

Community Standards Bylaw

The Community Standards Bylaw has not been reviewed since 2012. This Bylaw contemplates a number of housekeeping changes as well as changes to enforcement around complaints of noise and lights.

Below you will find the major changes to the existing Bylaw with specific changes outlined in the chart that begins on the next page.

Summary of Changes in the Community Standards Bylaw

- **Definitions Section:** For the most part, the changes are housekeeping. One new change is the definition of mediation a tool for enforcement to use when resolving a dispute between residents.
- **Violation and Tickets:** Deleted is the clause that references multiple convictions
- Discretionary enforcement clauses have been under the following sections:
 - Violation, Tickets and Penalties
 - Noise in Residential Districts
 - Noise in Non-Residential
 - Littering
- Any reference to “Major Event” has been replaced with “Special Event”
- The entire **Permit for Major Events** section has been removed. A stand-alone procedural document is contemplated for Special Events.
- **Noise/Lights:** Any clause referencing noise/light measurement tools has been removed.
- Mediation as an enforcement tool has been added
- Manager of Community and Protective Services has been changed to Director of Enforcement Services
- Any reference to Enforcement Officer is replaced with Peace Officer
- Any reference to ‘Schedule B’ has been replaced with *Fees and Charges Bylaw*
- Any reference to ‘Park’ has been replaced with *County Land (same definition)*

Specific Changes in the Community Standards Bylaw

| Section | Proposed New Wording | Replaces (or Deletes) | Rationale for Changes |
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| Definitions | "Mediation" means a process of intervention between two (2) or more residents who are willing to participate in this process facilitated by an independent mediator to resolve a dispute.; | | Provides Peace Officers with an extra tool to resolve issues between residents |
| Definitions | "County Land" means those reserve lands, recreational lands, and other lands within Parkland County boundaries which are owed by or controlled by the County | Replaces Clause 1(2)(f) "Park" means those reserve lands, recreational lands, and other lands within Parkland County boundaries which are owed by or controlled by the County | Definition proposed to be used across all bylaws; |
| Definitions | "Peace Officer" means a Bylaw Enforcement Officer, or a community peace officer employed by Parkland County | Replaces Clause 1(2)(h) "Enforcement Officer" means a Bylaw Enforcement Officer, or a community peace officer employed by Parkland County | Definition proposed to be used across all bylaws. |

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| Violation, Tickets and Penalties | "Fees and Charges Bylaw" | Replaces: Schedule "B" | A new 'Fees and Charges Bylaw' is being developed. All fees and charges will be listed in this new Bylaw. |
| Violation, Tickets, and Penalties | | <p>DELETE Clause 3(6) Notwithstanding Specified and minimum penalties set out in Schedule "B" to this Bylaw:</p> <ul style="list-style-type: none"> (a) If a person is convicted twice of the same provision of this Bylaw within a twenty-four (24) month period, the minimum penalty for the second conviction shall be twice the amount of the specified penalty for a first offence; and (b) Same as above but for three convictions | <p>Not practical for municipal enforcement.</p> <p>This clause refers to consecutive contraventions of the Bylaw and associated penalties.</p> <p>This change will be consistent across all bylaws.</p> |



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| Section | Proposed New Wording | Replaces (or Deletes) | Rationale for Changes |
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| Violation Tickets and Penalties | Discretionary Clause: A Peace Officer may use discretion and provide increased awareness and education in lieu of applying penalties | | This clause provides flexibility to Peace Officers on the best way to proceed when assessing a situation. |

