

BYLAW NO. 1287/18

BEING A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE PROHIBITION OF CERTAIN PUBLIC DISTURBANCES.

WHEREAS pursuant to the Municipal Government Act, RSA 2000, the Council of Lacombe County may pass a bylaw respecting the safety, health and welfare of people and the protection of people and property and respecting the people, activities and things in, on or near a public place.

NOW THEREFORE THE MUNICIPAL COUNCIL OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. SHORT TITLE

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

2. DEFINITIONS

In this Bylaw:

- 2.1 "Bullying" means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever.
- 2.2 "Cannabis", "Cannabis Accessory" and "Cannabis Plant" have the meanings given to them in the Cannabis Act (Canada).
- 2.3 "Construction Equipment" includes, but is not limited to trenching machines, concrete mixers, backhoes and similar equipment.
- 2.4 "County" means the municipal corporation of Lacombe County or where the context permits, means the area within the municipal boundaries of Lacombe County.
- 2.5 "County Manager" means the chief administrative officer of Lacombe County or designate.
- 2.6 "Disturbs" means the interruption of the peace, quiet and good order of a neighborhood or community, including but not limited to unnecessary and distracting noises.
- 2.7 "Hamlet" means an unincorporated community located within the boundaries of Lacombe County.
- 2.8 "Peace Officer" means:
- (a) A police officer;
 - (b) A person appointed as a peace officer pursuant to the Peace Officer Act, SA 2006, c P-3.5; or
 - (c) A person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act, RSA 2000, c M-26
- 2.9 "Person" means an individual or any business or other entity including a Firm, Partnership, Association, Corporation, Company or Society but does not include the County.
- 2.10 "Power Tool" includes any tool powered by an engine, motor or compressed air.
- 2.11 "Public Place" means any place including privately and publicly owned or leased property, to which the public reasonably has or is permitted to have access, whether on pavement or otherwise, within the municipal boundaries of Lacombe County.
- 2.12 "Public Property" means any schoolyard, highway, park land, public bridge, road, lane, footway, alley or passage, whether a thoroughfare or not, and includes any open space to which the public have or are permitted to have access.
- 2.13 "Quiet Hours" shall mean between the hours of 11:00 p.m. and 7:00 a.m. on any day.
- 2.14 "Residential District" means any district designated for residential use in the County's Land Use Bylaw as amended from time to time.
- 2.15 "Smoke", where used as a verb in respect of cannabis, means inhaling or exhaling the smoke produced by lit cannabis or holding or otherwise having control of lit cannabis or any device or things that contains lit cannabis.

- 2.16 "Vape", in respect of cannabis, means inhaling or exhaling the vapor, emissions or aerosol produced by, or holding or otherwise having control of, an electronic cigarette or similar device containing cannabis.

3. GENERAL PROHIBITION

- 3.1 Except to the extent permitted by this Bylaw, no person shall make, continue, cause or allow to be made or continued any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace or safety of any other person within the County.
- 3.2 Except to the extent permitted, by this Bylaw, no person shall permit, suffer or allow property, real or personal which he owns, occupies or controls, to be used in a manner such that there emanates from there any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any other person within the County.
- 3.3 Factors for determining whether a sound is unreasonably loud, raucous or unusual include but are not limited to the following:
- (a) proximity of the sound to sleeping facilities, whether residential or commercial;
 - (b) the time of day or night the sound occurs;
 - (c) the duration and volume of the sound; and
 - (d) whether the sound is recurrent, intermittent or constant.
- 3.4 No person shall bully any person or shall participate in or encourage by verbal or public means the bullying of any person in any public place.

4. MOTOR VEHICLES

- 4.1 No person shall use or engage in the use of engine retarder brakes within a Hamlet or Residential District of Lacombe County.
- 4.2 No person shall allow a motor vehicle engine to remain running in a Hamlet or Residential District or within 500 feet of a Hamlet or residential district for longer than 20 minutes while the motor vehicle is not in motion.
- 4.3 The failure of a person to comply with the provisions of the Traffic Safety Act or any regulations thereunder regarding:
- (a) the prohibition against the use of signaling devices on motor vehicles so as to make more noise than is reasonably necessary;
 - (b) the restrictions in the type or use of mufflers and similar equipment;
 - (c) the prohibition against creating or causing the emission of any loud and unnecessary noise from a motor vehicle; or
 - (d) the operation of a vehicle on a highway in a Hamlet or Residential District between the hours of 11:00 p.m. and 7:00 a.m. in a manner that unduly disturbs the residents of that area is an offence under this bylaw in addition to and not in substitution for any offence of which a person may be guilty under the provision of the Traffic Safety Act or the regulations thereunder.

