

TOWN OF PENHOLD

BYLAW NO 799/2021 COMMUNITY STANDARDS BYLAW

Being a Bylaw of the Town of Penhold in the Province of Alberta to prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises and public disturbances.

The Council of the Town of Penhold, in the Province of Alberta, duly assembled, enacts the following:

SECTION 1 - SHORT TITLE:

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

SECTION 2 - DEFINITIONS:

"Alley" means a narrow highway or public thoroughfare, which provides a secondary means of access to a lot or lots, intended chiefly to provide access to the rear of buildings and parcels of land;

"Assault" means the act of inflicting physical harm or unwanted physical contact upon a person or a threat or attempt to commit such an action;

"Boulevard" means:

- a) that part of a highway that is not a roadway; and
- b) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians, and includes the undeveloped road allowance adjacent to a laneway;

"Building" means any structure used or intended for supporting or sheltering any use or occupancy;

"Bullying" means:

- a) verbal or physical abuse;
- b) threats, taunts, teasing, name calling or abusive communication, direct or through any medium whatsoever;
- c) intended to intimidate, humiliate, ridicule, isolate or which is likely to cause physical or emotional distress;

"Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Town pursuant to the *Municipal Government Act*, R.S.A 2000, c. M-26, to enforce Town Bylaws, and includes a member of the Royal Canadian Mounted Police and, when

authorized, a Community Peace Officer appointed under the *Peace Officer Act*, R.S.A. 2006, c. P-3.5;

"Cannabis" means *cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis.*"

"Cannabis Act" means Bill C-45, an Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Sess, 42 Parl, 2017;

"Chief Administrative Officer" means the person appointed to act in the position of Chief Administrative Officer for the Town or a person designated to act on the Chief Administrative Officer's behalf;

"Child" means an individual who is under 12 years of age;

"Council" means the duly elected officials of the Town of Penhold;

"Designated Officer" means the Development Officer, Community Peace Officer or any Manager that the Chief Administrative Officer designates to perform functions within the Town of Penhold;

"Development Authority" means the person, commission or organization authorized to exercise development powers and perform duties on behalf of the Town;

"Electronic Smoking Device" means an electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe;

"Fighting" means a confrontation involving violent physical contact, with blows by fists, arms, legs, feet, external object or other personal violence, between two participants occurring in any public place;

"Fireworks" means fireworks listed in the Explosives Regulations, 2013 SOR/2013-211 and the Alberta Fire Code;

"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;

"Graffiti" means one or more letters, symbols, figures, etchings, scratches, drawings, inscriptions, stickers, stains, or other markings or things however affixed on the surface of any Premises, Structure or other property which includes:

- a) the defacement or disfigurement of any property or object, through the performance of any of the following acts:
- b) the application of any substance, including paint, ink, stain or whitewash to any surface; or
- c) the affixing of any substance, including paper, fabric or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
- d) the marking, scratching, etching or other alteration or disfigurement of any surface;

“Guardian” means the actual parent, guardian or foster parent of a child and shall include any other person, 18 years of age or over, having the care and control of a child;

“Indecent act” means nakedness, sexual or lewd activity in public;

“Land” means the land around and belonging to the whole or any part of the premises and used or intended to be used, or capable of being used in connection with the Dwelling Unit or Building and includes those portions of public lanes or streets normally maintained by residents or non-residents of the adjacent Premises;

“Littering” means knowingly leaving, improperly placing, depositing or throwing of any unwanted item, refuse or debris on any public or private property so as to be a nuisance or health concern;

“Loiter” means to linger aimlessly in or about a place or remain in an area for no obvious reason;

“Minor” means an individual 17 years of age and under;

“Nuisance” means any activity or thing which arises from unreasonable or unlawful use by any person on a premises or property so as to produce an annoyance, inconvenience or discomfort to the public, or to people living, working or pursuing activities in the vicinity of the premises or property. This includes any 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;

“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;

"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;

"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 including the Land Use Bylaw or an order written pursuant to Section 545 of the *Municipal Government Act*, R.S.A. 2000, c. M- 26, and amendments thereto;

