

**BYLAW 830-R-09-21
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE
TO AMEND BYLAW 810-R-04-21,
RESPECTING COMMUNITY STANDARDS.**

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

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

AND WHEREAS, pursuant to Sections 542, 543, 545, 546 (0.1), 546.1, 547, 549, and 550 of *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, Council believes the regulation through a Community Standards Bylaw would benefit the community as a whole;

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

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

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

PART I - INTERPRETATION

Definitions:

- a) **“BUILDING”** means any structure used or intended for supporting or sheltering any use or occupancy and includes a structure and any part of a building or structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land;
- b) **“BUILDING MATERIAL”** means any construction material which may result from the construction, renovation, or demolition of any structure and includes, but is not limited to, wood, gypsum, vinyl siding, metal, bricking, packaging material and containers of construction material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any structure;

- c) **“CHARITY COLLECTION SITE”** means an area accessible to the public, which is marked by signs identifying the name of the charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;
- d) **“CHIEF ADMINISTRATIVE OFFICER (CAO)”** means the Chief Administrative Officer of the Town of Coaldale, or the Director(s) or Department(s) designated by the Chief Administrative Officer;
- e) **“CHILD”** means a person who is under sixteen (16) years of age;
- f) **“COMMUNITY SPECIAL EVENT”** means any event that is operated, coordinated, or sanctioned by the Town of Coaldale or by resolution of Council and is meant for the unhindered enjoyment and benefit of all residents (e.g. Settler Days, festivals, parades, special events, sporting events
- g) **“COMMERCIAL VEHICLE”** - means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle;
- h) **“CONSTRUCTION EQUIPMENT”** means and includes but is not limited to a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack-hammer, pneumatic drill, truck, dump truck, vac truck, tractor, other than a tractor used in agriculture, bulldozer, front-end loader, bob-cat, scraper, motor grader, or any other tool, device or machine if of a noisy nature;
- i) **“CONSTRUCTION NOISE”** means noise caused by construction equipment;
- j) **“COUNCIL”** means the duly elected Municipal Council of the Town of Coaldale;
- k) **“DEBRIS”** means building material or refuse arising from building construction or development;
- l) **“FENCE”** means a vertical barrier which is used to prevent or restrict passage, to provide visual screening, sound attenuation, protection from dust or other elements, or to mark a boundary;
- m) **“FIREARM”** includes a gun, an air-gun, a spring-gun, a pellet gun, a paint ball gun, a crossbow, a long-bow or any class or type thereof;
- n) **“FIREWORKS”** means fireworks, fireballs, squibs, crackers, pyrotechnic devices or any other noisy, offensive or dangerous substances or articles;
- o) **“GOOD REPAIR”** means maintaining the condition of an object or Structure such that it does not become untidy, unsightly or dangerous and such that the object or Structure can continue to be used in the means that it was originally

intended;

- p) **“GRAFFITI”** means words, figures, letters, drawings, initials, symbols, marks or slogans scribbled, scratched or sprayed on a surface of a premise or property;
- q) **“GUARDIAN”** means a parent, legal guardian, or foster parent; a temporary guardian means an adult person who has been given prior permission by a guardian to look after a child for a specified time period and; a proper adult guardianship means under the care and control of, and accompanied by a guardian or temporary guardian;
- r) **“HIGHWAY”** means the same as in the *Traffic Safety Act*, Revised Statutes of Alberta 2000 Chapter T-6 and amendments thereto;
- s) **“JUNKED VEHICLE”** means any vehicle that is not located in an enclosed structure such that the vehicle, or any portion thereof, would be visible from a highway or another premises or property and:
 - 1. 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;
 - 2. are inoperative or incapable of movement under its own power by reason of disrepair, removed parts or missing equipment; or
 - 3. does not form part of the business enterprise with a valid business license lawfully being operated on that premises or property;
- t) **“LANE”** means a public thoroughfare, which provides a secondary means of access to a lot or lots;
- u) **“LAND USE BYLAW”** means the Town of Coaldale Land Use Bylaw, and amendments thereto;
- v) **“LEGITIMATE REASON”** includes only the following in relation to the curfew provisions:
 - 1. travelling directly to and from a place of employment whether paid or volunteer work;
 - 2. working at a job whether paid or volunteer that requires the child to be in a public place; or
 - 3. travelling directly between home from an organized sporting or other event which has been supervised by proper adult guardianship;

- w) **“MINOR”** means an individual who has yet to reach the age of majority, as described by the *Age of Majority Act*, Revised Statutes of Alberta 2000 Chapter A-6 and amendments thereto;
- x) **“MOTOR VEHICLE (MV)”** means the same as in the *Traffic Safety Act*, Revised Statutes of Alberta 2000 Chapter T-6 and amendments thereto;
- y) **“MEDICAL OFFICER OF HEALTH”** means the individual that holds that position for the Health Region at any given time and includes any person authorized to act for and in the name of that individual;
- z) **“MUNICIPAL GOVERNMENT ACT {MGA}”** means the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto;
- aa) **“NUISANCE”** means any activity or thing which arises from unreasonable, unwarranted or unlawful use by any person on a premises or property so as to produce a material annoyance, inconvenience or discomfort to the public or create annoyance or inconvenience to people living, working or pursuing activities in the vicinity of the premises or property; and, anything by act or omission that causes or permits a condition to exist which injures or endangers the public health, safety or welfare, or may reasonably be anticipated to be likely to injure or endanger public health, safety or welfare;
- bb) **“NOISE”** means any sound having regard for all circumstances, including the time of day and the nature of the activity generating the sound, likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, repose, health, peace and safety of persons within the boundary of the Town of Coaldale;
- cc) **“OCCUPANT”** means residing on or to be in apparent possession or control of premises or property or; property pursuant to a written or verbal rental or lease agreement, license or permit;
- dd) **“ORDER TO REMEDY”** means written notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw or any applicable Bylaw within The Town of Coaldale including the Land Use Bylaw or an order written pursuant to Section 545 of the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M- 26 and amendments thereto;
- ee) **“OWNER”** means a person:
1. who is registered under the *Land Titles Act*, Revised Statutes of Alberta 2000 Chapter L-4 and amendments thereto as the owner of a parcel of land;
 2. who is recorded as the owner of a premises or property on the tax

assessment roll of the Municipality of Town of Coaldale;

