

**THE CITY OF SPRUCE GROVE**

**BYLAW C-1312-24**

**COMMUNITY STANDARDS BYLAW**

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 c M-26, as amended, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, and to create offences and impose fines and penalties;

AND WHEREAS the *Municipal Government Act* states that the development and maintenance of safe and viable communities is one of the purposes of a municipality;

AND WHEREAS the *Municipal Government Act* authorizes a Council to pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment; and

AND WHEREAS the City of Spruce Grove wishes to regulate or prohibit particular activities, industries, businesses, or other things; and

AND WHEREAS Council deems it desirable for all regulations which affect community standards to be located, as much as possible, in one bylaw;

THEREFORE, the Council for the City of Spruce Grove, duly assembled, hereby enacts:

**1. BYLAW TITLE**

1.1 This bylaw is called the “Community Standards Bylaw”.

**2. DEFINITIONS**

2.1 “Accessory Building” means a Building separate from and subordinate to the principal Building and the use of which is incidental to the use of the principal Building. An Accessory Building is located on the same site as the principal Building, but they are not attached by a roof and floor or foundation.

- 2.2 “Alley” means a narrow Highway intended chiefly to give access to the rear of Buildings and parcels of land.
- 2.3 “Boulevard” means that part of a Highway that:
- (a) is not a Roadway; and
  - (b) is not especially adapted to the use of or ordinarily used by Pedestrians and includes the landscaped road allowance adjacent to a Roadway.
- 2.4 “Boulevard Garden” means a garden with plants cultivated in the strip of land between the Sidewalk and the Roadway.
- 2.5 “Building” includes any structure constructed or placed on, in, over or under land but does not include a Roadway, Sidewalk or bridge forming part of the Roadway.
- 2.6 “Camp” or “Camping” means the locating of, erecting of, or use of a Tent, trailer, motor home, truck camper, lean-to, a Vehicle or part of a Vehicle, a portable cabin, storage shed, or any other similar temporary structure for the provision of sleeping or human occupation.
- 2.7 “Camping Unit” means a Tent, trailer, fifth wheel, truck camper, motor home, camperized van, or other recreational unit used as a shelter while persons Camp or in conjunction with Camping.
- 2.8 “Cannabis” has the meaning given to it in the *Cannabis Act*, SC 2018, c 16, as amended.
- 2.9 “City Manager” means the administrative head of the City of Spruce Grove.
- 2.10 “City of Spruce Grove” or “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta, or where the context so requires, the area contained within the boundaries of the City of Spruce Grove.
- 2.11 “Construction Site” means a site on which construction or development is occurring for which a development permit and/or a building permit have/has been issued.

- 2.12 “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 not limited to an electronic cigarette, cigar, cigarillo or pipe.
- 2.13 “Graffiti” means words, letters, symbols, marks, figures, drawings, inscriptions, writings, or stickers that are applied, etched, sprayed, painted, drawn, stained, scribbled, or scratched on a surface without the consent of the Property owner, or which are detrimental to the use and enjoyment of the surrounding area or neighboring properties notwithstanding that the Property owner has consented to their application or presence. For the purposes of this definition, detrimental to the surrounding area or neighbouring properties includes but is not limited to any condition which could reasonably be expected to cause a decline in market value of property in the surrounding area.
- 2.14 “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, Alley, square, bridge, causeway, trestleway, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or allowed to use for the passage or parking of Vehicles, and includes:
- (a) a Sidewalk (including Boulevard adjacent to the Sidewalk);
  - (b) if a ditch lies adjacent to or parallel with the Roadway, the ditch; and
  - (c) if a Highway right of way is contained between fences or between a fence and one side of the Roadway, all land between the fences, or all the land between the fence and the edge of the Roadway, as the case may be.
- 2.15 “Indecent Act” means sexual or lewd activity in a Public Place.
- 2.16 “Mobility Aid” means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.
- 2.17 “Motor Vehicle” means a Vehicle propelled by any power other than muscular power but does not include a bicycle, a power bicycle, a moped, an aircraft, an implement of husbandry, or a vehicle that runs only on rails.

