

**SUMMER VILLAGE OF WHITE SANDS**  
**BYLAW NO. 147-15**

A BYLAW OF THE SUMMER VILLAGE OF WHITE SANDS IN THE PROVINCE OF ALBERTA, TO PROHIBIT CERTAIN ACTIVITIES IN ORDER TO PREVENT AND COMPEL THE ABATEMENT OF NOISE, NUISANCES, UNSIGHTLY PREMISES AND PUBLIC DISTURBANCES;

NOW THEREFORE, the Council of the Summer Village of White Sands, duly assembled, enacts as follows:

**SECTION 1: TITLE AND DEFINITIONS**

**Bylaw Title**

1. This Bylaw shall be called the “Community Standards Bylaw”.

**Definitions**

2. In this Bylaw, the following definitions shall apply:
  - a. **“Construction Equipment”** includes, but is not limited to trenching machines, concrete mixers, backhoes and similar equipment.
  - b. **“Designated Officer”** means a person appointed by the Summer Village whose authority includes inspections or enforcement of the Summer Village’s Bylaws and includes a Peace Officer, Development Officer and Chief Administrative Officer.
  - c. **“Dilapidated Vehicle”** means any vehicle that is subject to any two of the following items below:
    - (i) Not used on a regular basis;
    - (ii) Does not have a validated license plate attached to it;
    - (iii) Is lacking one or more major body parts (i.e. fenders, hoods, etc.); and
    - (iv) Is lacking one or more of its power train parts (i.e. motor, transmission, differential, etc.).
  - d. **“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.
- e. **“Municipal Government Act”** means the Municipal Government Act of Alberta, R.S.A., 2000, Chapter M-26 as it is amended from time to time.
- f. **“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, and without limiting the generality of the foregoing, includes the following:
- (i) the failure to cut grass to a height of 15 centimetres or less within the, landscaped area;
  - (ii) the failure to maintain any tree, shrub, other type of vegetation or any structure: that interferes or could interfere with any public work or utility; that impairs the visibility required for safe traffic flow at any intersection adjacent to the property; or that becomes a nuisance by encroaching on a neighbouring property.
  - (iii) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
  - (iv) 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;
  - (v) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;
  - (vi) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of 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;
  - (vii) the generation of excessive dust on a property and permitting such dust to escape from the property;
  - (viii) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
  - (ix) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
  - (x) the storage or accumulation of dilapidated or derelict vehicles or the storage of unregistered vehicles in excess of two vehicles on any residential or commercial site except vehicles that are stored in an approved accessory or temporary building;
  - (xi) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
  - (xii) the failure to fence or secure an excavation, drain, ditch or other depression

- so that it does not become a danger to public safety;
- (xiii) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition;
  - (xiv) burning anything other than dry untreated clean wood in a residential wood fireplace.
- g. **“Off Highway Vehicle”** means any motorized mode of transportation built for cross-country travel on land, water, snow, ice, marsh or swamp lands, or on other natural terrain;
- h. **“Peace Officer”** means a Peace Officer appointed by the Summer Village, pursuant to the Municipal Government Act, for the purpose of enforcing the Summer Village’s Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer. For the purpose of inspection and enforcement under this Bylaw, a Peace Officer is a Designated Officer.
- i. **“Power Tools”** include any tool powered by an engine, motor or compressed air.
- j. **“Public Beach”** means “Public Property”.
- k. **“Public Lands”** means “Public Property”.
- l. **“Public Place”** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access;
- m. **“Private Property”** means all property within the Summer Village other than property constituting Public Property.
- n. **“Public Property”** means property owned by or under the control and management of the Government of Canada, Government of Alberta, or the Summer Village, contained within the boundaries of the Summer Village.
- o. **“Recreational Vehicle”** means a portable structure designed and built to be carried on a vehicle or to be transported/motorized on its own wheels, and which is intended to provide temporary living accommodation for travel and recreational purposes and which does not need any special license or permit to travel on the public road systems other than a usual trailer or vehicle license and, without limiting the generality of the foregoing, includes such vehicles as a motorhome, a fifth-wheel, a camper, a travel trailer, a Recreational Vehicle that conforms to the CSA Z-240 Standard for Recreational Vehicles (i.e. a Recreational Vehicle – Park Model Trailer), a tent trailer, but does not include any vehicle or over 2.6 m (8.5 ft.) in transit mode width, a RTM dwelling or a Recreational Vehicle – Park Model Recreational Unit.

