

# SUMMER VILLAGE OF HALF MOON BAY COMMUNITY STANDARDS BYLAW BY-LAW 162-21

BEING A BYLAW OF THE SUMMER VILLAGE OF HALF MOON BAY IN THE PROVINCE OF ALBERTA TO PROHIBIT CERTAIN ACTIVITIES IN ORDER TO PREVENT AND COMPEL THE ABATEMENT OF NOISE, NUISANCE, UNSIGHTLY PREMISES AND PUBLIC DISTURBANCES.

**WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended in the Province of Alberta provides that a Municipal Council may by bylaw provide for a system of licensing, permits and approvals and regulating business within the Municipality;

**AND WHEREAS**, the Council of the Summer Village of Half Moon Bay deems it expedient and in the public's interest to pass a bylaw to regulate and control noise, nuisance, unsightly premises, and public disturbances.

**NOW THEREFORE**, the Municipal Council of the Summer Village of Half Moon Bay, in the Province of Alberta, duly assembled, hereby enacts as follows:

## 1. TITLE

1.1 This bylaw may be cited as the "**Community Standards Bylaw.**"

## 2. DEFINITIONS

2.1 In this Bylaw, including this section, unless the context otherwise requires:

- (a) "**Act**" means the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, and any amendment or substitutions thereof.
- (b) "**Camping**" means the act of staying or sleeping in an outside area for one or more days and/or nights. Camping can also include, but not limited to, a recreational vehicle, a tent, a shelter such as a bivy or tarp, or no shelter at all.
- (c) "**Chief Administrative Officer**" means the Chief Administrative Officer of the Summer Village of Half Moon Bay appointed by Council.
- (d) "**Council**" means the Municipal Council of the Summer Village of Half Moon Bay.
- (e) "**Graffiti**" means the defacement or disfigurement of any property or object, through the performance of any of the following acts:
  - i. the application of any substance, including paint, ink, stain, or whitewash to any surface or;
  - ii. the affixing of any substance, including paper, fabric, or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
  - iii. the marking, scratching, etching or other alteration or disfigurement of any surface.
- (f) "**Litter**" means rubbish that has been left lying on the ground in public places, including but not limited to:

- i. a cardboard or wooden box, carton, container, or receptacle of any kind;
  - ii. a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
  - iii. paper of any kind, whether or not containing written or printed matter thereon;
  - iv. any human, animal or vegetable matter or waste;
  - v. any glass, crockery, nails, tacks, barbed wire or other breakable or sharp objects;
  - vi. scrap metal, scrap lumber, tires, dismantled, wrecked, or dilapidated motor vehicles or parts there from;
  - vii. any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;
  - viii. dirt, filth, yard refuse or rubbish of any kind whether similar or dissimilar to the foregoing including but not limited to grass clippings, weeds, materials from pruning such as branches, limbs, twigs, leaves, or any other pruning debris.
- (g) **“Minor”** means an individual under 18 years of age.
- (h) **“Municipal Ticket”** means a ticket in a form as approved by the Chief Administrative Officer, issued by the Summer Village allowing for voluntary payment of a fine established under this Bylaw.
- (i) **“Nuisance”** for the purpose of this bylaw includes any use of or activity upon any property which is offensive to any person or has or may have a detrimental impact upon any person or other property in the neighbourhood.
- (j) **“Peace Officer”** means:
- i. a member of the Royal Canadian Mounted Police;
  - ii. a Bylaw Officer as appointed by the Summer Village to enforce bylaws of the Summer Village; or
  - iii. a Community Peace Officer as appointed by the Solicitor General of Canada.
- (k) **“Premises”** means the external surfaces of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to the building or buildings.
- (l) **“Provincial Ticket”** means a ticket as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- (m) **“Public Place”** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.
- (n) **“Summer Village”** means the Summer Village of Half Moon Bay.
- (o) **“Youth”** means an individual 12 to 17 years of age.
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### **3. NOISE**

- 3.1 No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
- 3.2 No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person.
- 3.3 In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
  - 3.3.1. type, volume, and duration of sound;
  - 3.3.2 time of day and day of week;
  - 3.3.3. nature and use of the surrounding area.
- 3.4 Permissible Hours. Noise or disturbance that annoys or disturbs the peace of any other person is not allowed between 11:00 p.m. and 8:00 a.m. any day.

### **4. INDUSTRIAL/CONSTRUCTION NOISE**

- 4.1 Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
  - 4.1.1. is a permitted use; or
  - 4.1.2. is an approved discretionary use; or
  - 4.1.3. is a non-conforming, but not illegal, use as defined in the *Municipal Government Act*.
- 4.2 In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.
- 4.3 With the exception of the activities referred to in section 4.1 herein, no person shall use, operate, or allow to be used or operated, any tools, machinery, or equipment so as to create a noise, or disturbance which may be heard in a residential building between the hours of 8:00 p.m. and 8:00 a.m. any day.
- 4.4 These provisions do not apply to work carried on by the Summer Village, or by a contractor carrying out the instructions of the Summer Village, providing it is work of an emergent nature of circumstance.

