



CITY OF AIRDRIE
COMMUNITY STANDARDS BYLAW
NO. B- /2012

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**CITY OF AIRDRIE
PROVINCE OF ALBERTA**

BEING A BYLAW OF THE CITY OF AIRDRIE WITH A PURPOSE OF ESTABLISHING AND ENFORCING THE COMMUNITY STANDARDS FOR PROPERTY WITHIN THE CITY OF AIRDRIE.

WHEREAS under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass Bylaws establishing the standards for the maintenance and occupancy of property and prohibit the use of property that does not conform to the prescribed standards;

AND WHEREAS under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass Bylaws preventing and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises;

AND WHEREAS Council wishes to carry out a program of property conservation, both residential and non-residential, and thereby prevent blight and deterioration in residential and non-residential areas;

AND WHEREAS it is desirable for regulations affecting the community standards of property within Airdrie to be located, as much as possible, in one bylaw;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF AIRDRIE ENACTS AS FOLLOWS:

SECTION 1 Title

1.01 This Bylaw may be cited as the “The Community Standards Bylaw”.

SECTION 2 Definitions

2.01 In this Bylaw unless the context otherwise requires:

- (a) **“Airdrie”** means the area contained with the boundaries of the City of Airdrie;
- (b) **“Appeal Board”** means the General Appeal Board appointed by the City of Airdrie Council;
- (c) **“Approved”** means acceptable to the Appeal Board or City Manager, or his designate;
- (d) **“Art Mural”** means a mural for a designated surface and location that has been deliberately implemented for the purpose of beautifying the specific location;

- (e) “**Building**” means any structure used or intended for supporting or sheltering any use or occupancy;
- (f) “**City**” means the municipal corporation of the City of Airdrie;
- (g) “**City Clerk**” means the City Clerk of the City of Airdrie or her designate;
- (h) “**City Manager**” means the Chief Administrative Officer of the City of Airdrie or his designate;
- (i) “**Construction**” means the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process;
- (j) “**Council**” means the Municipal Council of the City of Airdrie;
- (k) “**Day-time**” means the period:
 - (i) beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or
 - (ii) beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a Weekend;
- (l) “**dB(A)**” means the sound pressure measured in decibels using the “A” weighted scale of a Sound Level Meter set to fast response;
- (m) “**Decibel**” means a unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to approximately 130 for the average pain level;
- (n) “**Development Permit**” means a document issued by the City, authorizing a development pursuant to the Land Use Bylaw, and includes plans and conditions of approval;
- (o) “**Dwelling**” means the use of a Building or portion of a Building as a Dwelling Unit;
- (p) “**Dwelling Unit**” means habitable space used or intended to be used by one or more Persons which contains cooking, eating, living, sleeping and sanitary facilities and is accessed by a separate locked entrance or serviced by one or more separate utility connections or accounts, or both;
- (q) “**Fence**” means a vertical barrier which is used to prevent or restrict passage, to provide visual screening, sound attenuation, protection from dust or other elements, or to mark a boundary;

- (r) **“Firearm”** means a weapon, especially a pistol or rifle, capable of firing a projectile and using an explosive charge as a propellant;
- (s) **“Front Driveway”** means a Parking Pad located at the front of the house adjacent to the principal street address but does not include laneways or back alleys;
- (t) **“Good Repair”** means maintaining the condition of an object or Structure such that it does not become untidy, unsightly or dangerous and such that the object or Structure can continue to be used in the means that it was originally intended;
- (u) **“Graffiti”** means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings or things that disfigure however affixed on the Structure or thing, but for greater certainty, does not include an Art Mural;
- (v) **“Hamlet”** means an unincorporated area as defined by the *Municipal Government Act*;
- (w) **“Highway”** means any thoroughfare, street, via duct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and
 - (i) includes:
 - a. Sidewalk (including a boulevard portion thereof),
 - b. where a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - c. where a highway right-of-way is contained between fences or between a fence and on one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be, but
 - (ii) does not include a place declared by the Lieutenant Governor in Council not to be a Highway;
- (x) **“Land”** means the land around and appurtenant to the whole or any part of the premises and used or intended to be used, or capable of being used in connection with the Dwelling, Dwelling Unit or Building and includes those portions of public lanes or streets normally maintained by residents or non-residents of the adjacent Premises;
- (y) **“Land Use Bylaw”** means the Land Use Bylaw of the City of Airdrie, as amended;

- (z) **“Motorized Garden Tool”** means any tool used for horticulture or lawn maintenance that is powered by an electric or internal combustion engine of any kind;
- (aa) **“Municipal Ticket”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (bb) **“Night-time”** means the period beginning at 10:00 P.M. and ending the following day at:
 - (i) 7:00 A.M. if the following day is a Weekday; or
 - (ii) 9:00 A.M. if the following day is a Weekend;
- (cc) **“Noise”** means any sound that is reasonably likely to disturb the peace of others;
- (dd) **“Non-residential”** means the use or occupancy of a Building or Land or part thereof for any purpose other than Residential;
- (ee) **“Nuisance Animal”** means a coyote, porcupine, badger, striped skunk, Richardson ground squirrel, gopher, red fox, pigeons, starlings, raccoons, crows, or magpies;
- (ff) **“Occupant”** means any Person who resides, leases or carries on any kind of business in a Residential or Non-residential Premises with or without a License of Occupation granted by the owner of said Premises;
- (gg) **“Off-Highway Vehicle”** see *Traffic Safety Act* for definition.
- (hh) **“Owner”** means the Person(s) listed on the title of a parcel of Land at the Land Titles Office or in the case of a vehicle, the person registered as the vehicle owner with the Driver and Motor Vehicle Registry;
- (ii) **“Pathway”** means any multiple-use path whether of asphalt, concrete, shale or gravel surface;
- (jj) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Peace Officer, a Community Peace Officer or a Bylaw Enforcement Officer of the City;
- (kk) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (ll) **“Point of Reception”** means any location at the place of work or residence where noise or sound levels are heard by the complainant, as determined by the Sound Level Meter Operator to be appropriate in each circumstance.