3. who has purchased or otherwise acquired a parcel of land, whether he or she has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
 4. holding himself or herself out as the person having the powers and authority of ownership of a premises or property or who for the time being exercises the powers and authority of ownership;
 5. in possession or control of a premises or property under construction;
- ff) **“PANHANDLING”** means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed work, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the *Charitable Fundraising Act*, Revised Statutes of Alberta 2000 Chapter C-9. And amendments thereto or any other legislation permitting the solicitation of charitable donations;
- gg) **“PARK”** means any development specifically designed or reserved for the general public for active or passive recreational use. It includes all natural and man-made landscaping, facilities, building, playing fields, and other structures consistent with the general purposes or purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other entities pursuant to arrangements with the public authority owning the park; Any land acquired by Coaldale as a municipal reserve and/or school reserve, public utility lots, or environmental reserve as defined in the Land Use Bylaw; Any land designated by Council as a park or recreational area for the purposes of this Bylaw; Any land developed or designated by the Town of Coaldale as a trail system including pathways other than sidewalks;
- hh) **“PEACE OFFICER”** has the same meaning as in the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto. This includes a Town of Coaldale Community Peace Officer, as well as Bylaw Officer duly appointed by the Town of Coaldale Council;
- ii) **“PERSON”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative;
- jj) **“PREMISES”** means any external surfaces of all structures and the whole or part of any parcel of real property, including property immediately adjacent to any structure and includes all forms of vegetation and including any property or structures owned or leased by the Municipality, including up to the center of lanes or alleys at the rear or side of the premises;
- kk) **“PROPERTY”** means:

1. in the case of land, a parcel of land including any structures; or,
 2. in other cases, personal property;
- II) **“PUBLIC PLACE”** means any premises or property, whether publicly or privately owned, to which members of the public have access as a right or by express or implied invitation, whether on payment of any fee or not and shall also mean:
1. a highway, road, street, sidewalk, lane, other thoroughfare or a parking lot;
 2. a place or building to which the public has or is permitted to have access (ie: coffee shops, restaurants, shopping malls, retail stores, movie theatres);
 3. a park or playground or any other place of public resort of amusement;
- mm) **“REAR-YARD TO REAR-YARD FENCE”** means a uniform fence erected by a developer intended to enclose an entire development or subdivision area, excluding sound Fences
- nn) **“RECREATIONAL VEHICLE”** means a vehicle or trailer that provides temporary accommodation for recreation or travel purposes and includes any motor home, travel trailer, fifth wheel trailer, tent trailer, any camper van, bus or truck converted for use as a recreation vehicle, campers mounted on a truck or any similar vehicle, but does not include small utility trailers, off-road vehicles or watercraft and trailers to transport them, unless they are being used as a dwelling unit, in which case they will be considered recreational vehicles for the purposes of this bylaw;
- oo) **“REFUSE”** means articles including, but not limited to, loose scrap or litter including cigarettes or cigarette "butts/ends", solid waste such as rubber, metal, glass, plastic, paper, cardboard, fabric, food, garbage bags, grass cuttings, shrubbery and tree pruning, weeds, garden waste, the whole or part of an animal carcass, animal or human feces, sewage, manure, dirt, soil, ash, gravel, rocks, or any other such waste of a decomposing or non-decomposing matter which may or may not harbor vermin or pests therein; petroleum products, hazardous materials, disassembled equipment and machinery, discarded household chattels or goods; and/or equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances;
- pp) **“SIDEWALK”** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line, or where there is no curb line, the edge of the roadway and the adjacent property line, whether or not it is paved;

- qq) **“SPECIAL PERMIT”** means a written permit issued by the CAO (as defined) pursuant to this Bylaw and is designed to be temporary in nature;
- rr) **“STRUCTURE”** includes any Building, utility box, retaining wall, scaffolding, Receptacle, mobile home, shed or portable shack;
- ss) **“STRUCTURAL MEMBER”** means a support that is a constituent part of any Structure or Building;
- tt) **“UNTIDY AND UNSIGHTLY PREMISES OR PROPERTY”** means any Premises or Property or part of it which is characterized by visual evidence of a lack of general maintenance and upkeep or the excessive accumulation on the premises or property of:
1. garbage, animal or human excrement, sewage, weeds, tree pruning or dead grass, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, petroleum products, hazardous materials, disassembled equipment or machinery, broken household chattels or goods, or
 2. the whole or any part of any vehicle or vehicles which are not registered with a Motor Vehicle Registry for the current year and which are inoperative by reason of disrepair, removed parts or missing equipment, or
 3. equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances, or
 4. animal material, ashes, building material, refuse or debris as defined in this bylaw, or
 5. any other form of scrap, litter, trash or waste of any kind;
- uu) **“VEHICLE”** means the same as in the *Traffic Safety Act*, Revised Statutes of Alberta 2000 Chapter T-6 and amendments thereto;
- vv) **“VIOLATION TICKET”** means the same as in the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto;
- ww) **“WEEDS”** means the definitions found in the *Weed Control Act*, Statutes of Alberta 2011 Chapter W-5.1 and amendments thereto;

For the purposes of this Bylaw, all terms referred to and not defined in this Bylaw are as defined in the Land Use Bylaw and amendments thereto.

PART II - PROPERTY MAINTENANCE

201. Untidy and Unsightly Premises or Property

1. No owner of a Premises or Property shall cause, allow or permit the Premises or Property to become or continue to be an Untidy and Unsightly Premises or Property as defined by this bylaw.
2. Whether or not a particular Premises or Property is “characterized by visual evidence of a lack of general maintenance” or as a result of the “excessive accumulation” of the materials listed in Part 1 (SS) of this bylaw are questions of fact to be determined by a court hearing a prosecution pursuant to the provisions of this bylaw.
3. When making the determination during a trial as to whether a particular premises or property constitutes an “Untidy and Unsightly Premises or Property” the Court’s considerations shall include any admissible evidence as to:
 - a) The general condition and state of tidiness of the neighboring or surrounding premises or properties; and
 - b) The location and permitted use of the Premises or property and whether or not the premises or property is located within a Residential Development; and
 - c) The period of time the premises or property has been in the state complained of; and
 - d) Whether or not the premises or property is undergoing construction or renovation, and the period of time that such activity has been ongoing; and
 - e) Any other circumstances of factors relating to the premises or property which the court deems are relevant to the said determination.

202. Appliances, Refrigerators and Freezers

1. No owner or occupant of a premises shall allow a refrigerator or freezer to remain on the exterior of the premises without first ensuring that the hinges and latches, or lid or doors of the unit have been removed unless authorized by the Town;
2. Without limiting the generality of Section 202(1), measures considered to be effective may include: complete removal of the door of the appliance; the removal of the door handle mechanism if this prevents opening and closing of the door; the removal of the door hinges; locking the appliance; or otherwise wrapping or containing the appliance so that the interior is inaccessible.