- 2.18 “Naturalized Yard” means a residential yard or part of a residential yard within which, in the sole opinion of a Peace Officer, there has been practiced a method of distribution and maintenance of plant species native to the geographic area of the City of Spruce Grove that simulates the growth of plants in the natural environment, and which does not include any Noxious Weeds or Prohibited Noxious Weeds.
- 2.19 “Noxious Weeds” means plants designated as noxious weeds in the Schedule of the *Weed Control Regulation*, Alta Reg 19/2010, as amended.
- 2.20 “Nuisance” means any use of, condition of, or activity on Property which unreasonably interferes with a person’s use and enjoyment of Property, demonstrates a disregard for the general maintenance and upkeep of Property, is detrimental to the surrounding area, or is likely to produce a material annoyance, inconvenience or discomfort to persons, and includes but is not limited to:
- (a) excessive accumulation of material, including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
  - (b) loose litter, garbage, construction debris or refuse whether located in a storage area, collection area or elsewhere on the land;
  - (c) damaged, dismantled or derelict Vehicles or Motor Vehicles, whether insured or registered, or not;
  - (d) smelly or messy compost heaps;
  - (e) grass or weeds higher than 15 centimeters, except in the case of a Naturalized Yard;
  - (f) production of excessive dust, dirt or smoke;
  - (g) production of any generally offensive odours;
  - (h) any open structure or container placed in, on or over land which exposes any surrounding area to automotive fluids, including but not limited to engine oil, brake fluid or antifreeze;

- (i) use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
- (j) any tree, shrub, other type of vegetation or any structure:
  - (i) that obstructs any Sidewalk adjacent to the land or Alley;
  - (ii) that encroaches onto or covers any Sidewalk or neighbouring properties;
  - (iii) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land or access to the land; or
  - (iv) that has any rot or other deterioration;
- (k) the failure to destroy Prohibited Noxious Weeds, control Noxious Weeds, or prevent the spread or scattering of weeds;
- (l) a Building that is damaged, rotting or deteriorating;
- (m) missing, broken or damaged fencing;
- (n) deteriorating surface infrastructure, including but not limited to pavement, curbs, sidewalks, and the existence of potholes;
- (o) inappropriate infiltration of air, moisture, or water into a Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building;
- (p) any publicly accessible excavation, ditch, drain or standing water that could pose a danger to the public;
- (q) any construction project or activity not completed within five (5) years of the date the Building permit for the project or activity was issued by the City or, if no permit was issued or required, within five (5) years of starting the construction project or activity; and
- (r) any conditions likely to attract wild animals, pests, other vermin, or domestic animals not associated with the subject Property.

- 2.21 “Order” means an order issued pursuant to s. 545 and s. 546 of the *Municipal Government Act*, R.S.A. 2000, c M-26, as amended.
- 2.22 “Panhandling” means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the *Charitable Fund-Raising Act*, R.S.A. 2000, c C-9, as amended, or any other legislation permitting the solicitation of charitable donations.
- 2.23 “Peace Officer” means any sworn member of the Royal Canadian Mounted Police, a Peace Officer or Community Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c P-3.5, as amended, and employed by the City, or a Bylaw Enforcement Officer employed by the City.
- 2.24 “Pedestrian” means a person afoot, a person in or on a Mobility Aid, and users of inline skates, roller skates, skateboards and non-motorized scooters.
- 2.25 “Prohibited Noxious Weeds” means plants designated as prohibited noxious weeds in the Schedule of the *Weed Control Regulation*, Alta Reg 19/2010, as amended.
- 2.26 “Property” includes land and Buildings.
- 2.27 “Public Place” means any Property, whether publicly or privately owned, to which members of the public have access as of right or by expressed or implied invitation, whether on payment of any fee or not.
- 2.28 “Roadway” means that part of Highway intended for use by vehicular traffic.
- 2.29 “Safety Codes Officer” means a person designated as a safety codes officer pursuant to the *Safety Codes Act*, R.S.A. 2000, c S-1, as amended.
- 2.30 “Sidewalk” means that part of a Highway especially adapted to the use of or ordinarily used by Pedestrians and includes that part of a Highway between the curb line, or where there is no curb line, the edge of the Roadway, and the adjacent property line, whether or not it is paved or improved.