- (mm) **“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;
- (nn) **“Ranch Farm”** means a quarter section of land or a large balance of lands from a previous subdivision providing for agricultural activities as the primary land use;
- (oo) **“Ranch Farm 2”** means mid-sized parcels of land providing for agricultural use where residential uses are accessory to the agricultural use;
- (pp) **“Ranch Farm 3”** means small parcel sizes of land providing for agricultural uses where residential uses are accessory to the agricultural use;
- (qq) **“Rear-yard to Rear-yard Fence”** means a uniform fence erected by a developer intended to enclose an entire development or subdivision area, excluding sound Fences;
- (rr) **“Recreational Vehicle”** means a vehicle or trailer that is designed, constructed and equipped, either temporarily or permanently, as an accommodation for travel, vacation, or recreational use and includes a travel trailer, motorized homes, slide-in campers, chassis-mounted campers, boats, all terrain vehicles, snowmobiles and tent trailers, whether licensed or unlicensed;
- (ss) **“Receptacles”** means a container designed or used for containing refuse awaiting collection and disposal;
- (tt) **“Refuse”** means any discarded or abandoned organic or inorganic material and without restricting the generality of the foregoing, includes garbage, ashes and all forms of grass, tree and hedge cuttings and clippings, broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other materials;
- (uu) **“Residential”** means a room or a suite of rooms which form a Dwelling unit that is exclusively used for human habitation purposes; includes houses, duplexes, townhouses, condominiums, and apartments;
- (vv) **“Residential Development”** means an area of Airdrie that is designated by the Land Use Bylaw as suitable for Residential Dwellings;
- (ww) **“Rubbish”** means all trees, shrubs, stumps, scrap lumber, scrap metal, large boxes and crates, oil drums, and similar unwieldy materials, discarded furniture and fixtures, including but not limited to tables, mattresses, water heating tanks, stoves, furnaces, fences, gates and other discarded fixtures;

- (xx) **“Sediment Basin”** means a water impoundment constructed to collect and store sediment and/or debris made by constructing a dam or embankment or by excavating a pit or dugout pond for water storage. Its purpose is:
- i. to detain storm water volume and slowly release it to the downstream waterways;
 - ii. to prevent undesirable deposits on downstream drainage waterways;
 - iii. to trap sediment originating from construction sites; and
 - iv. to provide a basin for deposits and storage of sediments and debris.

This specification applies if the following conditions exist:

- a) failure of the dam will not result in loss of life;
 - b) in damage to homes, commercial or industrial buildings, main highways, or railroads; or
 - c) in interruption of the use or service of public utilities.
- (yy) **“Shooting Permit”** means a permit to allow the temporary use of a rimfire rifle no greater than 0.22 caliber or a shotgun.
- (zz) **“Shoot Zone”** means a property that is:
- i) designated in the Land Use Bylaw as a Ranch Farm, Ranch Farm 2 or Ranch Farm 3 and is larger than 12.14 hectares (29.99 acres); or
 - ii) a quarter section containing less than twenty (20) Residential Buildings.

Notwithstanding subsection (i) and (ii) , a Shoot Zone does not include any Land designated Public Services, Business, Commercial or Hamlet in the Land Use Bylaw;

- (aaa) **“Sidewalk”** means
- i) that part of a Highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a Highway between the curb line thereof (or the edge of the roadway where there is no curb line) and the adjacent property line, whether or not paved or improved; and
 - ii) a Pathway that is adjacent to a Highway that fronts and/or flanks a property;
- (bbb) **“Sound Level Meter”** means a device used to measure sound pressure which meets the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part 1, or the U.S.A. Standard S1.4-1961;
- (ccc) **“Standards”** means the standards set out in this Bylaw;

- (ddd) **“Street Occupation Permit”** means a document issued by the City, authorizing the temporary use of a Highway;
- (eee) **“Structural Member”** means a support that is a constituent part of any Structure or Building;
- (fff) **“Structure”** includes any Building, utility box, retaining wall, scaffolding, Receptacle, Recreational Vehicle, Utility Trailer, mobile home, shed or portable shack;
- (ggg) **“Trap Low Area”** means a component of a storm water overland drainage system that may be located on both public and privately owned lands that is used to control and contain storm water through the temporary storage of storm water on streets, lanes and adjacent lands during and after high intensity rainfall events;
- (hhh) **“Unsightly”** means unpleasant or offensive to look at;
- (iii) **“Untidy”** means disorderly and unorganized;
- (jjj) **“Utility Trailer”** means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property, goods, etc.;
- (kkk) **“Violation Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (lll) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedures Act*;
- (mmm) **“Weapon”** means any device that propels a projectile by means of an explosion, spring, air, gas string, wire or elastic material or any combination of those things, including but not limited to pellet guns, BB guns, slingshot and archery equipment, but does not include bonafide Construction equipment when being used for its intended purpose.
- (nnn) **“Weekday”** means Monday through Saturday;
- (ooo) **“Weekend”** means Sunday and any other holiday, as defined in the *Interpretation Act*, R.S.A. 2000, as amended or replaced from time to time;
- (ppp) **“Yard”** means an open space on a site which is unoccupied and unobstructed by the principal building;

