



Village of Carmangay
Bylaw #849
COMMUNITY STANDARDS BYLAW
In the Village of Carmangay

BEING a Bylaw of the Village of Carmangay in the Province in Alberta to ensure neighborhood safety and livability and regulate various nuisances.

WHEREAS under the delegation of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, (M-26), the *Safety Codes Act*, Chapter S-1, and the *Traffic Safety Act*, being *Revised Statutes of Alberta 2000, Chapter T-6*, Village council may pass a bylaw in relation to:

- a) The health and welfare of people, in addition to protection of people and property;
- b) Regulation of nuisances, including untidy to unsightly private and public premises to ensure that the Village remains a desirable place to live;
- c) Oversight of activities that occur in a public space;
- d) Oversight that minimum maintenance standards are present for overall well-being and viability of the Village;
- e) Options for unsightly, unsafe, or derelict buildings and public structures; and
- f) Abating, eliminating, or limiting objectionable noise.

AND WHEREAS this Bylaw will rescind and replace Bylaws #788 Community Standards Bylaw and Bylaw #816 Fireworks Rules & Regulations ;

NOW THEREFORE, the Council of the Village of Carmangay, in the Province of Alberta, duly assembled, enacts as follows:

1. NAME OF BYLAW

This Bylaw shall be known as the “**Community Standards Bylaw**”.

2. DEFINITIONS

2.1 In this Bylaw, unless otherwise stated:

- a. “Adult offender” means any individual contravening a Village bylaw who is over the age is eighteen (18) or older;
- b. “Boulevard” means that portion of a street which lies between the roadway and the front property line of the land abutting said street;
- c. “Chief Administrative Officer” refers to the person designated by Council to oversee administrative work in the Village;
- d. “Council” means the Village Council of Carmangay, an elected body to represent the Village citizens and their interests in respect to administration of the Village;
- e. “Construction Equipment” includes all equipment commonly used in construction, including but not limited to, a concrete mixer; gravel crusher; steam shovel; trenching machine; dragline; backhoe; air or steam compressor; jack hammer; drill; bulldozer; or machinery of a noisy nature utilized in the construction field;
- f. “Community Peace Officer” refers to the Village of Carmangay’s contracted bylaw enforcement authority, who will be responsible for bylaw enforcement and oversight in adherence with the village administration;
- g. “Construction” means the temporary process of erecting or demolishing any structure, including repairing or improving a structure that already exists, including landscaping; home repair; property improvement; and any work in relation to the above processes;
- h. “Continuous noise” means any sound level that occurs:
 - i. for a continuous duration of three minutes or;

- ii. sporadically for a total of more than three minutes, or in any continuous 15-minute time period.
- i. “Council” means the Council of the Village of Carmangay;
- j. “Daytime Hours” means the hours after 7 AM (0700 hours) until, but no later than, 10 PM (2200 hours);
- k. “Development Officer” means a Development Officer, or designate, for the Village and whatever subsequent title may be conferred on that officer by Council or statute;
- l. “Holiday” means any day declared as such by Municipal, Provincial, or Federal authority and includes Sundays.
- m. “Industrial Park” refers to industrial area in accordance with the current Land Use Bylaw;
- n. “Land Use Bylaw” refers to the municipal Land Use Bylaw currently in force, as amended, repealed, or replaced from time to time;
- o. “Motor vehicle” means any motor vehicle as defined in the *Traffic Safety Act* as amended, repealed, or replaced from time to time;
- p. “Municipal Tag” is an order to comply;
- q. “Non-residential development” means any land or building that is not in a residential development;
- r. “Nighttime hours” refer to the period of time between and 10 PM (2200hrs) and 7 AM (0700hrs);
- s. “Nuisance” refers to any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, troublesome, or destructive; harmful or inconvenient to another Person and her Property;

- t. "Premises" includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;
- u. "Public Place" means any property, whether publicly or privately owned, to which members of the public have access as of right or by explicit/implicit invitation, regardless of fee payment or not;
- v. "Public Property" is property belonging to the Village, or another organization in which the general public may have access to;
- w. "Private Property" means a parcel of land, including any buildings, owned by an individual citizen;
- x. "Reasonable Person" refers to the Reasonable Person Standard, a legal term that helps to define the scope of negligence. By using "Reasonable Person", we mean to define the measure of care (the measure in which one exercises caution or awareness for communal or individual safety) that a reasonable person would have done under the circumstances of a situation. This can apply to, for example, noise disputes; unsightly premises; etc.
- y. "Street Furniture" includes items such as poles, traffic signs, receptacles, benches, bus enclosures, trees, plants, grass, utilities, planters, bicycle racks, or similar structures in a Public Place;
- z. "Weekday" refers to Monday through Friday, inclusive unless it falls on a holiday;
- aa. "Youth Offender" refers to any individual contravening a Village bylaw between the age of twelve (12) and seventeen (17);
- bb. "Village" refers to the municipal corporation of the Village of Carmangay and the geographical boundaries within.

