

BYLAW NO. 03-2012
PARKLAND COUNTY

BEING A BYLAW OF PARKLAND COUNTY TO
REGULATE NEIGHBORHOOD NUISANCE, SAFETY AND LIVABILITY ISSUES

WHEREAS the *Municipal Government Act; RSA 2000 c. M26*, authorizes a municipality to pass Bylaws respecting the safety, health and welfare of people and protection of people and Property;

AND WHEREAS the *Municipal Government Act; RSA 2000 c. M26*, authorizes a municipality to pass Bylaws respecting nuisances, including Unsightly Property;

AND WHEREAS the *Municipal Government Act; RSA 2000 c. M26*, authorizes a municipality to pass Bylaws regarding the remedying of contraventions of Bylaws;

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

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts the following:

PART 1 – INTERPRETATION AND DEFINITIONS

1(1) This Bylaw may be cited as the “Community Standards Bylaw”.

1(2) In this Bylaw:

- a. “Addressing Authority” means the Manager of Planning and Development Services and such employees deemed necessary to carry out the functions under Part 12 “Addressing”;
- b. “Boat” means motor powered water vehicles;
- c. “Chief Administrative Officer” means the Person designated by Council as the Chief Administrative Officer or that Persons designate;
- d. “Council” means the Council for Parkland County;
- e. “County” means the municipality of Parkland County;
- f. “Court” means the Provincial Court of Alberta;
- g. “Cultivation” means prepare and use land to raise crops by ploughing it, planting seeds and taking care of growing plants;
- h. “Enforcement Officer” means a Bylaw Enforcement Officer, or a community peace officer employed by Parkland County;
- i. “Graffiti” means any words, figures, letters or drawings scribbled, scratched or spray painted on a surface with the consent of the Owner of the Property on which they are placed;

- j. "Highway" means a Highway as defined in the *Traffic Safety Act, RSA 2000, c. T-6* as amended;
- k. "Industrial Fluids" includes, but is not limited to engine oil, brake fluid, anti-freeze or hydraulic fluid;
- l. "Land Use Bylaw" means Parkland County's Land Use Bylaw as amended;
- m. "Motor Vehicle" means a Motor Vehicle as defined in the *Traffic Safety Act, RSA 2000, c T-6* as amended;
- n. "Municipal Government Act" means the *Municipal Government Act, RSA 2000, c. M-26* as amended or replaced from time to time;
- o. "Nuisance Animal" means any animal identified in the Pest and Nuisance Control Regulation(3(1)) under the Agricultural Pests Act, including coyotes and skunks;
- p. "Occupant" means any Person other than the registered Owner who is in possession of the Property, including but not restricted to, a lessee, licensee, tenant or agent of the Owner;
- q. "Order" means an Order as described in Section 545 or Section 546 of the *Municipal Government Act*, or Part 2 of this Bylaw;
- r. "Owner" means:
 - i. The Person as registered on the title at the Land Titles Offices;
 - ii. A Person who is recorded as the Owner of the Property on the County's assessment roll;
 - iii. A Person who has purchased or otherwise acquired Property, whether purchased or other acquired directly from the Owner or from another purchase, and has not become the registered Owner thereof;
 - iv. A Person controlling the Property under construction; or
 - v. A Person who is the Occupant of the Property under a lease, license or permit;
- t. "Park" means those reserve lands, recreational lands, and other lands within Parkland County boundaries which are owned by or controlled by the County;
- u. "Pasture" means a grassy field or grasslands on which cattle, sheep or horses can feed;
- v. "Person" includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
- w. "Property" means any land, buildings, structures or premises, or any Personal Property located thereupon within the municipal boundaries of the County;
- x. "Provincial Offences Procedures Act" means the *Provincial Offences Procedures Act, RSA 2000, c. P34*, and the regulations thereof, as amended or replaced from time to time;
- y. "Public Place" means any place including privately and publicly owned or leased Property, which the public reasonably has or is permitted to have access, whether on payment or otherwise;
- z. "Public Property" means any land owned by or under the control of the County;
- aa. "Recreational Vehicle" means a vehicle designed to be transported on its own wheels or by other means (including units mounted permanently or otherwise on trucks), designed, constructed, reconstructed or added to by accessories in such a manner as will permit its use for sleeping or living purposes for one or more persons and used exclusively by tourists(s) or transient(s) on a generally short term basis which would include a travel trailer, tent trailer and motor home;