"Owner" means a person:

- a) who is registered under the *Land Titles Act*, R.S.A 2000, c. L-4 and amendments thereto as the owner of a parcel of land;
- b) who is recorded as the owner of a premises or property on the tax assessment roll of the Municipality of Town of Penhold;
- c) 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;
- d) 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;
- e) in possession or control of a premises or property under construction;

"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 Fund-Raising Act*, P.S.A. 2000 c. C-9 and amendments thereto;

"Park" (Open Space) means an area of public land, whether in a manicured or natural state, specifically designed or reserved for the enjoyment of the general public, having facilities for rest and/or passive recreation, including trails, playing fields and picnic areas.

"Patio" means an area outside of a building intended for the consumption of food or beverages by patrons of a business providing such food and beverages;

"Peace Officer" means a Community Peace Officer, Bylaw Enforcement Officer, RCMP Officer or other person appointed and authorized by the Town to enforce Bylaws of the Town;

"Person" means any individual, firm, partnership, association, corporation, company or society;

“Playground” means an area of public land that is developed for active outdoor play or recreation use, primarily by children and containing recreational equipment and structures such as slides and swings.

“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, 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;

“Property” means:

- a) in the case of land, a parcel of land including any structures; or,
- b) in other cases, personal property;

“Provincial Offences Procedure Act” means the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, and the regulations thereof, as amended or replaced from time to time;

“Public Place” means any place, including privately owned or leased property, to which the public reasonably has access of right or by invitation or is permitted to have access;

“Public Vehicle” means a bus, taxi or other vehicle that is used to transport members of the public whether on payment of any fee or not;

“Recreational Vehicle” also known as an **RV**, means a vehicle defined in Section 1 of the *Traffic safety Act* that is designed to provide temporary living quarters to be used for travel, recreation, leisure or vacation purposes;

“Resident” means a person, whose primary residence is in the Town of Penhold, and Province of Alberta;

“Seasonal Skating Rink” means an outdoor ice surface on which members of the public are permitted to skate, whether on payment of a fee or not, and includes public lakes, ponds, and outdoor rinks with boards or other ice support infrastructure;

“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 it is paved or not;

“Skate Park” means an area designed and intended specifically for the use of skateboards, inline skates, or similar devices;

"Smoke" or "Smoking" means:

- a) inhaling or exhaling the smoke produced by burning or heating *cannabis* or *tobacco*; or
- b) holding or otherwise having control of any device or thing containing lit or heated *cannabis*; or lit tobacco product;

"Sports Field" means an outdoor area designed and intended for use in a specific sporting event and includes, soccer fields, baseball diamonds, tennis courts and similar areas;

"Structure" includes any Building, utility box, retaining wall, scaffolding, receptacle, mobile home or shed;

"Structural Member" means a support that is a part of any structure or building;

"Tobacco product" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy;

"Town" means the Town of Penhold;

"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:

- a) 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
- b) the whole or any part of any vehicle or vehicles which are not registered with a Motor Vehicle Registry for the current year and which are inoperative by reason of disrepair, removed parts or missing equipment; or
- c) equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances; or
- d) animal material, ashes, building material, refuse or debris as defined in this bylaw; or
- e) any other form of scrap, litter, trash or waste of any kind;

"Vape" or "Vaping" means:

- (a) inhaling or exhaling the vapour, emissions or aerosol produced by electronic smoking device or similar device; or
- (b) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol.

"Youth" means an individual 12 to 17 years of age;



“Water Spray Park” means a structure or collection of structures that spray or release water which is designed and intended for recreational use;

“Weeds” means the definitions found in the *Weed Control Act*, R.S.A 2008 c. W-5.1 and amendments thereto.

