or Industrial District is not adjacent to or backing onto a Residential District. In such case as the Commercial or Industrial District is adjacent to or backing onto a Residential District then Section 10.3 (a) shall apply to the Commercial or Industrial noise.

### **10.5 Relaxation**

- (i) Notwithstanding Section 10.0 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 authority of the Town Manager or the Peace Officer to withdraw this relaxation on a site-specific basis.

### **10.6 Exemptions**

- (ii) Representative of any provider of a public utility while performing construction, maintenance or work on a public utility;
- (iii) Activities under the sole jurisdiction of the Government of Canada or Province of Alberta



(iv) Emergency Vehicles

**11.0 PUBLIC BEHAVIOUR**

**11.1 Public Places**

- (i) No Person shall use blasphemous, abusive or grossly insulting language, or sing or shout in a boisterous manner as to create a disturbance in any Public Place.
- (ii) No Person shall urinate or defecate in a public place other than in a washroom designated for use by the public.

**11.2 Fighting, Loitering, Assembly of Persons**

- (i) No Person shall participate in a fight or other similar physical confrontation in any Public place.
- (ii) No Person shall be a member of an assembly of three or more Persons in any public place where a Peace Officer has reasonable probable grounds to believe the assembly will disturb the peace of the neighbourhood, and any such Persons shall disperse as requested by the Peace Officer immediately.
- (iii) No Person shall loiter and thereby obstruct or create a Nuisance with any other Person in any Public Place.

**11.3 Projectiles**

- (i) No Person shall cast, project or throw any stones or balls of snow or ice or other missiles or objects in any manner in a Public Place, which may be dangerous to the public.
- (ii) No Person shall use any bow or arrow, catapult or other such device in a Public Place.

**11.4 Bullying**

- (i) No Person shall commit the act of Bullying against any Person in any public place or public Property or any other place.
- (iii) No Person shall encourage any Person to commit the act of Bullying to any other Person in any public place or public Property or any other place.

**12.0 LITTERING**

- 12.1** No Person shall place, deposit, throw, or cause to be placed, deposited, or thrown, any Litter or other substance upon any Highway, Sidewalk, Parking lot, Park, Playground, or other Public Place or watercourse, or on Property not his own, except in a receptacle provided for such purposes.

**12.2** A Person who has placed, deposited, or thrown, or caused to be placed, deposited, or thrown, any Litter upon any Highway, Sidewalk, parking place, Park, playground or other Public Place or watercourse, or on any Property not his own, shall immediately remove it.

**12.3** Notwithstanding Section 12.2 a Person who contravenes Section 12.1 shall be guilty of an offence in spite of the fact they remove whatever caused the contravention.

### **13.0 PANHANDLING**

**13.1** No Person shall engage in Panhandling.

### **14.0 WRITTEN ORDERS AND INSPECTIONS**

**14.1** The Town Manager and/or his designate may, after giving reasonable notice to the Owner or Occupier of the Premises, enter upon the said Premises and carry out an inspection for conditions that may contravene or fail to comply with the provisions of this Bylaw.

**14.2** If the Town Manager and/or his designate believe, on reasonable grounds, that a Person is contravening any provision of this Bylaw, the Town Manager and/or his designate may, by written Order, require any Person responsible for the contravention to remedy it:

(i) Any Person who fails to comply with an Order made under Section 14.2 is guilty of an offence.

**14.3** Any Person who fails to keep their Premises/Property up to a standard as set out in any Section of this Bylaw is guilty of an offence.

### **15.0 OFFENCE AND PENALTY**

**15.1** Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a specified penalty for that offence as set out in Schedule "A" of this Bylaw.

**15.2** Notwithstanding Schedule "A" of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, is liable to double the fine set out in Schedule "A" of this Bylaw, for that offence.

**15.3** A Person who is guilty of an offence is liable to a fine in an amount not less than the minimum fine as established in Schedule "A", and not exceeding \$10,000.00.

**15.4** An offence, which is of a continuing nature, shall be deemed a different offence for each day the contravention of this Bylaw continues.

- 15.5** The imposition of a violation ticket or a summary conviction in court shall not relieve any person so fined of any costs incurred in having work performed by the Municipality or agents of the Municipality where authorized by this Bylaw.
- 15.6** If it should be determined that a person has contravened a section of this Bylaw for which there is no voluntary penalty prescribed in Schedule "A" of this Bylaw the person shall be liable to a voluntary penalty of \$125.00 for the first offence. A second or subsequent offence of the same section shall be pursuant to section 15.2 of this Bylaw.