- bb. "Recreational Vehicle Storage" means development used for the outdoor storage of tent trailers, travel trailers, motor homes or similar recreational vehicles;
- cc. "Residential District" means any district which is designated for residential use in the Land Use Bylaw;
- dd. "Residential Parcel" means a parcel of land 4.1 ha (10.0 ac) in size or less which has been created for, or is being principally used for residential purposes;
- ee. "Trailer" means a Trailer as defined in the *Traffic Safety Act, RSA 2000, c. T-6* as amended;
- ff. "Unsightly Condition" means:
 - i. In respect of a structure, a structure whose exterior shows signs of significant physical deterioration, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighborhood, and
 - ii. In respect of land, land that shows signs of serious disregard for general maintenance and upkeep, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighborhood.
 - iii. Nothing shall prohibit a property owner from undertaking naturalization efforts.
 - iv. 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.
- gg. "Work Forces" includes employees of the County and Persons under contract to the County.

PART 2 – ORDERS AND APPEAL BOARD

- 2(1) Every Order written with respect to this Bylaw must:
- a. Indicate the Person to whom it is directed;
 - b. Identify the Property to which the Order relates by municipal address or legal description;
 - c. Identify the date it was issued;
 - d. Identify how the Property fails to comply with this or other Bylaws;
 - e. Identify the specific provisions of the Bylaw the Property contravenes;
 - f. Identify the nature of the action required to be taken to bring the Property into compliance;
 - g. Identify the time within which the action must be completed;
 - h. Indicate that if the required action is not completed within the time specified, the County may take whatever action or measures are necessary to remedy the contravention;
 - i. Indicate expenses and costs of any action or measures taken by the County under this section are an amount owing to the County by the Person to whom the Order is directed;
 - j. Indicate the expenses and costs referred to in this section may be attached to the tax roll of the Property if such costs are not paid by a specified time; and
 - k. Indicate that an appeal lies from the Order to the Community Standards Appeal Board, if a Notice of Appeal is filed in writing with the Chief Administrative Officer within fourteen days of the receipt of the Order.

- 2(2) Every Order written in respect to provisions of another Bylaw must contain the same information as set out in Section 2(1), modified as necessary in the context of that Bylaw;
- 2(3) An Order written pursuant to this Bylaw will be deemed to have been served on the Owner or Occupant when the Order has been:
- a. Personally delivered to the Owner or Occupant;
 - b. Left for the Owner or Occupant at his or her residence with a Person on the premises who appears to be at least eighteen years of age;
 - c. Sent via registered mail addressed to the last known postal address of the Owner or Occupant; or
 - d. Posted in a conspicuous place on the Property referred to on the Order, when the Enforcement Officer has reason to believe:
 - i. That the Owner or Occupant to whom the Order is addressed is evading service; or
 - ii. No other means of service is available.
 - e. If an Order is sent via registered mail as referred to in Section 2(3)(c) then it is deemed to be received by the Owner or Occupant five (5) days after the Order was mailed.
- 2(4) 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 Appeal Board

- 2(5) The Community Standards Appeal Board is hereby constituted and shall be Parkland County Council.
- 2(6) Pursuant to Section 547 of the *Municipal Government Act*, the Community Standards Appeal Board may review:
- a. Orders issued pursuant to this Bylaw;
 - b. Orders issued pursuant to Section 545 of the Act regarding contraventions of other Bylaws or enactments that the County is authorized to enforce; and
 - c. Orders issued pursuant to Section 546 of the Act.
- 2(7) Pursuant to Section 186 of the *Environmental Protection and Enhancement Act* (R.S.A 2000, c. E-12), the Board may review Orders issued pursuant to Section 183 of the Act.

Appeal of Orders

- 2(8) A Person to whom an Order is directed may seek a review of the Order by filing an appeal in writing with the Chief Administrative Officer within fourteen days of the receipt of the Order.
- 2(9) The written appeal must be accompanied by the non-refundable fee, as set out in Schedule "A".
- 2(10) An appeal filed pursuant to this section must state the name of the appellant, the municipal address of the Property to which the Order being appealed from relates, a day time telephone

contact number at which the appellant may be reached and an address at which documents in relation to the appeal may be delivered.

- 2(11) A decision of the Community Standards Board delivered orally is a decision served pursuant to Section 548 of the *Municipal Government Act*.