- 2.31 “Smoke” or “Smoking” means:
- (a) inhaling or exhaling the smoke produced by burning or heating Cannabis; or
  - (b) holding or otherwise having control of any device or thing containing lit or heated Cannabis.
- 2.32 “Sound Level” means the sound pressure measured in decibels using the “A” weighted network of a Sound Level Meter with fast response.
- 2.33 “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 measures Sound Levels.
- 2.34 “Temporary Shelter” means a structure, improvement, shield, or cover that protects people or things and includes a lean-to or other shelter made of cardboard, tarpaulin, plastics, metal, logs, brush, branches, or other materials or things, whether commercially manufactured or hand-made.
- 2.35 “Tent” means a portable or moveable shelter, partially or fully enclosed, partially or wholly assembled or constructed out of canvas, cardboard, cloth, synthetic material, plastic, metal, wood, or like materials suitable to provide temporary accommodation for one or more persons, whether or not the said shelter is designed or intended to provide such accommodation, or whether commercially manufactured or hand-made.
- 2.36 “Turfgrass” means various grass species that are grown as a ground cover to form a lawn.
- 2.37 “Uninhabitable” means a condition or state in which a Building is not suitable or safe for human habitation or occupation. This may include Buildings that have been damaged by fire, flood or other natural disasters and/or no longer in receipt of utility services. This does not include new homes under construction.
- 2.38 “Unsightly” or “Untidy” means:
- (a) Property that, because of its condition or the accumulation of refuse, debris, materials, or other items, is detrimental to the use and enjoyment of the surrounding area or neighboring properties;

- (b) In respect of a Building, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep, or repair, or which constitutes a Nuisance; or
  - (c) In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep, or which constitutes a Nuisance.
- 2.39 “Vape” or “Vaping” means:
- (a) Inhaling or exhaling the vapour, emissions or aerosol produced by an Electronic Smoking Device or similar device containing Cannabis; or
  - (b) Holding or otherwise having control of an Electronic Smoking Device that is producing vapour, emissions or aerosol from Cannabis.
- 2.40 “Vehicle” means a device in, upon or by which a person or thing may be transported or drawn upon a Highway.
- 2.41 “Violation Ticket” means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34, as amended.
- 2.42 “Wildlife” means non-domesticated animals, or an animal that is wild by nature and living in its natural habitat, but does not include feral cats and birds.

## **PART I – PUBLIC BEHAVIOURS**

### **3 CAMPING**

- 3.1 No person shall reside or Camp in any Public Place in the City unless special permission has been granted in writing, subject to conditions, by the City Manager or their designate.
- 3.2 No person shall reside or Camp in any Accessory Building, Camping Unit, Temporary Shelter, or Tent, on private Property for a period longer than seven (7) consecutive days or exceeding twenty-one (21) total days in a calendar year, unless special permission has been granted in writing, subject to conditions by the City Manager or their designate.



**4. GRAFFITI ABATEMENT**

- 4.1 No person shall place Graffiti or cause Graffiti to be placed on a Building, structure, Vehicle, or vegetation if the Graffiti is visible from any surrounding Property.
- 4.2 An owner of Property shall not permit Graffiti to be placed on any Building, structure, Vehicle, or vegetation on said Property, such that the Graffiti is visible from any surrounding Property or Roadway.
- 4.3 Every person who owns or occupies Property shall ensure that Graffiti placed on said Property is removed, painted over, or otherwise permanently blocked from public view within the time period specified in a notice to remove the Graffiti issued by a Peace Officer.

**5. PANHANDLING**

- 5.1 A person shall not engage in Panhandling.

**6. URINATION/DEFECATION**

- 6.1 A person shall not urinate or defecate in a Public Place or on private Property except in a facility designated and intended for such use.

**7. CANNABIS**

- 7.1 A person must not Smoke, Vape or consume Cannabis in any Public Place.
- 7.2 Section 7.1 does not apply to a person Smoking, Vaping or consuming Cannabis that they lawfully possess pursuant to a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230.
- 7.3 A person referred to in section 7.2 must, on demand of any Peace Officer, produce a copy of the person's medical document.
- 7.4 A person referred to in section 7.2 is subject to the City of Spruce Grove's Smoking Bylaw, as amended.

**8. CAUSING A DISTURBANCE**

- 8.1 No person located in a Public Place shall disturb the peace and enjoyment of other persons by:
- (a) screaming, shouting, or using loud, abusive or obscene language;
  - (b) being intoxicated by alcohol or another drug or substance;
  - (c) performing an Indecent Act;
  - (d) throwing or propelling an object, or acting in a way that is reasonably likely to cause injury to or intimidate another person or cause damage to property; or
  - (e) interfering with Wildlife in a way that is reasonably likely to cause injury or harm.

