



Summer Village of Gull Lake

COMMUNITY STANDARDS BYLAW NO. 360/17

Office Consolidation

April 2017

Important Notice:

This document is a consolidation of the original Community Standards Bylaw and amending bylaws into a single publication for the convenience of users. The official Bylaw and all amendments are available at the Summer Village of Gull Lake Municipal Office.

Office Consolidated Version Date: October 30, 2018

Bylaw Number	Purpose	Effective Date
360.1/18	Addition of cannabis use	Oct. 26, 2018

SUMMER VILLAGE OF GULL LAKE

BYLAW 360/17

OF THE SUMMER VILLAGE OF GULL LAKE

BEING A BYLAW OF THE SUMMER VILLAGE OF GULL LAKE 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 of 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;

WHEREAS Council of the Summer Village of Gull Lake 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 Gull Lake duly assembled enacts as follows:

1. **TITLE** "Community Standard Bylaw"

2. **DEFINITIONS**

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

"**Act**" means the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, and any amendment or substitutions thereof.

"**Cannabis**" has the meaning given to it in the Cannabis Act; (360.1/18)

"**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; (360.1/18)

"**Chief Administrative Officer**" means the Chief Administrative Officer of the Summer Village of Gull Lake appointed by Council.

"**Council**" means the Municipal Council of the Summer Village of Gull Lake.

"**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; (360.1/18)

"**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.

"**Municipal Ticket**" means a ticket in a form as approved by the Chief Administrative Officer, issued by the Summer Village allowing for the voluntary payment of a fine established under this Bylaw.

“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 Alberta.

“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 any building or buildings.

“Provincial Ticket” means a ticket as defined in the *Provincial Offences Procedure Act*, R.S.A.2000, c. P-34.

“Public Place” means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not; (360.1/18)

“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; (360.1/18)

“Summer Village” means the Summer Village of Gull Lake.

“Vape” or “Vaping” means:

- a) inhaling or exhaling the vapour, emissions or aerosol produced by 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. (360.1/18)

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 that annoys or disturbs the peace of other persons, consideration may be given, but is not limited to:
 - 3.3.1 type, volume and duration of the sound;
 - 3.3.2 time of day and day of the 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, under the Summer Village's Land Use By-Law:
 - 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 10:00 p.m. and 8:00 a.m. any day.

5. EXCEPTIONS

- 5.1 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 or circumstance.

6. NUISANCE AND UNSIGHTLY PREMISES

- 6.1 “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 neighborhood, or any property or part of it which is characterized by visual evidence of a lack of general maintenance and up keep and without limiting the generality of the foregoing, includes the following:
 - 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, household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment and appliances;
 - 6.1.6 the storage or any part of any vehicle, or vehicles, which are not registered with the Motor Vehicle registry for the current year, and which are inoperative and or dilapidated, including recreational vehicles of all types;
 - 6.1.7 the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of six (6) 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;
 - 6.1.8 the generation of excessive dust and permitting such dust to escape from the property;
 - 6.1.9 the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
 - 6.1.10 the failure to fence or secure an excavation, drain, ditch or other depression so that it does not become a danger to public safety;
 - 6.1.11 the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any light standard, bench, garbage receptacle, fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition;
 - 6.1.12 the burning of anything other than dry untreated clean wood in a residential wood fireplace or fire pit.

6.2 No person being the owner, agent of the owner, lessee 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 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. CONSTRUCTION WASTE

8.1 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.

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

9. NUISANCE ENFORCEMENT

9.1 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.

9.2 Upon completion of the inspection, the Peace Officer may direct the owner or occupant of the property to:

9.2.1 cease the activity which causes the nuisance;

9.2.2 change the way in which such person is carrying out any activity;

9.2.3 direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including:

(a) the removal of anything or matter from the property, which constitutes the nuisance; and

(b) the construction or installation 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; and

(e) notify the owner or occupant that, if compliance with the notice is not effected within a specified time, the municipality will take the actions or measures 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.

- 9.3 Any person who refuses to allow an inspection of the premises under Section 9.1 is guilty of an offence.
- 9.4 Any person who fails to comply with a direction made under this Section 9 is guilty of an offence.
- 9.5 No person shall cause or permit or undertake any activity upon any Summer Village property which is a nuisance.

10 LITTERING

- 10.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Summer Village property, including any street, lane, ditches, park, other public place or water course:
- 10.1.1 a cardboard or wooden box, carton, container, or receptacle of any kind;
 - 10.1.2 a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
 - 10.1.3 paper of any kind, whether or not containing written or printed matter thereon;
 - 10.1.4 any human, animal or vegetable matter or waste;
 - 10.1.5 any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
 - 10.1.6 scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts there from;
 - 10.1.7 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;
 - 10.1.8 dirt, filth, yard refuse or rubbish of any kind whether similar or dissimilar to the foregoing.
- 10.2 A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection 10.1 upon any road, ditch, municipal reserve or other public place or water course shall forthwith remove it.

10.5 PROHIBITION OF CANNABIS (360.1/18)

- (1) A person must not smoke, vape or consume cannabis in any public place.

10.5 (A) MEDICAL CANNABIS (360.1/18)

- (1) A person who is entitled to possess cannabis pursuant to a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230 is not subject to this bylaw;
- (2) A person referred to in Section 10.5 (A) (1) must, on demand of an officer, produce a copy of the person's medical document.

