

PARKLAND COUNTY
PROVINCE OF ALBERTA

BYLAW 2023-19

BEING A BYLAW TO REGULATE NEIGHBOURHOOD NUISANCE, SAFETY, AND LIVABILITY
ISSUES IN PARKLAND COUNTY

WHEREAS the *Municipal Government Act*, RSA 2000 c M-26, authorizes council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and protection of people and Property; and

WHEREAS the *Municipal Government Act*, RSA 2000 c M-26, authorizes council to pass bylaws for municipal purposes respecting nuisances, including unsightly property;

WHEREAS the *Municipal Government Act*, RSA 2000 c M-26, authorizes council to pass bylaws respecting the enforcement of bylaws, including the creation of offences, providing for inspections to determine if bylaws are being complied with, and remedying contraventions of bylaws;

NOW THEREFORE the Council of Parkland County, duly assembled enacts the following:

TITLE

1. This bylaw shall be known as the "Community Standards Bylaw".

DEFINITIONS

2. The following definitions will apply to the corresponding words in this bylaw:
 - (1) "Appliance" means larger devices that are plugged into electricity mains, namely refrigerators but not limited to washing machines, dishwashers and dryers;
 - (2) "Boat" means motor powered water vehicles;
 - (3) "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer for the County appointed pursuant to the *Municipal Government Act*, RSA 2000 c M-26, or their delegate;
 - (4) "Composting" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner, and
 - (5) "Open Composting Pile" means a Composting site which is not fully contained in a structure;
 - (6) "Council" means the Council for Parkland County;
 - (7) "County" means Parkland County;
 - (8) "Court" means the Alberta Court of Justice;
 - (9) "Graffiti" means any words, figures, letters or drawings scribbled, scratched or spray painted on a surface without the consent of the Owner of the Property on which they are placed;
 - (10) "Highway" means a Highway as defined in the *Traffic Safety Act*, RSA 2000, c T-6 as amended;
 - (11) "Industrial Fluids" includes, but is not limited to engine oil, brake fluid, anti-freeze or hydraulic fluid;
 - (12) "Land Use Bylaw" means Parkland County's Land Use Bylaw;
 - (13) "Mediation" means a process of intervention between two or more residents who are willing to participate in this process facilitated by an independent mediator to resolve a dispute;
 - (14) "Motor Vehicle" means a Motor Vehicle as defined in *Traffic Safety Act*, RSA 2000, c T-6;
 - (15) "Naturalization" means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of species or other species to emulate a natural area;
 - (16) "Non-Residential Area" means any area that has only offices, factories, shops, etc. and not private houses;

- (17) "Occupant" means any Person other than the registered Owner who is in possession or control of the Property, including but not limited to, a lessee, licensee, tenant or agent of the Owner;
- (18) "Order" means an Order as described in Section 545 or Section 546 of the Municipal Government Act, or the Fees and Charges Bylaw;
- (19) "Owner" means:
- (a) The Person as registered on the title at the Land Titles Offices;
 - (b) A Person who is recorded as the Owner of the Property of the County's Assessment roll;
 - (c) A Person who has purchased or otherwise acquired Property, whether purchased or otherwise acquired directly from the Owner or from another purchase, and has not become the registered Owner thereof;
 - (d) A Person controlling the Property under construction, or;
 - (e) A Person who is the Occupant of the Property under a lease, license, or permit;
- (20) "Peace Officer" has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, and includes a County appointed Bylaw Officer;
- (21) "Person" means any individual, firm, partnership, association, corporation, or society;
- (22) "Property" means any land, buildings, structures or premises, or any personal property located thereupon within the municipal boundaries of the County;
- (23) "Public Place" means any place including privately and publicly owned or leased Property, which the public reasonably has or is permitted to have access to, whether on payment or otherwise;
- (24) "Recreation Vehicle" means a vehicle designed for recreational use, such as camping. The following is considered a Recreational Vehicle: travel trailers, fifth (5th) wheel trailers, tent trailers, pop-up trailers, Class A, B, or C Motorhomes, buses converted with intent of personal and recreational purposes, truck-mounted campers, camper vans, and the like;
- (25) "Recreational Vehicle Storage" means the outdoor storage of tent trailers, travel trailers, motor homes or similar recreational vehicles;
- (26) "Residential Area" means any residential area including a multiparcel residential subdivision;
- (27) "Residential Parcel" means a parcel of land four point one hectares (ten acres) in size or less which has been created for, or is being principally used for residential purposes;
- (28) "Trailer" means a Trailer as defined in the *Traffic Safety Act*, RSA 2000, c T-6; and
- (29) "Unightly Condition" means:
- (a) In respect of a structure, a structure whose exterior shows signs of significant physical deterioration, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighbourhood;
 - (b) In respect of land, land that shows signs of serious disregard for general maintenance and upkeep, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighbourhood; and
 - (c) Nothing shall prohibit a property owner from undertaking naturalization efforts.
- (30) "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34.

