VILLAGE OF SPRING LAKE

BY-LAW #408

A Bylaw of the Village of Spring Lake, in the Province of Alberta, to regulate Community Standards for Safety, Health, Welfare, Nuisances and Livability.

WHEREAS the Municipal Government Act, RSA 2000 c M-26, authorizes council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and protection of people and Property; and

WHEREAS the Municipal Government Act, RSA 2000 c M-26, authorizes council to pass bylaws for municipal purposes respecting nuisances, including unsightly property;

WHEREAS the Municipal Government Act, RSA 2000 c M-26, authorizes council to pass bylaws respecting the enforcement of bylaws, including the creation of offences, providing for inspections to determine if bylaws are being complied with, and remedying contraventions of bylaws;

NOW THEREFORE the Council for the Village of Spring Lake, duly assembled enacts the following:

TITLE

1. This bylaw shall be known as the "Community Standards Bylaw".

DEFINITIONS

2. The following definitions will apply to the corresponding words in this bylaw:
   - (a) “Address” means the address that is assigned and designated by the Village;
   - (b) "Appliance" means larger devices that are plugged into electricity mains, namely refrigerators but not limited to washing machines, dishwashers and dryers;
   - (c) “Boulevard” means that part of a highway that:
     - i. is not a roadway; and
     - ii. is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
   - (d) "Bow" means a device from which a projectile such as an arrow or bolt may be Discharged through the release of tension on a string or cable, and includes those devices commonly referred to as compound Bows, recurve Bows, long Bows and cross Bows;
   - (e) "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer for
     - i. the Village appointed pursuant to the *Municipal Government Act,* RSA 2000 c M-26, or their delegate;
   - (f) “Collection date’’ means the date prescribed by the CAO.
   - (g) "Council" means the Council for the Village of Spring Lake;
   - (h) "Court" means the Alberta Court of Justice;

(i) "Discharge" means the propulsion of a projectile from a Bow, Gun, Slingshot or Other Firearm within the municipal boundaries of the Village of Spring Lake;

(j) "Disorderly Conduct" means any behavior that tends to disturb the public order or decorum, scandalize the community or offend the public sense of morality;

(k) "Dwelling Unit" means a self-contained residence comprising of a kitchen, washroom, living and sleeping facilities with a separate entrance from the exterior of a Building or from a common hall, lobby or stairway inside a Building;

(l) "Fight" means any confrontation involving violent physical contact between two or more people;

(m) "Graffiti" means any words, figures, letters or drawings scribbled, scratched or spray painted on a surface without the consent of the Owner of the Property on which they are placed;

(n) "Gun or Other Firearm" means any device from which a projectile may be Discharged by an explosion, chemical reaction or release of compressed air or other gas;

(o) "Highway" means a Highway as defined in the *Traffic Safety Act,* RSA 2000, c T-6 as amended;

(p) "Industrial Fluids" includes, but is not limited to engine oil, brake fluid, anti-freeze or hydraulic fluid;

(q) "Land Use Bylaw" means the Village of Spring Lake's Land Use Bylaw;

(r) "Motor Vehicle" means a Motor Vehicle as defined in *Traffic Safety Act,* RSA 2000, c T-6;

(s) "Naturalization" means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of species or other species to emulate a natural area;

(t) "Occupant" means any Person other than the registered Owner who is in possession or control of the Property, including but not limited to, a lessee, licensee, tenant or agent of the Owner;

(u) "Order" means an Order as described in Section 545 or Section 546 of the Municipal Government Act, or the Fees and Charges Bylaw;

(v) "Owner" means:

  (i) The Person as registered on the title at the Land Titles Offices;

  (ii) A Person who is recorded as the Owner of the Property of the Village's Assessment roll;

  (iii) A Person who has purchased or otherwise acquired Property, whether purchased or otherwise acquired directly from the Owner or from another purchase, and has not become the registered Owner thereof;

  (iv) A Person controlling the Property under construction, or;