SECTION 3 PROPERTIES

Untidy and Unsightly Condition

- 3.01 No Person and/or Owner of a Premises within Airdrie shall permit the Land or Premises to be or remain in an Untidy or Unsightly condition.
- 3.02 Land shall be kept free of animal feces, debris, refuse and/or rubbish.
- 3.03 All Residential Premises shall be kept free of any vehicle, Recreational Vehicle, Utility Trailer, or object, which is in a wrecked, discarded, or abandoned condition.
- 3.04 For existing developments, land shall be protected by suitable ground cover which prevents erosion of the soil. New developments are governed by the Land Use Bylaw.
- 3.05 Trees, plants and vegetation shall be maintained in a healthy and vigorous state of growth so as to not become Unsightly, unsafe or a nuisance to neighbouring property.
- 3.06 All signs which are excessively weathered or faded, or those upon which the paint has peeled or cracked, shall be removed, repainted or replaced.

Outside Storage

- 3.07 (a) No Person and/or Owner of any Residential Premises shall allow on the Premises the accumulation of building materials, whether new or used, unless that Person and/or Owner can establish that a Construction undertaking is being carried out on the Premises and that:
- (i) the project has begun or the beginning of work is within thirty (30) days;
 - (ii) the materials found on the Premises relates to the project taking place on the Premises in a quantity reasonable to complete the project; and
 - (iii) the work on the project has not been suspended for a period in excess of one-hundred and twenty (120) days.
- (b) A Person and/or Owner of a Premises shall ensure that all building materials stored on a Premises, that are not in contravention of subsection (a), are stacked or stored in an orderly manner;
- (c) Notwithstanding anything in this Section, it shall not be an offence to store a small amount of neatly stacked material on a Premises for basic property maintenance.
- 3.08 Any vehicle, mechanical equipment or object on Non-residential Land, which is in a wrecked or dismantled condition shall be removed from the Land, unless the storage

area is defined and enclosed with an Approved Fence and visually screened, to the satisfaction of the City Manager.

- 3.09 Any outdoor storage area on Non-residential Land will not be permitted, unless the outdoor storage area is the subject of an Approved Development Permit and is visually screened to the satisfaction of the City Manager.

Street Occupation Permits

- 3.10 A Street Occupation Permit is required prior to starting a Construction project or when placing a Receptacle on any portion of a Highway.
- 3.11 Permits for placing Receptacles onto a Highway shall be posted on the Receptacle or on the front of the Building in a location visible from the street.
- 3.12 With the application of a Street Occupation Permit, two (2) copies of the site plan must be submitted for review. The plans must meet the following specifications:
- i. all plans must be drawn to scale and the scale must be noted on the plan;
 - ii. all relevant dimensions (i.e. width of sidewalk, back of sidewalk to street/property lines and to building wall, etc.) must be shown;
 - iii. all street names and the municipal address for the location of any Receptacle must be noted;
 - iv. all physical details of the site must be shown (i.e. sidewalk, trees, utility/hydro poles, fire hydrants, parking meters etc.);
 - v. north arrow must be shown;
 - vi. number of valid Building permits;
 - vii. timeline for permit approval;
 - viii. the location of street/property lines must be noted; and
 - ix. the proposal must be clearly indicated.
- 3.13 Along with an application for a Street Occupation Permit, a copy of valid liability insurance naming the City as additional insured in the amount of \$2,000,000 will be required.

Construction Garbage

- 3.14 i. Construction Refuse shall be placed in a Receptacle (with or without a fixed lid) and Construction material shall not be allowed to blow out of the Receptacle or off the Premises from where the construction is taking place.

- ii. Construction Refuse, subject to displacement by wind, shall be placed in a Receptacle with a fixed cover that is located in the closed position at all times excluding times when the Receptacle is being loaded or unloaded.
- iii. Receptacles other than household Refuse Receptacles shall be maintained two (2) meters from any Building.

3.15 Placement and removal of Receptacles used for other than household Refuse shall not track mud onto the Highway or cause damage to Highways or City infrastructure.

Excavations and Ponding Water

- 3.16 No Person and/or Owner of a Premises shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.
- 3.17 If, in the opinion of the City Manager, a water course, pond or other surface water becomes or remains a nuisance or poses a danger to public safety, the City Manager may declare the water course, pond or other surface water a nuisance and require the Owner or Occupant of the Premises to eliminate the nuisance or danger. Approved engineered storm ponds, Trap Low Areas and a Sediment Basin are exempt from this Section.
- 3.18 Excavations approved as part of a Development Permit shall not be allowed to be left open. As otherwise required by a condition of a Development Permit, open excavations shall be fenced and signed for no trespassing. Fencing requirements shall conform to the Alberta Building Code.

Drainage

- 3.19 Rain water downspouts, sump pump discharges and eavestroughs, if provided, shall not discharge onto any adjacent Premises.
- 3.20 Eavestroughs, sump pump discharges and downspouts, if provided along any Building, shall prevent the discharge of water onto outside stairs, landings and walkways, and shall direct water away from the Building.