PART 3 – ENFORCEMENT

General Penalty Provision

- 3(1) A Person who contravenes this Bylaw by:
- a. Doing any act or thing which the Person is prohibited from doing; or
 - b. Failing to do any act or thing the Person is required to do;
- is guilty of an offence.
- 3(2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding six (6) months.

Violation Tickets and Penalties

- 3(3) Where an Enforcement Officer believes that a Person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act RSA 2000, c P-24*.
- 3(4) Where there is a specified penalty listed for an offence in Schedule “B” to this Bylaw, that amount is the specified penalty for the offence.
- 3(5) Where there is a minimum penalty listed for an offence in Schedule “B” to this Bylaw, that amount is the minimum penalty for the offence.
- 3(6) Notwithstanding specified and minimum penalties set out in Schedule “B” to this Bylaw:
- 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. If a Person is convicted three or more times of the same provision of this Bylaw within a twenty four (24) month period for the third and subsequent convictions shall be triple the amount of the specified penalty for a first offence.
- 3(7) This section does not prevent any Enforcement 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-24* or from laying an Information in lieu of a violation ticket.

- 3(8) 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.
- 3(9) The County is not required to enforce this Bylaw;
- a. In deciding whether to enforce this Bylaw, the County may take into account any practical concerns including available municipal budget and Personnel resources.

PART 4 – UNSIGHTLY PROPERTIES

Scope

- 4(1) The standards, requirements and prohibitions contained in this Part shall apply to:
- a. Residential properties;
- b. Vacant lots within residential subdivisions; and
- c. Commercial properties; but not Industrial areas.

Accumulation of Materials

- 4(2) No Owner or occupier of a Property shall allow on the Property, the accumulation of:
- a. Any material that creates unpleasant odours; or
- b. Animal remains, parts of animal remains, or animal feces.
- 4(3) Nothing in Section 4(2) shall prevent bona fide agriculture practices.
- 4(4) Nothing in Section 4(2) shall prevent the operation of a landfill site or transfer station;
- 4(5) No Owner or Occupant of a Property shall allow the open or exposed storage on the Property of any industrial fluid, including engine oil, brake fluid, antifreeze or hydraulic fluid.
- 4(6) No Person, 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;
- a. Loose garbage;
- b. Bottles, cans, boxes or packing materials;
- c. Household furniture or other household goods;
- d. Automobile parts;
- e. Parts of or disassembled machinery, equipment or appliances; or
- f. Yard waste, including grass, tree and hedge cuttings but excluding ground cover and the contents of a Composting pile as defined in this Bylaw.

Appliances

- 4(7) No Owner or Occupant of a Property shall allow a refrigerator or freezer to remain on the Property without first ensuring that the hinges and latches or lid or doors of the unit have been removed.

- 4(8) 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.
- 4(9) Notwithstanding Sections 4(7) and 4(8), it shall not be an offence for an Owner or Occupant of a Property to allow a refrigerator on a Property:
- a. If the refrigerator is not visible to a Person viewing from outside the Property; and
 - b. The refrigerator remains locked at all times with a padlock and key or similar device.

Outdoor Storage of Building Materials

- 4(10) 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 a Construction or renovation undertaking is being carried out on the Property and that:
- a. The project has begun or the beginning of work is imminent;
 - b. The materials found on the Property relates to the project taking place on the Property in a quantity reasonable to complete the project; and
 - c. The work on the project has not been suspended for a period in excess of one-hundred and twenty (120) days.
- 4(11) An Owner or Occupant of a Property shall ensure that all Building materials stored on a Property that are not in contravention of Section 4(10) are stacked or stored in an orderly manner.
- 4(12) 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.

PART 5 – VEHICLES

- 5(1) No Person, Owner or Occupant of a Property shall have more than two (2) unregistered or inoperative motor vehicles;
- 5(2) The Person, Owner or Occupant of a Property on parcels less than two (2) acres may store up to a maximum of three (3) Recreational Vehicles and/or boats, and on parcels more than two (2) acres may store up to a maximum of five (5) Recreational Vehicles and/or boats;
- 5(3) The Person, Owner or Occupant of a Property on a parcel 0.8 ha (2.0 acres) or more where a single detached dwelling, a duplex or a mobile home is located, may park or store one (1) gravel truck no larger than dual axle, or one (1) highway tractor unit or similar commercial vehicle. On a Property less than 0.81 ha (2.0 ac) the parking of a gravel truck, highway tractor unit, or similar commercial vehicle is not allowed without development permit approval.
- 5(4) The parking or storing of school buses is allowed provided the Person, Owner or Occupant of a Property has an active contract with a school division to transport students:
- a. On a Property less than 0.81 ha (2.0 acres) one (1) school bus; or

- b. On a Property more than 0.81 ha (2.0 acres) or more, two (2) school buses.
- 5(5) A Person, Owner or Occupant may have more than the allowed number of school buses with Development Permit approval.
- 5(6) 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.

