

## VILLAGE OF ALIX

### BYLAW NO. 465/21

A Bylaw of the Village of Alix, in the Province of Alberta, to regulate Community Standards for Safety, Health, Welfare, Nuisances and Livability.

**WHEREAS**, pursuant to the Municipal Government Act; RSA 2000 Chapter M-26, a Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; respecting people, activities and things in, on or near a public place or place that is open to the public; and respecting nuisances, including unsightly property;

**AND WHEREAS** pursuant to the Traffic Safety Act, RSA 2000, Chapter T-6 and amendments thereto, Council may, by bylaw, authorize the use of Motor Vehicles on Highways and other places under its direction, control and management;

**AND WHEREAS** the House of Commons has given three readings to the Cannabis Act Bill C-45, an Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2017, which will permit persons to possess cannabis if purchased from an authorized person;

**AND WHEREAS** the Province of Alberta has enacted an Act to Control and Regulate Cannabis, S.A. 2017, c.21 which will place restrictions on smoking or vaping Cannabis in public places, and has further restrictions within the Gaming, Liquor and Cannabis Act RSA 2000 Chapter G-1;

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

**NOW THEREFORE** the Council of the Village of Alix, in the Province of Alberta, hereby enacts the following:

#### **PART 1 – Interpretation**

1.1 This Bylaw may be cited as the “Community Standards Bylaw”.

#### **PART 2 - Definitions**

2.1 In this Bylaw:

- (a) “Animal Material” means any animal excrement and includes all material accumulated on a Property;
- (b) “Ashes” means the powdery residue accumulated on a Property left after the combustion of any substance including but not limited to partially burned wood, charcoal or coal;
- (c) “Building” means a development capable of being occupied by one or more persons intended for the purposes of a residence or a place of business;
- (d) “Building Material” means all construction and demolition material accumulated on a Property, including but not limited to, earth, vegetation, metal, wood or rock;

- (e) "Bullying" means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium;
- (f) "Cannabis" has the meaning given to it in the Cannabis Act;
- (g) "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, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2017;
- (h) "Chief Administrative Officer" or "CAO" means the person appointed by Council to the position of Chief Administrative Officer under the Municipal Government Act for the Village of Alix.
- (i) "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 usable soil conditioner;
- (j) "Council" means the Council of the Village of Alix.
- (k) "Curb" means the actual Curb, if there is one, and if there is no Curb in existence, it shall mean the division of a Highway between the Roadway and the Sidewalk or boulevard;
- (l) "Disturbance" means the interruption of the peace, quiet of a Person, neighborhood or community;
- (m) "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 limited to an electronic cigarette, cigar, cigarillo or pipe;
- (n) "Emergency" means a situation in which there is imminent danger to public safety or of serious harm to Property;
- (o) "Graffiti" means any words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Building or other Property;
- (p) "Hazing" means any intentional or reckless act meant to induce physical pain, humiliation or embarrassment that causes physical or mental discomfort and is directed against a Person for the purpose of being initiated, introduced into, affiliated with or maintaining a membership in any club, school, athletic team or other similar group or organization in which a Person may participate;
- (q) "Highway" means highway as defined in the Traffic Safety Act RSA 2000;
- (r) "Motor Vehicle" means a Motor Vehicle as defined in the Traffic Safety Act RSA 2000;
- (s) "Occupant" means the Person residing on the Property and shall include the Owner or Person(s) renting or occupying the Property;
- (t) "Offensive Odour" means any smell that offends or disturbs any other Person and includes but is not limited to: garbage, firepit smoke, burning of any materials, animal or human

feces, animal parts or meat, Composting, Cannabis, vehicle emissions, petroleum products, or any other substance or material that may offend or disturb any Person;