Exterior Maintenance of Buildings and Fences

- 3.21 Any Structure shall be kept in Good Repair and shall be free from health and fire hazards.
- 3.22 Every Person and/or Owner of a Premises shall ensure the following areas are maintained in Good Repair;
 - (a) Fences and their Structural Members;
 - (b) Structures including:

- (i) foundations and foundation walls;
 - (ii) exterior walls and their components;
 - (iii) roofs;
 - (iv) windows and their casings;
 - (v) doors and their frames;
- (c) protective or decorative finishes of all exterior surfaces of a Structure or Fence; and
- (d) exterior stairs, landings, porches, balconies and decks.
- 3.23 A Person and/or Owner of a Premises shall not permit any Graffiti displayed on the exterior of any Structure or Fence that is visible from the surrounding Premises.
- 3.24 A Person and/or Owner of a Residential Premises shall not permit any Graffiti or Art Mural to be displayed on the exterior of any Structure or Fence that is visible from the surrounding Premises or to public view.
- 3.25 The City Manager that finds Graffiti displayed as indicated in this Section may give written notice to the Owner or Occupant of the Structure to remedy the condition within a time period specified in the notice but no sooner than seventy-two (72) hours after the notice is given.
- 3.26 In the event that an Owner or group of Owners neglect to repair or maintain damaged or deteriorating fencing, the City may require the Owner(s) of the subject Premises to repair, rehabilitate or replace their portion of the Fence through the enforcement of this Bylaw.
- 3.27 Unless otherwise addressed, the maintenance/replacement of any Fence shall be the sole responsibility of the Owner.
- 3.28 Once any Rear-yard to Rear-yard Fence has been constructed by a subdivision developer to the City's reasonable satisfaction, it shall become the property of the lot or lots upon which it is situated, and maintenance shall be the responsibility of the respective Premises Owner(s).

Unoccupied Buildings

- 3.29 If a Building normally intended for human habitation is unoccupied, then any door opening, window opening or any other opening in the Building should be securely closed, or may be covered with a solid piece of wood, to prevent any unauthorized entry into the Building.

Sidewalks

- 3.30 The Owner or Occupant of a Premises adjacent to a Sidewalk that runs in front or back of the property or along the side of the Premises where:
- (a) such Sidewalk runs parallel to and directly adjacent to a Highway; or
 - (b) such Sidewalk runs parallel to and adjacent to a street, where the Sidewalk and street are separated only by a grassed or otherwise surfaced boulevard;

shall clear snow and ice from that portion of the Sidewalk within twenty four (24) hours after the snow and ice has been deposited and shall keep the Sidewalk in a state of cleanliness from edge to edge, free from dirt, snow, ice, debris or other obstruction.

- 3.31 No Person shall clear snow, ice, dirt, debris or any other obstruction from any Sidewalk or driveway by causing such material to be placed upon any other portion of the Highway or other public place adjacent to such Premises.
- 3.32 A Person may, in such a way as not to cause injury or unduly interfere with any Person lawfully using the Sidewalk, use a power device that is sufficiently light and of such construction that will not damage the surface of the Sidewalk to clear ice, snow, or other material from any portion of a Sidewalk.
- 3.33 For the purpose of clearing snow from a Sidewalk, no Person shall drive a vehicle onto, across, or on any boulevard, ditch or Sidewalk except at a vehicular crossing provided for that purpose as stated in the "Use of the Highway and Rules of the Road Regulation". City vehicles, contractors contracted by the City and any vehicle or Person(s) exempted by the City Manager are exempt from the above requirement.
- 3.34 Off-Highway Vehicles including all terrain vehicles are not permitted on Airdrie Sidewalks or Highways to clear snow or for any other purpose. City vehicles are exempt from this Section.
- 3.35 Where a Sidewalk is adjacent to a Premises in which the Owner is not residing in Airdrie or the Premises are unoccupied or under development, a Peace Officer may deem that ice, snow, dirt or other obstruction on the Sidewalk adjacent to the Premises pose a danger to the public and the City may then clear the ice, snow, dirt or other obstruction.
- 3.36 Where the Owner or Occupant of a Premises has not complied with this Section, the City may remove the ice, snow, dirt or other obstruction, and the Owner of the Premises is liable for such removal costs.
- 3.37 The Owner or Occupant of any private Premises adjacent to a Sidewalk shall not allow any hedge, shrub or tree which may overhang from such Premises to interfere with pedestrian traffic lawfully using such Sidewalks.

Enforcement of Sidewalks Section

- 3.38 When a complaint is received, a Peace Officer will issue the Owner or Occupant with a notice to clear or remove anything as mentioned in this Section. The notice will require the Owner or Occupant to clear the Sidewalks within twenty-four (24) hours. The Peace Officer will return after twenty-four (24) hours has expired to see if the Premises are compliant. If the Sidewalk is not cleared or cleaned up for the Premises in question, a Violation Ticket may be issued at the discretion of the Peace Officer. The Peace Officer will then contact a contracted company to schedule a cleanup of the Premises in question. The cost of the clearing or clean up of the Sidewalk will be invoiced to the Owner of the Premises and if the invoice is not paid the cost will be added to the tax roll of the Premises in question.