203. Boulevards

1. An owner or occupant of a premises shall maintain any boulevard adjacent to the premises or property by:
 - a) keeping any grass on the boulevard cut to a length of no more than 15 cm;
2. removing any accumulation of fallen leaves or other refuse or debris; and Subject to obtaining written permission from the Municipality, any owner who chooses to utilize any landscaping material other than natural grass (e.g. crushed rock, mulch, artificial turf, hard- surfacing, plantings, etc.) in the boulevard or any other publicly owned premises or property adjacent to their premises or property assumes responsibility for all maintenance of such landscaping material and the repair of damage to such landscaping material, regardless of cause.
3. Notwithstanding the above, if the Municipality is responsible for the damage due to the repair of public utilities, the Municipality will only cover the cost to repair the damage with natural grass.

204. Commercial Vehicle

1. No owner or occupant of a premises shall keep in any part of any yard within any residential premises or property any vehicle that is registered for commercial use, loaded or unloaded, of a gross vehicle weight in excess of 5,000 kg. for longer than is reasonably necessary to actively load or unload the vehicle.
2. Commercial vehicles with a town approved trucking permit are exempt from this bylaw provided they are following the conditions of the permit as per the Traffic Control Bylaw 570-R-11-06.

205. Construction of Premises or Property

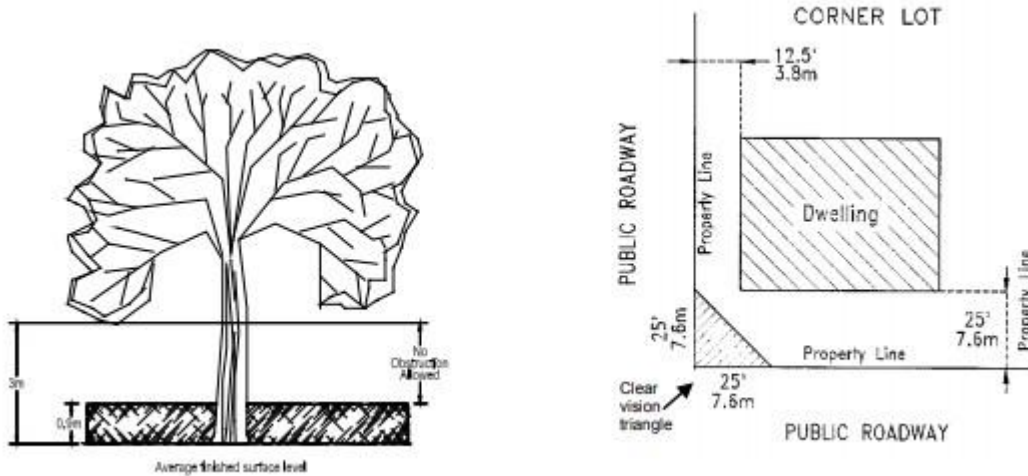
1. An owner or occupant of a premises or property under construction shall ensure that building materials or debris on the premises or property are removed or contained and secured in such a manner that prevents such building material or debris from being blown off or scattered from the premises or property;
2. No person shall keep or permit in any part of a premises or property, an excavation or debris during construction or renovation unless said excavation is properly secured or debris is stored in a container and removed within a reasonable period of time of being filled or required to complete the stage of renovation or construction, unless said excavation or debris is allowed pursuant to the Land Use Bylaw;

3. Upon such container being filled, it must be completely secured in such a manner so that no portion of the load can escape, blow, drop, spill, or fall onto a highway or premises or property adjacent thereto. It must then be transported to an appropriate location designated for the disposal of such building materials or debris; or,
4. An owner or 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 street, sidewalk or any premises or property owned by the Municipality or other landowners without written permission from the municipality to do so.

206. Control of Weeds and Unmaintained Vegetation on Premises or Property

1. An owner or occupant of a premises shall, with the exception of farmland or natural grasslands or natural municipal sanctioned grasslands or garden projects:
 - a) cut, mow, or carry out measures designed to inhibit propagation of nuisance or noxious weeds on the premises or property that is infested with weeds;
 - b) cut, mow or carry out measures designed to inhibit propagation of uncontrolled grass or other vegetation on the premises from May 1st through to October 31st to ensure it does not exceed 15 cm in height;
 - c) prune any and all trees or shrubs that interfere with any public utility or public works, traffic control devices or curb sight lines, that are/or could be a public safety hazard, including lines, poles, conduits, pipes, sewer or other works of the Town of Coaldale or utility company on their premise or property;
 - d) No owner or occupant of private property shall allow any vegetation overhanging a sidewalk, boulevard, roadway or alley, or to reach a height no less than three (3) meters above the sidewalk, boulevard, roadway or alley.
 - e) destroy the restricted weed if specified by a Peace Officer or Weed Inspector pursuant to the *Weed Control Act*, Statutes of Alberta 2008 Chapter W-5.1 and amendments thereto; or,
 - f) carry out other measures as prescribed by a Peace Officer or Weed Inspector pursuant to the *Weed Control Act*, Statutes of Alberta 2008 Chapter W-5.1 and amendments thereto.
 - g) Clear vision triangle for corner lots (all uses) – on a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner

as to materially impede vision between a height of 0.9 m and 3.0 m above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and line joining points along the said property lines 7.6 m from the point of intersections. This restriction may apply in the commercial district at the discretion of the Designated Officer or Development Authority.



207. Graffiti, Flyers and Refuse

1. An owner or occupant of a premises or property shall ensure that loose refuse or debris are collected and contained on the premises or property so that they do not escape onto adjacent or other neighboring properties;
2. An owner or occupant of a premises or property is responsible for papers and flyers on their premises or property regardless of whether they solicited for the delivery of these papers or flyers;
3. No person shall deposit commercial flyers on a premise or property where sign(s) or notice(s) have been posted and are clearly visible at the entrance to a dwelling unit indicating that such material is not wanted;
4. No person shall create or apply graffiti and every owner or occupant of a premises or Property shall ensure that any graffiti placed on their premises or property is removed, painted over, or otherwise permanently blocked from public view;
5. Notwithstanding Section 207(4), street painting, graphic art, street art, murals and other similar art work on buildings, specified areas and on sidewalks may be allowed where sanctioned and authorized by the Municipality in accordance with any applicable bylaws of the Municipality including any relevant provisions of the Land Use Bylaw; or, made with the consent of the

owner of the Premises or Property, the onus of proving the owner's consent rests with the person relying on consent.