  (v) A Person who is the Occupant of the Property under a lease, license, or permit;

(w) "Peace Officer" has the same meaning as in the Provincial Offences Procedure Act, RSA 2000, c P-34, and includes a Village appointed Bylaw Officer;

(x) "Person" means any individual, firm, partnership, association, corporation, or society;

(y) "Property" means any land, buildings, structures or premises, or any personal property located thereupon within the municipal boundaries of the Village;

(z) "Public Place" means any place including privately and publicly owned or leased Property, which the public reasonably has or is permitted to have access to, whether on payment or otherwise;

(aa) "Residential Area" means any residential area including a multiparcel residential subdivision;

(bb) "Slingshot" means any "Y" shaped device from which a projectile such as a ball bearing or similar object may be Discharged through the release of tension on an elasticized band commonly referred to as a Slingshot;

(cc) "Unsightly Condition" means:

i. In respect of a structure, a structure whose exterior shows signs of significant physical deterioration, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighbourhood;

ii. In respect of land, land that shows signs of serious disregard for general maintenance and upkeep, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighbourhood; and

iii. Nothing shall prohibit a property owner from undertaking naturalization efforts.

(dd) "Village" means the Village of Spring Lake;

(ee) "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act, RSA 2000, c P-34.

INTERPRETATION

3. The headings in this bylaw are for reference purposes only.

ORDERS AND REVIEW

4. If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written Order, require the person responsible for the contravention to remedy it if the circumstances so require pursuant to sections 545 and 546 of the Municipal Government Act, RSA 2000 c M-26.

5. Every Person who fails to comply with an Order issued pursuant to this Bylaw within the time set out in the Order commits an offence.

ENFORCEMENT

General Penalty Provision

6. A person who contravenes this Bylaw by:

(a) doing any act or thing which the Person is prohibited from doing; or

(b) failing to do any act or thing the Person is required to do;

is guilty of an offence.

7. Any Person who is convicted of an offence pursuant to the Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars and in default of payment of any fine imposed to a period of imprisonment not exceeding six months.

Violation Tickets and Penalties

8. Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Person by issuing a Violation Ticket pursuant to the Provincial Offences Procedures Act, RSA 2000, c P-34.
9. Where there is a specified penalty listed for an offence in the Village of Spring Lakes Fees and Charges Bylaw, that amount is the specified penalty for the offence.
10. Where there is a minimum penalty listed for an offence in the Village of Spring Lakes Fees and Charges Bylaw, that amount is the minimum penalty for the offence.
11. This section does not prevent any Peace Officer from issuing a Violation Ticket requiring a Court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, RSA 2000, c P-34, or from laying an Information in lieu of a Violation Ticket.
12. The levying and payment of any fine or the imprisonment of any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs from which that Person is liable under the provisions of this Bylaw or any other Bylaw.
13. The Village can exercise discretion in the application of this Bylaw and its contents as defined in Section 529 of the Municipal Government Act, RSA 2000 c M-26.
14. If the complainant fails to supply evidence to a Village of Spring Lake representative on any issue within this Bylaw, the Village may elect not to investigate the complaint.
15. A Peace Officer may use discretion, mediation and provide increased awareness and education in lieu of applying Violation Tickets and penalties.
16. All Violation Tickets issued by the Village and heard by the Court are to be supported by witness statements and may require Court attendance by the complainant to validate facts. The final decision to proceed with a specified penalty will be at the discretion of the Court, when the matter is heard, and will be based on supporting evidence.

False Information

17. No person shall provide false or misleading information to any Peace Officer, or Village employee.

Interference with a Peace Officer

18. No person shall interfere with or obstruct a Peace Officer in the exercise of their powers and duties pursuant to this bylaw.