SECTION 4 - Recreational Vehicles, Utility Trailers and Off-Highway Vehicles

- 4.01 An Owner or operator of a Recreational Vehicle shall not park a Recreational Vehicle on a Highway in Airdrie;
- (a) except in the area of the Highway immediately adjoining the Owner or operator's place of residence, and
 - (b) for more than thirty-six (36) consecutive hours following which the Owner or operator shall move the Recreational Vehicle to an off-street location for a period of not less than forty-eight (48) consecutive hours before the Recreational Vehicle may be parked again in the same area of the street immediately adjoining the Owner's or operator's place of residence for the allowed period of time stated in this Section.
- 4.02 No Owner or operator of a Recreational Vehicle shall park the Recreational Vehicle on any street in the City in such a manner as to constitute a hazard to other persons using the Highway.
- 4.03 Recreational Vehicles shall not be parked in a front driveway from October 31 to April 30. During the time period from October 31 to April 30 Recreational Vehicles will be allowed to be parked on a front driveway for up to forty-eight (48) hours for unloading and loading purposes only.
- 4.04 Recreational Vehicles including attachments (e.g. hitches, bike carriers, etc.) that are parked in a front driveway shall not extend onto the Sidewalk, curb or Highway.
- 4.05 No Person shall park a Recreational Vehicle or Utility Trailer upon any Highway unless the said Recreational Vehicle or Utility Trailer is attached to a vehicle by which it may be propelled or drawn and when so attached the Recreational Vehicle or Utility Trailer shall be deemed part of the vehicle and subject to the regulations pertaining to the vehicle.
- 4.06 Utility Trailers and Off Highway Vehicles are not permitted to be parked in a front driveway unless otherwise parked pursuant to this section:
- (a) Utility Trailers will be allowed to be parked on a front driveway for up to seventy-two (72) hours for unloading and loading purposes.

- (b) Off Highway Vehicles will be allowed to be parked on a front driveway for up to seventy-two (72) hours for cleaning or servicing purposes.
- 4.07 No Person shall park a Recreational Vehicle so as to obstruct access to or exit from a Highway.
- 4.08 No Person shall park a Recreational Vehicle within one and one half (1.5) meters of an access to a Highway.
- 4.09 A Recreational Vehicle parked on a Highway shall not be occupied.
- 4.10 No person shall park a vehicle, Recreational Vehicle or a vehicle with any type of trailers attached thereto upon any highway in a residential area if the overall length of the vehicle, Recreational Vehicle or the vehicle with trailer exceeds nine (9) metres.
- 4.11 Section 4.10 shall not apply so as to prohibit such vehicle being parked on a Highway for the purpose of cleaning, unloading or loading goods to or from Premises abutting such Highway provided this is completed within seventy-two (72) hours. If the loading or unloading is taking place during a period of restricted visibility, then the vehicle and its trailer shall have all front and rear parking lights illuminated.

SECTION 5 - Noise Control

Prohibited Noise

- 5.01 A Person shall not cause or permit any Noise that disturbs the peace of another individual.
- 5.02 A Person shall not cause or permit Premises they own or occupy to be used so that Noise from the Premises disturbs the peace of any other individual.
- 5.03 A Person may be found guilty of a contravention of this Section whether or not the decibel level:
 - (a) is measured; or
 - (b) if measured, exceeds any limit prescribed by this Bylaw.

Criteria

- 5.04 In determining if a sound is reasonably likely to disturb the peace of others the following criteria may be considered:
 - (a) type, volume, and duration of the sound;
 - (b) time of day and day of week;

- (c) nature and use of the surrounding area;
- (d) decibel level, if measured; and
- (e) any other relevant factor.

Construction Activity

5.05 A Person and/or Owner shall not cause or permit any Construction activity on Premises they own or occupy which is directly adjacent or within three hundred (300) meters of a Residential Development during the Night-time.

Garbage Collection

5.06 A Person and/or Owner shall not collect, cause or permit the collection of garbage with a motor vehicle on or adjacent to any Residential Premises during the Night-time.

Day-time Decibel Limit - Residential

- 5.07 (1) A Person shall not cause or permit any sound exceeding sixty-five (65) dB(A), as measured at the property line of a Residential Premises, during the Day-time.
- (2) A Person shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds sixty-five (65) dB(A), as measured at the property line of a Residential Premises, during the Day-time.
- (3) The preceding Section does not apply to sound up to:
- (a) seventy (70) dB(A) lasting a total period of time not exceeding two (2) hours in any one (1) day;
 - (b) seventy-five (75) dB(A) lasting a total period of time not exceeding one (1) hour in any one (1) day;
 - (c) eighty (80) dB(A) lasting a total period of time not exceeding thirty (30) minutes in any one (1) day; or
 - (d) eighty-five (85) dB(A) lasting a total period of time not exceeding fifteen (15) minutes in any one (1) day.

Night-time Decibel Limit – Residential

5.08 A Person and/or Owner shall not cause or permit any sound exceeding fifty (50) dB(A), as measured at the property line of a Residential Premises, during the Night-time.

- 5.09 A Person and/or Owner shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds fifty (50) dB(A), as measured at the property line of Residential Premises, during the Night-time.
- 5.10 No Person shall operate
- (a) a hand lawn mower;
 - (b) Motorized Garden Tool;
 - (c) power tool outside of any Building or Structure;
 - (d) snow clearing device powered by an engine of any kind; or
 - (e) motorized snow or leaf blowing device;
- in a Residential Development during the Night-Time.

Day-time Decibel Limit – Non-Residential

- 5.11 A Person shall not cause or permit any sound exceeding seventy-five (75) dB(A), as measured at the property line of a Non-residential Premises, during the Day-time.
- 5.12 A Person and/or Owner shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds seventy-five (75) dB(A), as measured at the property line of a Non-residential Premises during the Day-time.
- 5.13 This preceding section does not apply to sounds up to:
- (a) eighty (80) dB(A) lasting for a total period of time not exceeding two (2) hours in any one (1) day; or
 - (b) eighty-five (85) dB(A) lasting for a total period of time not exceeding one (1) hour in any one (1) day.