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

SECTION 3 – NUISANCE & UNSIGHTLY PROPERTY

(1) Nuisance and Unsightliness for the purpose of this Bylaw includes; any use of, or activity upon any property such that the condition of the property is offensive to any person, or shows signs of disregard for general maintenance and upkeep or is unsightly; or has or may have a detrimental impact upon any person, or other property in the neighbourhood; and without limiting the generality of the foregoing, includes the following:

- a) the failure to maintain grass, weeds, shrubs, trees or other landscaping features incidental to a landscaped area;
- b) the failure to 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 (6 inches) in height;
- c) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
- d) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage, sidewalk or roadway clearance, utility or public work;
- e) the accumulation of any loose litter, feces, garbage or refuse, whether located in a storage area, collection area or elsewhere on the Land;
- f) the storage or accumulation of, or failure to dispose of, discarded or dilapidated furniture or household appliances such as refrigerators, freezers, washers and dryers, etc. loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;
- g) the storage or accumulation of any damaged, dismantled, dilapidated or derelict vehicle or motor vehicle, whether registered or insured or not, on any residential or commercial site, except vehicles that are stored in an approved accessory or temporary building;
- h) the relocation, transportation or moving of dirt, mud or filth from any property within Town in a manner that leaves deposits of dirt, mud or filth on a public highway, sidewalk or path without cleaning it up within 12 hours from deposit of the material.
- i) the failure to remove foul smelling or messy compost heaps;

- j) the storage or accumulation of any material, that creates unpleasant odours, any material that attracts pests, or any animal remains, parts of animal remains or animal feces;
 - k) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of 6 minutes in any one hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by the Chief Administration Officer;
 - l) the generation of excessive dust and permitting such dust to escape from the property;
 - m) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - n) the burning of anything other than dry, untreated, clean wood in a residential wood fireplace or an approved fire pit;
 - o) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
 - p) the failure to fence or secure an excavation, culvert, ditch or other depression so that it does not become a danger to public safety;
 - q) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are dilapidated and in an unsightly condition;
- (2) No person being an owner, agent of the owner, lessee or occupier of any property within the Town shall permit such property, or the activities upon such property to be or remain a nuisance, a safety hazard or an unsightly property.
- (3) **Obligation to Maintain Property:**
- a) No owner or occupant of a premises shall allow a fence or building structure to become a safety hazard and shall be free from health and fire hazards;
 - b) 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;
 - c) 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;
 - d) Any fence that has been constructed by a subdivision developer to the Town's satisfaction 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 registered owner. Any maintenance or repairs shall be done to meet its original design.
- (4) **Permit nuisance, danger or risk to health and safety:**
- a) No owner or occupant of a premise 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.

- (5) Improper drainage of 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 premise 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 onto a neighbouring property or over a public sidewalk so as to be, or become, a hazard to any person.
- (6) Failure to repair or maintain boulevard:
- a) An owner or occupant of a premises shall maintain any boulevard adjacent to the premises or property by:
 - b) Keeping the grass on the boulevard cut to a length of no more than 5 inches;
 - c) Removing any accumulation of fallen leaves or other refuse or debris; and
- (7) Unless written permission is first obtained 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.) on 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.
- (8) 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.
- (9) Construction Waste
- a) Each construction site shall have a waste container to ensure that waste construction materials are placed in the container and completely covered over when not in use to prevent the material from being blown away from the construction site.
 - b) Loose construction material is to be stored on a construction site within a proper containment unit.
 - c) No Person, contractor or sub-contractor shall permit debris such as mud, dirt or clay from a construction site or other property to remain on any highway past end of day on each workday.
 - d) Failure to remove debris will result in fines and potentially clean-up costs incurred by the Town for removal of the refuse material. If the cost of such work against the owner(s) or person in default, is not paid within sixty (60) days, such expenses shall be charged against the property as a special assessment to be

recovered in another manner such as other taxes pursuant to the provisions of the *Municipal Government Act, RSA 2000 c. M-26*

(10) Any person who contravenes any part of Section 3 is guilty of an offence.

SECTION 4 - SNOW REMOVAL

(1) All persons owning property or occupying premises in the Town, shall remove and clear away all snow, ice and/or slush, dirt and other obstructions from the sidewalk situated on land adjoining the property owned or occupied by them within seventy-two (72) hours of the time that such snow, ice and/or slush, dirt or other obstruction was deposited thereon.