208. Motor Vehicles

1. 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 complaints from the neighborhood;
 - b) there is no escape of offensive, annoying, or noxious odors, 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 and disposed of from the premises; and
 - e) the activity is routine maintenance work done on any Motor Vehicle, provided that all building and fire code regulations are met.
2. No owner or occupant 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.
3. No owner or occupant of a premises shall allow the accumulation of any junked vehicles.
4. No owner or occupant of a premises shall park or store a Motor Vehicle, Recreational Vehicle, trailer, ATV, snowmobile or boat in the front yard of a premises and wholly or partially on turf, lawn, or dirt.
5. No owner of an undeveloped lot shall park or allow to be parked any motor vehicle, recreational vehicle, trailer, ATV, snowmobile, boat or the trailers used to convey the snowmobile or boat, on the underdeveloped lot until such time there appears on the lot a principle building as per the conditions of the Land Use Bylaw.

209. Obligation to Maintain Property

1. Any structure shall be kept in Good Repair and shall be free from health and fire hazards.

2. In the event that an Owner or Occupant neglects to repair or maintain a damaged or deteriorating Fence, the Town may require the Owner of the subject Premises to repair, rehabilitate or replace their portion of fence through the enforcement of this bylaw. The maintenance and/or replacement of any Fence shall be the sole responsibility of the Owner.
3. The owner, agent, lessee, or occupant of a premise shall prevent stagnant water from remaining on any such Premises and becoming a breeding place for mosquitoes or other Pests.
4. Once a Rear-yard to Rear-yard Fence has been constructed by a subdivision developer to the Town's satisfaction, it shall become the property of the Owner of the lot or lots upon which it is situated, and maintenance shall be the responsibility of the respective Owner. Any maintenance, repairs shall be done to meet its original design.
5. No owner or occupant of a premises shall permit any excavation, depression, drain, ditch, watercourse, pond, surface water, refuse or other matter of thing upon private land, street, road, or in or about any building to be or to remain a Nuisance or danger to public health or safety.
6. With respect to eaves troughs and downspouts:
 - a) an owner or occupant of a premises shall direct any rainwater downspout or eaves trough on the Premises towards the front or rear of the premises or a side yard which does not abut another Premises unless it is pre-existing, otherwise authorized or would be considered unreasonable or impractical to change.
 - b) no owner or occupant of a premises shall allow a flow of water from a hose or similar device, rain water, downspout or eaves trough to be directed over a public sidewalk so as to be a hazard to any person.
7. Every Person, Owner, or Occupant of a Premises shall ensure the following areas are maintained in Good Repair;
 - a) Fences, and their Structural Members; and
 - b) Structures including:
 - i. foundations and foundation walls;
 - ii. exterior walls and their components;
 - iii. roofs;
 - iv. windows and their casings;

- v. doors and their frames;
- vi. protective and decorative finishes of all exterior surfaces; and
- vii. exterior stairs, landings, porches, balconies and decks.

210. Unoccupied Buildings

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

211. Recreational Vehicle

1. No person shall park any Trailer (whether designed for occupancy by persons or for the carrying of property or equipment) upon any Highway unless said trailer is attached to a vehicle, by which it may be propelled or drawn and when so attached, the Trailer shall be deemed part of the vehicle and subject to the laws and regulations pertaining to vehicles.
2. Notwithstanding subsection 1, a recreational vehicle that needs to be attached to a vehicle for its transportation, except truck campers, may be parked unattached to a vehicle from Victoria Day to Thanksgiving Day, as long as the parking of the unattached recreation vehicle meets the criteria set forth subsection 3.
3. An owner or operator of a recreational vehicle for which its registration shows a Town of Coaldale address shall not park the recreation vehicle on a street in the Town, except:
 - a) in the area of the street immediately adjoining the owner or operator's primary place of residence, and;
 - b) for more than seventy-two (72) consecutive hours following which the owner or operator shall move the recreation vehicle to an off-street

location for a period of not less than forty-eight (48) consecutive hours before the recreation vehicle may be parked again in the same area of the street immediately adjoining the owner or operator's primary place of residence.

4. An owner or operator of a recreational vehicle for which its registration shows a non-Town of Coaldale address shall not park the recreational vehicle unattached on a street in the Town.
5. An owner or operator of a recreational vehicle that is parked on a street shall not have, if so equipped, its slide outs or trailer stairs open to extend into the street or over a sidewalk.
6. An owner or operator of a recreational vehicle shall not live in or allow another to live in the said recreational vehicle while parked on a street.
7. No owner or occupant of a premises or property shall have more than one (1) Recreational Vehicle parked on the premises or property ensuring that:
 - a) the Recreational Vehicle shall not be used as a dwelling unit; and
 - b) is located on a hard-surfaced parking area as defined in the Land Use Bylaw and is not overhanging the sidewalk or curb.

212. Sidewalk (Snow Removal)

1. A person shall maintain any sidewalk adjoining and adjacent to land they own or occupy and clear of any dangerous condition caused by snow or ice within 24 hours from which the dangerous condition was formed.
2. For the purpose of greater certainty, a dangerous condition with respect to snow and ice accumulation means a condition that, a Peace Officer has reasonable grounds to believe, may cause someone to slip, trip or fall.
3. No person shall remove snow or ice from any sidewalk or property by causing such material to be placed upon the Town of Coaldale property, other than the adjacent boulevard they occupy.
4. Notwithstanding Section 212(3), where any portion of a building abuts a sidewalk, a person may clear snow or ice onto the side of the road, but only in a manner so as to avoid causing a dangerous roadway condition or obstruction.
5. Where possible, any cost incurred by the Town of Coaldale while acting in accordance with Section 212(6) is the responsibility of the owner or occupant of a premises or property and may be added to the tax roll respecting the referenced property.

6. If a person:
 - a) fails to remove the snow or ice from the sidewalk as required in Section 211(1) or;
 - b) permits or causes the snow or ice to be placed upon Town of Coaldale property in contravention of Section 211(3), the Town of Coaldale may cause the removal of that snow or ice.

PART III - PUBLIC BEHAVIOR

301. Littering

1. No person shall leave, place, deposit or throw upon any public place any refuse or debris except in a receptacle designated and intended for such use.
2. A person who has left, placed, deposited or thrown any matter mentioned in Section 301(1) upon any public place shall forthwith remove it.

302. Charity Collection Sites

1. No Person shall dump or deposit household garbage or other litter at a charity collection site.
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.

303. Urination and Defecation

1. No person shall urinate or defecate in public except in a facility designed and intended for such use.

304. Fighting

1. No person shall participate in a fight which a Peace Officer has reasonable grounds to believe is a physical or verbal confrontation in any public place or anyplace to which the public reasonably has access; this prohibition does not apply to participants of an organized sporting event who are governed by the rules of conduct of that sporting event.