Night-time Decibel Limit – Non –Residential

- 5.14 A Person shall not cause or permit any sound exceeding sixty (60) dB(A), as measured at the property line of a Non-residential Premises, during the Night-time.
- 5.15 A Person shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds sixty (60) dB(A), as measured at the property line of a Non-residential Premises, during the Night-time.

Noise Created by Vehicles, Off-highway Vehicles and Motorcycles

- 5.16 No Person who owns, operates or controls a vehicle equipped with engine retarder brakes shall allow such brakes to be engaged in any area within Airdrie where the

use of engine retarder brakes is prohibited by signage placed by the City, the Province or other bodies having jurisdiction.

- 5.17 No Person who owns, operates or controls a vehicle equipped with an audible alarm system shall allow such systems to be activated repeatedly or excessively, regardless if such activation is due to system malfunction, improper installation or setting, or otherwise.
- 5.18 A Person shall not operate a motorcycle or vehicle that is capable of:
- (a) emitting any sound exceeding ninety-two (92) dB(A), as measured at fifty (50) centimeters from the exhaust outlet, while the engine is at idle; or
 - (b) emitting any sound exceeding ninety-six (96) dB(A), as measured at fifty (50) centimeters from the exhaust outlet, while the engine is at any speed greater than idle;
- on a Highway.

Sound Level Meters Operation

- 5.19 When measuring Residential sound levels the Peace Officer must measure the sound level at the Point of Reception with the Sound Level Meter at least one (1) meter above the ground.
- 5.20 When measuring sound levels, the Peace Officer shall determine the Point of Reception.
- 5.21 The Peace Officer must ensure the accuracy of the Sound Level Meter by testing the meter with a Field Calibrator immediately before and after measuring the Sound Level and record the results of those tests.

Exceptions

- 5.22 Nothing in this Section prohibits:
- (a) situations where the City Manager issued approval to allow the production of certain sounds on whatever conditions the City Manager deems appropriate;
 - (b) the use of a Motorized Garden Tool or grass cutting device on a golf course between the hours of 6:00 A.M. and 9:00 A.M. on any day of the week.
- 5.23 This Section does not purport to regulate the cumulative effect of Noise created by vehicular traffic on roads, railways, or aeronautical related activities of aircraft or any airport authorities.
- 5.24 The provisions of this Section do not apply to:

- (a) City vehicles and equipment used to clear snow and ice from Highways or Premises;
- (b) emergency vehicles;
- (c) Construction in Residential development during the Day-time, whether or not the Construction requires any City permits;
- (d) work on a Highway or on a public utility carried out by the Owner or operator of the public utility, or its contractors;
- (e) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta;
- (f) the sounding of any alarm or warning to announce a fire or other emergency;
- (g) the playing of a band or activity in connection with a parade allowed pursuant to any City bylaw; or
- (h) the use of signaling devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons;
- (i) work of any urgent nature carried on by or on behalf of the City, ATCO Gas, Fortis, Telus, Shaw Cable or any other utility company authorized to carry out such work.

SECTION 6 Firearms Use

- 6.01 No Person shall discharge a Firearm outside a Shoot Zone.
- 6.02 No Person shall discharge a Firearm or Weapon on Land designated as Public Services, Business, Commercial or Hamlet in the Land Use Bylaw.
- 6.03 No Person shall discharge a Firearm or a Weapon on lands owned or controlled by the City without a permit from the City Municipal Enforcement Department.
- 6.04 No Person shall cause a projectile from a Firearm or a Weapon to pass within one hundred and eighty-three (183) meters of a Building, including a Residential Building unless that Person is the Owner, Occupant or a Person authorized by the Owner or Occupant of said Building.

Exceptions

- 6.05 Any Person who requires the ability to use a Firearm as a means of controlling a Nuisance Animal problem which is not located within a Shoot Zone may apply to the City Manager or his/her designate for a Shooting Permit to allow temporary use of a rimfire rifle no greater than 0.22 caliber or a shotgun.

- 6.06 Shooting Permits may be issued by the City Manager after receiving an application and an inspection of the subject Premises is completed.
- 6.07 Persons applying for a Shooting Permit must be eighteen (18) years of age or older and legally capable of possessing Firearms according to Federal laws and regulations.
- 6.08 This Section does not apply to:
- i) a Peace Officer who may be required to use or discharge a Firearm or Weapon in carrying out his/her duties as a Peace Officer;
 - ii) any Person who uses or discharges a Firearm or Weapon at a lawful Shooting Range or Gun Club or any similar facility which is designed and operated in accordance with the Land Use Bylaw and all Federal, Provincial and City bylaws, rules and regulations; or
 - iii) any Person shooting in accordance within the terms and conditions of a valid Shooting Permit issued by the Provincial or Federal Government.

SECTION 7 Administration and Enforcement

Offence

- 7.01 A Person who contravenes this Bylaw is guilty of an offence.

Right of Entry and Inspections

- 7.02 The City Manager may enter into or upon any Land or Building within Airdrie, pursuant to authority set out in the *Municipal Government Act*, for the purpose of ensuring compliance with this Bylaw. The City Manager may from time to time elicit the help of a Peace Officer.