5. CONSTRUCTION

- 5.1 Unless written permission from the County Manager or designate is first obtained, no person shall during Quiet Hours, within a Hamlet or Residential District, carry on the construction, repair, alteration or demolition of any type of structure including but not limited to hammering, sawing and the use of any powers tools or construction equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried out.

6. DOMESTIC

- 6.1 No person shall operate construction equipment, power tools, a power lawn mower or any snow-clearing device in a Hamlet or any Residential District during Quiet Hours.

7. INDUSTRIAL

- 7.1 Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
- (a) is a permitted use; or
 - (b) is an approved discretionary use.
- 7.2 In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

8. CANNABIS

- 8.1 No person shall smoke or vape cannabis or cannabis products in any public place or on any public property within the County.

9. EXCEPTIONS

- 9.1 Notwithstanding Section 8, This Bylaw shall not apply to:
- (a) any person performing work of an emergency nature for the preservation or protection of life, health or property, but the onus shall be on the person performing the work to show that that the work was of an emergency nature;
 - (b) any act of maintenance or repair being carried out by employees or contractors of Lacombe County
 - (c) any act of emergency maintenance or repair being carried out by employees or contractors of a private utility;
 - (d) the operation of emergency equipment for any emergency vehicle;
 - (e) a Peace Officer engaged in performing his duty;
 - (f) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta; or
 - (g) agricultural or industrial operations within Lacombe County.

10. PERMITS

- 10.1 The County Manager or designate may issue a permit to a person for the purpose of allowing noise within a designated area between designated times. Such a permit may be revoked at any time by the County Manager or designate.

11. SEVERENCE

- 11.1 If any section of this Bylaw is found to be illegal or beyond the power of the County's Council to enact, such section shall be deemed to be severable from all other sections of this Bylaw.

12. PENALTIES

- 12.1 A person who contravenes, breaches, or fails to comply with this Bylaw commits an offence.
- 12.2 A Person who is guilty of an offence under this Bylaw is liable to a fine in an amount not less than that established in this section, and not exceeding \$ 10,000 and to imprisonment for not more than 6 months for non-payment of a fine.
- 12.3 Peace Officer is hereby authorized to issue Violation Tickets pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer reasonably believes has committed an offence pursuant to this Bylaw.
- 12.4 Upon summary of conviction, a person who-contravened any provision of this Bylaw, is guilty of an offence and liable to pay a fine as follows:
- (a) for a first offence to a fine of \$ 300; or
 - (b) for a second or subsequent offence, to a fine of not less than \$ 600.
- 12.5 A Peace Officer is hereby authorized to issue Municipal Violation Tags to any person who the Peace Officer reasonably believes has committed an offence pursuant to this Bylaw.

- 12.6 Where a Municipal Violation Tag is Issued pursuant to this Bylaw, the person to whom the Municipal Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County, within the time specified, the voluntary payment specified in the Municipal Violation Tag as follows:
- (a) for a first offence – a voluntary payment of \$ 200, or
 - (b) for a second or subsequent offence – a voluntary payment of \$ 400.
- 12.7 When a Municipal Violation Tag has been issued pursuant to this Bylaw and the penalty specified therefore has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer reasonably believes has committed an offence pursuant to this Bylaw. However, nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket pursuant to the Provincial Offence Procedure Act. There is no requirement that a Municipal Violation Tag be issued prior to the issuance of a Violation Ticket.
- 12.8 Each occurrence of a contravention of this Bylaw, or in the case of continuous contraventions, each day a contravention occurs or continues, constitutes a separate offence and may be punished separately.

13. REPEAL OF PREVIOUS BYLAW

- 13.1 Bylaw No. 1153/12 is hereby repealed.

14. EFFECTIVE DATE

- 14.1 This Bylaw will come into force and effect on the final day of passing and signature thereof.

Read for a first time this 13th day of September, 2018.

Read for a second time this 11th day of October, 2018.

Read for a third time this 11th day of October, 2018.



Paula Law
Reeve



Tim Timmons
County Manager