INTERPRETATION

3. The headings in this bylaw are for reference purposes only.

ORDERS AND REVIEW

4. If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written Order, require the person responsible for the contravention to remedy it if the circumstances so

require pursuant to sections 545 and 546 of the *Municipal Government Act*, RSA 2000 c M-26.

5. Every Person who fails to comply with an Order issued pursuant to this Bylaw within the time set out in the Order commits an offence.

CREATION OF THE COMMUNITY STANDARDS REVIEW BOARD

6. The Community Standards Review Board is hereby constituted and shall comprise of Parkland County Council.
7. Pursuant to Section 547 of the *Municipal Government Act*, RSA 2000 c M-26, the Community Standards Review Board may review:
 - (1) Orders issued pursuant to Section 545 of the *Municipal Government Act*, RSA 2000 c M-26; and
 - (2) Orders issued pursuant to Section 546 of the *Municipal Government Act*, RSA 2000 c M-26.
8. Pursuant to Section 186 of the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12, the Community Standards Review Board may review Orders issued pursuant to Section 183 of the Act.
9. A Person to whom an Order is directed may seek a review of the Order by filing an appeal in writing with the CAO in accordance with the *Municipal Government Act*, RSA 2000 c M-26 and the *Environmental Protection and Enhancement Act*, RSA 2000 c E-12.
10. The written application for review must be accompanied by the non-refundable fee, as set out in the Parkland County *Fees and Charges Bylaw*.
11. An application for review filed pursuant to this section must state the name of the appellant, the municipal address of the Property to which the Order being reviewed from relates, a daytime telephone contact number at which the person may be reached, an email address, and an address at which documents in relation to the person may be delivered.
12. After reviewing the Order, the Community Standards Review Board may confirm, vary, substitute or cancel the order.

APPEALS

13. A person affected by the decision of the Community Standards Review Board under section 547 may appeal to the Court of King's Bench pursuant to section 548 of the *Municipal Government Act*, RSA 2000 c M-26.

ENFORCEMENT

General Penalty Provision

14. A person who contravenes this Bylaw by:
 - (1) doing any act or thing which the Person is prohibited from doing; or
 - (2) failing to do any act or thing the Person is required to do;
 is guilty of an offence.
15. Any Person who is convicted of an offence pursuant to the Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars and in default of payment of any fine imposed to a period of imprisonment not exceeding six months.

Violation Tickets and Penalties

16. Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Person by issuing a Violation Ticket pursuant to the *Provincial Offences Procedures Act*, RSA 2000, c P-34.
17. Where there is a specified penalty listed for an offence in Parkland County's *Fees and Charges Bylaw*, that amount is the specified penalty for the offence.
18. Where there is a minimum penalty listed for an offence in Parkland County's *Fees and Charges Bylaw*, that amount is the minimum penalty for the offence.
19. This section does not prevent any Peace Officer from issuing a Violation Ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, RSA 2000, c P-34, or from laying an Information in lieu of a Violation Ticket.
20. The levying and payment of any fine or the imprisonment of any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs from which that

Person is liable under the provisions of this Bylaw or any other Bylaw.

21. The County can exercise discretion in the application of this Bylaw and its contents as defined in Section 529 of the *Municipal Government Act*, RSA 2000 c M-26.
22. If the complainant fails to supply evidence to a Parkland County representative on any issue within this Bylaw, the County may elect not to investigate the complaint.
23. A Peace Officer may use discretion, mediation and provide increased awareness and education in lieu of applying Violation Tickets and penalties.
24. All Violation Tickets issued by the County and heard by the Court are to be supported by witness statements and may require Court attendance by the complainant to validate facts. The final decision to proceed with a specified penalty will be at the discretion of the Court, when the matter is heard, and will be based on supporting evidence.

False Information

25. No person shall provide false or misleading information to any Peace Officer, or County employee.

Interference with a Peace Officer

26. No person shall interfere with or obstruct a Peace Officer in the exercise of their powers and duties pursuant to this bylaw.

UNSIGHTLY PROPERTIES

Scope

27. The standards, requirement and prohibitions contained in this Part shall apply to all lands except industrial areas as defined in the Land Use Bylaw.