Notice

- 7.03 Where any Lands or Premises in Airdrie are deemed to be in any Untidy or Unsightly condition, the City Manager may give notice in writing to a Person who is under a duty imposed by this Bylaw to prevent such a condition to remedy the same, and the City Manager may direct that this be done in such a manner as he or she deems advisable on or before a day to be named in the notice.
- 7.04 Notice shall describe the property by:
- (a) municipal address or location; and/or
 - (b) legal description.
- 7.05 Notice shall:

- (a) state that the Premises fails to comply with the Standards;
- (b) give reasonable particulars of the repairs, demolition, clearing or other actions required to be made;
- (c) state the time within which the repairs, demolition, clearing, or other actions are to be done;
- (d) unless otherwise stated, give not less than seven (7) days notice from the date of delivery for its compliance with the exception of a notice issued under Section 3 of this Bylaw; and;
- (e) state that if the repairs or other actions are not done within the time specified, the City may carry out the repairs or other actions required and charge the cost thereof against the Premises concerned as taxes due and owing in respect of those Premises.

7.06 A copy of the notice shall be served upon the Owner or Occupant of the Premises.

7.07 A notice given by the City Manager pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the Person to whom it is addressed:

- (a) on the notice being personally delivered to the Owner/Occupant to whom it is addressed;
- (c) on sending it by mail in a prepaid cover addressed to the last known postal address of the Owner/Occupant to whom the notice is addressed,
- (d) on posting the notice in a conspicuous place on the Land referred to in the notice or on a Building(s) or erections thereon, when the City Manager has reason to believe:
 - (i) that the Person to whom the notice is addressed is evading service thereof, or
 - (ii) for any reason it is improbable that the notice will be received by the Person to whom it is addressed within seven (7) days of the date of the notice if it is delivered in any of the ways mentioned in this Section.

7.08 If, after the day designated for the compliance in any notice given pursuant to this Bylaw, the Owner fails to remedy the condition stated in the notice, the City Manager may determine if there is an infraction and issue an Order to Remedy.

Order to Remedy

7.09 A Peace Officer is hereby authorized and empowered to issue an Order to Remedy to any Person who the City Manager has reasonable and probable grounds to believe has contravened any provision of this Bylaw;

Time to Remedy Situation

- 7.10 Any such Order may require the Person, within a period of time which shall not be more than twenty-one (21) days from the date of making of the Order unless otherwise ordered, to remedy the Untidy or Unsightly condition of the Premises in the manner set forth in the Order.
- 7.11 If the Person to whom an Order to Remedy has been issued fails to comply with the Order within the time specified therein, the City Manager shall remedy the condition to the extent directed in the Order, in accordance with the preceding Section of this Bylaw.

Appeal

- 7.12 The Person and/or Owner may request the General Appeal Board to review the Order to Remedy issued under Section 3 of this Bylaw by written notice within fourteen (14) days of the date the Order to Remedy is received. Appeals are not permitted under the Sidewalk Section of Section 3 or Section 5 of this Bylaw.
- (a) Each notice of appeal shall:
- (i) state with reasonable detail, the grounds of appeal;
 - (ii) state the name, address and interest of the appellant in the Premises;
 - (iii) be in the form determined by the City Clerk and must be accompanied by the appropriate fee;
 - (iv) be dated and signed by the appellant or on his behalf by his agent and, if signed by an agent shall state the name and address of the agent as well as that of the appellant.

Hearing and Decisions

- 7.13 The Appeal Board shall:
- (a) hold a hearing within thirty (30) days after receipt of the notice of appeal;
 - (b) ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing;
 - (c) consider each appeal having due regard to the circumstances and merits of the case and to this Bylaw;
- 7.14 When hearing an appeal the Appeal Board shall:

- (a) not be bound by the rules of evidence applicable to courts of civil or criminal jurisdiction;
- (e) afford to every Person concerned the opportunity to be heard, to submit evidence of others; and
- (f) make and keep a written record of its proceeding which shall be in the form of a summary of the evidence presented to it at the hearing.

7.15 In determining an appeal, the General Appeal Board:

- (a) may confirm, revoke or modify the decision of the City Manager; and
- (b) shall render its decision in writing to the appellant within fifteen (15) days from the date of the hearing.

Section 8 General Penalty Provisions

- 8.01 Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than Two Hundred Fifty (\$250.00) Dollars and not more than Two Thousand Five Hundred (\$2,500.00) Dollars.
- 8.02 The specified fines for an offence committed pursuant to this Bylaw are set out in the attached Schedule “A.”
- 8.03 In the case of an offence that is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.
- 8.04 Fines for offences not listed in Schedule”A” shall be Two Hundred Fifty (\$250.00) Dollars.

Section 9 Violation Tickets and Penalties

- 9.01 Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a Violation Ticket against that Person in accordance with Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, as amended.
- 9.02 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule “A” of this Bylaw in respect of that provision.
- 9.03 The minimum penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule “A” of this Bylaw in respect of that provision.
- 9.04 Notwithstanding subsection 10.02:

- (a) where any Person has been convicted of a contravention of the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second conviction is double the amount shown in Schedule “A” of this Bylaw in respect of that provision, and
- (b) where any Person has been convicted of a contravention of the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule “A” of this Bylaw in respect of that provision.

9.05 Notwithstanding subsection 10.03:

- (a) where any Person has been convicted of a contravention of the same provision of this Bylaw twice within a twelve (12) month period, the minimum penalty payable in respect of the second conviction is double the amount shown in Schedule “A” of this Bylaw in respect of that provision, and
- (b) where any Person has been convicted of a contravention of the same provision of this Bylaw three or more times within one twelve (12) month period, the minimum penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule “A” of this Bylaw in respect of that provision.