PART 6 – GRAFFITI PREVENTION AND ABATEMENT

- 6(1) No Person shall create or apply Graffiti.
- 6(2) 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.
- 6(3) In a prosecution for an offence under this part, if the defendant seeks to rely on the Graffiti being made with the consent of the Owner of the Property, the onus of proving Owners consent rests with the Person relying on the consent.

PART 7– REGULATION OF COMPOSTING

- 7(1) For the purposes of this part:
- a. “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
 - b. “Open Composting Pile” means a Composting site which is not fully contained in a Structure.

Prohibitions

- 7(2) 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 Composting container on the Property.
- 7(3) No Owner or Occupant of a Property shall allow an open Composting pile on the Property within ten (10) metres of an adjacent dwelling house, measured from the nearest part of the open Composting pile to the nearest part of the adjacent dwelling house.
- 7(4) Every Owner or Occupier who allows a Composting Container 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:
- a. Creating offensive odours; or
 - b. Attracting Nuisance Animals.

PART 8 – REGULATING NOISE

8(1) For the purpose of this part:

- 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;
- b. “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;
- c. “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;
- d. “Continuous Sound” means any Sound Level that occurs;
 - i. for a continuous duration of more than three minutes
 - ii. Sporadically for a total of more than three minutes, in any continuous 15 minute time period;
- e. “Day-time” means the period:
 - i. Beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or
 - ii. Beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on Weekends.
- f. “Field Calibrator” means an instrument (as established by the American National Standards Institute “A.N.S.I.”) 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;
- g. “Major Event” means any outdoor concert, festival, sporting event, performance, attraction, revival or other event, for which either at least five hundred (500) tickets are available for paid admission or five hundred (500) or more people can be accommodated if there is no admission charge;
- h. “Manager of Community and Protective Services” means the Person who is the Manager of Community and Protective Services or designate;
- i. “Night-time” means the period beginning at 10:00 P.M. and ending the following day:
 - i. 7:00 A.M. if the following day is a Weekday; or
 - ii. 9:00 A.M. if the following day is a Weekend.
- j. “Non-Continuous Sound” means any Sound Level that is not a Continuous Sound measured with a Sound Meter;
- k. “Point of Reception” means any location at the place of work or residence where the noise or Sound Levels are heard by a complainant, as determined by the Tester to be appropriate in each circumstance;
- l. “Power Tool” includes any tool powered by an engine or motor, regardless of whether the mechanism is powered by compressed air, electricity or fossil fuel;
- m. “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;
- n. “Sound Level” means the sound pressure measured in decibels using the “A” weighted network of a Sound Level Meter with fast response;

- o. "Sound Level Meter" means any Type 2 or better integrating instrument (as established by the standards of the American National Standards Institute "A.N.S.I.") that means Sound Levels;
- p. "Tester" means an Enforcement Officer trained in the operation of a Sound Level Meter as defined in this Bylaw,
- q. "Truck" means any vehicle that has a gross allowable maximum vehicle weight in excess of five thousand four hundred and fifty (5,450) 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;
- r. "Weekday" means Monday through Friday, inclusive unless it falls on a holiday as defined in the *Interpretation Act, RSA 2000 c-I-8*, as amended or replaced from time to time;
- s. "Weekend" means Saturday and Sunday and any other holiday as defined in the *Interpretation Act, RSA 2000 c I-8*.

8(2) This part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads.

General Prohibitions of Noise from Motor Vehicles or Properties

- 8(3) Except as authorized pursuant to this Bylaw no Person, Owner or Occupier 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, clamour, shouting, movement, music or activity.
- 8(4) 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.
- 8(5) Whether any sound annoys or disturbs a Person, or otherwise constitutes objectionable noise, is a question of fact to be determined by a Court hearing a prosecution pursuant to this section of the Bylaw.