Accumulation of Materials

28. No Owner or Occupant of a Property shall allow on the Property, the accumulation of:
 - (1) any material that creates unpleasant odors; or
 - (2) animal remains, parts of animal remains or animal feces.
29. Nothing in Clause 28 shall prevent *bona fide* agriculture practices.
30. Nothing in Clause 28 shall prevent the operation of a landfill site or transfer station;
31. No Owner or Occupant of a Property shall allow the open or exposed storage on the Property of any industrial fluid.
32. No Owner or Occupant of a Property shall allow the following to accumulate on the Property such that the accumulation is visible to a Person viewing from outside the Property:
 - (1) loose garbage;
 - (2) bottles, cans, boxes or packing materials;
 - (3) household furniture or other household goods;
 - (4) automobile parts;
 - (5) parts of, or disassembled machinery, equipment, or appliances;
 - (6) yard waste, including grass, tree and hedge cuttings but excluding ground cover and the contents of a Composting pile as defined in this Bylaw; or
 - (7) uncut grass, which in the opinion of the Peace Officer, is excessive or which demonstrates neglect.

Appliances

33. No Owner or Occupant of a Property shall allow an appliance to remain on the Property without first ensuring that the hinges and latches or lid or doors of the unit have been removed.
34. No Owner or Occupant of a Property shall allow any appliance to remain on the Property such that the appliance is visible to a Person viewing from outside the Property.
35. Notwithstanding Clauses 33 and 34, it shall not be an offence for an Owner or Occupant of a Property to allow an appliance on a Property:
 - (1) if the appliance is not visible to a Person viewing from outside the Property; and

- (2) the appliance always remains locked with a padlock and key or similar device.

Outdoor Storage of Building Materials

36. No Owner or Occupant of Property shall allow on the Property the accumulation of building materials, whether new or used, unless that Owner or Occupant can establish that Construction or renovation is being carried out on the Property and that:
 - (1) construction/renovation has begun, or the beginning of work is imminent;
 - (2) the materials found on the Property relate to the construction/renovation taking place on the Property in a quantity that is reasonable to complete the construction/renovation; and
 - (3) construction/renovation has not been suspended for a period in excess of one hundred and twenty days.
37. An Owner or Occupant of a Property shall ensure that all Building materials stored on a Property that are not in contravention of Clause 36 are stacked or stored in an orderly manner.
38. Notwithstanding anything in this part, it shall not be an offence to store a small amount of neatly stacked materials on a Property for basic Property maintenance, as determined by the sole discretion of a Peace Officer.

VEHICLES

39. No Owner or occupant of a Property shall keep more than two unregistered or inoperative motor vehicles on the Property.
40. The Person, Owner or Occupant of a Property on parcels less than 0.8 hectares (two acres) may store up to a maximum of three Recreational Vehicles and/or boats, and on parcels more than two acres may store up to a maximum of five Recreation Vehicles and/or boats.
41. The Person, Owner, or Occupant of a Property on a parcel of 0.8 hectares (two acres) or more where a single detached dwelling, a duplex or a mobile home is located, may park or store one gravel truck no larger than dual axle, or one highway tractor unit or similar commercial vehicle. On a Property less than 0.8 hectares (two acres) the parking of a gravel truck, highway tractor unit, or similar commercial vehicle is not allowed without Development Permit approval.
42. No person shall park a school bus on a property unless Owner or Occupant has an active contract with a school division to transport students subject to the following conditions:
 - (1) on a Property less than 0.8 hectares (two acres) one school bus, or
 - (2) on a Property 0.8 hectares (two acres) or more, two school buses.
43. Notwithstanding the foregoing, the storage of any number of unregistered and/or inoperative motor vehicles on a parcel which are functionally required as part of a bona fide agricultural use/farming operation occurring on the subject parcel is permissible.

GRAFFITI PREVENTION AND ABATEMENT

44. No Person shall create or apply Graffiti.
45. Every Owner or Occupant of a Property shall ensure that Graffiti placed on their Property is removed, painted over or otherwise permanently blocked from public view.

COMPOSTING

46. No Owner or Occupant of a Property shall place or allow to be placed any amount of cat feces, dog feces, animal parts or animal meat on a Composting pile or in a Composting container on the Property.
47. No Owner or Occupant of a Property shall allow an Open Composting pile on the Property within ten meters of an adjacent dwelling house, measured from the nearest part of the Open Composting Pile to the nearest part of the adjacent dwelling house.
48. Every Owner or Occupier who allows a container storing Compost or Composting Pile to remain on the Property must ensure that it is maintained in such a manner that it does not create a nuisance by:
 - (1) creating offensive Oduors; or
 - (2) attracting Animals.