(2) The Town may, after the expiration of seventy-two (72) hours, remove and clean away all snow, ice and/or slush, dirt and other obstructions required to be removed by Section 4(1) and charge the expenses to the owner or occupant. If the cost of such work against the owner(s) or person in default, is not paid within sixty (60) days, such expenses shall be charged against the property as a special assessment to be recovered in another manner such as other taxes pursuant to the provisions of the *Municipal Government Act, RSA 2000 c. M-26*.

(3) An occupant, or owner(s), of a building within three (3.0) meters of a highway, shall remove snow or ice whenever it accumulates on the roof or eaves, or downspouts of the building to eliminate a potential danger to vehicles or pedestrians. While removing the snow or ice hazard, an occupant or owner(s) shall take due care and attention for the safety of vehicles or pedestrians passing.

(4) No person shall place, or cause to be placed, upon any highway any snow, ice and/or slush, dirt or other obstruction.

(5) Any person who contravenes any part of Section 4 is guilty of an offence.

SECTION 5 - NOISE

(1) No person shall emit, cause or permit the emission of sound or any noise that annoys or disturbs the peace of any other person;

(2) No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person;

(3) No person shall yell, scream, or swear in any public place;

(4) In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to the:

- a) type, volume and duration of the sound;
 - b) time of day and day of the week;
 - c) nature and use of the surrounding area;
 - d) the nature of the activity of the Persons being disturbed.
- (5) No owner or manager or other person in charge of premises where liquor is served to the public shall permit any noise to emanate from such premises such that it annoys or disturbs any person outside the boundary of the premises. Section 5(4) of this Bylaw applies to this provision
- (6) No person may activate or apply engine retarder brakes in the Town, except persons operating Emergency Services vehicles in the course of responding to an emergency, or training drivers in the use of retarder brakes.
- (7) No person shall operate a vehicle in a manner that causes or permits the emission of sound or noise resulting from an act listed below if the sound is clearly audible outside the premises from which the noise originates:
- a) Racing any Motor Vehicle other than in a lawfully regulated race;
 - b) The operation of a Motor Vehicle in such a way that the tires squeal;
 - c) The operation of a Vehicle, engine, motor, construction equipment or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device of a type specified by the manufacturer, which is in good working order and in constant operation;
 - d) the operation of a Vehicle or Vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment or inadequate maintenance;
 - e) use of engine retarder brakes within the Municipal limits, including that portions of Highway 42, Highway 592 and Highway 2A that passes through the Municipality.
- (8) **CONSTRUCTION NOISE** - Unless permission from the Town Development Authority is first obtained; No person shall carry on construction of any type capable of creating a sound which may be heard beyond the boundaries of the site which the activity is being carried out on, in any district other than a district designated in the Land Use Bylaw as an industrial district; between the hours of 10:00 p.m. and 7:00 a.m. on any day except Sunday, and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays.
- (a) Unless permission from the Town Development Authority is first obtained, no person shall use, operate or allow to be used or operated any machinery or equipment so as to create a noise, or disturbance which may be heard in a residential building between the hours of 10:00 p.m. and 7:00 a.m. on any day except Sunday, and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays.

Exceptions:

- (1) The provisions in Section 5(1) and 5(2) do not apply to work carried on by the Town, or by a contractor carrying out the instructions of the Town.
- (2) The provisions in Section 5(1) and 5(2) do not apply to contractors carrying out snow removal from commercial or industrial sites which are not adjacent to residential districts.
- (3) In the case of snow removal from commercial or industrial sites located adjacent to residential districts, and where in the reasonable opinion of the Development Authority it is necessary to ensure the peace and quiet of residents, the Development Authority may require noise abatement practices including one or both of the following conditions:
 - a) a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.;
 - b) a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of residents.
- (9) **INDUSTRIAL NOISE** - Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
 - a) is a permitted use; or
 - b) is an approved discretionary use;
 - c) In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.
- (10) Any Person who contravenes any part of Section 5 is guilty of an offence.