### **5. CONSTRUCTION WASTE**

- 5.1 Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.

5.2 No loose construction material is to be stored or accumulated on the construction site unless it is not capable of being blown around the construction area.

## **6. NUISANCE AND UNSIGHTLY PREMISES**

6.1 No person shall permit any use or activity upon their property which is offensive to any person and may have a detrimental impact on any person or property including but not limited to:

6.1.1. the failure to cut grass, weeds, shrubs, trees, or other landscaping features incidental to a landscaped area;

6.1.2. the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;

6.1.3. the growth of trees or shrubs in such a manner that they interfere with utilities or endanger visibility to street signage, or roadway clearance;

6.1.4. the accumulation of any material that creates unpleasant odors, any material that attracts pests or any animal remains, parts of animal remains or animal feces;

6.1.5. the storage or accumulation of or failure to dispose of discarded dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;

6.1.6. the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of fifteen (15) minutes in any one hour, or at a point other than the opening to the atmosphere of the flue, stack, or chimney, unless specifically authorized by Council;

6.1.7. the generation of excessive dust and permitting such dust to escape from the property;

6.1.8. the failure to maintain an accessory building, structure, or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;

6.1.9. the failure to fence or secure an excavation, drain, ditch or other depression so that it does not become a danger to public safety;

6.1.10. the posting or exhibiting of advertising posters, signs, billboards, placards, writings or pictures upon any light standard, utility pole, bench, garbage receptacle, fence, or wall on any property, including municipal property, except as permitted in the Land Use Bylaw.

6.1.11. the burning of anything other than dry untreated clean wood in an indoor residential wood fireplace.

6.2 No person being the owner, agent of the owner, leaser, or occupier of any property within the Summer Village shall permit such property, or the activities upon such property to be or remain a nuisance or safety hazard.

## **7. GRAFFITI**

- 7.1 No person shall place graffiti or cause it to be placed on any property.
- 7.2 Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from the public view.
- 7.3 A property owner who breaches the provisions of Section 7.2 where, following the issuance of and failure to comply with an Order under section 545 of the *Municipal Government Act*, shall be liable to payment of a penalty as prescribed in Schedule A.
- 7.4 In prosecuting for an offence under this Section, the consent of the property owner of any premises to place graffiti shall not be a defense under this bylaw.

## **8. LITTERING**

- 8.1 No person shall place, deposit, or throw or cause to be placed, deposited, or thrown, litter upon any Summer Village property, including any street, lane, ditches, park, other public place, or water course.
- 8.2 A person who has placed, deposited, or thrown or caused to be placed or thrown anything or any matter upon any road, ditch, municipal reserve or other public place or water course shall forthwith remove it.

## **9. CAUSE A DISTURBANCE**

- 9.1 No person located in a public place shall disturb the peace and enjoyment of other members of the public by:
- 9.1.1 screaming, shouting, or using loud, abusive, or grossly insulting language;
- 9.1.2 being intoxicated by alcohol or other substances; or
- 9.1.3 openly exposing or exhibiting an indecent act.

## **10. COMMUNITY BEACH SHELTERS AND RESERVE LAND**

- 10.1 There are two community beach shelters located in the Environmental Open Space District areas adjacent to the lake. These shelters are for the exclusive use of residents and guests. These shelters may on occasion be used for special events as approved by the Summer Village of Half Moon Bay.
- 10.2 The storage of personal goods and equipment in the shelters or storage sheds is at the risk of the owner.
- 10.3 No person shall camp or erect any structure in an environmental open space or on any municipally owned land or roadway. Unattended camping materials left on municipal lands may be considered abandoned and removed.

## **11. NUISANCE ENFORCEMENT**

- 11.1 A Peace Officer may, after giving reasonable notice to the owner or occupier of the premises, enter upon the said premises and carry out an inspection.
- 11.2 Upon completion of the inspection, the Peace Officer may direct the owner or occupant of the property to:
- 11.2.1 cease the activity which causes the nuisance;
  - 11.2.2 change the way in which such person is carrying out any activity;
  - 11.2.3 direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including:
    - a) the removal of any thing or matter from the property, which constitute the nuisance; and
    - b) the construction or installations of a garbage bin or enclosure or the repair of an existing garbage enclosure;
    - c) enter into a cleanliness agreement in a form to the satisfaction of the Peace Officer;
    - d) specify the time within which such person must comply with the directions contained in the notice;
    - e) notify the owner or occupant that, if compliance with the notice is not affected within a specified time, the municipality will take the actions or measure specified in the notice to abate the nuisance, at the expense of the owner or occupier;
    - f) offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the Summer Village to keep the premises clean, tidy, and free of nuisances.
- 11.3 Any person who refuses to allow an inspection of the premises under Section 10.1 is guilty of an offence.
- 11.4 Any person who fails to comply with a direction made under this section is guilty of an offence.
- 11.5 No person shall cause or permit or undertake any activity upon any Summer Village property which is a nuisance.

## **12. AUTHORITY TO REMOVE**

- 12.1 The Chief Administrative Officer may authorize the removal and put in storage or destroy anything placed upon Summer Village property in contravention of this bylaw.

