

**COMMUNITY STANDARDS BYLAW 2019-007****BEING A BYLAW OF THE VILLAGE OF CAROLINE IN THE PROVINCE OF ALBERTA,  
FOR THE PURPOSE OF REGULATING COMMUNITY STANDARDS, SNOW  
REMOVAL, NOISE, FIRE PIT AND BURNING.**

**WHEREAS**, under the provisions of the Municipal Government Act, RSA 2000, c. M-26, the Council of the Village of Caroline may pass Bylaws respecting the following mailers:

- a) the safety, health and welfare of people and the protection of people and property, and
- b) clearing of snow, ice, dirt and other obstructions from the sidewalks situated on land adjoining the property owned or occupied by them.
- c) prohibiting, eliminating or abating noise within the Village of Caroline.

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

**1. SHORT TITLE**

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

**2. ENFORCEMENT REQUIREMENT**

- 2.1 The Village of Caroline is not required to enforce this Bylaw or parts of this Bylaw. In deciding whether to enforce this Bylaw or parts of this Bylaw, the Village may take into account any practical concerns, including available budget and personnel resources.

**3. DEFINITIONS**

- 3.1 "Boulevard" means that part of a Highway that:

3.1.1 is not a roadway, and

3.1.2 is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.

- 3.2 "Building" means anything constructed or placed on, in, over or under land that does not include a Highway.

- 3.3 "Chief Administrative Officer" means the individual appointed as such under the Municipal Government Act R.S.A. 2000, c. M-26 as amended or repealed and replaced from time to time and regulation thereunder, by Council, also known as the "Village Manager".

- 3.4 "Council" means the Council of the Village of Caroline.

- 3.5 "Fire" means any combustible material in a state of combustion

- 3.6 "Fire Chief" means any person(s) designated by the Village of Caroline to perform the duties and responsibilities as outlined in this or the Fire Bylaw.

- 3.7 "Fire Department" means the Village department duly appointed as the Fire Department by Council.

- 3.8 "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of them, whether public or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles and includes:

3.8.1 a sidewalk including a boulevard adjacent to the sidewalk;

3.8.2 if a ditch lies adjacent to and parallel with the roadway, the ditch; and

3.8.3 if a Highway right of way is contained between fences or between a fence and one side of the roadway, as the case may be but does not include a place by regulation not to be a Highway.

- 3.9 "Land Use Bylaw" means the Village's Land Use Bylaw, as amended.

- 3.10 "Motor Vehicle" means a vehicle propelled by any power other than muscular power.
- 3.11 "Night Time" means the period beginning at 10:00pm and ending the following day at:
- 3.11.1 7:00 AM if the following day is Monday through Friday: or
- 3.11.2 9:00 AM if the following day is a Saturday, Sunday or statutory holiday.
- 3.12 "Occupant" means a person or persons occupying property, including a lessee or licensee, who has actual use, possession or control of the property.
- 3.13 "Owner" means the registered owner of the property, shown as the owner of a parcel of land on the Village's assessment roll prepared by the Village pursuant to the Municipal Government Act.
- 3.14 "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- 3.15 "Peace Officer" means:
- 3.15.1 a member of the Royal Canadian Mounted Police;
- 3.15.2 a member of a municipal police service;
- 3.15.3 a Community Peace Officer where under that person's appointment as a Community Peace Officer that person is empowered to carry out the duties of a Peace Officer, or
- 3.15.4 a Bylaw Enforcement Officer who is appointed by Council of the Village of Caroline.
- 3.16 "Property" means real property and any building and improvements thereon.
- 3.17 "Public Place" means a property, whether publicly or privately owned, to which members of the public have access as a right or by express implied invitation, whether for payment of any fee or not.
- 3.18 "Residential Building" means a structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;
- 3.19 "Sidewalk" means that part of a highway especially adapted to the user 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 highway and the adjacent property line whether or not it is paved or improved.
- 3.20 "Village" means the Municipal Corporation of Caroline.
- 3.21 "Violation Tag" means a tag or similar document issued by the Village pursuant to the Municipal Government Act ft S.A. 2000, c.M-26 as amended or repealed and replaced from time to time and regulation there under.
- 3.22 "Violation Ticket" means a ticket issued pursuant to the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time and regulations there under.