SECTION 6 - REPAIR OF MOTOR VEHICLES

- (1) No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district;
 - a) This prohibition shall not apply to routine maintenance work, such as oil changes, done on any vehicles owned, operated and registered in the name of the owner or occupant of premises, provided that:
 - i) the work is done in a garage that is capable of having the doors and windows closed;
 - ii) the activity does not create a nuisance or noise complaints from neighbourhood;
 - iii) there is no escape of offensive, annoying or noxious odours, fumes or smoke from the site;
 - iv) vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;

- v) all discarded vehicle parts and materials are properly stored and disposed of from the site;
- (2) No person shall allow power washing of motor or power train on any site in a residential district.

SECTION 7 - NUISANCE & UNSIGHTLY PROPERTY ENFORCEMENT

- (1) A Designated Officer may, after giving reasonable notice to the owner or occupier of the property, enter upon the said property and carry out an inspection;
- (2) Upon completion of the inspection, the Designated Officer may direct the owner or occupant of the property to:
 - a) cease the activity which causes the nuisance or unsightly property;
 - b) change the way in which such person is carrying out any activity;
 - c) direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance or unsightly property, including, but not limited to:
 - i) the removal of any thing or matter from the property, which constitutes the nuisance or unsightliness;
 - ii) the removal of trees or shrubs that overhang someone else's property, an alley, road or sidewalk if it is deemed to interfere with public usage;
 - iii) the construction or installation of a garbage bin or enclosure, or the repair of an existing garbage enclosure;
 - iv) enter into a cleanliness agreement in a form to the satisfaction of the Designated Officer.
 - d) specify the time within which such person must comply with the directions contained in the notice; and
 - e) notify the owner or occupant that, if compliance with the notice is not affected within a specified time, the municipality will take the actions or measures specified in the notice to abate the nuisance or unsightly property, at the expense of the owner or occupier;
 - f) offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the Town to keep the premises clean, tidy and free of nuisances.
- (3) Any person who refuses to allow an inspection of the premises under Section 7(1) is guilty of an offence.
- (4) Any person who fails to comply with a direction made under Section 7(2) is guilty of an offence.
- (5) No person shall cause or permit to undertake any activity upon any Town property, which is a nuisance.



SECTION 8 - OBSTRUCTION OF A PEACE OFFICER

(1) No person shall:

- a) assault a Peace Officer verbally, physically or with threats of physical harm;
- b) assault an Officer with intent to resist or prevent the lawful arrest of or detainment of themselves or another Person;
- c) without the consent of an Officer, take or attempt to take a weapon that is in the possession of the Officer when the Officer is engaged in the execution of their duty;
- d) willfully obstruct, mislead, impede or hinder an Officer while the Officer is engaged in the execution of their duties as outlined by their Solicitor General appointment,
- e) make a false statement that accuses some other person of having committed an offence;
- f) doing anything intended to cause some other person to be suspected of having committed an offence that the other person has not committed, or divert suspicion from themselves;
- g) report that an offence has been committed when it has not been which will cause an Officer to enter on or continue an investigation;
- h) obstruct, interfere, mislead, impede or hinder any Peace Officer in the carrying out of their duties and responsibilities under the Community Standards Bylaw;
- i) No person shall fail or refuse to comply with a lawful order or request of an Officer while the Officer is engaged in execution of their duty.

SECTION 9 – PUBLIC BEHAVIOUR AND COMMUNITY STANDARDS

(1) Graffiti - No person shall create, place or apply graffiti or cause it to be placed on any property, premises, structure, vehicle, or other property which is owned or occupied by another person;

(2) Vandalism - No person shall participate in an action which involves deliberate destruction of or damage to public, private or Town property by:

- a) removing, destroying, damaging, rendering inoperable, causing damage to or altering the appearance, characteristic, or feature, tampering with, mutilating, defacing, or climbing on a Building, Structure or fixture, Chattel, Monument, art, wall, sign, fence, wire, netting, Vehicle, tool, gate, seat, bench, exhibit, cage or ornament;
- b) This prohibition shall not apply to any Person climbing on a structure, wall or piece of equipment expressly designed for that purpose including playground equipment, climbing wall or similar recreational equipment;
- c) Every property owner shall ensure that graffiti placed on their premises be removed, painted over, or otherwise permanently blocked from public view within 7 days of application of the graffiti.