**PART II – PROPERTY MAINTENANCE**

**9. NUISANCE AND UNSIGHTLY PROPERTIES**

**NUISANCE**

- 9.1 A person shall not cause or permit a Nuisance to exist on Property they own or occupy.
- 9.2 A person who causes a Nuisance or permits Property they own or occupy to be used so as to cause a Nuisance shall, as soon as practicable, abate the Nuisance and cause to be abated the activity which causes the Nuisance.

**UNSIGHTLY OR UNTIDY PROPERTIES**

- 9.3 A person shall not allow Property which they own or occupy to be or to become Unsightly or Untidy.
- 9.4 No owner or occupant of Property shall have or allow in or on the Property, the accumulation of:

- (a) anything that produces an odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another individual;
  - (b) any material likely to attract animals, pests, or Wildlife; or
  - (c) animal remains, parts of animal remains or animal feces.
- 9.5 A person shall not have or allow excessive accumulation of the following on any Property which they own or occupy such that it poses a Nuisance:
- (a) refuse, loose garbage or bagged garbage;
  - (b) bottles, cans, boxes, or packaging materials;
  - (c) household furniture or other household goods;
  - (d) automobile parts, derelict or inoperable Vehicles;
  - (e) parts of or disassembled machinery, equipment or appliances; or
  - (f) yard waste, including grass, tree and hedge cuttings, leaves and other refuse.
- 9.6 No person shall cause, permit or allow for the storage, repair, cleaning, maintenance, collection or servicing of mechanical equipment including but not limited to bulldozers, graders, backhoes, pay loaders, cranes, tractors, semi-trailers, or similar heavy equipment within a residential area.

## **BUILDINGS, STRUCTURES, AND LAND**

- 9.7 A person shall not cause or permit a Nuisance to exist in respect of any Property they own or occupy.
- 9.8 No person shall cause or permit refuse, metal or wood to accumulate in any open structure attached to any Building within the City except in containers, bins, drawers, shelves and areas provided for temporary storage. No storage shall be allowed in the front or side yard of any Property in a residential area.

## **UNOCCUPIED AND UNINHABITABLE BUILDINGS**

- 9.9 If a Building normally intended for human habitation or occupation is Uninhabitable, the owner of the Building shall ensure that any door or window opening in the Building is covered with a solid piece of wood, which shall be:
- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
  - (b) of a thickness sufficient to prevent unauthorized entry into the Building;
  - (c) secured in a manner sufficient to prevent unauthorized entry into the Building; and
  - (d) coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

## **REFRIGERATORS AND FREEZERS**

- 9.10 A person shall not permit a refrigerator, freezer, or other similar appliance to be placed or kept outside an enclosed Building on land they own or occupy.

## **10. BOULEVARDS AND ALLEYS**

- 10.1 The owner of private Property shall not cause or allow a Nuisance within a section of an Alley that abuts their private Property.
- 10.2 The owner of private Property shall provide ongoing maintenance of the Turfgrass within a Boulevard that abuts their private Property, unless the Boulevard is part of an arterial Roadway, by:
- (a) keeping Turfgrass to a maximum height of 15 cm;
  - (b) removing any accumulation of fallen leaves or other debris; and
  - (c) keeping Boulevards free of landscape developments including but not limited to rocks, shrubs, concrete, rubber, plastic, wood, metal, or any such thing other than Turfgrass unless a permit is obtained for the development and maintenance of a Boulevard Garden.

## 11. CONSTRUCTION WASTE AND BUILDING MATERIALS

- 11.1 For any Construction Site, all construction materials and excavated materials related to the construction or renovation in question shall be confined to the lot on which the Construction Site is located.
- 11.2 For any Construction Site, a garbage container is required to be present for the duration of construction and:
- (a) construction materials must be stored neatly, and all garbage must be placed in garbage containers; and
  - (b) a garbage container shall not be filled beyond eighty percent (80%) capacity, by volume.
- 11.3 The following shall not be present at a Construction Site:
- (a) an excessive accumulation of materials, including but not limited to excavated materials or loose building or construction materials;
  - (b) any accumulation of construction-related garbage or debris; or
  - (c) any untidy work or storage areas on a City Highway or on public land.
- 11.4 No hazardous materials shall be deposited in any garbage container or into the storm sewer or sanitary sewer system.
- 11.5 No material, including excess concrete, gravel or clay, shall be washed down the storm sewer, dumped onto adjacent lots, public land or a City Highway, or stored anywhere outside the construction site, without prior authorization from the City.
- 11.6 Construction must not block or prevent public access to Sidewalks and driveways.
- 11.7 Construction equipment and machinery shall not be parked or stored on public lands or on a City Highway.
- 11.8 Unless otherwise authorized by the Safety Codes Officer once backfilling operations are complete, a gravel pad shall be created as a staging area for equipment. Alternatively, a poured driveway may be used as a staging and storage area.
- 11.9 At the discretion of the Safety Codes Officer, a temporary fence or other barrier may be required on a Construction Site.