3. RULES OF INTERPRETATION

- 3.1** The owner and/or lessee of any property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property.
- 3.2** Nothing in this Bylaw relieves an individual from compliance with federal or provincial law or regulation;
- 3.3** Council may direct rectification to the Community Peace Officer of an unsightly premise to the owner, lessee, or occupier of a property to take whatever measure necessary, or to ensure the abatement of nuisance. This may include giving warnings, fines, or if necessary, entering the property;
- 3.4** Any reference to the provisions of a statute of Alberta is a reference to that statute, and may be amended from time to time;
- 3.5** All schedules attached to this Bylaw shall form part of this Bylaw

4. REMEDIAL ORDERS

- 4.1** Every Remedial order written with respect to this Bylaw must:
- a) indicate to whom it is directed;
 - b) identify the property by municipal address and/or legal description, to which the Order is being related to;
 - c) identify the date and time that it is issued;
 - d) identify how the Premises fails to comply with this or another bylaw;
 - e) identify the provisions written in the Bylaw that the Premises contravenes;
 - f) identify the nature of the remedial action to be taken, to rectify the failure, and bring the Premises into compliance;
 - g) identify the time span by which remedying must be completed by (in most cases, a grace period – as per the designation of the Community Peace Officer – will be rewarded);
 - h) identify that if not completed within the time span, that the Village Council has discretion to determine whatever action or measures necessary for prevention of further occurrence;

- i) indicate any expenses to the municipality in completing the remedial action in this section, and state an amount owing to the Village by the Person whom the order is directed;
- j) indicate that expenses and costs referred to in this section will be attached to the tax roll of the property if such costs are not paid by a specified time;
- k) indicate that an appeal is possible in the Remedial Order, to Council, if the recipient is aggrieved, but must be filed in writing with the Municipal Clerk within ten (10) days of the receipt of the Remedial Order.
- l) Council will consider the appeal at its next regular council meeting after the appeal has been received.

4.2 Every Remedial order issued pursuant to this Bylaw may be served in the case of either an owner of a property or manager of a business/building:

- a) by delivering it personally;
- b) by leaving it for the individual at their place of residence, or with someone who appears to be at least eighteen (18) years of age;
- c) delivering by registered mail to place of residence;
- d) by delivering it by registered mail to the last address or the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta.

4.3 If, in the opinion of the individual delivering the Remedial Order, service of the Order cannot be properly completed, or if the Person serving the Remedial Order believes that the owner of the Premises is evading service, the Person serving may post the Order:

- a) at a conspicuous place on the Premises to which the Remedial Order relates;
- b) at the private dwelling residence of the owner of the Premises to which the Remedial Order relates, as indicated by certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll;
- c) at any other property owned by the owner of the Premises to which the Remedial Order relates, as indicated by certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll.

5. ENFORCEMENT

- 5.1** Where a Community Peace Officer believes on reasonable and probable grounds that a Person, owner, or occupant has contravened any provision of this Bylaw, the Peace Officer may issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act RSA 2000 c. P-24*. The specified penalty for each offence will not be less than Two Hundred Fifty Dollars (\$250.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00)
- 5.2** Penalties will be determined by ***Bylaw # 850 - Fees, Fines and Charges Bylaw*** based on their nature and level of contravention to this Bylaw.
- 5.3** A Community Peace Officer hereby authorized and empowered to issue a Municipal Tag to any Person in which he/she reasonably believes to have contravened the Bylaw. The Municipal Tag will be approved by the Chief Administrative Officer, and will be delivered in any of the specified, appropriate forms of notification.
- 5.4** A Community Peace Officer has the ability to issue a Violation Ticket if the Municipal Tag goes unpaid within the specified time frame, which has a heightened fine amount.