- (u) "Owner" means:
  - (i) the Person as registered on the title at the Land Titles Offices; or
  - (ii) a Person who is recorded as the Owner of the Property on the Village's assessment roll;
- (v) "Peace Officer" means:
  - (i) a police officer;
  - (ii) a Person appointed as a Peace Officer pursuant to the Peace Officer Act, SA 2006, c P-3.5; or
  - (iii) a Person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act, RSA 2000, c M-26
- (w) "Pedestrian" means a Person on foot or a Person in or on a mobility aid;
- (x) "Person" means a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
- (y) "Property" means a parcel of land, a Building or possessions of the Owner or Occupant located thereon;
- (z) "Public Place" means any place including privately and publicly owned or leased Property, to which the public reasonably has or is permitted to have access, whether on payment or otherwise, within the Village;
- (aa) "Quiet Hours" shall mean between the hours of 11:00 p.m. and 7:00 a.m. on any day;
- (bb) "Residential Dwelling" means any Building intended for residential use, including a single detached dwelling, duplex, triplex, fourplex, multiplex, rowhouse and townhouse, but excludes an apartment building;
- (cc) "Residential Area" means a district where people live, occupied primarily by private residences;
- (dd) "Roadway" means that part of a Highway intended for use by vehicular traffic;
- (ee) "Rubbish" means and includes any paper product, fabric, wood, plastic, glass, metal and/or any matter of substances of any kind which has been discarded, abandoned or in any way disposed of.
- (ff) "Sidewalk" means the part of a Highway especially adapted to the use of or ordinarily used by Pedestrians, and includes that part of the Highway between the Curb line thereof (or the edge of the Roadway, where there is no Curb line) and the adjacent property line, whether or not paved or improved;

- (gg) "Smoke" or "Smoking" means:
- (i) inhaling or exhaling the smoke produced by burning or heating Cannabis; or
  - (ii) holding or otherwise having control of any device or thing containing lit or heated Cannabis;
- (hh) "Unsightly Premises" means any Property or part of it which is characterized by visual evidence of a lack of general maintenance and upkeep by the excessive accumulation on the premises of:
- (i) any Rubbish, refuse, garbage, papers, packages, containers, bottles, cans, manure, human excrement or sewage or the whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household dishes and utensils, boxes, cartons and discarded fabrics;
  - (ii) the whole or part of any Motor Vehicle or vehicles which has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year;
  - (iii) any Motor Vehicle or vehicles which is inoperative by reason of removed parts, or collection of vehicle parts, dismantled or derelict;
  - (iv) equipment or machinery which has been rendered inoperative by reason of its disassembly, age or mechanical condition and includes any household appliances;
  - (v) Animal Material, Yard Material, Ashes or Building Material as defined in this Bylaw;
- (ii) "Use" where used as a verb in respect of Cannabis includes Smoke, Vape, apply, inhale, and consume;
- (jj) "Vape" or "Vaping" means:
- (i) inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing Cannabis, or
  - (ii) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from Cannabis;
- (kk) "Village" means Village of Alix;
- (ll) "Waste" means anything that is set out for collection in a waste container;
- (mm) "Yard Material" means organic matter formed as a result of gardening or horticultural pursuits and includes grass, weeds, tree and hedge cuttings and clippings.

### **PART 3 – Unsightly Premises**

- 3.1** No Person shall allow any Property to become an Unsightly Premises.
- 3.2** Every Occupant or Owner of any property within the Village of Alix shall:
- (a) cut the grass on the property they own or occupy and cut the grass on any boulevard which abuts, flanks or adjoins such property, including lanes and alleys at the rear or side of such property, with sufficient frequency to ensure that the grass does not exceed 15.24 cm (6 inches) in height.
  - (b) prune, remove or otherwise maintain trees and shrubs that interfere with or endanger lines, poles, pipes, sewers, sidewalks, streets and alleyways or other works of the Village or public utility within or on the property they own or occupy.
- 3.3** In determining whether a Property is an Unsightly Premises a Peace Officer shall take into account a number of factors including but not limited to the land use, zoning, a development permit, location, density of population, surrounding properties, visibility from the Roadway, and the exercise of discretion.
- 3.4** A Peace Officer in determining that a Property is an Unsightly Premises may issue:
- (a) a notice of complaint in writing or in the form of a door knocker attachment;
  - (b) an order to remedy contraventions pursuant to Section 545 of the Municipal Government Act; or
  - (c) an order to remedy dangers and unsightly property pursuant to Section 546 of the Municipal Government Act.
- 3.5** Every Person who fails to comply with an order within the time set out in the order commits an offence.
- 3.6** A Peace Officer may extend the time or vary the directions or required actions in an order.
- 3.7** A Person to whom an order has been issued may by written notice to the CAO request a review by Council pursuant to Section 547 of the Municipal Government Act.