### **13. ORDER**

- 13.1 A designated officer may, by written order, require a person responsible for the contravention to remedy the contravention.
- 13.2 The Order shall:
- 13.2.1 state a time within the owner must comply with the order;
  - 13.2.2 state that if the owner does not comply with the order within a specified time, the Summer Village will take the action or measure at the expense of the owner.
- 13.3 the Summer Village may, in respect of an order, register a caveat under the Land Titles Act against the certificate of title for the land that is the subject of the order.

### **14. RIGHT TO REMEDY**

- 14.1 The Summer Village may take whatever actions or measures are necessary to deal with any contraventions if:
- 14.1.1 the Summer Village has issued a written Order under Section 13 of this bylaw.
  - 14.1.2 the Order contains a statement referred to in Section 13.2 of this bylaw.
  - 14.1.3 the person to whom the Order is directed has not complied with the Order within the time specified in the Order, and
  - 14.1.4 the appeal periods respecting the Order have passed or, if an appeal has been made, the appeal has been decided and it allows the Summer Village to take action or measures.

### **15. PENALTIES**

- 15.1 Any person who breaches any section of this Bylaw is guilty of an offence and liable to:
- 15.1.1 payment of the penalty specified in Schedule "A" hereto;
  - 15.1.2 for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000.00.

### **16. MUNICIPAL AND PROVINCIAL TICKETS**

- 16.1 Any Peace Officer who has reasonable and probable ground to believe that any person has contravened any provision of the Bylaw, may issue, and serve:
- 16.1.1 A Municipal Ticket allowing payment of the specified penalty to the Summer Village; or

16.1.2 A Provincial Ticket according to the provisions of the Provincial Offences Procedure Act, as amended.

16.2 Service of a Municipal Ticket will be sufficient if it is:

16.2.1 personally served; or

16.2.2 served by regular mail to the person's last known mailing address;  
or

16.2.3 by affixing the municipal ticket to the door of the property.

16.3 If a violation ticket is issued in respect of an offence, the violation ticket may:

16.3.1 specify the fine amount established by this Bylaw for the offence;  
or

16.3.2 require a person to appear in Court without the alternative of making a voluntary payment.

16.4 A person who commits an offence may:

16.4.1 if a violation ticket is issued in respect of the offence; and

16.4.2 if the violation ticket specifies the fine amount established by this Bylaw for the offence,

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Court Office specified on the violation ticket.

## 17 SEVERABILITY

17.1 If any part of this Bylaw is found to be invalid, then that part shall be severed, and the remaining Bylaw will continue to be in force.

That this bylaw shall take effect on the date of the third and final reading.  
Bylaws 15-80 and 17-80 are hereby rescinded.

READ a first time this 31<sup>st</sup> day of May 2021.

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Jonathan Johnston, Mayor

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Tanner Evans, C.A.O.

READ a second time this 30<sup>th</sup> day of May 2023.



READ a third and final time this 30<sup>th</sup> day of May2023.

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Jonathan Johnston, Mayor

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Tanner Evans, C.A.O.

### SCHEDULE "A"

Offence	Schedule "A" Schedule of Fines	Section	Fine
Make noise	a) first offence	3.1	\$250.00
	b) second offence within 1 year		\$500.00
	c) third and subsequent offences within 1 year		\$750.00
Permit noise	a) first offence	3.2	\$250.00
	a) second offence within 1 year		\$500.00
	b) third and subsequent offences within 1 year		\$750.00
Industrial or construction noises	a) first offence	4.1 or 4.2	\$250.00
	b) second offence within 1 year		\$500.00
	c) third and subsequent offences within 1 year		\$750.00
Failing to contain construction waste	a) first offence	5.1 or 5.2	\$250.00
	b) second offence within 1 year		\$500.00
	c) third and subsequent offences		\$1,000.00
Permitting a nuisance on private property	a) first offence	6.1	\$200.00
	b) second offence within 1 year		\$400.00
	c) third and subsequent offences within 1 year		\$600.00
Placing graffiti on property	a) first offence	7.1	\$2,500.00
	b) a second offence within 1 year		\$5,000.00
	c) third and subsequent offences within 1 year		\$7,500.00
Failure to remove Graffiti	a) first offence	7.2	\$250.00
	b) second offence within 1 year		\$500.00
	c) third and subsequent offences within 1 year		\$1,000.00
Failure to comply with graffiti order		7.3	\$250.00 for each day that the breach continues
Depositing litter on Summer Village property	a) first offence	8.1	\$500.00
	b) second offence within 1 year		\$750.00
	c) third and subsequent offences		\$1,000.00
Failing to remove litter	a) first offence	8.2	\$250.00
	b) second offence within 1 year		\$500.00
	c) third and subsequent offences within 1 year		\$750.00

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Cause a disturbance	9.1	
a) first offence		\$250.00
b) second offence within 1 year		\$500.00
c) third and subsequent offences within 1 year		\$1,000.00
Camping on Municipal Property	10.3	
a) first offence		\$250.00
b) second offence within 1 year		\$500.00
c) third and subsequent offences within 1 year		\$1,000.00