NOISE

Scope

49. The provision contained in the part shall not be interpreted to prevent:
- (1) the ringing of bells in churches, religious establishments and schools;
 - (2) the sounding of any alarm or warning to announce a fire or other emergency;
 - (3) the playing of a band in connection with a parade allowed pursuant to any County Bylaw; or
 - (4) the use of Signaling Devices on vehicles in the normal operation for the purpose of giving warning to other vehicles or Persons.
50. For the purpose of this part:
- (1) "Concrete Mixer" means a machine that is mounted on a Truck chassis or Trailer capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used;
 - (2) "Construction" means the temporary process of demolishing or building any structure or repairing or improving a building that already exists, including landscaping, home repairs, Property improvement and any work in connection with that process;
 - (3) "Continuous Sound" means any sound, other than Construction noise, continuing for three minutes or more in any fifteen minute period;
 - (4) "Day-time" means the period beginning at:
 - (a) 7:00 A.M. and ending at 10:00 P.M. on a Weekday; and
 - (b) 9:00 A.M. and ending at 10:00 P.M on a Weekend
 - (5) "Director of Enforcement Services" means Parkland County's Director of Enforcement Services or designate;
 - (6) "Night-time" means the period beginning at 10:00 P.M. and ending the following day:
 - (a) 7:00 A.M. if the following day is a Weekday; and
 - (b) 9:00 A.M. if the following day is a Weekend.
 - (7) "Point of Reception" means any location at the place of work or residence where the noise is heard by complainant;
 - (8) "Power Tool" includes any tool powered by an engine or motor, including those powered by compressed air, electricity or fossil fuel;
 - (9) "Signaling Device" means any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon or public address system;
 - (10) "Truck" means any vehicle that has a gross allowable maximum vehicle weight in excess of four thousand five hundred kilograms as listed on the official registration certificate issued by the government of the Province of Alberta, regardless of the vehicles' actual weight at a specific time and includes a Truck-Tractor and Tractor Trailer including Refrigeration Unit, but does not include a Concrete Mixer;
 - (11) "Weekday" means Monday through Friday, inclusive unless it falls on a holiday as defined in the *Interpretation Act*, RSA 2000, c I-8; and
 - (12) "Weekend" means Saturday and Sunday and any other holiday as defined in the *Interpretation Act*, RSA 2000, c I-8.
51. This part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads.

General Prohibitions of Noise from Properties

52. Except as authorized pursuant to this Bylaw no Person, Owner or Occupant of a Property shall make or cause or allow to be made or continue any noise which emanates from the Property and disturbs or annoys a Person including any loud outcry, clamor, shouting, movement, music, or activity.
53. No Person, Owner or Occupant of a Property shall permit a Motor Vehicle located on the Property to emit noise which emanates from that Property and disturbs or annoys a Person, including noise from excessive engine revving and stereo and amplification equipment in the Motor Vehicle.

Activities in Residential Areas

54. No Person shall operate:
- (1) a lawn mower;
 - (2) a Power Tool outside of any building or structure.
 - (3) a snow clearing device powered by an engine of any kind; or
 - (4) an Off-Highway Vehicle in a Residential Area during the Night-Time.
55. No Person shall load or unload a Truck or Concrete Mixer in a Residential Area or within one hundred and fifty meters of a Residential Area during Night-Time.
56. Notwithstanding Clause 60 a Person may, at any time, unload a Motor Vehicle containing:
- (1) fresh fruit, produce and perishable merchandise including milk, milk products and baked goods; or
 - (2) daily or weekly newspapers being delivered.
57. A Person who owns, occupies, or controls a Truck must not at any time allow it to remain running for longer than twenty minutes when it is stationary in a Residential Area or within one hundred and fifty meters of a Residential Area. This time restriction will not apply when the temperature outside is minus fifteen degrees Celsius or colder.

Non-Residential Areas

58. No Person shall cause or permit to be caused loud continuous sound in excess of over one hour period during the Day-Time or Night-Time at any Point of Reception within a Non-Residential Area that disturbs or annoys a Person.
59. Nothing in this section shall prevent bona fide agriculture practices.