305. Panhandling

1. No person shall engage in panhandling.

306. Discharge of a firearm and other projectiles

1. No person shall discharge, cause to be discharged or permit to be discharged a firearm within the limits of the Town.
2. No owner or occupier of a property shall permit the discharge of a firearm on the property that they own or occupy, except as provided for in this bylaw.
3. Despite the provisions of Section 306(1) of the bylaw, nothing in this bylaw shall serve to prohibit the discharge of a firearm;
 - a) by a member of the R.C.M.P. or any other police officer during the performance of his/her duties as a police officer;
 - b) by an animal service officer during the performance of his/her duties as an animal control officer;
 - c) by a Town employee or Town's contractor during the performance of his/her duties for animal control;
 - d) a participant of an organized sporting event who is governed by the rules of conduct of that sporting event or a member of a recognized organization that promotes the instruction and safe handling of firearms.
4. No person, within the Town of Coaldale, shall use a type of slingshot commonly referred to as a "wrist rocket".

307. Curfew

1. No child shall be in a public place within the corporate limits of the Town of Coaldale after the hour of 11:00 pm on any day and before 6:00 am on the following day without Proper Adult Guardianship or a legitimate reason.
2. Any child who is found in a Public Place after 11:00 pm and before 6:00 am without Proper Adult Guardianship or legitimate Reason will be warned to go home by a Peace Officer.
3. Any child who is found in a public place after 11:00 pm and before 6:00 am without Proper Adult Guardianship or legitimate Reason is guilty of an offence.
4. Any guardian whose child is in a public place after 11:00 pm and before 6:00 am without proper adult guardianship or legitimate reason is guilty of an offence for lack of supervision.
5. Any child, to whom this Bylaw applies, found in a public place within the Town of Coaldale during the hours specified in Section 307(4), without proper guardianship may be warned to go directly home by a peace officer. If after such warning the said child refuses or otherwise thwarts the directive to go home, the Peace Officer may take further actions, including escorting the child home.

308. Fireworks

1. Except with an approved fireworks permit, no person shall have in his possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off any fireworks.
2. The Fire Chief or his designate may grant a Fireworks Permit to any society or organization within the Town of Coaldale for the purposes of setting off any fireworks of any description for a fee of TWENTY-FIVE DOLLARS (\$25.00) provided the permit issued is in accordance with this bylaw, the Alberta Fire Code, Safety Codes Act or any other regulations applicable thereto.

PART IV – NOISE

401. Provisions, Infractions and General Abatement Provisions

1. No person shall make, continue or cause, or allow to be made or continue any loud, unnecessary, or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace, or safety of other persons within the limits of the Town of Coaldale.
2. No person shall allow property they own or control to be used so that there originates from the property any loud, unnecessary, or unusual noise that disturbs the comfort or the repose of other persons in the vicinity of such property or generally within the limits of the Town of Coaldale.
3. Except to the extent permitted by the Bylaw, no person shall:
 - a) cause excessive noise within the Town of Coaldale;
 - b) operate or permit any other person to operate within the Town of Coaldale a motor vehicle that causes noise;
 - c) operate or permit any other person to operate within Town of Coaldale an off-highway vehicle that causes noise;
 - d) operate or permit any person to operate within Town of Coaldale any vehicle or equipment contrary to the *Traffic Safety Act*, Revised Statutes of Alberta 2000 Chapter T-6 and amendments thereto;
 - e) allow a domestic animal, which by reason of barking, howling, crying, screeching or other similar noise, to disturb a person in the vicinity of his home.

402. Determination of unreasonable sound

1. In determining if a sound is reasonably likely to disturb the peace of others, the following criteria may be considered:
 - a) Type, volume, and duration of the sound;
 - b) Time of day and day of week;
 - c) Nature and use of the surrounding area; and,
 - d) Any other relevant factor, such as multiple complaints.

403. Vendors

1. No person shall ring bells or knock-on doors to advertise the sale of goods and services in a residential area between the hours of 8:00 pm and 9:00 am.

404. Operation of Equipment

1. No person shall operate a power lawn mower, a snow removal device, or motorized model toy or any other power tool or mechanical device in a residential district between the hours of 11:00 pm and 7:00 am Monday thru Friday; Saturday and Sunday between the hours of 11:00 pm and 9:00 am. Any such equipment must be properly maintained, operated in a normal manner for that type of equipment, and the noise must be temporary and intermittent in nature. Where an activity which is not specifically prohibited by any federal, provincial or municipal law or regulation or statute; including this Bylaw and which involves creating or making a sound which:
 - a) is or may become; or, creates or produces or may create or produce noise,
 - b) a person engaging in such activity shall do so in such a manner as to create as little sound as practicable under the circumstances.

405. Construction

1. No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site between the hours of 11:00 pm and 7:00 am Monday thru Friday; Saturday and Sunday between the hours of 11:00 pm and 9:00 am.

406. Sound Amplifying Equipment

1. No person shall operate sound amplifying equipment from any premises, park, or other public space so as to unduly disturb residents of the Town of Coaldale.

407. Noise Exemptions and Allowances

1. A person may make a written application to the CAO for a special permit allowing for noise or sound levels that would otherwise violate this Bylaw.
2. Any application made pursuant to this section must be made at least five (5) business days prior to the proposed activity and must contain the following information pertaining to the work or activity for which the exemption is sought:
 - a. the name, address, and telephone number of the applicant;
 - b. the address of the site;
 - c. the building permit number (if applicable);
 - d. a description of the source(s) of noise and sound levels;
 - e. the period of time that the exemption is desired;
 - f. the applicant's reason(s) why the exemption should be given; and,
 - g. a statement of the measures that will be taken to minimize the noise or sound levels.

408. The CAO May In Their Sole Discretion;

1. Waive any requirement of Part IV (Noise);
2. Issue the special permit where a Peace Officer determines that circumstances make it impractical for the applicant to comply with this Bylaw;
3. Revoke any special permit that has been issued where a Peace Officer or the R.C.M.P. determine the applicant has not taken sufficient measures to minimize the noise of sound levels; or,
4. Impose any conditions on the issuance that a Peace Officer or the R.C.M.P. considers appropriate.

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

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

1. the noise is generated pursuant to work done in the normal manner to the industry;

2. the noise is not generated between the hours of 11:00 pm and 7:00 am; Monday thru Friday; Saturday and Sunday between the hours of 11:00 pm and 9:00 am; and
 3. all necessary federal, provincial and municipal permits, licenses, and approvals have been obtained and the work is not contrary to any federal, provincial or municipal laws, statutes, or regulations.
- 411.** Notwithstanding the Operation of Equipment Section, a person may at any time unload a vehicle containing:
1. fresh fruit, produce and perishable merchandise including milk, milk products and baked goods, meat or;
 2. daily or weekly newspapers delivered to vendors;
 3. Canada Post deliveries;
 4. banking deliveries; and
 5. commercial merchandise either within the truck route or off of the route.