- p. **“Spit”** means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth.
- q. **“Summer Village”** means the Summer Village of White Sands in the Province of Alberta.
- r. **“Traffic Safety Act”** means the Traffic Safety Act of Alberta, R.S.A. 2000, Chapter T-6 as it is amended from time to time.
- s. **“Urinate”** means to discharge urine from the body.

## **SECTION 2: NOISE**

- 3. No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
- 4. 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.
- 5. No person shall yell, scream, or swear in any public place.
- 6. In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
  - a. type, volume and duration of the sound;
  - b. time of day and day of the week;
  - c. nature and use of the surrounding area.

### **Industrial/Construction Noise**

- 7. Nothing in this Bylaw shall prevent the continual operation of construction equipment or a power tool where the activity is one which is needed to construct:
  - a. a permitted use; or
  - b. an approved discretionary use; or
  - c. a non-conforming, but not illegal, use as defined in the *Municipal Government Act*.
- 8. In the operation of construction equipment or a power tool, 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. With the exception of the activities referred to in section 7 herein, unless permission from the Administrator of the Summer Village is first obtained, 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 ten o'clock in the evening and seven o'clock in the morning of any day.

### **Exceptions**

10. 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.
11. These provisions do not apply to contractors carrying out snow removal.
12. In the case of snow removal the Administrator of the Summer Village may require noise abatement practices including one or both of the following conditions:
  - a. a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.
  - b. a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of residents.

## **SECTION 3: PUBLIC BEHAVIOURS**

### **Nuisance**

13. 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.

### **Graffiti**

14. No person shall place graffiti or cause it to be placed on any property.
15. Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view.
16. A property owner who breaches the provisions of Section 15 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".
17. In prosecuting for an offence under this Part, the consent of the property owner of any premises to place graffiti shall not be a defense under this Bylaw.

## Household Waste

18. Household waste consisting of such rubbish as bottles, cans, clothing, disposables, food packaging, food scraps, paper and cardboard that originates from private homes is accepted at the White Sands Waste Transfer Station. Household waste does not include such items as: yard waste; furniture and beds; appliances; lawn equipment; metal or wood; construction materials; and demolition scrap.

## Construction Waste

19. Each construction site shall have an appropriate 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.
20. 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.

## Nuisance Enforcement

21. The Peace Officer or Designated Officer may, after giving reasonable notice to the owner or occupier of the premises, enter upon said premises and carry out an inspection.
22. Upon completion of the inspection, the Peace Officer or Designated Officer may direct the owner or occupant of the property to:
  - a. cease the activity which causes the nuisance;
  - b. change the way in which such person is carrying out any activity;
  - c. direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including:
    - (i) the removal of any thing or matter from the property, which constitutes the nuisance; and
    - (ii) the construction or installation of a garbage bin or enclosure or the repair of an existing garbage enclosure;
    - (iii) enter into a cleanliness agreement in a form to the satisfaction of the Peace Officer or Designated Officer.;
    - (iv) specify the time within which such person must comply with the directions contained in the notice;
    - (v) notify the owner or occupant that, if compliance with the notice is not effected within a specified time, the Summer Village will take the actions or measures specified in the notice to abate the nuisance, at the expense of the owner or occupier; and
    - (vi) 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.

23. Any person who fails to comply with a direction made under Section 22 is guilty of an offence.
24. No person shall cause or permit or undertake any activity upon any Summer Village property which is a nuisance.