#### **4. INTERPRETATIONS**

- 4.1 An owner is ultimately responsible for all activities on their property which may constitute an infraction of this Bylaw.
- 4.2 Nothing in this Bylaw relieves a person from complying with any Federal or Provincial statute or regulation.

#### **5. PROPERTY MAINTENANCE, LAND AND BUILDINGS**

- 5.1 For the purpose of this part, a person who is the owner or occupant shall be considered to occupy the boulevard and sidewalks immediately adjacent to their property.

#### **6. WATER, EAVES TROUGHS, DOWNSPOUTS**

- 6.1 No owner or occupant of a property shall allow a flow of water from a hose or similar device on the property to be directed to an adjacent property;
- 6.2 An owner or occupant of a property shall direct any rainwater, downspout or eaves

troughs on the property towards the:

- 6.2.1 front of the property;
- 6.2.2 side yard which does not abut another property; or
- 6.2.3 a side yard which abuts another property only if there is a minimum of 6 meters (20 feet) of permeable ground between the outfall of the downspout or eaves trough and the adjacent property.

## **7. SNOW, ICE, DEBRIS OR OBSTRUCTION**

- 7.1 The owner or occupant of any property adjacent to a sidewalk is responsible for the removal of all ice and snow from that portion of the sidewalk within twenty-four (24) hours of a snowfall or rainfall that creates icy conditions.
- 7.2 Where an owner or occupant anticipates being absent, the owner or occupant must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw.
- 7.3 Snow removed from driveways, parking lots or services lots shall NOT be placed or moved onto highways or sidewalks.
- 7.4 Snow removed from sidewalks only, in the business area, shall NOT be placed on the highway unless there is no lot space available to store the snow.
- 7.5 An owner or occupant of a building abutting or within 3 meters (9.8 feet) of any highway or public place, shall remove snow or ice that has accumulated on the roof, eaves or awning to the extent that a danger or risk is created to the public passing or the property of others. The corrective action shall be undertaken immediately with due care for the warning and safety of public passing or the property of others.
- 7.6 If water drips from a building or awning upon a sidewalk or highway, the owner or occupant of the property shall clean the sidewalk or highway portion thereof to prevent ice from forming thereon.
- 7.7 No person shall place any goods, wares, merchandise or any other article upon a sidewalk or highway outside any shop, warehouse or other building so as to obstruct or cause hazard to pedestrian or vehicular traffic.
- 7.8 Where an owner or occupant fails to comply with Section 7.1, the Village may cause the sidewalk to be cleared of any snow or ice at the expense of the owner.

## **8. FIRE PIT, FIREPLACE STANDARDS**

- 8.1 In this part, a fire pit means an outdoor receptacle for a recreational fire that meets the following specifications:
  - 8.1.1 The location is at least 3.0 meters (9.8 feet) from any building, property line, or combustible material;
  - 8.1.2 The opening does not exceed 1 meter (39 inches) in width or diameter;
  - 8.1.3 The installation has enclosed sides made of non-combustible material;
  - 8.1.4 It has a spark arrester mesh screen cover with an opening no larger than 1.25 cm (0.5 inches) which is constructed of a non-combustible material and covers the fire pit in a manner sufficient to contain and reduce the hazards of airborne sparks;
  - 8.1.5 It is not located over any underground utilities or under any above ground wires;
  - 8.1.6 The fire pit does not exceed 0.6 meters (2 feet) when measured from the surrounding grade to the top of the pit.
- 8.2 A fireplace means an outdoor receptacle that meets the following specifications:
  - 8.2.1 A minimum of 1 meter (39 inches) from the nearest fireplace edge is maintained from all buildings, property lines and other combustible materials;
  - 8.2.2 The fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
  - 8.2.3 The fireplace is equipped with a chimney that is not less than 2.5 meters (8.2 feet) in height when measured from the base of the fire burning area;
  - 8.2.4 The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;

8.2.5 The base of the fire burning area is not less than 0.3 meters (12 inches) above the surrounding grade;

8.2.6 The fire chamber does not exceed 1.25 meters (49 inches) in width and is between 0.4 meters (16 inches) and 0.6 meters (24 inches).

8.3 Prohibited Debris in this section means:

8.3.1 animal cadavers;

8.3.2 animal manure;

8.3.3 pathological waste;

8.3.4 non-wooden material;

8.3.5 material in automobiles and automobile bodies;

8.3.6 tires;

8.3.7 rubber<sup>1</sup> plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;

8.3.8 used oil;

8.3.9 wood or wood products containing substances for the purpose of preserving wood;

8.3.10 household refuse.