- 11.10 Where there is a difference in elevation between lots where construction or landscaping is occurring, appropriate measures, such as a temporary silt barrier or dam, shall be erected on the higher lot to prevent drainage onto the lot or lots below until construction and landscaping, pursuant to City standards, is complete.
- 11.11 At any Construction Site, appropriate temporary barriers shall be placed around an excavation to prevent unauthorized entry or dumping.

### **PART III – NOISE CONTROL**

#### **12. PROHIBITED NOISE**

- 12.1 A person shall not cause or permit any sound that is reasonably likely to annoy or disturb the peace of any other person.
- 12.2 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods is reasonably likely to annoy or disturb the peace of any other person.
- 12.3 A person may be found guilty of a contravention of this section whether or not the decibel level:
- (a) is measured; or
  - (b) if measured, exceeds any limit prescribed in this Bylaw.
- 12.4 In determining what sound is reasonably likely to annoy or disturb the peace of any person the following criteria may be considered:
- (a) type, volume, and duration of the sound;
  - (b) time of day and day of week;
    - (i) nature and use of the surrounding area;
    - (ii) decibel level, if measured; and
    - (iii) any other relevant factor.

### **DAYTIME DECIBEL LIMIT – RESIDENTIAL**

- 12.5 A person shall not cause or permit any sound exceeding a Sound Level of 65 decibels, as measured at the property line of a parcel zoned for residential use, between 7:00 a.m. and 10:00 p.m.
- 12.6 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods exceeds a Sound Level of 65 decibels, as measured at the property line of a parcel zoned for residential use, between 7:00 a.m. and 10:00 p.m.

### **DAYTIME DECIBEL LIMIT – NON-RESIDENTIAL**

- 12.7 A person shall not cause or permit any sound exceeding a Sound Level of 75 decibels, as measured at the property line of a parcel zoned for use other than residential, between 7:00 a.m. and 10:00 p.m.
- 12.8 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods exceeds a Sound Level of 75 decibels, as measured at the property line of a parcel zoned for use other than residential, between 7:00 a.m. and 10:00 p.m.

### **OVERNIGHT DECIBEL LIMIT – RESIDENTIAL**

- 12.9 A person shall not cause or permit any sound exceeding a Sound Level of 50 decibels, as measured at the property line of a parcel zoned for residential use, before 7:00 am. or after 10:00 p.m.
- 12.10 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods exceeds a Sound Level of 50 decibels, as measured at the property line of a parcel zoned for residential use, before 7:00 a.m. or after 10:00 p.m.

### **OVERNIGHT DECIBEL LEVEL – NON-RESIDENTIAL**

- 12.11 A person shall not cause or permit any sound exceeding a Sound Level of 60 decibels, as measured at the property line of a parcel zoned for use other than residential, before 7:00 a.m. or after 10:00 p.m.
- 12.12 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods exceeds a Sound Level of 60 decibels,

as measured at the property line of a parcel zoned for use other than residential, before 7:00 a.m. or after 10:00 pm.

## **MOTOR VEHICLES**

12.13 If a Motor Vehicle is the cause of any sound that contravenes a provision of this Bylaw the owner of that Motor Vehicle is liable for the contravention.

## **EXCEPTIONS AND COMPLIANCE**

12.14 Nothing in Part III – Noise Control prohibits:

- (a) the City, its agents or employees, from managing the accumulation of snow and ice on Highways and on City Property; or
- (b) production of certain sounds on whatever conditions the City Manager deems appropriate, where the City Manager has issued a permit allowing the same, provided that any such permit shall be produced to a Peace Officer upon demand, and the event is being carried out in accordance with any conditions outlined for the event by the City.