Continuous Sound in Residential Districts

- 8(6) No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of the following Sound Levels:
 - a. Seventy five (75) decibels (dBA) Leq measured over a one (1) hour period during the Day-Time; or
 - b. Fifty five (55) decibels (dBA) Leq measured over a one (1) hour period during the Night-Time; at any Point of Reception within a Residential District.
- 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 (1) hour period, a Sound Level must exceed five (5) decibels (dBA) Leq over the Ambient Sound Level before it becomes an offence.

Non-Continuous Sound in Residential Districts

- 8(8) No Person shall cause or permit to be caused a non-Continuous Sound that exceeds:
- a. Eighty five (85) decibels (dBA) Leq measured over a period of fifteen (15) minutes during the Day-Time; or
 - b. Seventy five (75) decibels (dBA) Leq measured over a period of fifteen (15) minutes during the Night-Time;
- at any Point of Reception within a Residential District.

Activities in Residential Districts

- 8(9) No Person shall operate:
- a. A hand lawn mower;
 - b. A motorized garden tool;
 - c. A powered tool outside of any building or Structure;
 - d. A snow clearing device powered by an engine of any kind; or
 - e. A motorized snow or leaf blowing device;
- in a Residential District during the Night-Time.
- 8(10) No Person shall load or unload a Truck or Concrete Mixer in a Residential District or within one hundred and fifty (150) metres of a Residential District during Night-Time.
- 8(11) Notwithstanding Section 8(12) a Person may, at any time, unload a Motor Vehicle containing:
- a. Fresh fruit, produce and perishable merchandise including milk, milk products and baked goods; or
 - b. Daily or weekly newspapers being delivered.
- 8(12) A Person who owns occupies or controls a Truck must not at any time allow it to remain running for longer than twenty (20) minutes when it is stationary in a Residential District or within one hundred and fifty (150) metres of a Residential District. This time restriction will not apply when the temperature outside is -15°C or colder.

Sound in Non-Residential District

- 8(13) No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of eighty five (85) decibels (dBA) Leq ,measured over one(1) hour period during the Day-Time or Night-Time at any Point of Reception within a non-Residential District.
- 8(14) No Person shall, in a non-Residential District, cause or permit to be caused a non-Continuous Sound that exceeds eighty five (85) decibels (dBA) Leq measured over a period of one (1) hour during the Day-Time or Night-Time.

8(15) Nothing in Section 8 shall prevent bona fide agriculture practices.

Permits

8(16) A Person may make a written application to the Manager of Community and Protective Services for a temporary permit allowing for noise or Sound Levels that would otherwise violate this Bylaw.

8(17) Any application made pursuant to Section 8(18) must be made at least five (5) business days prior to the proposed activity for which the exemption is sought and shall contain;

- a. The name, address and telephone number of the applicant;
- b. The legal description, or municipal address of the site;
- c. The Development Permit (if applicable);
- d. A description of the source(s) of noise or Sound Levels;
- e. The period of time that the exemption is desired;
- f. The applicant's reason(s) why the exemption should be given;
- g. A statement of the measures that will be taken to minimize the noise or Sound Levels; and
- h. The signature of the applicant.

8(18) The Manager of Community and Protective Services may, at his / her sole discretion:

- a. Waive any requirement of this section;
- b. Issue a temporary permit, where the Manager of Community and Protective Services determines that the circumstances make it impractical for the applicant to comply with this Bylaw;
- c. Revoke any temporary permit that has been issued, where the Manager of Community and Protective Services determines that the applicant has not taken sufficient measures to minimize the noise or Sound Levels; or
- d. Impose any conditions on the issuance or use of the permit that the Manager of Community and Protective Services considers appropriate.

Permits for Major Events

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 may include posting, media advertising or direct notice.