### **Littering**

25. No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Summer Village property, including any street, lane, sidewalk, parking lot, park, public beach or other public place or water course:
  - a. a cardboard or wooden box, carton, container, or receptacle of any kind;
  - b. a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
  - c. paper of any kind, whether or not containing written or printed matter thereon;
  - d. cigarette butts;
  - e. any human, animal or vegetable matter or waste;
  - f. any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
  - g. scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts therefrom;
  - h. 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;
  - i. dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
26. A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in section 26 above upon any street, lane, sidewalk, parking lot, park, public beach or other public place or water course shall forthwith remove it.

### **Spitting/Urinating**

27. No person shall urinate or deposit any human waste in any public place or in any place to which the public is allowed access, other than a public washroom.

28. No person shall spit at any person or on any public or private property that they do not own.

### **Camping, Tenting or Occupying Public Property**

29. No person shall camp, tent, sleep, or set up any form of shelter on any Public Lands or Public Beaches without signed written consent from the Summer Village.

30. No person shall park, store, or otherwise abandon any Boat Lift, Dock, Recreational Vehicle, Trailer, or any other vehicle on any Public Lands or Public Beaches without signed written consent from the Summer Village.

31. The Village shall have the right to move all non-approved objects/materials/items off of Public Property.

a. The Village shall have the right to recover reasonable removal costs from the owner of the item that was removed. The Village shall not be responsible for any damages caused to a non-approved object during or after removal from public property.

### **Damage to Public Lands**

32. No person shall cause or permit to be caused any damage to Public Lands or Public Beaches.

33. No person shall cut down or remove any tree or other vegetation from any Public Lands or Public Beaches without the written consent of the Summer Village.

34. Any person found guilty of a contravention of this Section of this Bylaw shall also be held liable for any costs incurred by the Summer Village to restore the Public Lands, Public Beaches, and/or trees and vegetation that were damaged.

### **Parking of Vehicles**

35. Any vehicles parked on Public Property shall be fined under this Bylaw and removed (towed) with all costs to be paid by the owner of the vehicle.

36. Any vehicles parked in designated “no parking areas” shall be fined under this Bylaw and removed (towed) with all costs to be paid by the owner of the vehicle.

37. No person shall operate any vehicle upon any Public Lands or any Public Beach areas within the Summer Village;

38. No person shall operate any vehicle upon any Private Property unless they are the owner of such property or unless they have the express permission of the property owner.



39. The provisions of section 37 above do not apply in any area where there are signs indicating that vehicles are permitted or if the person has signed written consent to operate a vehicle on Public Property or Public Beaches from the Administrator of the Summer Village.

#### **SECTION 4: OFF HIGHWAY VEHICLES**

“The provisions and regulations of the Traffic Safety Act as amended are hereby incorporated into this Section”;

40. No person shall operate an Off Highway Vehicle upon any Public Lands or any Public Beach areas within the Summer Village.
41. No person shall operate an Off Highway Vehicle upon any Private Property unless they are the owner of such property or unless they have the express permission of the property owner.
42. The provisions of section 40 above do not apply in any area where there are signs indicating that Off Highway Vehicles are permitted or if the person has signed written consent to operate an Off Highway Vehicle on Public Property or Public Beaches from the Administrator of the Summer Village.
43. No person shall operate any Off Highway Vehicle in such a manner so that it annoys or disturbs the peace of any other resident of the Summer Village.
44. No person shall operate any Off Highway Vehicle in such a manner so that it causes dust, smoke, or exhaust that causes a nuisance to any other resident of the Summer Village.
45. Where a vehicle or Off Highway Vehicle is driven, used, parked or left in contravention of any provision of this Bylaw, the owner of the vehicle shall be deemed responsible for the contravention and liable to the penalty provided herein, unless he proves to the satisfaction of the Court trying the case that at the time of the contravention the vehicle was not being driven, used, parked or left by him or any other person with his express or implied consent.
46. Any property owner who allows or permits a person living, staying, or visiting at their property to operate a vehicle or Off Highway Vehicle in contravention of this Bylaw shall be issued fines in accordance with this Bylaw if the owner or operator of the vehicle or Off Highway Vehicle cannot be determined.