### **PART 4 – Bullying and Hazing**

- 4.1** Enforcement actions and investigations under this part shall only be undertaken by a member of the RCMP.
- 4.2** No Person shall commit the act of Bullying against another Person.
- 4.3** No Person shall commit the act of Hazing against any other Person.

## **PART 5 – Graffiti**

- 5.1** No Person shall create or apply Graffiti on or to any Public Place which is owned or occupied by another Person unless the Graffiti is not in public view and the Person who owns or occupies the Property to which the Graffiti has been created or applied has given prior written approval by the CAO for the creation or application of the Graffiti.
- 5.2** An 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.
- 5.3** In any prosecution for an offence under this part, if a defendant seeks to rely on the defense of any Graffiti being made with the consent of the Owner, the onus of proving that the Owner consented lies with the defendant.

## **PART 6 – Noise**

- 6.1** No Person shall make, continue, cause or allow to be made or continued any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any other Person.
- 6.2** No Person shall permit, suffer or allow Property, real or personal which he owns, occupies or controls, to be used in a manner such that there emanates any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any other Person.
- 6.3** Factors for determining whether a sound is unreasonably loud, raucous or unusual include, but are not limited to, the following:
- (a) proximity of the sound to sleeping facilities, whether residential or commercial;
  - (b) the time of day or night the sound occurs;
  - (c) the duration and volume of the sound; and
  - (d) whether the sound is recurrent, intermittent or constant.
- 6.4** No Person shall operate construction equipment, power, gas or battery operated equipment including tools, lawn mower, or snow cleaning device in any Residential Area during Quiet Hours unless authorized by a development permit issued by the Village.
- 6.5** This Part shall not apply to:
- (a) any Person who carries on an agricultural operation pursuant to the Agricultural Operation Practices Act;
  - (b) any Person operating under the authority of a development permit, or other permission granted by the Village;
  - (c) any Person performing work of an Emergency nature for the preservation or protection of life, health, or Property;
  - (d) any act of emergency maintenance or repairs being carried out by employees or contractors of the Village;

- (e) any act of emergency maintenance or repair being carried out by employees or contractors of any private utility;
- (f) the operation of emergency equipment or any emergency vehicle;
- (g) a Peace Officer engaged in performing his duty; or
- (h) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.

**PART 7 – Nuisance**

- 7.1** No Person shall cause a Disturbance by fighting, screaming, shouting, swearing, molesting, or using insulting language at or near a Public Place.
- 7.2** No Person shall urinate, defecate, or deposit any human waste on the private property of another Person, on any Public Place or in any place to which the public is allowed access.
- 7.3** No Person shall idle a Motor Vehicle in a Residential Area for longer than 30 minutes.

This section shall not apply when temperatures exceed minus thirty (-30) degrees Celsius.

- 7.4** No Person shall cause or allow any Offensive Odour to disturb any other Person.
- 7.5** No Person shall have an electric fence at or near any Public Place where any other Person is likely to make contact with it.

For the purpose of this section, consideration will be given as to the distance from Public Place, density of population, type of warning signs present, and the type of animals being contained.