8.4 Burnable Debris in this section means:

8.4.1 Materials other than prohibited debris, including but not limited to;

8.4.1.1 leaves and tree prunings;

8.4.1.2 brush and fallen trees on newly cleared land or associated with logging operations;

8.4.1.3 used power, telegraph and telephone poles that do not contain wood preservatives;

8.4.1.4 wooden material from construction or demolition of buildings which does not contain wood preservatives;

8.4.1.5 solid waste from sawmills or planing mills with an annual production of less than 6500 cubic meters of lumber;

8.4.1.6 solid waste from post or pole operations that does not contain wood preservatives; and

8.4.1.7 solid waste from tree harvesting operations.

8.5 Portable Barbecuing Appliance means any appliance sold or constructed for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas (LPG), natural gas, compressed briquettes or charcoal.

8.6 When using an approved fire pit or approved fireplace, there shall be no burning of prohibited debris, and no burning of any material that is contrary of federal, provincial, or municipal legislation or regulations.

8.7 Every owner or occupant who builds, ignites or allows a fire in an approved fire pit or approved fire place must ensure that:

8.7.1 Only burnable debris is used;

8.7.2 A means of extinguishing the fire is kept on hand at all times while the fire is burning;

8.7.3 The flames from the fire do not exceed 1 meter (39 inches) in height at any time;

8.7.4 The fire is supervised at all times by a responsible person;

8.7.5 Prior to leaving the fire, the fire is extinguished completely, leaving only cold ashes.

8.8 Fire Ban: Notwithstanding any provision of this or any other Bylaw, the Fire Chief or their designate may declare a partial or complete ban on burning of any kind within the Village limits. If a fire ban has been declared, no person shall build, ignite or allow any kind of fire contrary to the fire ban.

## **9. NOISE CONTROL**

9.1 Prohibited Noise

9.1.1 Except as authorized pursuant to this Bylaw, no Person shall cause or permit any noise that annoys or disturbs the peace of any other Person.

9.1.2 Except as authorized pursuant to this Bylaw, no Owner or Occupant of a Premises shall cause or permit any noise that annoys or disturbs the peace of any other Person.

- 9.1.3 In determining if a sound is reasonably likely to annoy or disturb the peace of others, consideration may be given, but is not limited to:
- 9.1.3.1 type, volume, and duration of the sound;
  - 9.1.3.2 time of day and day of week;
  - 9.1.3.3 nature and use of the surrounding area; and
  - 9.1.3.4 any other relevant factor.
- or as determined by Enforcement Officer
- 9.1.4 With the exception of the activities referred to herein, unless permission from the Village is first obtained, no Person shall use, operate, or allow to be used or operated, any tools, machinery, motor vehicle, or equipment so as to create a noise, or disturbance which may be heard in a Residential Building in the Night Time.
- 9.1.5 No Drinking Establishment shall permit any noise to emanate from the Premises of such Drinking Establishment such that it annoys or disturbs any Person outside the boundary of the Drinking Establishment.
- 9.1.6 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.
- 9.1.7 Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which is a permitted use, an approved discretionary use, or a non-conforming, but not illegal, use as defined in the Act.
- 9.2 Section 9.1 does not apply to work carried on by the Village or by a contractor carrying out the instructions of the Village.

## **10. UNSIGHTLY**

- 10.1 An unsightly is any condition and or around property that is untidy, offensive, dangerous to health and safety, or which interferes with the use or enjoyment of other property, and includes:
- a) uncut grasses or weeds on the property that are longer than 10 cm.,
  - b) trees or shrubs that interfere with civic works or any public utilities,
  - c) dense or opaque smoke emitted into the atmosphere for more than 6 minutes per hour,
  - d) dense or opaque dust emitted into the atmosphere,
  - e) smelly compost heaps,
  - f) wrecked or dismantled vehicles, or those that are unsightly and abandoned, unregistered or uninsured, and
  - g) Any material including garbage, building materials, tires, boxes, machine or machine parts.
- 10.2 Owners, tenants and agents must prevent the occurrence of, or immediately remedy, any unsightly
- 10.3 It shall be unlawful for any person, business or corporation to cast, throw, drop, place, or otherwise cause or permit to be located upon, in, or about any public street, sidewalk, alley or public thoroughfare, or any private or public property adjacent thereto, any litter, refuse or debris.
- 10.4 It shall be unlawful for any person hauling, by any type vehicles, dirt, trash, refuse, junk, garbage or litter and to allow or permit such or any portion thereof to fall, drop, be tracked, or otherwise placed, left, or deposited upon any street or sidewalk of this village.