### **Vicarious Liability**

When upon reasonable grounds a Peace Officer believes that a contravention of this bylaw has been committed by :

- (i) an employee of a corporation, that corporation shall be deemed to have committed the offence for which its employee has committed.
- (ii) an Occupier has committed an offence pursuant to this Bylaw the Owner of the Property shall be deemed to have committed the contravention of this Bylaw; and
- (iii) a motor vehicle or trailer, notwithstanding it is registered or not, the registered Owner as shown on the registries database shall be deemed to have committed a contravention of this Bylaw.

### **16.0 VIOLATION TAGS**

- 16.1** A Peace Officer is hereby authorized and empowered to issue Violation Tags to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 16.2** A Violation Tag may be issued to such Person :
- (i) either Person ally; or
  - (ii) by placing a copy of the Violation Tag on the vehicle; or
  - (iii) by mailing a hard copy to such Person at their last known postal address.
- 16.3** A Violation Tag shall be in a form approved by the Town and shall state:
- (i) the name of the Person ;
  - (ii) the offence;
  - (iii) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - (iv) that the penalty shall be paid within seven (7) days of the issuance of the Violation Tag; and
  - (v) any other information that may be required by the Town.

**16.4** Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may in lieu of prosecution of the offence, pay the Town the specified penalty set out on the Violation Tag.

**16.5** Payment must be received within thirty (30) days of date of issuance of this Violation Tag, to avoid the administrative surcharge of twenty dollars (\$20.00) or twenty percent (20%) of the specified penalty, whichever amount is greater.

**17.0 VIOLATION TICKETS**

**17.1** In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket/Summons.

**17.2** Notwithstanding Section 16, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket/Summons to any Person who the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.

**17.3** A Violation Ticket/Summons 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*, as amended or repealed or replaced from time to time.

**17.4** The Person to whom the Violation Ticket/Summons has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket/Summons together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" to this Bylaw.

**17.5** When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 17.4 of this Bylaw, and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

**18.0 ORDER TO COMPLY**

**18.1** An Order issued by a Peace Officer or the Town Manager and/or his designate may:

- (i) direct a Person to stop doing something, or to change the way in which the Person is doing it;
- (ii) direct a Person to take any action or measures necessary to remedy the contravention of this Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
- (iii) state a time within which the Person must comply with the directions; or

- (iv) state that if the Person does not comply with the directions within a specified time, the Town will take the action or measure at the expense of the Owner or Occupier.

**18.2** An Order issued pursuant to this Section may be served:

- (i) by delivering it personally to the Person ;
- (ii) by leaving it for the Person at their apparent place of residence with someone who appears to be at least eighteen (18) years of age;
- (iii) by mail, addressed to the Person at their apparent place of residence or at any address for the Person on the tax roll of the Town or at the Land Titles registry; or
- (iv) by posting it in a conspicuous place on the Premises or Property referred to on the Order.

**18.3** If in the opinion of the Town Manager and/or his designate, service of the written Order cannot be reasonably affected, or if the Town Manager and/or his designate believes that the Owner of the Premises or Property is evading service, the Town Manager and/or his designate may post the written Order in a conspicuous place on the Premises or Property, 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.

**18.4** When an Owner fails to remedy a contravention of this Bylaw within the time allowed in a written Order, the Town may enter 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 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, the costs may be charged against the Premises or Property as a special assessment to be recovered in the same manner as other taxes.

## **19.0 SEVERABILITY**

**19.1** If any portion of this Bylaw is declared invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

## **20.0 APPEALS**

**20.1** A Person who receives a written Order to comply with a Section pursuant to this Bylaw may by written notice, within seven (7) days in the case of a Section 546 order and fourteen (14) days in the case of a Section 545 order, after the date the Order is received, request Council to review the Order.

**20.2** After reviewing the Order, Council may confirm, vary, substitute or cancel the Order.

**20.3** A notice of Appeal shall be in writing and set out:

- (a) the name and address of the appellant;
- (b) the legal description or civic address of the property affected;
- (c) the ground for the appeal

**20.4** A notice of appeal shall be accompanied by an administrative fee of two hundred dollars (\$200.00);

**20.5** In the event that Town Council rules in favor of the appellant and upholds the appeal, the administrative fee shall be fully refunded to the appellant.

**21.0 NUMBER AND GENDER REFERENCE**

All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

**22.0 REPEAL**

That Bylaws 2005-05, 2005-14, and 2004-17 and all amendments hereto are hereby repealed.

**23.0 EFFECTIVE DATE**

This Bylaw becomes effective upon third and final reading.


READ a first time this 10<sup>th</sup> day of June 2013.

READ a second time this 24<sup>th</sup> day of June 2013.

~~Unanimous consent for third and final reading~~ ~~\_\_\_\_\_~~ day of ~~\_\_\_\_\_~~ 2013.

READ a third time and finally passed this 24<sup>th</sup> day of June 2013.