6. PUBLIC BEHAVIOURS AND NUISANCES

6.1 Littering:

A Person shall not have refuse in a public place except in the receptacles that are intended for such use;

- 1)** For the purpose of this part “Refuse” means:
- i) rubbish, garbage, waste materials, paper, packages, containers, bottles, cans or parts thereof;
 - ii) any article, product, machinery, motor vehicle, building material or manufactured goods;
 - iii) trees, shrubs, sewage, straw, hay, soil, gravel, rock, animal carcasses, or any material considered foreign to a Highway or public land.

6.2 Dangerous Action:

- 1) A Person shall not throw, propel, or in some other way exert force in this way, in a public place that may cause injury to another person or damage to the Property. If the offender is a youth or a young child, then the parents or guardians of said child will be responsible for penalties incurred.

6.3 Street Furniture:

- 1) A person shall not jump on, overturn, alter, deface, damage, or in any other way destroy or tamper with Street Furniture.

6.4 Graffiti:

- 1) No Person shall partake in graffitiing, that is, spray painting, or in other ways defacing, a public property.

7. PROPERTY MAINTENANCE AND UNTIDY PROPERTIES

7.1 Nuisance on Property:

Scope: This part applies to Premises and vacant lots in residential areas and non-residential areas but does not apply to industrial areas.

7.1.1 A Person shall not cause or permit a nuisance to exist on Property they own or occupy. Occupancy will include temporary visitation to someone's Property, or tenants renting an individual's Property.

7.1.2 A Nuisance in this regard means Property that has disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, which includes:

- i) accumulation of any material that creates unpleasant odors; any material likely to attract pests; any material such as appliances, household goods, boxes, tires, vehicle parts; or animal remains, parts of animal remains, or animal feces.
- ii) accumulation of any material that is visible to a Person viewing from outside the property, such as any appliances, household goods, boxes, tires, vehicle parts, yard waste;

- iii) any loose litter, garbage, or construction debris or refuse when located in a storage area or elsewhere on the land;
- iv) damaged, dismantled, or derelict Motor Vehicles or trailers;
- v) grass higher than 15 centimeters (6");
- vi) excessive weeds, including the spreading of non-noxious weeds, as per *the Weed Control Act, Chapter W-5.1* as amended from time to time;
 - a. this also includes noxious weeds, in which would have to be destroyed or controlled as per the Community Peace Officer's discretion.
- vii) activities on said Property that exhume smoke, dust, or other airborne matters that may cause a disturbance to others;
- viii) any tree, shrub, or other type of vegetation that interferes or could interfere with any Public Work or Utility; obstructs the Sidewalk adjacent to the Property; impairs the visibility required for safe traffic flow; that has any rot or deterioration.

7.1.3 An owner or occupier of a Property shall ensure that all building materials stored are done so in an orderly manner, stacked or stored;

7.1.4 Despite anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on Premises for basic property maintenance;

7.1.5 Exterior rot or damage will be subject to fine or municipal tag, such as peeling; unpainted or untreated surfaces; missing shingles, siding, windows, or doors; any hole or opening in the Building to the discretion of the Community Peace Officer;

7.1.6 Any roof or awning that extends over a Sidewalk from a Building is the responsibility of the owner, lessee, or occupant, and must be kept free of snow and ice;

7.1.7 Derelict or dangerous buildings for occupancy may be subject to review by the Village administration under the *Municipal Government Act*, Section 546.

7.1.8 Limit of one unregistered vehicle stored externally per property

7.1.9 This subsection does not apply to: Animal remains that may result due to licensed hunting. In this circumstance, the Village requests that the animal carcasses be stored out of public eye and kept in a sanitary matter to eliminate the possibility of objectionable odor.

motor vehicle, including what is objectionable noise, the measuring of that noise, or prohibiting use or operation of a vehicle if it is considered to be making objectionable noise; restricting weight of vehicles; designating routes for different classes of vehicles; and, prescribing penalties for contravention of bylaws in accordance with the *Traffic Safety Act* as amended from time to time.

The Village of Carmangay enforces, in alignment with provincial legislation as permitted in whole, or in part, enacts the following measures to ensure traffic safety and parking accessibility:

- 1) No vehicles larger than one tonne trucks to be parked in any residentially zoned area;
- 2) Parked vehicles on public streets must be on the proper side of the street, aligning with traffic flow direction;
- 3) Parked vehicles cannot remain parked on public streets for longer than 48 consecutive hours;

10 OUTDOOR FIRES AND FIREWORKS

10.1 Excepting when a fire is permitted by bylaw or some other acceptance, no Person shall burn, or allow to be burned, a fire on a Premises that does not comply with the requirements of this bylaw.