8(20) Any application made pursuant to Section 8(21) must be made at least ninety (90) days prior to the proposed Major Event and shall contain;

- a. The name, address and telephone number of the applicant;
- b. The legal description, or municipal address of the site;
- c. The Development Permit (if applicable);
- d. A description of the event;
- e. A statement of the measures that will be taken to minimize the noise or Sound Levels;
- f. A detailed site plan;

- g. Letters of support from applicable agencies (e.g., fire department, health department, RCMP)
 - h. A Security Plan; and
 - i. The signature of the applicant.
- 8(21) The Manager of Community and Protective Services may, at his / her sole discretion:
- a. Waive any requirement of this section;
 - b. Impose any conditions on the issuance or use of the permit that the Manager of Community and Protective Services considers appropriate.
- 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.
- 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 fourteen (14) days of the date of approval.
- 8(24) If no appeal is filed within fourteen (14) days of the date of approval, the temporary permit may be issued.
- 8(25) Any rejection of an application under Section 8(21) for a Major Event may be appealed by the applicant to the Council within fourteen (14) days of the date of the rejection decision.
- 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 this Bylaw.
- 8(27) If an appeal is filed pursuant to this section, the Community Standards Appeal Board shall hear the application within thirty (30) days, or their next meeting - whichever is sooner.
- 8(28) The Council may determine its own procedure for a hearing pursuant to this section, and may reverse, vacate, confirm or vary the approval or conditions thereof made by the Manager of Community and Protective Services and its decision is final.

Scope

- 8(29) The provisions contained in this part shall not be interpreted to prevent:
- a. The ringing of bells in churches, religious establishments and schools;
 - b. The sounding of any alarm or warning to announce a fire or other emergency;
 - c. The playing of a band in connection with a parade allowed pursuant to any County Bylaw; or
 - d. The use of Signaling Devices on vehicles in the normal operation for the purpose of giving warnings to other vehicles or Persons.

Testers

- 8(30) The Chief Administrative Officer or designate may establish the qualifications for and appoint Persons as Testers to measure Sound Levels.
- 8(31) When measuring Sound Levels, the Testers must measure the Sound Level at the Point of Reception with the Sound Level Meter at least one (1.0) metre above the ground.
- 8(32) When measuring Sound Levels, the Tester is the Person who determines the Point of Reception.
- 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.

PART 9 – LIGHTS

- 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.
- 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.
- 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).

PART 10 – MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES

Interpretation

- 10(1) For the purpose of this part:
- a. “Fence” includes a privately-built Fence and a developer-built community screening Fence;
 - b. “Good Repair” means a condition where something is free from:
 - i. Significant damage;
 - ii. Peeling surfaces;
 - iii. Broken, missing or fallen parts;
 - iv. Rot or other significant deterioration;
 - v. Openings which are not secured against trespassers or infiltration or air and precipitation;
 - or
 - vi. Other visual evidence of a lack of general maintenance.
 - c. “Structure” includes any building, retaining wall, scaffolding, garbage, container, mobile home, shed or portable shack.

Obligation to Maintain

- 10(2) No Owner or Occupant of a Property shall allow a Structure or Fence to become a safety hazard.
- 10(3) Every Owner or Occupant of a Property shall ensure the following are maintained in Good Repair;
- a. Fences and their structural members;
 - b. Structures and their structural members, 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 of a Structure or Fence; and
 - vii. Exterior stairs, landings, porches, balconies and decks.

PART 11 – EXCAVATIONS

- 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.

PART 12 – ADDRESSING

- 12(1) The Owner or Occupant of a Property on which a dwelling unit has been erected shall display a municipal address sign at all times at a location plainly visible from the roadway to which the Property is addressed.
- 12(2) Every person who obtains development permit approval from the development authority or a building permit from the building inspector to permit the construction of a commercial, residential or industrial development shall be responsible for the erection of the municipal address sign for the development.
- 12(3) Every person who obtains subdivision approval from the Subdivision Authority for a use other than extensive agriculture shall be responsible for the construction, erection and maintenance of municipal address and directional signs to a standard acceptable to the Addressing Authority.
- 12(4) The municipal address sign lettering must be one hundred and fifty (150) mm (6") in height in residential subdivisions and one hundred (100) mm (4") in all other areas.
- 12(5) Letters shall be reflective and placed on a medium green background.
- 12(6) The one, two and three digit subdivision lot signs shall be placed in country residential subdivisions.

12(7) All other locations shall post the four or five digit reference number or complete address.

PART 13 – LITTERING

Interpretation

13(1) For the purpose of this part “Refuse” means:

- a. Rubbish, garbage, waste materials, paper, packages, containers, bottles, cans or parts thereof;
- b. Any article, product, machinery, Motor Vehicle, building materials, or other manufactured goods; or
- c. Trees, shrubs, sewage, straw, hay, soil, gravel, rock, dead animals, dead fowl, or any material considered foreign to a Highway or public land.