412. Coaldale Sanctioned Activities

1. Activities of employees, servants, contractors and agents of the Town of Coaldale while acting in the course of their employment and duties are exempt from the provisions of this Bylaw. This provision includes, but is not limited to, activities such as snow removal, street cleaning and community special events.
2. Activities of persons operating domestic equipment including without restricting the generality of the foregoing; lawn mowers, snow blowers, garden tillers, hedge trimmers, weed trimmers, and air blowers (gas or electric), and persons owning or controlling property upon which such equipment is used if the noise is of a temporary or intermittent nature, the equipment is properly maintained and operated in a normal manner for that type or equipment; and the noise occurs between the hours of 7:00 am and 11:00 pm. Monday thru Friday and Saturday and Sunday between the hours of 9:00 am and 11:00 pm.

413. Emergencies

1. Any person performing work of an emergent nature for the preservation or protection of public safety, life, health, or property, may be exempt from this Bylaw. The onus will be on the person performing the work to demonstrate that the work was of an emergent nature to the satisfaction of a Peace Officer. This includes those acting in "good will".

414. Relaxations

1. Notwithstanding the General Abatements Section, a person may operate a snow clearing device powered by an engine for the purpose of commercial, industrial and institutional removal of snow and ice from streets, parking lots and sidewalks during the 48-hour period following a snowfall, rain or freezing rain, subject to the right of the CAO to withdraw this relaxation on a site-specific basis.

PART V – FIRES

501. FIRE ON PREMISES

1. For the purposes of this Part:
 - 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.
 - d) This section does not apply to fire pits that are fueled by natural gas or propane.

- 502. General Prohibition.** Except for a fire which is allowed by the Fire Chief or his designate, no Person shall burn, or allow to be burned, a fire on a Premises that does not comply with the requirements of this Bylaw.

Exemption: Effective April 12, 2021, annexed lands with approval of a Town of Coaldale Burning Permit issued by the Fire Chief or designate, shall allow open burning outside of Item 506, until ANY new developments (Primarily Residential) are approved within their respective 1/4 section of land in accordance with the Town of Coaldale Annexation Map. Area C and B on the TOC Annexation map will be considered ONE area.

Please note the Burning Permit referenced in this section can be found in Appendix A of this Bylaw and is for information purposes only and does not form part of this Bylaw.

Upon declaration of a Fire Ban issued by the Town of Coaldale, all burning is prohibited and all Burning Permits are invalid. Any person who ignites or allows to burn a fire while a Fire Ban is in effect may be found in violation of this Bylaw and subject to penalties as described in Fees and Rates Bylaw.

503. Restrictions Applying to All Fires Allowed Pursuant to This Bylaw

1. No Person shall burn, at any time, on any Premises, the following materials:
 - a) treated or painted lumber;
 - b) lumber products containing glue or resin;
 - c) wet or unseasoned wood;
 - d) leaves, brush or yard waste;
 - e) garbage;
 - f) rubber, tires or plastic; or
 - g) any animal carcass or part thereof.
2. No Person shall ignite or allow a fire to burn on a Premises between 1:00 am and 10:00 am.

504. Fires in Fireplaces. A Person may build, ignite or allow a fire on a Premises in an outdoor Fire Place, as long as that Person complies with Sections 503 and 504 of this Bylaw.

505. Fires in fire pits

3. A Person may build, ignite, or allow a fire on a Premises in a Fire Pit as long as that Person ensures that the fire is contained in a Fire Pit that:
 - a) is constructed of non-combustible material;
 - b) has an open flame area that does not exceed 1 meter at its widest point;
 - c) does not have walls which exceed 0.75 meters in height measured from the floor of the Fire Pit to the top of the wall of the Fire Pit excluding any chimney;
 - d) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
 - e) is situated at least 3 meters from any house, garage or similar structure including wooden decks, porches and similar amenity space attached to a structure measured from the part of the Fire Pit which is closest to the structure or amenity space;

- f) is situated at least 3 meters from any other combustible material measured from the part of the Fire Pit which is closest to the combustible material; and
 - g) is not located directly under any tree, overhanging branches or combustible material.
4. Notwithstanding subsection 506(1)(e), a Person may build, ignite or allow a fire in a Portable Fire Receptacle on a wooden deck as long as that Person ensures that:
- a) a non-combustible material such as brick or stone is placed between the Portable Fire Receptacle and the wooden deck, which extends 450mm in all directions beyond the receptacle measured from the outside edges.
 - b) the Portable Fire Receptacle is situated at least 3 meters from any house, garage, similar structure or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
5. Every Person who builds, ignites or allows a fire in a Fire Pit must ensure that:
- a) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - b) the flames from the fire do not exceed 1 meter in height at any time;
 - c) the fire pit must have a metal mesh grate with openings no more than 6mm;
 - d) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.

506. Powers of The Fire Department. If, in the opinion of a Peace Officer or member of the R.C.M.P., or in the sole opinion of a member of the Fire Department, a fire poses a danger or does not comply with the requirements of this Bylaw, a member of the Fire Department may extinguish the fire and take any other steps that member of the Fire Department deems necessary to ensure that the fire and site of the fire no longer pose a danger. Any costs associated to extinguishing the fire will be charged to the home owner of the premises on which the fire was extinguished.

507. Powers of the Peace Officer and Fire Chief

6. Notwithstanding any other provision in this Bylaw, the Fire Chief may, in his sole discretion, issue an order that prohibits a Person from building or igniting a fire in a Fire Pit or Portable Fire Receptacle on a Premises.

7. No person shall contravene an order of the Peace Officer or Fire Chief that prohibits building or igniting a fire in a Fire Pit or Portable Fire Receptacle.
8. The Peace Officer or the Fire Chief may, in either's sole discretion, withdraw an order issued under subsection (1).

PART VI - INSPECTION AND ORDER TO REMEDY

601. Inspections. A Peace Officer, a Medical Officer of Health, a Building Inspector or person(s) as designated by the CAO are hereby authorized in accordance with Section 542 of the *Municipal Government Act* to enter into any premises or property other than a dwelling unit after giving reasonable notice to the owner of the premises or property to be inspected; and to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw.

602. A Peace Officer, when investigating an alleged contravention of this Bylaw, is hereby authorized to enter upon any premises or property other than a dwelling unit, to inspect for conditions that may contravene the provisions of this Bylaw. A Peace Officer may thereafter issue a verbal or written order to the owner to remedy any condition(s) of the subject premises or property that have been found to be in contravention of this Bylaw.

603. If a person refuses to allow or interferes with the entry, inspection, enforcement or action referred to in Sections 601 or 602 or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in Sections 601 or 602, the Municipality may apply to the Court of Queen's Bench for an order under Section 543(2) of the *Municipal Government Act*.

