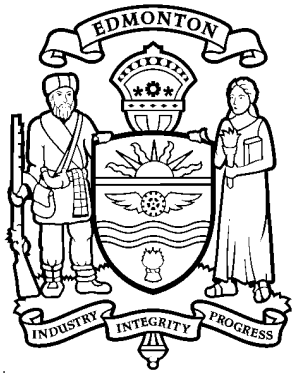

CITY OF EDMONTON

BYLAW 14600

COMMUNITY STANDARDS BYLAW

(CONSOLIDATED ON SEPTEMBER 22, 2015)

Table of Contents

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION 4
PURPOSE 4
DEFINITIONS 4
RULES FOR INTEPRETATION 5
PART II - PROPERTY MAINTENANCE 6
DEFINITIONS 6
HIGHWAY OCCUPANCY 6
LAND 6
SIDEWALKS 7
ICICLES 7
BOULEVARDS 7
BUILDINGS 7
UNOCCUPIED BUILDINGS 8
WASTE BINS 8
REFRIGERATORS AND FREEZERS 9
WASTE DISPOSAL 9
PART III - NOISE CONTROL 9
DEFINITIONS 9
PROHIBITED NOISE 10
CRITERIA 10
CONSTRUCTION ACTIVITY 10
GARBAGE COLLECTION 11
ENGINE RETARDER BRAKES 11
DAYTIME DECIBEL LIMIT – RESIDENTIAL 11
OVERNIGHT DECIBEL LEVEL – RESIDENTIAL 11
DAYTIME DECIBEL LIMIT - NON-RESIDENTIAL 12
OVERNIGHT DECIBEL LEVEL – NON-RESIDENTIAL 12
MOTOR VEHICLES 12
EXCEPTIONS 12
PART IV - OUTDOOR FIRES 13
DEFINITIONS 13
PROHIBITED FIRES 13
EXCEPTIONS 13
FIRE PIT REQUIREMENTS 14
FIRE PLACE STANDARDS 14
FIRE BAN 15
NUISANCE FIRE 15
NUISANCE FIRE ORDER 15
OWNER LIABILITY 16
PART V - WEED AND PEST CONTROL 16
DEFINITIONS 16
HIGHWAY OCCUPANCY 16
NOXIOUS WEEDS 16
ELM TREE REMOVAL 16
ELM TREE PRUNING 17
BOULEVARD ELM TREES 17
ELM TREE TRANSPORTATION STORAGE USE AND SALE 17
ELM TREE DISPOSAL 18
PART V.1 - EXCESSIVE IDLING 18
DEFINITIONS 18
NO IDLING 18
EXCEPTIONS 18
PROOF OF EXCEPTION 19
PROSECUTIONS 19

PART VI - ENFORCEMENT 20
OFFENCE 20
CONTINUING OFFENCE 20
VICARIOUS LIABILITY 20
CORPORATIONS AND PARTNERSHIPS 20
FINES AND PENALTIES 20
MUNICIPAL TAG 21
PAYMENT IN LIEU OF PROSECUTION 21
VIOLATION TICKET 21
VOLUNTARY PAYMENT 21
ORDER TO COMPLY 21
OBSTRUCTION 22
PART VII - GENERAL 23
POWERS OF THE CITY MANAGER 23
PERMITS 23
PROOF OF PERMIT 24
CERTIFIED COPY OF RECORD 24
CERTIFICATES 24
NUMBER AND GENDER REFERENCES 24
PART VIII - TRANSITIONAL 24
REPEALS 24
EFFECTIVE DATE 25

Whereas, pursuant to section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the following matters:

(a) the safety, health and welfare of people and the protection of people and property;

(b) nuisances, including unsightly property;

(c) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the following:

(i) the creation of offences;
(ii) for each offence, imposing a fine not exceeding $10,000 or imprisonment for not more than one year, or both;
(iii) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
(iv) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
(v) providing for inspections to determine if bylaws are being complied with; and
(vi) remedying contraventions of bylaws; and

And Whereas pursuant to section 66(2) of the *Safety Codes Act* a Council may make bylaws respecting the following matters:

(a) Minimum maintenance standards for buildings and structures; and

(b) Unsightly or derelict buildings or structures; and

And Whereas pursuant to the *Agricultural Pests Act* and the *Weed Control Act*, a Council may pass certain bylaws and appoint Inspectors;

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE 1 The purpose of this bylaw is to regulate the conduct and activities of people on privately owned property and immediately adjacent areas in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the City.