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| <p>NOISE</p> | | <p>DELETE: Clause 8(1)(a) “Ambient Sound Level” means the Sound Level measured by a Tester at the Point of Reception, which excludes the noise generated by activity not the subject of the complaint.</p> <p>DELETE 8(1)(f) “Field Calibrator” means an instrument to be used for the calibration of a sound meter. The Field Calibrator must be approved by the manufacture for use with the Sound Level Meter being used and must also be certified and calibrated by the manufacturer within the previous 12 months prior to use.</p> <p>DELETE 8(1)(n) “Sound Level” means the sound pressure measured in decibels using the “A” weighted network of a Sound Level Meter with fast response;</p> <p>DELETE 8(1)(o) “Sound Level Meter” means any Type 2 or better integrating instrument that means Sound Levels;</p> <p>DELETE 8(1)(p) “Tester” means an Enforcement Officer trained in</p> | <p>Any wording that refers to the measuring of sound is contemplated to be removed from the Bylaw.</p> <p>Peace Officers have determined that noise measuring tools are not changing behaviour of residents who are in contravention of this bylaw. The preferred option is education and awareness.</p> |
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| | | <p>the operation of a Sound Level Meter as defined in this Bylaw;</p> <p>DELETE 8(6) “Decibels” No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of the following Sound Levels:</p> <ul style="list-style-type: none"> a. 75 decibels measured over a one-hour period during the Daytime or b. 55 decibels measured over a one-hour period during the Night Time; at any point of reception within a residential District. <p>DELETE 8(7) Notwithstanding Section 8(8), where the Ambient Sound Level for an area is at or above the maximum allowable Day-Time or Night-Time Sound Levels referred to in Section 8(8), measured over a one hour period, A Sound Level must exceed five decibels over the Ambient Sound Level before it becomes an offence.</p> <p>DELETE 8(8) No Person shall cause or permit to be caused non-Continuous Sound that exceeds:</p> | |
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| | | <p>a.85 decibels measured over a period of 15 min during the Day-Time</p> <p>b.75 decibels measured over a period of 15 minutes during the Night-Time; at any Point of Reception within a Residential District</p> <p>DELETE 8(13) No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of 85 decibels measured over one hour period during the Day-Time or Night-Time at any Point of Reception within a non-Residential District</p> <p>DELETE 8(14) No Person shall, in a non-Residential District, cause or permit to be caused a non-Continuous Sound that exceed 85 decibels measured over a period of one hour during the Day-Time or Night-Time.</p> <p>DELETE 8(30) The Chief Administrative Officer or designate may establish the qualifications for and appoint Persons as Testers to measure Sound Levels</p> | |
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| | | <p>DELETE 8(31) When measuring Sound levels, the Testers measure the Sound Level at the Point of Reception with the Sound Level Meter at least one meter above the ground.</p> <p>DELETE 8(32) When measuring Sound Levels, the Tester is the Peron who determines the Point of Reception.</p> <p>DELETE 8(33) The Tester must ensure accuracy of the Sound Level Meter by testing it with the Field Calibrator immediately before and after measuring the Sound Level and record the results of those tests.</p> | |
| NOISE | Daylight Means One hour before sunrise to one hour after sunset | <p>DELETE Clauses 8(1)(e)(i) and (ii)</p> <p>Daylight means 7am – 10pm (weekdays) 9am - 10pm (weekends)</p> | More flexible with the changing seasons and hours of light |
| NOISE | "Special Event" | <p>DELETE 8(1)(g)</p> <p>"Major Event"</p> | More inclusive of all sizes of events |

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| NOISE | “Director of Enforcement Services” | DELETE 8(1)(h) “Manager of Community and Protective Services” | Updated title |
| NOISE in Residential Districts | A Peace Officer may use discretion when responding to a complaint of noise in Residential Districts. Awareness and education on reasonable sound levels may be the first course of action rather than enforcement. | | This clause provides flexibility to Peace Officers on the best way to proceed when assessing a situation. |
| NOISE in Residential Districts | If an issue arises between residents that cannot be resolved through education, awareness and/or enforcement, mediation may be required. | | Provides the Peace Officer with an extra tool to resolve disputes between two or more residents |
| NOISE (Activities) in Residential Districts | Clause 8(9)(f): Addition of “Off-Highway Vehicle” | | Provides more clarity to the Clause. |

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| NOISE in Non-Residential Districts | A Peace Officer may use discretion when responding to a complaint of noise in Non-Residential Districts. Awareness and education on reasonable sound levels may be the first course of action rather than enforcement. | | This clause provides flexibility to Peace Officers on the best way to proceed when assessing a situation. |
| Permits | A Person may make a written application to the Director of Enforcement Services for a temporary permit to host a Special Event pursuant to this Bylaw. | | This additional clause ensures that a permit application must be achieved in order to host a Special Event of any kind. |