13(2) No Person shall dispose of refuse on any Highway or public land unless he disposes of it:

- a. In a container placed for the purposes of collecting it;
- b. At a sanitary landfill; or
- c. Through a County refuse disposal system.

13(3) 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.

13(4) 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 he proves 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 him or by any other Person with his consent, express or implied.

13(5) No Person shall dispose of refuse on any land other than his own unless the Owner or Person in control of the other land agrees to its disposal.

PART 14 – EXERCISE OF DISCRETION

Parkland County has the discretion to enforce this bylaw, and is not liable of any outcomes should an Officer decide not to enforce this bylaw if acting in good faith.

PART 15 – SEVERABILITY

If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

PART 16 – TRANSITION

16(1) Upon the coming into force of this Bylaw, the Bylaw 05-2011 is repealed:

16(2) Upon the coming into force of this Bylaw, the Bylaw 14-2012 is repealed:

16(3) This By-law shall come into *force* and effect upon final passing and signing, thereof.

READ a first time this _____ day of _____, A.D. 2012

READ a second time this _____ day of _____, A.D. 2012.

READ a third time and finally passed this _____ day of _____, A.D. 2012.

Mayor

Manager, Legislative & Administrative Services

SCHEDULE “A”

PART 2 APPEAL FEES

Non-refundable Order Appeal Fee	\$150.00
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SCHEDULE “B”

SPECIFIED AND MINIMUM PENALTIES

Section	Offence	Minimum Penalty	Specified Penalty
2(4)	Fail to Comply with Order	\$250.00	\$500.00
4(2)(a)	Accumulation of Offensive Material	\$100.00	\$200.00
4(2)(b)	Accumulation of Material Attract Pest	\$100.00	\$200.00
4(3)(c)	Accumulation of Animal Parts/Remains/Feces	\$250.00	\$500.00
4(5)	Exposed Storage of Industrial Fluid/Engine Oil/Brake Fluid/Antifreeze	\$250.00	\$500.00
4(6)	Accumulation of Material from off Property	\$250.00	\$500.00
4(7)	Improper Storage of Appliance	\$150.00	\$300.00
4(8)	Store Appliance Visible from Outside Property	\$150.00	\$300.00
4(10)	Outdoor Storage Building Material	\$150.00	\$300.00
5(1)	Improper Storage of Unregistered or Inoperable Motor Vehicles	\$250.00	\$500.00
5(2)	Improper Storage of Recreational Vehicles/Boats	\$250.00	\$500.00
5(4)	Improper Storage of School Bus	\$250.00	\$500.00
6(1)	Create/Apply Graffiti	\$2,500.00	\$5,000.00
6(2)	Fail to Remove Graffiti	\$100.00	\$200.00
7(2)	Feces in Compost	\$150.00	\$300.00
7(3)	Open Compost Within 10 Metres of Adjacent Dwelling	\$150.00	\$300.00
7(4)(a) or (b)	Compost Offensive Odour/Attract Nuisance Animals	\$250.00	\$500.00
8(3)	Person/Owner/Occupant Cause/Create Noise/Disturb/Annoy	\$150.00	\$300.00
8(4)	Noise from Motor Vehicle on Properties	\$150.00	\$300.00
8(6)	Continuous Noise in Residential District	\$250.00	\$500.00
8(8)	Non-Continuous Noise in Residential District	\$250.00	\$500.00
8(9)	Activities in Residential District at Night	\$250.00	\$500.00
8(10)	Load/Unload Truck at Night	\$250.00	\$500.00
8(12)	Run Truck Longer than 20 minutes	\$250.00	\$500.00
8(13)	Continuous Noise in Non-Residential District	\$150.00	\$300.00
8(14)	Non-Continuous Noise in Non-Residential District	\$150.00	\$300.00
9(1)	Allow Light Shine into Dwelling	\$150.00	\$300.00
10(2)	Allow Fence/Structure become hazard	\$350.00	\$700.00
10(3)	Fail to Maintain in Good Repair	\$350.00	\$700.00
11(1)	Dangerous Excavation/drain/ditch	\$750.00	\$1,000.00
12(1)	Fail to Display Assigned Address	\$100.00	\$250.00
13(2)	Fail to Properly Dispose Refuse	\$300.00	\$500.00
13(4) & 12(4)	Fail to Transport Refuse w/o Prevent Falling/Blowing Off	\$400.00	\$700.00
13(5)	Dispose Refuse on land not Own	\$400.00	\$700.00