10.5 (B) USING CANNABIS ON PRIVATE PROPERTY (360.1/18)

- (1) Under Provincial and Municipal laws, a person will be allowed to smoke, vape or otherwise consume cannabis on their private property; and
- (2) The Summer Village of Gull Lake will not regulate use on private property except where that use conflicts with Section 10.5; and
- (3) Unless smoke is considered over and above what one could expect from day to day activities, it is considered part and parcel of summer village living; and,

(4) Rental properties may forbid cannabis consumption. This will be regarded as the duty of the landlord to make provisions within the legal lease on the premises.

11. AUTHORITY TO REMOVE

11.1 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.

12. ORDER

12.1 A designated officer may, by written order, require a person responsible for the contravention to remedy the contravention.

12.2 The Order shall:

12.2.1 state a time within the owner must comply with the order;

12.2.2 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.

12.3 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.

13. RIGHT TO REMEDY

13.1 The Summer Village may take whatever actions or measures are necessary to deal with the unsightly property if:

13.1.1 the Summer Village has issued a written Order under Section 12 of this bylaw;

13.1.2 the Order contains a statement referred to in Section 12.2 of this bylaw;

13.1.3 the person to whom the Order is directed has not complied with the Order within the time specified in the Order; and

13.1.4 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 the action or measures.

14. PENALTIES

14.1 Any person who breaches any section of this Bylaw is guilty of an offence and liable to:

14.1.1 payment of the penalty specified in Schedule "A" hereto; or

14.2.2 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; and in default of payment of any penalty, to imprisonment for up to six (6) months.

15. MUNICIPAL AND PROVINCIAL TICKETS

15.1 Any Peace Officer or who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:

15.1.1 A Municipal Ticket allowing payment of the specified penalty to The Summer Village; or

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

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

15.2.1 personally served; or

15.2.2 served by regular mail to the person's last known mailing address.

- 15.3 If a violation ticket is issued in respect of an offence, the violation ticket may:
- 15.3.1 specify the fine amount established by this Bylaw for the offence; or
 - 15.3.2 require a person to appear in Court without the alternative of making a voluntary payment.
- 15.4 A person who commits an offence may:
- 15.4.1 If a violation ticket is issued in respect of the offence; and
 - 15.4.2 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.

16. SEVERABILITY

- 16.1 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 and upon signing by the Mayor and Chief Administrative Officer.

INTRODUCED AND GIVEN FIRST reading this 22nd day of April 2017

GIVEN SECOND reading this 22nd day of April 2017

UPON UNANIMOUS CONSENT, GIVEN
THIRD and FINAL READING THIS 22ND day April 2017

Mayor

Chief Administrative Officer

<u>Offence</u>	<u>Schedule "A" Schedule of Fines</u>	<u>Section</u>	<u>Fine</u>
Noise		3.1 & 3.2	
	a) first offence		\$ 50.00
	b) second offence within 1 year		\$ 100.00
	c) third and subsequent offences within 1 year		\$ 500.00
Industrial or construction noises		<u>Section</u> 4.1 or 4.2	<u>Fines</u>
	a) first offence		\$ 250.00
	b) second offence within 1 year		\$ 500.00
	c) third and subsequent offences within 1 year		\$ 750.00
Permitting a nuisance on Private Property		<u>Section</u> 6.1	<u>Fines</u>
	a) first offence		\$ 200.00
	b) second offence within 1 year		\$ 400.00
	c) third and subsequent offences within 1 year		\$ 650.00
Placing Graffiti on Property		<u>Section</u> 7.1	<u>Fines</u>
	a) first offence		\$ 250.00
	b) second offence within 1 year		\$ 500.00
	c) third and subsequent offences within 1 year		\$ 750.00
Failure to remove Graffiti		<u>Section</u> 7.2	<u>Fines</u>
	a) first offence		\$ 100.00
	b) second offence within 1 year		\$ 250.00
	c) third and subsequent offences within 1 year		\$ 500.00
Failure to comply with Graffiti Order		<u>Section</u> 7.3	<u>Fines</u>
			\$ 250.00 for each day that the breach continues.
Failure to contain construction waste		<u>Section</u> 8.1 or 8.2	<u>Fines</u>
	a) first offence		\$ 200.00
	b) second offence within 1 year		\$ 400.00
	c) third and subsequent offences within 1 year		\$ 600.00
Refusing to allow a Peace Officer access to carry out an inspection.		<u>Section</u> 9.3	<u>Fines</u> \$ 500.00
Failing to comply with an order of the Peace Officer		<u>Section</u> 9.4	<u>Fines</u>
	a) first offence		\$ 100.00
	b) second offence within 1 year		\$ 250.00
	c) third and subsequent offences within 1 year		\$ 500.00
Nuisance upon Summer Village property		<u>Section</u> 9.5	<u>Fines</u> \$ 500.00
Depositing litter on Summer Village property		<u>Section</u> 10.1	<u>Fines</u>
	a) first offence		\$250.00
Failure to remove Litter		<u>Section</u> 7.2	<u>Fines</u>
	a) first offence		\$250.00
	b) second offence within 1 year		\$500.00
	c) <i>third and subsequent offences within 1 year</i>		\$750.00

Smoke, vape or consume cannabis in public places (360.1/18)	<u>Section</u> 10.5 (1)	<u>Fines</u> \$250.00
Fails to produce copy of medical document (360.1/18)	<u>Section</u> 10.5 (A) (2)	<u>Fines</u> \$250.00