Signed by CEO and Town Manager this 24<sup>th</sup> day of June 2013.

  
 \_\_\_\_\_  
 Mayor Bruce Lennon

  
 \_\_\_\_\_  
 Act. Town Manager Darrell Garceau  
 JULIA SOPPO

**SCHEDULE "A"  
FINES AND PENALTIES**

SECTION	OFFENCE	SPECIFIED PENALTY
2.2	Cause another Person to contravene section 2	\$250.00
2.4	Cause or permit Unsightly condition	\$500.00
2.6 (i)	Excessive accumulation of material	\$250.00
2.6 (ii)	Open storage of industrial fluid	\$250.00
2.6 (iii)	Excessive accumulation of waste	\$250.00
2.7 (i)	Storage of appliance w/o lid/door removed	\$250.00
2.7 (ii)	Visible appliance stored on Premises	\$250.00
2.8 (i)	Compost animal waste	\$250.00
2.8 (ii)	Openly stored Compost pile	\$250.00
2.9 (i)	Repair Motor Vehicle in residential district	\$250.00
2.9 (ii)	Openly store Automobile parts	\$250.00
2.9 (iii)	Store more than 1 unauthorized vehicle	\$250.00
2.9 (iv)	Park unauthorized vehicle in front yard	\$250.00
3.2 (i)	Structure/Fence cause safety hazard	\$250.00
3.2 (iii)	Allow Nuisance to exist on Premises	\$250.00
3.2 (v)	Allow a thing to remain a Nuisance	\$250.00
3.2 (vi)	Accumulation of Litter	\$250.00
3.3 (i)	Accumulation of building material	\$250.00
3.4 (i)	Fail to comply with standard of unoccupied building	\$500.00
3.4 (iii)	Owner of a Condemned building in excess of 1 year	\$10,000
3.5 (i)	Unsightly salvage yard	\$250.00

3.6 (i)	Property under construction contravene Bylaw	\$250.00
3.7 (i)(a) through (c)	Unmaintained Boulevard	\$250.00
3.7 (ii)	Park vehicle on Boulevard	\$100.00
4.2 (i)	Direct water onto adjacent property	\$250.00
4.2 (iii)	Direct water onto public sidewalk	\$250.00
4.3 (i)	Nuisance Activity	\$250.00
4.4 (i) & (ii)	Outdoor Light contravene Bylaw	\$250.00
4.5 (iii)	Litter by commercial business	\$250.00
5.1	Advertise on Town Property w/o authorization	\$250.00
6.1/6.2	Cause Graffiti/Fail to remove Graffiti	\$250.00
7.2	Excessive height of grass/Weeds	\$250.00
7.5(i)	Vegetations obstruct Town/Utilities	\$250.00
7.6(ii)	Vegetation obstruct Highway/Sidewalk	\$250.00
7.6(iii)	Impair vision in intersection	\$250.00
8.1	Dump Litter at Charity Collection Site	\$250.00
8.2	Scavenge/disturb Charity Collection Site	\$250.00
9.2	Obstruct Town Employee from maintaining fire hydrant	\$500.00
9.1 (b)	Vehicle Obstruct fire hydrant	\$250.00
9.1 (c)	Pile Snow on fire hydrant	\$250.00
10.2 (i)	Person cause noise	\$250.00
10.2 (ii)	Owner permit noise	\$250.00
10.2 (v)	Drinking establishment pmt noise to emanate	\$2500.00
10.2 (vi)	Cause noise with power tool Night Time	\$250.00
10.2 (vii)	Cause noise with speaker system Night Time	\$250.00
10.2 (viii)	Use of sound amplifying equipment in park	\$250.00



10.3 (i)(a)	Construction during Night Time	\$250.00
11.1(i)	Cause disturbance in Public Place	\$250.00
11.1(ii)	Urinate/defecate in Public Place	\$250.00
11.2 (i)	Fight in Public	\$250.00
11.2 (ii)	Unauthorized assembly	\$250.00
11.2 (iii)	Loiter/obstruct/create nuisance in Public Place	\$125.00
11.3 (i)	Cast projectiles	\$250.00
11.3 (ii)	Use unapproved device	\$250.00
11.4(i)	Bullying	\$150.00
11.4(ii)	Encourage Bullying	\$150.00
12.1	Littering	\$150.00
12.2	Fail to remove Litter	\$150.00
13.1	Panhandling	\$50.00
14.2 (i)	Fail to comply with an enforcement order	\$250.00
14.3	Fail to keep Property up to standard	\$250.00

Payment must be received within thirty (30) days of date of issuance of this Violation Tag, to avoid the administrative surcharge of twenty dollars (\$20.00) or twenty percent (20%) of the specified penalty, whichever amount is greater.