12.15 A Peace Officer may direct any person who has caused or made excessive noise, or any person who owns Property or goods from which excessive noise has originated, to abate or eliminate the excessive noise. Such a direction may be either verbal or written.

12.16 Where a person engages in an activity that is not specifically prohibited by any enactment, including this Bylaw, and which involves making a sound that may annoy or disturb the peace of any other person, the person shall do so in such a manner as to create as little sound as is practicable in the circumstances.

12.17 Part III – Noise Control does not apply to Community Events for which the City has issued a permit, or to:

- (a) work carried out by the City or its agents, contractors, servants or employees, acting within the scope of the agency, contract, or employment, as the case may be; or
- (b) work carried out by any person on any land zoned as M-1 industrial pursuant to the City's Land Use Bylaw, as amended, if the sound is generated pursuant to the work done in the normal manner of carrying out such work.



## **PART IV – ODOURS AND EMISSIONS**

### **13. EXCESSIVE ODOURS AND EMISSIONS**

- 13.1 A person shall not engage in any activity that creates odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another person.
- 13.2 A person shall not cause or permit Property they own or occupy to be used so that any odour, emission, vapour, dust or other airborne matter from the Property is reasonably likely to disturb another person.
- 13.3 In determining if any odour, emission, smoke, vapour, dust or other airborne matter is reasonably likely to disturb any person, the following criteria may be considered:
- (a) in the case of a firepit, an approved permit issued by Spruce Grove Fire Services;
  - (b) the type, frequency, intensity or duration of the odour, emission, smoke, vapour, dust or other airborne matter;
  - (c) the time of day and day of the week;
  - (d) the weather and ambient conditions;
  - (e) the proximity to neighbouring properties;
  - (f) the nature and use of the surrounding area;
  - (g) the effects of the odour, emission, smoke, vapour, dust or other airborne matter; and
  - (h) any other relevant factor.

## **PART V – ENFORCEMENT**

### **14. OFFENCE**

- 14.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a specific penalty as set

out in Schedule "A" attached hereto and forming part of this Bylaw, or if no penalty is specified in Schedule "A", a penalty of:

- (a) \$250 for a first offence within 12 months;
- (b) \$500 for a second offence within 12 months; or
- (c) \$1000 for a third or subsequent offence within 12 months.

**15. VIOLATION TICKET**

- 15.1 Notwithstanding anything else in this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 15.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
  - (a) specify the fine amount established by this bylaw for the offence; or
  - (b) require a person to appear in court without the alternative of making a voluntary payment.
- 15.3 Notwithstanding anything else in this bylaw, where a person is issued a Violation Ticket requiring them to appear in court without the alternative of making a voluntary payment, the person shall be liable to a penalty of up to \$10,000, and in no event shall such penalty be lower than the applicable penalty set out in section 14 or Schedule "A" of this bylaw.

**16. CONTINUING OFFENCE**

- 16.1 In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

**17. VICARIOUS LIABILITY**

17.1 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred during the employee's employment with the person, or during the agent exercising the powers or performing the duties on behalf of the person under their agency relationship.

**18. CORPORATIONS AND PARTNERSHIPS**

18.1 When a corporation commits an offence under this bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

18.2 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

**19. OBSTRUCTION**

19.1 A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

**PART VI – GENERAL**

**20. POWERS OF THE CITY MANAGER**

20.1 Without restricting any other power, duty or function granted by this bylaw, the City Manager may:

- (a) carry out any inspections to determine compliance with this bylaw;
- (b) take any steps or carry out any actions required to enforce this bylaw;
- (c) establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property; and such procedures may differ depending on the type of property in question;

- (d) establish areas where activities restricted by this bylaw are permitted;
- (e) establish forms for the purposes of this bylaw;
- (f) issue permits with such terms and conditions as are deemed appropriate;
- (g) establish the criteria to be met for a permit pursuant to this bylaw;  
and
- (h) delegate any powers, duties or functions under this bylaw to an employee of the City.

## **21. PERMITS**

- 21.1 A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted, or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
- 21.2 A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.
- 21.3 If any term or condition of a permit issued pursuant to this bylaw is contravened, or if a false or misleading statement or false or misleading information was provided to obtain the permit, the City Manager may immediately cancel the permit.
- 21.4 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.
- 21.5 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

## **22. SEVERABILITY**

- 22.1 Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

**23. LIABILITY**

23.1 The City, a Peace Officer, or any person who inspects property under this bylaw or any person who performs work on behalf of the City is not liable for any damages caused by the inspection, the work, or disposing or anything referred to in an Order.