604. Orders to Remedy

1. Where premises or property are found to be in violation of any provisions of this Bylaw, the Peace Officer may in accordance with Section 546 of the *Municipal Government Act* issue a written order to the owner of the premises or property to remedy the condition on the premises or property which violates this Bylaw.
2. Without limiting the powers under Sections 604(1) and 604(2), an order written pursuant to Section 604(1) may:
 - a) require the owner of a structure in disrepair to eliminate the danger to public safety in the matter specified, or remove and demolish the structure and level the site after obtaining all required permits;
 - b) require the owner of the premises or property that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;

- c) require the owner of the premises or property to relocate or remove any vehicle, including recreational vehicles and junked vehicles, that does not comply with this bylaw in the manner specified in the order;
 - d) require the owner of the untidy and unsightly premises or property or that creates a nuisance to improve the condition of the premises or property in the manner specified in the order or if the premises or property is a structure, to remove or demolish the structure and level the site; and/or
3. The Peace Officer shall give not less than seven (7) days from the date of the notice being issued for compliance with the notice. During this period for compliance, a person may appeal the notice with the appeals section of this Bylaw.
4. An order written pursuant to Section 604(1) may:
- a) direct a person to stop doing something, or to change the way in which the person is doing it;
 - b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
 - c) state a time within which the person must comply with the directions;
 - d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person;
 - e) require the owner, lessee, occupant of the premises or property to remove graffiti that is in an unsightly or nuisance condition to improve the appearance of the premises or property in the manner specified in the order.

605. Service of an Order to Remedy

An Order to Remedy by a Peace Office shall be deemed to be sufficiently served if:

- a) served personally on the individual or corporation named in the order;
- b) mailed to the last known address of the registered owner of premises or Property as it appears on the Town of Coaldale Tax records or to the person concerned;
- c) it is left with a person apparently over the age of 16 years at the place of

abode of the person to whom the notice is addressed;

- d) it is posted in a conspicuous place on the premises or property referred to on the order; or,
- e) in the opinion of a Peace Officer, service of the written order cannot be reasonably affected, or if the Peace Officer believes that the owner of the premises or property is evading service, the Peace Officer may post the written order in a conspicuous place on the premises or property to which the written order relates, or on the private dwelling place of the owner of the premises or property, and the written order shall be deemed to be served upon the expiry of three (3) days after the written order is posted.

606. Failure to Comply with an Order to Remedy

1. When an owner fails to remedy a contravention of this bylaw within the time allowed in an order to remedy issued under Section 504(1) of this Bylaw, the Town of Coaldale may exercise its powers under Sections 546.1, 549 or 550 of the *Municipal Government Act* in its discretion, including but not limited to entering upon the premises or property to perform or complete the work necessary to remedy the violation of this Bylaw. The costs incurred by the Town to remedy the violation, as well as any applicable fines under this Bylaw, will be billed to the owner and will be amounts owing to the Town. If the costs are not paid in the time specified by the Town of Coaldale, the costs may be charged against the premises or property as a special assessment to be recovered in the same manner as other taxes and in accordance with Sections 553, 553.1 or 553.2 of the *Municipal Government Act*.
2. Every person who fails to comply with a written order issued pursuant to this section within the time set out in the written order commits an offence.
3. In addition, any owner, agent, lessee or occupier of any premises or property within the Municipality who fails to comply with Part II of this Bylaw will be liable for fines listed in Fees and Rates Bylaw.
4. If the municipality sells all or a part of a structure that has been removed under 606(1), the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the person entitled to them.
5. The imposition of a violation ticket or summary conviction in court shall not relieve any person so fined of any costs incurred in having work performed by the Municipality or agents of the Municipality where authorized by this Bylaw.
6. The municipality may register a caveat under the *Land Titles Act*, Revised Statutes of Alberta 2000 Chapter L-4 and amendments thereto, in respect to an order made under Section 505(1) dealing with a dangerous structure,

excavation or hole or untidy and unsightly premises or property against the certificate of title for the land that is the subject of the order.

7. If a municipality registers a caveat under Section 606(7), the Municipality must discharge the caveat when the order has been complied with or when the Municipality has performed the actions or measures referred to in the order.
8. When a structure is being constructed in contravention of this bylaw, a contravention of this bylaw is of a continuing nature, or any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by this bylaw, in addition to any other remedy and penalty imposed by this bylaw, the Municipality may apply to the Court of Queen's Bench for an injunction or other order.
9. Any items of value, in the opinion of CAO and the Peace Officer, removed pursuant to Section 606(1), will be removed to a place of safekeeping and will:
 - a) be subject to a daily fee for storage costs; and
 - b) if unclaimed within ninety (90) days of removal, will be sold or disposed of at the discretion of the Municipality.

607. Emergencies

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

608. Appeals

1. A person who receives a written order to comply with a section pursuant to this Bylaw may by written notice; request Council to review the order within fourteen (14) days after the date the order is received.
2. After reviewing the order, Council may confirm, vary, substitute or cancel the order.
3. Notwithstanding Sections 608(1) and 608(2), this subsection does not apply to violation tickets written by a Peace Officer.
4. If a person considers himself aggrieved by a decision under Section 608(2), he may appeal the decision by originating Notice to the Court of Queen's Bench:

- a) in the case of an appeal of an order under section 545 of the *Municipal Government Act*, within 30 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision, and;
 - b) in the case of an appeal of an order under section 546 of the *Municipal Government Act*, within fifteen 15 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision.
5. For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

PART VII- POWERS OF PEACE OFFICERS AND PROSECUTION

701. General Penalty Provisions

- 1. Any person that contravenes any provision of this Bylaw is guilty of an offence.
- 2. Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00, and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.
- 3. Without restricting the generality of Section 701(2), the fine amounts established for use on Violation Tickets if a voluntary payment option is offered are as set out in Fees and Rates Bylaw.

702. Municipal Violation Tags and Violation Tickets

- 1. A Peace Officer is hereby authorized and empowered to issue a Municipal Violation Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 2. A Municipal Violation Tag may be served:
 - a) personally, to the accused; or
 - b) mailed to the address of the owner as registered with the Town of Coaldale.
- 3. Where a contravention of this Bylaw is of a continuing nature, further Municipal Violation Tags may be issued by a Peace Officer.