- 7.6** A Person who carries on an agricultural operation pursuant to the Agricultural Operation Practices Act is not in contravention of sections 7.4 or 7.5.
- 7.7** No Person, at or near a Public Place, shall display any pictures, words, or graphic images of any type that promotes violence, hatred, and offends, or is likely to offend, any other Person.
- 7.8** No Person shall throw or propel an object that is likely to startle or cause injury to another Person or animal.
- 7.9** No Person shall throw or propel an object that is likely to damage any Property.
- 7.10** No Person shall pump water, or otherwise direct or cause any water to flow onto any Property that is not their own. For better clarity this section applies to sump pumps and eavestroughs however shall not apply to other Property drainage such as melting snow that has been legally piled, normally flowing rain water, or any natural flooding type of events.

**PART 8 – Cannabis**

- 8.1** No Person shall Use Cannabis in any Public Place unless:

- (a) entitled to possess Cannabis pursuant to a medical document issued pursuant to the Access to Cannabis for Medical Purposed Regulation SOR/2016-230.
- 8.2** A Person who is entitled to possess Cannabis pursuant to a medical document shall forthwith produce, at the request of a Peace Officer, a copy of the Person's medical document.
- 8.3** A Person who is entitled to possess Cannabis pursuant to a medical document shall only Smoke and Vape Cannabis at areas not prohibited under the Alberta Tobacco and Smoking Reduction Act and the Alberta Gaming, Liquor and Cannabis Act.
- 8.4** No Person shall Use Cannabis in such a manner to harass, annoy, molest, impede or otherwise interfere with any other Person.

### **PART 9 – Fire Hydrants**

- 9.1** Any Person Owning or Occupying a Property with a fire hydrant adjacent to such Property shall be responsible for clearing snow and cutting weeds or grass around the fire hydrant in a manner that allows the fire hydrant to be clearly visible and accessible from the point on the street closest to the fire hydrant.
- 9.2** If a fire hydrant is equidistant from two Properties:
  - (a) the Owner and Occupant of the Property immediately to the north or west of the fire hydrant shall comply with the provisions of Section 9.1 in even numbered years;
  - (b) the Owner and Occupant of the Property immediately to the south or east of the fire hydrant shall comply with the provisions of Section 9.1 in odd numbered years.
- 9.3** No Person shall damage, interfere, or tamper with a fire hydrant.

### **PART 10 – Enforcement**

- 10.1** A Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not greater than Ten Thousand Dollars (\$10,000.00).
- 10.2** The offences under this Bylaw in respect of which a voluntary specified penalty may be made are set out in Schedule A.
- 10.3** All specified penalties in Schedule A shall be subject to a One Hundred Dollar (\$100.00) increase if the matter proceeds by way of a summary conviction offence.
- 10.4** A violation ticket as distributed by the Province or Alberta and set out in the Provincial Offences Procedures Act and Regulation may be issued by a Peace Officer for any contravention of this Bylaw.
- 10.5** A violation ticket is deemed sufficiently served if the processes under the Provincial Offences Procedure Act and Regulation have been followed.
- 10.6** No Person shall aid, abet, encourage, or cheer on any Person involved in a contravention of this Bylaw.



**10.7** No Person shall willfully obstruct, impede, or hinder a Peace Officer while the Peace Officer is engaged in the execution of their duty.

**10.8** No Person shall fail or refuse to comply with a lawful order or request of a Peace Officer while that Peace Officer is engaged in the execution of their duty.

**10.9** The owner of a vehicle involved in the commission of an offence under this bylaw is guilty of an offence and liable on summary conviction as outlined in "Schedule A".

**PART 11 – Exercise of Discretion**

**11.1** The Village has the discretion to enforce this Bylaw and is not liable of any outcomes should the Village or a Peace Officer decide not to enforce this Bylaw if acting in good faith.

**PART 12 – Severability**

**12.1** Should any provision of this Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from this Bylaw and the remainder shall remain in force and be binding as though such provision had not been included.