**PART VII – EFFECTIVE DATE AND REPEAL**

**24. EFFECTIVE DATE**

24.1 This bylaw shall come into force and effect on July 1, 2024.

**25. REPEAL OF BYLAWS**

25.1 The following bylaws are hereby repealed:

- (a) C-909-15 - Nuisances, Unsightly and Untidy Property Bylaw;
- (b) C-976-16 - Construction Site Cleanliness Bylaw;
- (c) C-908-15 - Noise Control Bylaw; and
- (d) C-1047-18 - Consumption of Cannabis in Public Places Bylaw.

First Reading Carried	22 April 2024
Second Reading Carried	22 April 2024
Third Reading Carried	27 May 2024
Date Signed	27 May 2024

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Mayor

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City Clerk

**SCHEDULE "A"**

**SPECIFIED PENALTIES**

<b>OFFENCE</b>	<b>SECTION(S)</b>	<b>PENALTY</b>
Cause/permit Graffiti to be placed on a Building, structure, or Vehicle	4.1	<ul style="list-style-type: none"> <li>• \$500 for 1<sup>st</sup> offence within 12 months</li> <li>• \$1,000 for 2<sup>nd</sup> offence within 12 months</li> <li>• \$2,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Improper storage of construction material and/or equipment	11.1 to 11.11	<ul style="list-style-type: none"> <li>• \$1,000 for 1<sup>st</sup> offence within 12 months</li> <li>• \$2,000 for 2<sup>nd</sup> offence within 12 months</li> <li>• \$5,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Improper storage/removal of garbage	11.1 to 11.11	<ul style="list-style-type: none"> <li>• \$1,000 for 1<sup>st</sup> offence within 12 months</li> <li>• \$2,000 for 2<sup>nd</sup> offence within 12 months</li> <li>• \$5,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Litter	11.1 to 11.11	<ul style="list-style-type: none"> <li>• \$1,000 for 1<sup>st</sup> offence within 12 months</li> <li>• \$2,000 for 2<sup>nd</sup> offence within 12 months</li> <li>• \$5,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Drainage onto adjacent lots	11.1 to 11.11	<ul style="list-style-type: none"> <li>• \$1,000 for 1<sup>st</sup> offence within 12 months</li> <li>• \$2,000 for 2<sup>nd</sup> offence within 12 months</li> <li>• \$5,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>

Interference with off-site drainage	11.1 to 11.11	<ul style="list-style-type: none"> <li>• \$1,000 for 1<sup>st</sup> offence within 12 months</li> <li>• \$2,000 for 2<sup>nd</sup> offence within 12 months</li> <li>• \$5,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Improper storage and/or disposal of hazardous material	11.1 to 11.11	<ul style="list-style-type: none"> <li>• \$1,000 for 1<sup>st</sup> offence within 12 months</li> <li>• \$5,000 for second offence within 12 months</li> <li>• \$5,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Hazardous excavation, drain, ditch or depression	11.1 to 11.11	<ul style="list-style-type: none"> <li>• \$1,000 for 1<sup>st</sup> offence within 12 months</li> <li>• \$5,000 for second offence within 12 months</li> <li>• \$5,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Disposal of hazardous or other material into the storm sewer and/or sanitary sewer system	11.1 to 11.11	<ul style="list-style-type: none"> <li>• \$1,000 for 1<sup>st</sup> offence within 12 months</li> <li>• \$5,000 for second offence within 12 months</li> <li>• \$5,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Cause/permit sound that disturbs the peace	12.1 to 12.12	<ul style="list-style-type: none"> <li>• \$500 for 1<sup>st</sup> offence within 12 months</li> <li>• \$1,000 for 2<sup>nd</sup> offence within 12 months</li> <li>• \$2,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>
Obstruction or hindrance of any person in the exercise or performance of the person's powers pursuant to this Bylaw	19.1	<ul style="list-style-type: none"> <li>• \$500 for 1<sup>st</sup> offence within 12 months</li> <li>• \$1,000 for 2<sup>nd</sup> offence within 12 months</li> <li>• \$2,000 for 3<sup>rd</sup> and subsequent offence within 12 months</li> </ul>