Noise Exemption

60. A Person may make a written application to the Director of Enforcement Services for a temporary exemption allowing for noise or sound levels that would otherwise violate this Bylaw.
61. The Director of Enforcement Services may, at his/her sole discretion;
- (1) waive any requirement of this action;
 - (2) issue a temporary permit, where the Director of Enforcement Services determines that the circumstances make it impractical for the applicant to comply with this Bylaw;
 - (3) impose any conditions on the issuance or use of the permit that the Director of Enforcement Services considers appropriate; or
 - (4) revoke any temporary permit, where the Director of Enforcement Services determines that the applicant has not taken sufficient measures to minimize the noise or sound levels.
62. Applications made pursuant to Clause 61 must be made at least five business days prior to the proposed activity for which the exemption is sought and shall contain:
- (1) the name, address, telephone number, and email address of the applicant;
 - (2) the legal description, or municipal address of the site;
 - (3) the Development Permit (if applicable);
 - (4) a description of the source(s) of noise;
 - (5) the period of time that the exemption is desired;
 - (6) the applicant's reason(s) why the exemption should be given; and
 - (7) a statement of the measures that will be taken to minimize the noise.

LIGHTS

63. No Owner or Occupant of a Property shall allow an outdoor light to shine directly into the adjacent dwelling or structure unless permitted or required pursuant to the Land Use Bylaw, a development permit, or similar approval.

MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES

Interpretation

64. For the purposes of this part:

- (1) "Fence" includes a privately built Fence and a developer-built community screening Fence.
 - (a) Fencing in a Multi-Parcel Residential Subdivision shall be no higher than two metres on side, rear, and front yards on lands zero point four hectares or more; and
 - (b) Not higher than one metres in front yards on lands less than zero point four hectares.
- (2) "Good Repair" means a condition where something is free from:
 - (a) significant damage;
 - (b) a peeling surface;
 - (c) broken, missing, or fallen parts;
 - (d) rot or other significant deterioration;
 - (e) openings which are not secured against trespassers or infiltration or air and precipitation; or
 - (f) other visual evidence of a lack of general maintenance.
- (3) "Structure" includes any building, retaining wall, scaffolding, garbage, container, mobile home, shed or portable shack.

Obligation to Maintain

65. No Owner or Occupant of a Property shall allow a Structure or Fence to become a safety hazard.
66. Every Owner or Occupant of a Property shall ensure the following are maintained in Good Repair:
 - (1) Structure and their structural members, including:
 - (a) foundations and foundation walls;
 - (b) exterior walls and their components;
 - (c) roofs;
 - (d) windows and their casings;
 - (e) doors and their frames;
 - (f) protective and decorative finishes of all exterior surfaces of a Structure or Fence;
 - (g) exterior stairs, landings, porches, balconies, and decks; and
 - (h) fences and their structural members.

EXCAVATION

73. 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.

LITTERING

Interpretation

74. For the purpose of this part "Refuse" means:
 - (1) rubbish, garbage, waste materials, paper, packages, containers, bottles, cans, or parts thereof;
 - (2) any article, product, machinery, Motor Vehicle, building materials, or other manufactured goods; or
 - (3) trees, shrubs, sewage, straw, hay, soil, gravel, rock, dead animals, dead fowl, or any material considered foreign to a Highway or Public Place.
75. No Person shall dispose of Refuse on any Highway or Public Place unless they dispose of it:
 - (1) in a container placed for the purposed of collecting it;
 - (2) at a sanitary landfill; or
 - (3) through a County refuse disposal system.
76. No Person shall transport refuse in or on a Motor Vehicle or Trailer on a Highway, if the refuse is likely to fall off or blow off the Motor Vehicle or Trailer, unless the refuse being transported is adequately secured to prevent it from falling off or adequately covered to prevent it from

blowing off the Motor Vehicle or Trailer.

- 77. If refuse is disposed of from a Motor Vehicle or Trailer and it cannot be determined who the driver of the Motor Vehicle was, the Owner of the Motor Vehicle or Trailer shall be determined to be the Person who disposed of the refuse from the Motor Vehicle or Trailer, unless they prove to the satisfaction of the Court that at the time of the offence the Motor Vehicle was not driven, the Trailer was not being towed or the Motor Vehicle or Trailer was not parked or left by them or by any other Person with his consent, express or implied.
- 78. No Person shall dispose of refuse on any land other than their own unless the Owner or Person in control of the other land agrees to its disposal.

SEVERABILITY

- 79. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
- 80. Bylaws 03-2012 and 2015-05 are hereby repealed.

EFFECTIVE DATE

81. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this ___day of _____, 2023.

READ A SECOND TIME this _____day of _____, 2023.

READ A THIRD TIME this ___day of _____, 2023.

SIGNED AND PASSED this ___day of _____, 2023.

Mayor

Chief Administrative Officer