- d) A property owner who breaches the provisions of Section 9(2) and who has failed to comply with an Order issued under Section 545 of the *Municipal Government Act*, R.S.A. 2000 c. M-26, is guilty of an offence.
 - e) In prosecuting an offence under this Part, the consent of the property owner of any premises to place graffiti thereon shall not be a defence under this Bylaw.
- (3) **Urination/Defecation** - No person shall urinate, defecate or deposit any human waste in any public place other than a public washroom.
- (4) **Spitting** - No person shall spit at any person or on any public or private property that they do not own.
- (5) **Littering** - No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Town property, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, public transportation shelter, or other public place or water course:
- a) a cardboard or wooden box, carton, container, or receptacle of any kind;
 - b) a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
 - c) paper of any kind, whether or not containing written or printed matter thereon;
 - d) any human, animal or vegetable matter or waste;
 - e) any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
 - f) scrap metal, scrap lumber, tires, dismantled, wrecked or dilapidated motor vehicles or parts there from;
 - g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley or other public place;
 - h) dirt, mud, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
- (6) A person who has placed, deposited or thrown anything or any matter mentioned in Section 9(5) or caused to be placed or thrown, upon any street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course shall forthwith remove it or be guilty of an offence.
- (7) The Chief Administrative Officer may authorize any Town employee, or other person, to remove and put in storage or destroy anything placed upon Town property in contravention of this Bylaw.
- (8) **Fighting, Loitering, and Assembly or Persons** – No person shall:
- a) participate in a fight, assault or any physical confrontation in any public place;
 - b) be a member of an assembly of three or more persons in any public place or any place to which the public is allowed access where a peace officer has reasonable grounds to believe the assembly will disturb the peace of the neighbourhood, and any such person shall disperse as requested by a peace officer;



- c) loiter and thereby obstruct any other person in any public place.
- d) Notwithstanding 8(a) – This section shall not apply to Community Peace Officers engaged in the execution of their duties.

(9) Bullying and Public Behaviours – No Person shall:

- a) shall bully, instigate, participate in, or encourage the bullying of any person, through verbal, physical means, written or electronic communication, in any place.
- b) No Person located in a Public Place shall disturb the peace and enjoyment of other members of the public by:
 - (i) screaming, shouting or using loud, abusive or grossly insulting language;
 - (ii) being intoxicated by alcohol or other substances; or
 - (iii) openly exposing or exhibiting an Indecent act;
 - (iv) Panhandling is not allowed within the Town of Penhold;

(10) Privacy and Enjoyment of Property - No person, owner or occupant shall permit the following:

- a) Closed Circuit Television (CCTV) or Security Camera System or other video surveillance or recording device, to film or record the activity inside another person's dwelling or on another person's property in such a way that it infringes, impedes or interferes with the privacy and enjoyment of the property;
- b) An outdoor light to point or shine directly at the living or sleeping areas of an adjacent dwelling house.

SECTION 10 - PROHIBITION OF CANNABIS, VAPING AND TOBACCO PRODUCTS

(1) No Person shall smoke, vape or consume cannabis or Tobacco:

- a) inside a public building;
- b) on a public patio;
- c) inside a public vehicle;
- d) within 5 meters of a public entrance, exit, overhead door, window, fresh air intake, patio or upon ANY Municipal Property;
- e) within 20 meters of a playground, seasonal skating rink, skate park, sports field or water spray park.
- f) within 100 meters of a school, school yard or day care
- g) in or at a workplace;
- h) within a no smoking area.
- i) anywhere where minors are present; and

(2) No person shall permit another person to enter and smoke cannabis or tobacco where smoking is prohibited; and

(3) No youth will be permitted to smoke, vape or consume cannabis or tobacco in ANY outdoor place to which members of the public have access as of right or by express