## **11. MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS**

- 11.1 The owner or occupant is responsible for any object or good disposed of or from the property onto any portion of a highway.
- 11.2 A motor vehicle found to be leaking engine, transmission or brake fluid, antifreeze or any other environmentally harmful fluids of any type shall be deemed to constitute a danger to public safety and may be towed away the fluids removed from the highway at the expense of the registered owner of the motor vehicle.
- 11.3 No person shall tamper with or remove a manhole cover or valve cover from its seat base without authorization from the Chief Administrative Officer

## **12. ENFORCEMENT**

- 12.1 The Chief Administrative Officer is hereby authorized to enforce the provisions of this Bylaw.
- 12.2 A Peace Officer is hereby authorized to enforce the provisions of this Bylaw.



**13. ORDER TO REMEDY**

13.1 Pursuant to the Municipal Government Act, if a designated officer believes, on reasonable grounds, that a person is contravening this Bylaw, the designated officer may, by written order require any person responsible for the contravention to remedy it.

13.2 The order may:

13.2.1 direct a person to stop doing something, or to change the way in which the person is doing it;

13.2.2 direct a person to take any action or measures necessary to remedy the contravention of this Bylaw and if necessary to prevent a recurrence of the contravention;

13.2.3 state a time within which the person must comply with the directions;

13.2.4 state that if the person does not comply with the directions within a specified time, the Village will take the necessary actions or measures required to remedy the contravention, at the expense of the person.

13.3 Pursuant to the Municipal Government Act, the expenses and cost of an action or measure taken by the Village under this section are an amount owing to the Village by the person who contravened the Bylaw.

13.4 Pursuant to the Municipal Government Act, a Council may add the following amount to the tax roll of a parcel of land:

13.4.1 unpaid expenses and costs referred to in the Municipal Government Act, if the owner of the property contravened the Bylaw and the contravention occurred on all or part of the property;

13.4.2 any administrative charges as set in Policy or Bylaw by Council resolution as amended from time to time.

13.5 A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

13.6 An order issued pursuant to this section may be served:

13.6.1 In the case of an individual:

13.6.1.1 by delivering it personally to the individual;

13.6.1.2 by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or

13.6.1.3 by registered mail addressed to the individual at their apparent place of residence or to any address of the individual on the tax roll of the Village; and

13.6.2 In the case of a corporation:

13.6.2.1 by delivering personally to any director or officer of the corporation;

13.6.2.2 by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or

13.6.2.3 by registered mail addressed to the registered office of the corporation.

**14. OBSTRUCTION**

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

**15. GENERAL**

15.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer or any Peace Officer may:

15.1.1 carry out an inspection to determine compliance with this Bylaw, or take any steps or carry out any action required to enforce this Bylaw; or

15.1.2 take any steps or carry out any actions required to remedy a contravention of this Bylaw; or

- 15.1.3 establish investigation and enforcement procedures with respect to property and such procedures may differ depending on the type of property in question.

## **16. APPEAL PROCEDURE**

- 16.1 A person who receives a written order under this Bylaw may request Council to review the order by delivering a written request to the Chief Administrative Officer within fourteen (14) days of the order being received. The order shall be deemed received within five (5) days of mailing.

## **17. OFFENCE**

- 17.1 A person who contravenes any provision of this Bylaw is guilty of an offence.

## **18. OFFENSES AND PENALTIES**

- 18.1 A person who is guilty of an offense is liable, upon summary conviction, to a specified penalty for that offence as set out in Schedule "A" to this Bylaw.
- 18.2 Notwithstanding Section 11 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within ONE (1) year of committing a first offence under this Bylaw, is liable upon summary conviction to the fine as set out in Schedule "A" of this Bylaw, for that offence.
- 18.3 Under no circumstances shall a person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