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| <p>Permits for Major Events</p> | | <p>DELETED:</p> <p>8(19) Where a Person makes an application pursuant to this section for a Major Event in the County, the Manager of Community and Protective Services may, before making a decision thereon, require the applicant to provide public notice of the application in a manner directed by the manager of Community and Protective Services which ay include posting, media advertising or direct notice.</p> <p>8(20) Any application made pursuant to Section 8(21) must be made at least 90 days prior to the proposed Major Event and shall contain;</p> <ul style="list-style-type: none"> a. The name, address and telephone number of the applicant; b. The legal description, or municipal address of the site; c. The Development Permit d. A description of the event | <p>The Permitting of Major Events section of this Bylaw is largely being removed. A process to host Special Events is contemplated in a new stand-alone document.</p> |
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| | | <p>e. A statement of the measures that will be taken to minimize the noise or Sound Levels</p> <p>f. A detailed site plan;</p> <p>g. Letter of support from applicable agencies (eg. Fire and health departments and RCMP)</p> <p>h. A Security Plan</p> <p>i. The signature of the applicant</p> <p>8(21) The Manager of Community and Protective Services may, at his/her sole discretion;</p> <p>a. Waive any requirement of this section;</p> <p>b. Impose any conditions on the issuance or use of the permit that the Manager of Community and Protective Services considers appropriate.</p> <p>8(22) After deciding on an application under Section 8(21) for a Major Event, the Manager of Community and Protective Services shall advise all parties making a request of the decision as soon as possible.</p> | |
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| | | <p>8(23) Any approval of an application under Section 8(21) for a Major Event may be appealed by an affected Person to the Council 14 days of the date of the approval.</p> <p>8(24) If no appeal is filed within 14 days of the date of approval, the temporary permit may be issued.</p> <p>8(25) Any rejection of an application under Section 8(21) for a Major Event may be appealed by the applicant to the Council with 14 days of the date of the rejection decision.</p> <p>8(26) An appeal to the Council pursuant to this section shall be filed in the same manner as an appeal of an Order as set out in Section 2(8) of the Bylaw.</p> <p>8(27) If an appeal is filed pursuant to this section, the community Standards Appeal Board shall hear the application within 30 days, or their next meeting – whichever is sooner.</p> <p>8(28) The Council may determine its own procedure for a hearing pursuant to this</p> | |
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| | | Section, and may reverse, vacate, confirm or vary the approval or conditions thereof made by the Manager of Community and Protective Service and its decision is final. | |

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| <p>LIGHTS</p> | <p>A Peace Officer may use discretion when responding to a complaint of light of an Owner or Occupant of a Property. Awareness and education on what is reasonable and practicable as it relates to bright lights may be the first course of action rather than enforcement</p> | <p>9(1) No Owner or Occupant of a Property shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.</p> <p>9(2) An outdoor light shall not constitute a violation of Section 9(1) if the Owner or Occupant of the Property shields the light from shining directly at the living or sleeping area of the adjacent dwelling house.</p> <p>9(3) Where an outdoor light is permitted or required pursuant to the Land Use Bylaw, a development permit or a similar approval, the residential areas and Land Use Bylaw, development permit or similar approval shall take precedence over this Bylaw, and the light shall not constitute a violation of Section 9(1)</p> | <p>The replacement clause provides flexibility to Peace Officers on the best way to proceed when assessing a situation.</p> |

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| <p>Maintenance of buildings, structures and fences 10(1)</p> | <p>Addition of sub clause a) and b) to 10(1) “Fence” includes a privately built Fence and developer-built community screening Fence.</p> <p>a. Fencing in a Multi-Parcel Residential Subdivision shall be no higher than two (2.0) meters on side, rear, and front yards on lands zero point four (0.4) hectares or more: and</p> <p>b. Not higher than one (1.0) meter in front yards on lands less than zero point four (0.4) hectares.</p> | <p>No current wording on height of fence</p> | <p>Sub clauses a & b articulate the size of fencing allowed.</p> |
| <p>Excavations</p> | | <p>DELETE: 11(1) No Owner or Occupant of a Property shall allow an excavation, drain, ditch, or other depression in the ground to become or remain a danger to public safety.</p> | <p>This is felt to be a land use issue not a community standard issue.</p> |



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| Discretion | If the complainant fails to supply evidence to a Parkland County representative on any issue in this Bylaw, this may result in the complaint not being investigated. | | This clause provides flexibility to the Peace Officer on how best to proceed when assessing the situation. |