- or implied invitation, including a highway within the meaning of the Traffic Safety Act, R.S.A. 2000 c.T-6; or
- a) In a school building, on school grounds or in any parking areas used in relation to a school building; or
 - b) In a vehicle that is in a public place or in an outdoor place;
- (4) No youth shall be in possession of cannabis in any amount;
 - (5) No person shall provide a youth with cannabis or tobacco;
 - (6) Transportation of cannabis in a vehicle requires cannabis be secured in a closed packaging and not within reach of the driver or occupants;
 - (7) A person who is entitled to possess cannabis pursuant to a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230 is not subject to this bylaw;
 - a) A person referred to in section 10(7) must, on demand of an officer, produce a copy of the person's medical document;
 - (8) Possession limits for Cannabis products are based on dry cannabis as per the Cannabis Act, R.S.A. 2000 c.G-1. Adults over 18 are only allowed to possess up to 30 grams of cannabis in a public place, which aligns with the federal government's possession limit for adults. Equivalents were developed for other cannabis products to identify what their possession limit would be. One (1) gram of dried cannabis is equal to:
 - a) 5 grams of fresh cannabis
 - b) 15 grams of edible product
 - c) 70 grams of liquid product
 - d) 0.25 grams of concentrates (solid or liquid)
 - e) 1 cannabis plant seed

Section 10(A) – Using cannabis on private property

- (1) Under Provincial and Municipal laws, a person will be allowed to smoke, vape or otherwise consume cannabis on their private property; and
- (2) The Town of Penhold will not regulate use on private property except where that use conflicts with Section 1; and
- (3) Unless smoke is considered over and above what one could expect from day to day activities, it is considered part of town living; and
- (4) Rental properties may forbid cannabis consumption. This will be regarded as the duty of the Landlord to make provisions within the legal lease on the premises.



SECTION 11 - CURFEW

- (1) No child shall be in a public place after 11:00 p.m. on any day or before 6:00 a.m. on any day unless accompanied by a parent or guardian.
- (2) Any child who is found in a public place without being accompanied by a parent or guardian after 11:00 p.m. on any day or before 6:00 a.m. on any day may be taken by a Peace Officer to the child's home or the nearest RCMP Detachment.
- (3) No parent or guardian shall allow any child who is in her or his custody, care or control to be in a public place after 11:00 p.m. on any day or before 6:00 a.m. on any day unless such child is accompanied by a parent or guardian.
- (4) Notwithstanding anything contained herein, it shall not be an offence under this Bylaw for a child to be in a public place after 11:00 p.m. or before 6:00 a.m. on any day, provided it is in the course of his or her employment, or while returning home as soon as reasonably practical from an organized sporting event or other event that has been supervised by an adult.

SECTION 12 – FIREWORKS

- 1) No person shall have in his/her possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off any fireworks in the Town of Penhold.
- 2) The Fire Chief or his designate may issue, for the purpose of special events or display a permit for the storage, handling and discharging of fireworks to the holder of a Firework Supervisor Card issued pursuant to the Explosives Act, R.S.C 1985, c. E-17 and its regulations.

SECTION 13 - PENALTIES:

- 1) Any person who contravenes any provision of this Bylaw is guilty of an offence and shall be liable to payment of the penalty:
 - a) specified in Schedule "A" hereto; or
 - b) for any offence for which there is no penalty specified, to a penalty of not less than \$150.00 and not more than \$10,000.00;and in default of payment of any penalty, to imprisonment for up to 6 months.
- 2) A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000 c. P-34, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 3) If a violation ticket is issued in respect of an offence, the violation ticket may:

- a) specify the fine amount established by this Bylaw for the offence; or
 - b) summons a person to appear in Court without the alternative of making a voluntary payment;
 - c) be issued personally or by mailing a copy to such Person at his/her last known address or post office box;
 - d) The violation ticket 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 set out in this Bylaw; (iv) that the penalty shall be paid within thirty (30) days of the issuance of the violation ticket ; (v) any other information as may be required by the Town.
 - e) Where a violation ticket is used pursuant to this Bylaw, the Person to whom the violation ticket is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation ticket .
 - f) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a violation ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.
- 4) If a violation ticket is issued with respect to an offence and that violation ticket specifies the fine amount established by this Bylaw for the offence, a person may make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Court Office specified on the violation ticket.