10.2 All fires must be supervised and must ensure that the fire never goes unsupervised at any time. Every person who ignites or permits fire on a property must ensure it is supervised.

10.3 All fires must not exceed one meter in height at any time.

10.4 Any individual who builds a fire in a permitted receptacle – i.e., a fire pit or fireplace – must have means of extinguishment on hands at all times while the fire is burning.

10.5 Outdoor fires must be contained within a steel, concrete, or brick fire ring or factory built outdoor fireplace.

10.6 No Person shall burn, at any time, on any Premises, any refuse, waste, junk, garbage, structures, debris or other noxious substance(s) within the boundaries of the Village.

10.7 Fires are hereby prohibited during the hours of 12AM and 8AM on any Monday through Friday, or; between 1AM and 9AM on a Saturday or Sunday.

10.8 If a regional, provincial, or local fire ban is in place, then that ban must be adhered to for the safety of the community to avoid risk of the fire becoming a running fire.

- i. If a fire contravenes during a Fire Ban, then the owner or occupier of the land, or the person having control of the land in which the fire is lit, shall extinguish the fire immediately, or report to the Fire Department as soon as possible.

10.9 This subsection does not apply to:

- i. Indoor wood burning stoves, or other indoor fire receptacles.

10.10 If an authority of the Village – specifically the Fire Chief, or someone designated by the Chief Administrative Officer and trained in Emergency Management – determines grass or any other vegetation to pose a fire hazard on a property, then that individual may request to the Village to place a remedial order on the property to abate the hazard.

- i. Appeals to notices in this subsection may be requested to be heard by Council at the next subsequent meeting, if there are appropriate measures taken to file the appeal (seen under Part 2: Remedial Orders of this Bylaw).

10.11 No person shall sell, offer for sale or store for the purpose of sale, Consumer Fireworks or Display Fireworks in the Village without first obtaining a Fireworks Permit.

10.12 No person shall possess, handle, discharge, fire or set off Consumer Fireworks or Display Fireworks in the Village without first obtaining a Fireworks Permit.

10.13 No person other than an individual who has a valid Display Supervisor or Pyro Technician card issued pursuant to the Explosive Act (Canada) shall possess, handle, discharge, fire or set off Display Fireworks in the Village.

10.14 A Display Supervisor or Pyro Technician shall apply, in writing, to the Village of Carmangay Fire Chief, a minimum of 14 calendar days prior to the proposed Display Fireworks display for a Fireworks Permit. The application must address all information required by the Explosive Act (Canada) and the Alberta Fire Code, including, but not limited to: (a) date, time and location of the proposed display; (b) names, addresses and certification numbers of all Display Supervisors or Pyro Technicians and assistants participating in the display; (c) the name of the sponsor or purchaser of the display; (d) a full description of the planned display and a list of all materials to be fired, detonated, burnt or energized during the display; (e) the emergency plan of the display; (f) verification of liability insurance, in an amount acceptable to the County; and (g) any other information deemed necessary by the County, Regional Fire Chief or the District Chief.

10.15 The Village of Carmangay Fire Chief may impose such conditions and restrictions on the Fireworks Permit as he or she deems appropriate. Such conditions and restrictions may include but are not limited to: (a) time of day; (b) days of the week; (c) duration of display; (d) geographic location; (e) requirements for notification of affected residents; (f) on-site fire suppression materials and resources; and (g) safety precautions to mitigate danger or nuisance to any person or property.

10.16 The Regional Fire Chief, the Deputy Regional Fire Chief, the District Fire Chief, or the Fire Guardian may choose not to issue a Fireworks Permit or revoke a Fireworks Permit that has been issued if, in his/her opinion, such a display may create a risk to life, safety or property. Other reason why a Fireworks Permit may not be issued or revoked:

- ii. (a) non-compliance with: (i) the Alberta Fire Code; (ii) the Explosive Act (Canada); or (iii) the Fireworks Permit
- iii. (b) changes in environmental conditions.

11 SEVERABILITY:

Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

12 EFFECTIVE DATE:

This Bylaw will come into force on the day it passes the third and final reading.

13 REPEAL OF BYLAW:

Bylaw #788 Community Standards Bylaw and Bylaw #816 Fireworks Amendment shall be rescinded upon the passing of Bylaw #849 – Community Standards Bylaw.

Read a first time this 20th day of September, 2024

Read a second time this 20th day of September, 2024

By unanimous consent of Council, permission granted for third and final reading.

Read a third time this 20th day of September, 2024



Mayor Kym Nichols



CAO Kelly McLeod