**PART 13 – Coming into Force**

**13.1** This Bylaw shall come into full force and effect on the third and final reading.

**13.2** Upon the effective date of this Bylaw, the following Bylaws are rescinded:

- (a) Bylaw No. 158/90, Noise Bylaw
- (b) Bylaw No. 322/02, Nuisance Bylaw
- (c) Bylaw No. 389/10, Public Disturbances/Anti-bullying Bylaw

Read a first time on the 7<sup>th</sup> day of July, 2021.

Read a second time on the 4th day of August, 2021.

Read a third and final time on the 4th day of August, 2021.

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**Mayor**

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**CAO**

**Schedule A**  
**Specified Penalties**

**PART 3 – Unsightly Premises**

Section	Offence	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
3.1	Person allow Unsightly Premises	\$100	\$200	Court
3.2(a)	Fail to cut grass	\$ 50	\$100	\$200
3.2(b)	Fail to maintain trees/shrubs	\$ 50	\$100	\$200
3.4	Fail to comply with Order	\$500	\$1,000	Court

**PART 4 – Bullying and Hazing**

Section	Offence	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
4.2	Bullying another Person	\$250	\$500	Court
4.3	Hazing another Person	\$250	\$500	Court

**PART 5 – Graffiti**

Section	Offence	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
5.1	Create/Apply Graffiti	\$500	\$1,500	Court
5.2	Fail to remove/cover Graffiti	\$150	\$300	Court

**PART 6 – Noise**

Section	Offence	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
6.1	Person make/cause Noise	\$100	\$200	Court
6.2	Owner permit Noise	\$100	\$200	Court
6.4	Operate const. equipment/power tools/power lawn mower/snow clearing device in residential area during quiet hours	\$100	\$200	Court

**PART 7 – Nuisance**

Section	Offence	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
7.1	Cause Disturbance Public Place	\$250	\$500	Court
7.2	Urine/Defecate Public Place/private property	\$100	\$200	Court
7.3	Idle MV in Residential Area/30 min.	\$100	\$200	Court
7.4	Cause/allow Offensive Odours	\$250	\$500	Court
7.5	Electric Fence at or near Public Place	\$150	\$300	Court
7.6	Display Offensive material	\$500	\$1,500	Court
7.8	Throw/propel an object likely to Cause injury/damage to another Person/animal	\$125	\$250	Court
7.9	Throw/propel an object to damage property	\$125	\$250	Court
7.10	Pump or otherwise direct water onto other property	\$250	\$500	Court

### **PART 8 – Cannabis**

<u>Section</u>	<u>Offence</u>	<u>1<sup>st</sup> Offence</u>	<u>2<sup>nd</sup> Offence</u>	<u>3<sup>rd</sup> Offence</u>
8.1	Unlawful Use in Public Place	\$150	\$300	Court
8.2	Fail to produce medical document to PO upon demand	\$150	\$300	Court
8.3	Medical Use in prohibited place	\$150	\$300	Court
8.4	Person Use cannabis to disturb/ Harass/annoy/impede/molest another Person	\$250	\$500	Court

### **PART 9 – Fire Hydrants**

<u>Section</u>	<u>Offence</u>	<u>1<sup>st</sup> Offence</u>	<u>2<sup>nd</sup> Offence</u>	<u>3<sup>rd</sup> Offence</u>
9.1	Fail to clear snow/debris Collection prior to specified time	\$150	\$300	Court
9.3	Damage, interfere or tamper with Hydrant	\$1,500	\$2,500	Court

### **PART 10 – Enforcement**

<u>Section</u>	<u>Offence</u>	<u>1<sup>st</sup> Offence</u>	<u>2<sup>nd</sup> Offence</u>	<u>3<sup>rd</sup> Offence</u>
10.6	Encourage/cheer any Person Involved in a contravention of this Bylaw	\$200	\$500	Court
10.7	Obstruct/impede/hinder a Peace Officer	\$500	\$750	Court
10.8	Fail/refuse to comply with Peace Officer	\$200	\$500	Court