SECTION 14 - SEVERABILITY AND TRANSITION

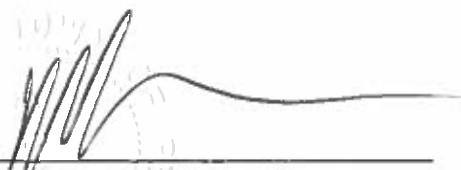
- 1) The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.
- 2) Upon passing of Bylaw 799/2021, the Community Standards Bylaw is hereby repealed.

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

Read a first time this 12th day of April 2021

Read a second time this 26th day of April 2021

Read a third time this 26th day of April 2021



Mayor

Chief Administrative Officer

Schedule A

COMMUNITY STANDARDS BYLAW FINES

Particulars	Section	Penalty
Construction Waste	3(9)	\$500.00
Second and subsequent offences within 1 year		\$1,000.00
Permit a nuisance on private property or Permit unsightly property	3(10)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 750.00
Failure to Remove Snow	4(5)	\$250.00
Second offence		\$500.00
Cause noise which annoys or disturbs others	5(1)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 750.00
Permit noise from property	5(2)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 750.00
Yell, scream or swear in public	5(3)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 1,000.00
Noise from premises where liquor is served	5(5)	\$ 1,000.00
second offence within 1 year		\$ 2,000.00
third and subsequent offences within 1 year		\$ 5,000.00
Activate or apply engine retarder brakes	5(6)	\$ 250.00
Noise from Vehicle	5(7)	\$250.00
Industrial or construction noise	5(8),5(9)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 1,000.00

Automobile repairs in residential area	6(1)-(2)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 1,000.00
Refuse to allow an inspection	7(3)	COURT
Failure to comply with an order	7(4)	\$ 500.00
second offence within 1 year		\$ 750.00
third and subsequent offences within 1 year		\$ 1,000.00
Obstruct A Peace Officer	8	
first offence		\$ 500.00
second offence and subsequent		\$ 1,000.00
Place graffiti on property	9(1)	\$ 500.00
second offence within 1 year		\$ 1000.00
third and subsequent offences within 1 year		\$ 2,500.00
Vandalism	9(2)	\$500.00
Failure to comply with graffiti order	9(2)(d)	\$ 250.00
\$150.00 each day that the breach continues		
Depositing human waste in a public place	9(3) – 9(4)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 1,000.00
Litter on Town property	9(5)(a)-(h)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 1,000.00
Failure to remove litter on Town property	9(6)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 1,000.00
Fighting in a public place	9(8)(a)	\$ 500.00
second offence within 1 year		\$ 750.00
third and subsequent offences within 1 year		\$ 1,000.00

Failure to disperse	9(8)(b)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 750.00
Loitering	9(8)(c)	\$ 250.00
second offence within 1 year		\$ 500.00
third and subsequent offences within 1 year		\$ 1,000.00
Bullying	9(9)(a)-(b)	
first offence by a youth		\$ 150.00
second and subsequent offences by a youth		\$ 250.00
first offence by an adult		\$ 500.00
second and subsequent offences by an adult		\$ 1,000.00
Privacy and Enjoyment of Property	9(10)	\$250.00
Smoke, Vape or consume Cannabis or Tobacco in a restricted area	10(a) - (i), 10 (3) 10 (6), and 10 (7)(a)	\$250.00
Permit smoking or vaping where prohibited	10 (2)	\$ 550.00
Cannabis prohibition	10 (3), 10 (4), 10 (5) and (8)	COURT
Curfew	11(1) or 11(3)	\$ 150.00
second and subsequent offence		\$ 250.00
third and subsequent offences within 1 year		\$ 300.00
Discharge Fireworks without a Permit	12	\$ 500.00
second offence within 1 year		\$750.00
third and subsequent offences within 1 year		\$1,000.00