Section 10 Order to Remedy

10.01 A Peace Officer is hereby authorized and empowered to issue an Order to Remedy to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

10.02 If the Person to whom an Order to Remedy under Section 3 of this Bylaw has been issued fails to comply with the Order to Remedy within the time specified therein:

- (a) the City may take whatever steps are necessary to remedy the contravention of the Bylaw and the cost of doing so becomes a debt owing to the City by the Person to whom the order was issued;
- (b) any items removed pursuant to this Section, if deemed of value by the City, will be removed to a place of safekeeping and will:
 - (i) be assessed a daily fee for storage as may be determined from time to time by the City Manager; and
 - (ii) if unclaimed within thirty (30) days, be sold at public auction.

10.03 Nothing in this Bylaw shall prevent a City Manager from issuing a Voluntary Payment Tag or Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

Section 11 Voluntary Payment Tag

11.01 A Peace Officer is hereby authorized and empowered to issue a Voluntary Payment Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

11.02 A municipal Voluntary Payment Tag may be issued to such Person:

- (a) either personally; or
- (b) by mailing a copy to such Person at his last known address.

11.03 Where a contravention of this Bylaw is of a continuing nature, further Voluntary Payment Tags or Summons may be issued by a Peace Officer provided that no more than one (1) Voluntary Payment Tag or Summons shall be issued for each calendar day that the contravention continues.

11.04 Where a Voluntary Payment Tag is issued pursuant to this Bylaw, the Person to whom the Voluntary Payment Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Voluntary Payment Tag.

11.05 Nothing in this Bylaw shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

Section 12 Violation Ticket

12.01 If the penalty specified on a Voluntary Payment Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

12.02 Notwithstanding any other provision of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

Section 13 Miscellaneous

13.01 Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.

13.02 Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.

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

Obstruction

13.04 It shall be considered an offence in this Bylaw to obstruct or hinder any City Manager in the exercise or performance of the City Manager's powers pursuant to this Bylaw.

Section 14 Recovery of Enforcement Costs

14.01 The expenses and costs of any action or measures taken by the City under this Bylaw are an amount owing to the City by the Owner, Occupant, or any other Person in contravention of this Bylaw.

14.02 If the City sells all or part of a Building, Structure, or improvement that has been removed under this Bylaw, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess must be paid to the Owner or Occupant, if entitled to them pursuant to the *Municipal Government Act*.

14.03 The expenses and costs incurred by the City in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll of the Premises that is the subject of the enforcement proceedings under this Bylaw.

SECTION 15 Repeal of Bylaws/Policies

Bylaws, Resolution, and Policies Repealed

15.01 Minimum Standards Bylaw No. 961 and any amendments thereto are hereby repealed in their entirety.

15.02 Streets Bylaw No. 910, Part 4, Sections 401 and 402, are hereby repealed.

15.03 Noise Bylaw No. 731 and any amendments thereto are hereby repealed in their entirety.

15.04 The "Unsightly Premises Policy" is hereby repealed in its entirety.

15.05 Traffic Bylaw No. 803, Sections 701 (1), (2), 702, 703 are hereby repealed.

Read a first time this _____, 2012.

Read a second time this _____, 2012.

Read a third time this _____, 2012.

Executed this _____ 2012.

Mayor

City Clerk

DRAFT

Schedule “A”
COMMUNITY STANDARDS BYLAW NO. B-/2011
SCHEDULE OF FINES

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
3.01 to 3.06	Untidy and Unsightly Condition	\$250.00	\$300.00
3.07 to 3.09	Outside Storage	\$250.00	\$300.00
3.10 to 3.12	Waste Disposal/Including Construction Sites	\$250.00	\$300.00
3.13	Failure to Obtain a Street Occupation Permit	\$250.00	\$300.00
3.14	Permit Not Posted as Noted on Permit	\$250.00	\$300.00
3.17 (i)	Garbage Blowing out of Garbage Container or off of Premises	\$250.00	\$300.00
3.17 (ii)	No Lid on a Containing where required by this Section	\$250.00	\$300.00
3.17(iii)	Container closer than 2 meters to a Building	\$250.00	\$300.00
3.18	Track mud and cause Damage to Sidewalk or City Infrastructure	\$250.00	\$300.00
3.19 to 3.21	Excavation and Ponding Water	\$250.00	\$300.00
3.22 to 3.23	Drainage	\$250.00	\$300.00
3.24 to 3.31	Exterior Maintenance of Building and Fences	\$250.00	\$300.00
3.32	Unoccupied Buildings	\$250.00	\$300.00
3.33 to 3.34	Permitted Parking Pad for Single and Semi Detached Dwellings	\$250.00	\$300.00
3.35 to 3.42	Sidewalks	\$250.00	\$300.00
4.01 to 4.11	Recreational Vehicles, Trailers and Off Highway Vehicles	\$250.00	\$300.00
Section 5	Noise Control	\$250.00	\$300.00
Section 6	Firearms Use	\$250.00	\$500.00
13.04	Obstruction	\$250.00	\$400.00

**Schedule “B”
COMMUNITY STANDARDS BYLAW NO. B-/2011
SCHEDULE OF PERMIT FEES**

Section	Description	Details	Permit Fees Includes GST
3.11(a)	Placement of a Garbage Container on a Highway	Maximum size of container allowed on highway 7' wide x 12' long x 5' high.	\$53.50
6.01 to 6.08	Firearms Use	Use of a Firearm as a means of controlling a Nuisance Animal problem which is not located within a Shoot Zone	\$53.50

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