UNSIGHTLY PROPERTIES

Scope

19. The standards, requirement and prohibitions contained in this Part shall apply to all lands.

Accumulation of Materials

20. No Owner or Occupant of a Property shall allow on the Property, the accumulation of;
    (a) any material that creates unpleasant odors; or
    (b) animal remains, parts of animal remains or animal feces.
21. No Owner or Occupant of a Property shall allow the open or exposed storage on the Property of any industrial fluid.
22. No Owner or Occupant of a Property shall allow the following to accumulate on the Property such that the accumulation is visible to a Person viewing from outside the Property:
    (a) loose garbage;
    (b) bottles, cans, boxes or packing materials;
    (c) household furniture or other household goods;
    (d) automobile parts;
    (e) parts of, or disassembled machinery, equipment, or appliances;
    (f) yard waste, including grass, tree and hedge cuttings;
    (g) smelly or messy compost heaps; or
    (h) uncut grass, which in the opinion of the Peace Officer, is excessive or which demonstrates neglect.

Appliances

23. No Owner or Occupant of a Property shall allow an appliance to remain on the Property without first ensuring that the hinges and latches or lid or doors of the unit have been removed.
24. No Owner or Occupant of a Property shall allow any appliance to remain on the Property such that the appliance is visible to a Person viewing from outside the Property.
25. Notwithstanding Clauses 33 and 34, it shall not be an offence for an Owner or Occupant of a Property to allow an appliance on a Property:
    (a) if the appliance is not visible to a Person viewing from outside the Property; and
    (b) the appliance always remains locked with a padlock and key or similar device.

Outdoor Storage of Building Materials

26. No Owner or Occupant of Property shall allow on the Property the accumulation of building materials, whether new or used, unless that Owner or Occupant can establish that Construction or renovation is being carried out on the Property and that:
    (a) construction/renovation has begun, or the beginning of work is imminent;
    (b) the materials found on the Property relate to the construction/renovation taking place on the Property in a quantity that is reasonable to complete the construction/renovation; and

(c) construction/renovation has not been suspended for a period in excess of one hundred and twenty days.

27. Owner or Occupant of a Property shall ensure that all building materials stored on a Property that are not in contravention of Clause 36 are stacked or stored in an orderly manner.

28. Notwithstanding anything in this part, it shall not be an offence to store a small amount of neatly stacked materials on a Property for basic Property maintenance, as determined by the sole discretion of a Peace Officer.

VEHICLES

29. No Owner or occupant of a Property shall keep more than two unregistered or inoperative motor vehicles on the Property.

GRAFFITI PREVENTION AND ABATEMENT

30. No Person shall create or apply Graffiti.

31. Every Owner or Occupant of a Property shall ensure that Graffiti placed on their Property is removed, painted over or otherwise permanently blocked from public view.

NOISE

Scope

32. The provision contained in this part shall not be interpreted to prevent:
    - (a) the ringing of bells in churches, religious establishments and schools;
    - (b) the sounding of any alarm or warning to announce a fire or other emergency;
    - (c) the playing of a band in connection with a parade allowed pursuant to any Village Bylaw; or
    - (d) the use of Signaling Devices on vehicles in the normal operation for the purpose of giving warning to other vehicles or Persons.

33. For the purpose of this part:
    - (a) "Concrete Mixer" means a machine that is mounted on a Truck chassis or Trailer capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used;
    - (b) "Construction" means the temporary process of demolishing or building any structure or repairing or improving a building that already exists, including landscaping, home repairs, Property improvement and any work in connection with that process;
    - (c) "Continuous Sound" means any sound, other than Construction noise, continuing for three minutes or more in any fifteen minute period;
    - (d) "Day-time" means the period beginning at:
        - i. 7:00 A.M. and ending at 10:00 P.M. on a Weekday; and
        - ii. 9:00 A.M. and ending at 10:00 P.M on a Weekend
    - (e) "Night-time" means the period beginning at 10:00 P.M. and ending the following day:
        - i. 7:00 A.M. if the following day is a Weekday; and

ii. 9:00 A.M. if the following day is a Weekend.