## **19. VIOLATION TAGS**

- 19.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 19.2 A Violation Tag maybe served;
- 19.2.1 in the case of an individual:
- 19.2.1.1 by delivering it personally to the individual;
- 19.2.1.2 by leaving it for the individual at the apparent place of residence with someone who appears to be at least 18 years of age; or
- 19.2.1.3 by mail addressed to the individual at the apparent place of residence or to any address for the individual on the tax roll of the Village; and
- 19.2.2 in the case of a corporation:
- 19.2.2.1 by delivering it personally to any director or officer of the corporation;
- 19.2.2.2 by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
- 19.2.2.3 by mail addressed to the registered office of the registration.
- 19.3 A Violation Tag issued pursuant to this Bylaw shall be in the form approved by the Chief Administrative Officer and shall state:
- 19.3.1 the name of the person to whom the violation tag is issued;
- 19.3.2 a description of the property upon which the offence has been committed, if applicable;
- 19.3.3 a description of the offence and the applicable Bylaw section;
- 19.3.4 the appropriate penalty for the offence as specified in Schedule A" of this Bylaw;
- 19.3.5 the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
- 19.3.6 any other information as may be required by the Chief Administrative Officer.
- 19.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Violation Tag.

19.5 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

## 20. VIOLATION TICKETS

20.1 In those cases where a Violation Tag has been issued and the penalty has not been paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person whom a Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

20.2 Notwithstanding the foregoing provision of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

20.3 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served on the person responsible for the contravention in accordance with the Provincial Offences Procedure Act

20.4 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together along with an amount equal to the specified penalty for the offence as provided in Schedule A" of this Bylaw.

20.5 When a clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 20.4 and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of the fine in the amount of the specified penalty.

## 21. SEVERABILITY

21.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the Bylaw shall remain in force and effect.

## 22. REPEAL OF BYLAWS

22.1 Bylaw 513; Bylaw 466, Bylaw 514, 2013-004 is hereby rescinded and all other previous related bylaws.

## 23. EFFECTIVE DATE

23.1 This Bylaw shall come into full force and effect upon the day it receives third and final reading by Council.

READ A FIRST TIME THIS 23<sup>rd</sup> DAY OF July, 2019 A.D.

READ A SECOND TIME THIS 23<sup>rd</sup> DAY OF July, 2019 A.D.

PROCEED WITH THIRD READING WITH THE UNANIMOUS CONSENT OF ALL MEMBERS PRESENT THIS 23<sup>rd</sup> DAY OF July, 2019 A.D.

READ A THIRD TIME THIS 23<sup>rd</sup> DAY OF July, 2019 A.D.

\_\_\_\_\_  
Mayor

M. Burke  
Chief Administrative Officer



## SCHEDULE "A" BYLAW 2019-007

Section Number	Offence	Penalty 1 <sup>st</sup>	Penalty 2 <sup>nd</sup> and Subsequent	Violation Ticket	Violation Ticket 2 <sup>nd</sup> and Subsequent
6.1 -	Water flowing onto another property	<b>Offence</b> \$100.00	<b>Offence</b> \$150.00	<b>1<sup>st</sup> offence</b> \$200.00	<b>Offence</b> \$250.00
7.1 -	Failure to remove snow or ice	\$100.00	\$150.00	\$200.00	\$250.00
7.3, 7.4 -	Placing snow off property	\$100.00	\$150.00	\$200.00	\$250.00
7.5 -	Removal of snow from eaves	\$100.00	\$150.00	\$200.00	\$250.00
7.7 -	Objects on sidewalk causing an obstruction	\$100.00	\$150.00	\$200.00	\$250.00
8.1 -	Fire pit not meeting regulations	\$100.00	\$150.00	\$200.00	\$250.00
8.2 -	Outdoor fireplace not meeting regulations	\$100.00	\$150.00	\$200.00	\$250.00
8.3 -	Burning Prohibited Material	\$150.00	\$200.00	\$250.00	\$300.00
8.7.2 -	No means of extinguishing available	\$150.00	\$200.00	\$250.00	\$300.00
8.7.4 -	No supervisor available	\$150.00	\$200.00	\$250.00	\$300.00
8.7.5 -	Not fully extinguishing fire	\$150.00	\$200.00	\$250.00	\$300.00
8.8 -	Burning while a fire ban is in place	\$200.00	\$250.00	\$300.00	\$350.00
9.1 -	Make Prohibited Noise	\$100.00	\$200.00	\$200.00	\$250.00
10.01 -	Unsightly	\$250.00	\$500.00	\$350.00	\$600.00