## **SECTION 5: INSPECTION OF PROPERTIES**

47. Council hereby authorizes any Peace Officer or Designated Officer to enter any lands, buildings or premises, not including a private dwelling, during daylight hours to inspect for any conditions that may constitute a nuisance or contravene or fail to comply with the provisions of this By-Law.

## **SECTION 6: PENALTIES**

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

- a. payment of the penalty specified in Schedule "A" hereto; or
- b. 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 one (1) year.

49. Notwithstanding Part V Section 47 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule "A".

50. A Peace Officer or Designated Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer or Designated Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

51. 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.

52. A person who commits an offence may:

- a. If a violation ticket is issued in respect of the offence; and
- b. 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.

**SECTION 7    GENERAL**

53. This bylaw shall come into force on the date of final passing thereof and upon coming into effect Bylaw 142-13 is repealed.

54. Should a section or part of this bylaw be found to be improperly enacted or ultra vires, for any reasons, 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.

Read a first time this 26<sup>th</sup> day of February, 2015.

Read a second time this 26<sup>th</sup> day of February, 2015.

Read a third time and passed this 26<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Schedule "A" Schedule of Fines

SECTIONS	OFFENSE	1ST OFFENCE	2ND OFFENCE	3RD & SUBSEQUENT OFFENCE
<b>SECTION 2</b>	<b>NOISE</b>			
2.3 – 2.12	All Offenses	\$250.00	\$500.00	\$1000.00
<b>SECTION 3</b>	<b>PUBLIC BEHAVIOUR</b>			
3.13	Permitting a nuisance on Private Property	\$250.00	\$500.00	\$1000.00
3.14	Placing Graffiti on any property	\$500.00	\$1000.00	\$2500.00
3.15	Failure to remove Graffiti	\$250.00	\$500.00	\$1000.00
3.18	Disposal of waste other than household waste at the Waste Transfer Station	\$250.00	\$500.00	\$1000.00
3.19	Failure to have a waste container at a construction site	\$250.00	\$500.00	\$1000.00
3.23	Fail to comply with an order of a Peace Officer	\$500.00	\$1000.00	\$2500.00
3.24	Causing a nuisance on Summer Village Property	\$500.00	\$1000.00	\$2500.00
3.25	Depositing litter on Summer Village Property	\$250.00	\$500.00	\$1000.00
3.26	Failing to remove litter	\$250.00	\$500.00	\$1000.00
3.27	Urinating or depositing human waste in a public place	\$500.00	\$1000.00	\$2500.00
3.28	Spitting in a public place or on private property or Spitting at a person	\$250.00	\$500.00	\$1000.00
3.29	Camping, tenting, sleeping, or setting up shelter on Public Lands or Public Beaches	\$250.00	\$500.00	\$1000.00
3.30	Park, store, or abandon any RV, trailer, boat lift, dock, or vehicle on Public Lands or Public Beaches	\$250.00	\$500.00	\$1000.00
3.32	Cause or permit to be caused damage to Public Lands or Public Beaches	\$500.00	\$1000.00	\$2500.00
3.33	Cut down or remove any tree or other vegetation from Public Lands or Public Beaches	\$500.00	\$1000.00	\$2500.00
3.35	Parking of vehicle on Public Property	\$250.00	\$500.00	\$1000.00
3.36	Parking of vehicle in a designated "no parking area"	\$250.00	\$500.00	\$1000.00
3.37	Operate Vehicle on Public Property or Public Beach	\$250.00	\$500.00	\$1000.00
3.38	Operate Vehicle on Private Property	\$250.00	\$500.00	\$1000.00
<b>SECTION 4</b>	<b>OFF HIGHWAY VEHICLES</b>			
4.40	Operate Off Highway Vehicle on Public Property or Public Beach	\$250.00	\$500.00	\$1000.00
4.41	Operate Off Highway Vehicle on Private Property	\$250.00	\$500.00	\$1000.00
4.43	Operate an Off Highway Vehicle in a manner that disturbs the peace of any resident	\$250.00	\$500.00	\$1000.00
4.44	Operate an Off Highway Vehicle in a manner that causes a nuisance by way of dust, smoke, or exhaust	\$250.00	\$500.00	\$1000.00