(f) "Point of Reception" means any location at the place of work or residence where the noise is heard by complainant;

(g) "Power Tool" includes any tool powered by an engine or motor, including those powered by compressed air, electricity or fossil fuel;

(h) "Signaling Device" means any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon or public address system;

(i) "Truck" means any vehicle that has a gross allowable maximum vehicle weight in excess of four thousand five hundred kilograms as listed on the official registration certificate issued by the government of the Province of Alberta, regardless of the vehicles' actual weight at a specific time and includes a Truck-Tractor and Tractor Trailer including Refrigeration Unit, but does not include a Concrete Mixer;

(j) "Weekday" means Monday through Friday, inclusive unless it falls on a holiday as defined in the Interpretation Act, RSA 2000, c 1-8; and

(k) "Weekend" means Saturday and Sunday and any other holiday as defined in the Interpretation Act, RSA 2000, c 1-8.

34. This part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads.

General Prohibitions of Noise from Properties

35. Except as authorized pursuant to this Bylaw no Person, Owner or Occupant of a Property shall make or cause or allow to be made or continue any noise which emanates from the Property and disturbs or annoys a Person including any loud outcry, clamor, shouting, movement, music, or activity.

36. No Person, Owner or Occupant of a Property shall permit a Motor Vehicle located on the Property to emit noise which emanates from that Property and disturbs or annoys a Person, including noise from excessive engine revving and stereo and amplification equipment in the Motor Vehicle.

Activities In Residential Areas

37. During the Night-time, no Person shall operate:

(a) a lawn mower;

(b) a Power Tool outside of any building or structure;

(c) a snow clearing device powered by an engine of any kind; or

(d) an Off-Highway Vehicle.

38. No Person shall load or unload a Truck or Concrete Mixer in a Residential Area or within one hundred and fifty meters of a Residential Area during Night-Time.

39. A Person who owns, occupies, or controls a Truck must not at any time allow it to remain running for longer than twenty minutes when it is stationary in a Residential Area or within one hundred and fifty meters of a Residential Area.

LIGHTS

40. No Owner or Occupant of a Property shall allow an outdoor light to shine directly into the adjacent dwelling or structure unless permitted or required pursuant to the Land Use Bylaw, a development permit, or similar approval.

MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES

41. For the purposes of this part:
    - (a) "Fence" includes a privately built Fence and a developer-built community screening Fence.
    - (b) "Good Repair" means a condition where something is free from:
        - i. significant damage;
        - ii. a peeling surface;
        - iii. broken, missing, or fallen parts;
        - iv. rot or other significant deterioration;
        - v. openings which are not secured against trespassers or infiltration or air and precipitation; or
        - vi. other visual evidence of a lack of general maintenance.
    - (c) "Structure" includes any building, retaining wall, scaffolding, garbage, container, shed or portable shack.

Obligation to Maintain

42. No Owner or Occupant of a Property shall allow a Structure or Fence to become a safety hazard.
43. Every Owner or Occupant of a Property shall ensure the following are maintained in Good Repair:
    - (a) Structure and their structural members, including:
        - i. foundations and foundation walls;
        - ii. exterior walls and their components;
        - iii. roofs;
        - iv. windows and their casings;
        - v. doors and their frames;
        - vi. protective and decorative finishes of all exterior surfaces of a Structure or Fence;
        - vii. exterior stairs, landings, porches, balconies, and decks; and
        - viii. fences and their structural members.

ADDRESSING

44. The Owner or the Occupant of Building in the Village is responsible for displaying an Address.
45. No Person shall display an Address that is not legible or clearly visible from the Roadway.
46. No Person shall display an incorrect Address that was not assigned by the Village.
47. No Person shall fail to maintain or otherwise allow an Address sign to fall into disrepair.
48. No Person shall fail to make any required changes to an Address within fourteen (14) days of written notification from the Village.