4. A person to whom a Municipal Violation Tag has been issued may pay the penalty specified on the Municipal Violation Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
5. Where a Municipal Violation Tag has been issued and the penalty specified on the Municipal Violation Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto.
6. Notwithstanding Section 702(6), a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
7. A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto.
8. The Municipal Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - a) the name of the person to whom the Municipal Violation Tag is issued, if known;
 - b) a description of the offence and the applicable Bylaw section;
 - c) the appropriate penalty for the offence as specified in Fees and Rates Bylaw;
 - d) that the penalty shall be paid on or prior to the prescribed due date in order to avoid prosecution;
 - e) and any other information as may be required by the Chief Administrative Officer.
9. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - a) specify the fine amount established by this Bylaw for the offence in Fees and Rates Bylaw; or;
 - b) require a person to appear in court without the alternative of making a voluntary payment.
10. A person who commits an offence may:
 - a) if a Violation Ticket is issued in respect of the offence; and

b) if a Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment equal to the specified fine.

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

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

704. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

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

706. If any section or part of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

707. This Bylaw 830-R-09-21 rescinds the following bylaw:

Bylaw 810-R-04-21

Community Standards Bylaw 830-R-09-21 shall come into force when it receives THIRD and FINAL reading and is duly signed.

READ a FIRST time this 27th day of September, 2021, for Community Standards Bylaw 830-R-09-21.

Mayor – Kim Craig
Motion # 338-2021

CAO – Kalen Hastings

READ a SECOND time this ____ day of _____, 2021, for Community Standards Bylaw 830-R-09-21.

Mayor – Kim Craig
Motion #

CAO – Kalen Hastings

READ a THIRD and FINAL time this ____ day of _____, 2021, for Community Standards Bylaw 830-R-09-21.

Mayor – Kim Craig
Motion #

CAO – Kalen Hastings

Town of Coaldale Burning Permit

Appendix A is an addition to Amending Bylaw #741-R-06-18.

THIS PERMIT IS ISSUED UNDER THE AUTHORITY OF THE TOWN OF COALDALE BYLAW #725-R-03-17. A BURNING PERMIT IS REQUIRED UNLESS PART 506 OF BYLAW #725-R-03-17 CRITERIA IS MET.

C.D.E.S Office Use Only

Permit Number Issued: _____

Date Issued: _____

Permit Expires: _____

Information collected on this Burning Permit is protected under the Freedom of Information and Protection of Privacy Act and Regulation. May 2018

SECTION 1 PERMIT HOLDER S OBLIGATIONS

- This permit is not valid until approved by the Town of Coaldale Fire Chief or Designate and a permit number, date issued and permit expiry date are written in the top right-hand corner. If a site inspection is required, additional conditions may be imposed prior to the issuance of this burning permit. This permit must be retained by you and you must be able to produce this permit upon the request of an authorized officer at any time during the duration of the fire. Failure to retain this permit will be deemed to be a breach of the conditions of permit.
- Applicant will not burn items listed in Section 504 of Bylaw #725-R-03-17
- THE PERMIT HOLDER MUST PROVIDE THE CITY OF LETHBRIDGE PUBLIC SAFETY COMMUNICATIONS CENTRE WITH THE PERMIT NUMBER AND THE TIME AND ESTIMATED DURATION OF THE BURN BY CALLING 30 MINUTES PRIOR TO IGNITION AND ONCE ALL BURNING IS COMPLETE. CALL 403-329-1225**
- AT THE TIME OF BURNING AIR TEMPERATURE IN °CELSIUS SHALL NOT EXCEED THE % OF RELATIVE HUMIDITY. WIND SPEED (INCLUDING GUSTS) SHALL NOT EXCEED 20KPH. Environment Canada Weather, Current Conditions for Lethbridge Alberta shall be the source for weather information www.weather.gc.ca.**
- To better understand your obligations please contact our Fire Dept office at 403-345-1330. To Fax or email your Permit to the Fire Department - Fax 403-345-1335 or email publicsafety@coaldale.ca

NOTE: Upon the declaration of a Fire Ban your permit is revoked. If your fire is actively burning you must take immediate steps to extinguish it.

SECTION 2 PERMIT HOLDER (MUST BE A PERSON) AND FIRE DESCRIPTION

Given Name: _____

Surname: _____

Mailing Address: _____

Tel: _____

Email: _____

Cell: _____

BURN LOCATION: Legal Land Description: NW NE SW SE SEC TWP RGE or Municipal/Town Address: _____

DESCRIPTION OF MATERIAL TO BE BURNED: - Items answered as "Yes" in the following section may require inspection and approval prior to the issuance of permit.

1. Piles of debris or surface areas larger than 10 meters sq.	No	Yes
2. Structures (Will require site inspection and approval)	No	Yes
3. Log piles, mixed debris or large straw bales	No	Yes
4. Stubble Field (burning stubble fields will not be approved)	No	Yes

SECTION 3 PRECAUTIONS Items answered as "No" in the following section will be cause to refuse issuance of the burning permit.

5. Do you understand your obligations under the Town of Coaldale Community Standards Bylaw # 725-R-03-17?	Yes	No
6. Are you in legal control of the lot or parcel of land as herein described?	Yes	No
7. Have you ensured that adequate clearance has been provided from readily combustible materials (example: grass to be mowed) with material(s) to be burned located a minimum of 7.5 m from ANY structure AND 7.5 m from ANY property line?	Yes	No
8. Will the appropriate number of competent individuals be on site for the duration of the burn?	Yes	No
9. Will the appropriate fire extinguishing equipment capable of controlling the fire be available at the burn location?	Yes	No
10. Have precautions been taken to assure confinement, intensity and size of said burn and to not create a smoke nuisance or hazard to neighboring properties, persons, roadways or traffic?	Yes	No

SECTION 4 APPLICANTS SIGNATURE AND TOWN AUTHORIZATION

I VERIFY THAT THE INFORMATION GIVEN ON THIS PERMIT APPLICATION IS CORRECT AND A CLEAR REPRESENTATION OF THE FACTS PERTAINING TO THE PROPOSED BURN AT THE LOCATION STATED HEREON. ADDITIONALLY, I VERIFY THAT I HAVE READ AND UNDERSTAND THE CONDITIONS ON THIS PERMIT AND ACCEPT FULL RESPONSIBILITY FOR ANY CONSEQUENCES THAT MAY ARISE AS A RESULT OF THE BURN REFERRED TO IN THIS PERMIT. ANY ADDITIONAL CONDITIONS APPLIED TO THIS PERMIT WILL BE ATTACHED BY THE TOWN FIRE CHIEF OR DESIGNATE AS PER SECTIONS 1 AND 2 AND WILL BE ADHERED TO BY THE PERMIT HOLDER.

Signature of Applicant: _____ Print Name: _____

If applying electronically, I the permit applicant, authorize the e-mail address attached to this electronic application, to stand and represent me as the permit applicant in the absence of my written signature as required above.

Yes

Countersigned by Town Representative: _____

Position: _____

Permit Approved: _____