EXCAVATION

49. No Owner or Occupant of a property shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.

LITTERING

50. For the purpose of this part "Refuse" means:
    a. rubbish, garbage, waste materials, paper, packages, containers, bottles, cans, or parts thereof;
    b. any article, product, machinery, Motor Vehicle, building materials, or other manufactured goods; or
    c. trees, shrubs, sewage, straw, hay, soil, gravel, rock, dead animals, dead fowl, or any material considered foreign to a Highway or Public Place.
51. No Person shall dispose of Refuse on any Highway or Public Place unless they dispose of it:
    a. in a container placed for the purposed of collecting it;
    b. at a sanitary landfill; or
    c. through a Village refuse disposal system.
52. No Person shall transport Refuse in or on a Motor Vehicle or Trailer on a Highway, if the refuse is likely to fall off or blow off the Motor Vehicle or Trailer, unless the Refuse being transported is adequately secured to prevent it from falling off or adequately covered to prevent it from blowing off the Motor Vehicle or Trailer.
53. If Refuse is disposed of from a Motor Vehicle or Trailer and it cannot be determined who the driver of the Motor Vehicle was, the Owner of the Motor Vehicle or Trailer shall be determined to be the Person who disposed of the Refuse from the Motor Vehicle or Trailer, unless they prove to the satisfaction of the Court that at the time of the offence the Motor Vehicle was not driven, the Trailer was not being towed or the Motor Vehicle or Trailer was not parked or left by them or by any other Person with his consent, express or implied.
54. No Person shall dispose of Refuse on any land other than their own unless the Owner or Person in control of the other land agrees to its disposal.

WASTE BINS AND COLLECTION

55. A Person shall not place, cause or permit to be placed any waste bin on land they own or occupy unless the waste bin is:
    (a) equipped with a lid or cover capable of completely covering the waste bin; and
    (b) kept closed or covered at all times except for actual loading or unloading of waste.
56. A person shall not set out waste for collection on a highway or road collection location before 4:30 p.m. on the day before the collection date.
57. A Person shall not leave waste containers on a highway or road collection location later than 6:00 a.m. of the date after the collection date.

PUBLIC BEHAVIOUR

58. A Person shall not urinate or defecate in public except in a facility designed and intended for such use.

59. No Person shall Discharge a Bow, Gun, Slingshot or Other Firearm within the Municipal boundaries of the Village of Spring Lake unless such Discharge occurs in accordance with the following:
    (a) a Discharge made by a Police Officer, Peace Officer, or a Fish and Wildlife Officer during the course of their duty.
60. No Person shall participate in a Fight or similar physical confrontation in any Public Place, or any place to which the public reasonably has access; this prohibition does not apply to the participants in a sanctioned organized sporting event who are governed by the rules of conduct of that sporting event.
61. Any Person not being in a Dwelling Unit, shall not cause a disturbance in or near a Public Place by any of the following:
    (a) Fighting, screaming, shouting, swearing or using insulting or obscene language;
    (b) being intoxicated by alcohol or other substances;
    (c) loitering in a Public Place;
    (d) disturbing the peace and quiet of the Occupants of a Dwelling Unit by Disorderly Conduct in a Public Place.
62. No Person shall vandalize public, private or Village property by:
    (a) removing, destroying, damaging, rendering inoperable, causing damage to or altering the appearance, characteristic, or feature, tampering with, mutilating, defacing, or climbing on any Building, Structure, fixture, chattel, monument, art, vase, fountain, wall, fence, wire, netting, Vehicle, tool, gate, seat, bench, exhibit, cage or ornament.
    (b) this prohibition shall not apply to any Person climbing on a Structure, wall or piece of equipment expressly designed for that purpose, including playground equipment, climbing wall or similar recreational equipment.

SEVERABILITY

63. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.

REPEAL

64. Bylaws 178, 310, 318 are hereby repealed.

EFFECTIVE DATE

65. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this 11th day of June, 2024.
READ A SECOND TIME this day of , 2024.
READ A THIRD TIME this day of , 2024.

_____
Mayor

_____
Chief Administrative Officer