DEFINITIONS 2 In this bylaw, unless the context otherwise requires:

(a) "**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;

(b) **"City"** means the City of Edmonton;

(c) **"City Manager"** means the chief administrative officer of the City or his delegate;

(d) **"highway"** the same meaning as in the *Traffic Safety Act;*

(e) "**motor vehicle**" has the same meaning as in the *Traffic Safety Act*;

(f) **"municipal tag"** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;

(g) **"occupy"** or **"occupies"** means residing on or to be in apparent possession or control of property;

(h) **"own"** or **"owns"** means:

(i) in the case of land, to be registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or

(ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;

(i) **"person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;

(j) **"property"** means a parcel of land including any buildings;

(k) "**sidewalk**" means that part of the highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or unpaved; and

(l) **"violation ticket"** has the same meaning as in the *Provincial Offences Procedure Act*;

RULES FOR INTEPRETATION

3 The table of contents, marginal notes and headings in this bylaw

are for reference purposes only.

PART II - PROPERTY MAINTENANCE

DEFINITIONS 4 In this Part, **"building"** includes a structure and any part of a building or structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land.

HIGHWAY OCCUPANCY 5 For the purposes of this Part, a person who owns or occupies land shall be considered to occupy that portion of any highway between the property line and the centre line of the highway.

LAND 6 (1) A person shall not cause or permit a nuisance to exist on land they own or occupy.

(2) For the purpose of greater certainty a nuisance, in respect of land, means land, or any portion thereof, that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

(S.2, Bylaw 15941, February 1, 2012)

(a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;

(a.1) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;

(S.2(1.a), Bylaw 14752, February 13, 2008)

(b) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;

(c) smelly or messy compost heaps;

(d) unkempt grass or weeds higher than 10 centimetres;

(e) production of excessive dust, dirt or smoke;

(f) production of any generally offensive odours;

(g) any tree, shrub, other type of vegetation or any structure:

(i) that interferes or could interfere with any public

work or utility;

(ii) that obstructs any sidewalk adjacent to the land; or

(iii) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land; and

(g.1) any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and

(S.2(1.b), Bylaw 14752, February 13, 2008)

(h) any construction project or activity not completed within five years of the date the building permit for the project or activity was issued by the City or, within five years of starting construction.

(S.3, Bylaw 15941, February 1, 2012)

(3) Repealed

(S.2(2), Bylaw 14752, February 13, 2008)

SIDEWALKS 7 A person shall maintain any sidewalk adjacent to land they own or occupy clear of all snow and ice.

ICICLES 7.1 A person shall maintain any roof or awning that extends over a highway from a building they own or occupy free of snow and ice.

(S.4, Bylaw 15941, February 1, 2012)

BOULEVARDS 8 A person shall maintain any boulevard adjacent to land they own or occupy by:

(a) keeping any grass on the boulevard cut to a reasonable length; and

(b) removing any accumulation of fallen leaves or other debris.

BUILDINGS 9 (1) A person shall not cause or permit a nuisance to exist in respect of any building on land they own or occupy.

(2) For the purpose of greater certainty a nuisance, in respect of a building, means a building, or any portion thereof, showing signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

(S.5, Bylaw 15941, February 1, 2012)

(a) any damage to the building;

(a.1) any graffiti displayed on the building that is visible from any surrounding property;

(S.3, Bylaw 14752, February 13, 2008)

(b) any rot or other deterioration within the building; and

(c) any inappropriate infiltration of air, moisture or water into the building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building.

UNOCCUPIED BUILDINGS

10 (1) If a building normally intended for human habitation is unoccupied then any door or window opening in the building may be covered with a solid piece of wood but only if the wood is:

(a) installed from the exterior and fitted within the frame of the opening in a watertight manner;

(b) of a thickness sufficient to prevent unauthorized entry into the building;

(c) secured in a manner sufficient to prevent unauthorized entry into the building; and

(d) coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

(2) If a building normally intended for human habitation is unoccupied then every walk and driveway on the property shall be maintained clear of all snow and ice by the person who owns the property.

WASTE BINS

11 (1) 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.

(2) A person shall not place, cause or permit to be placed any roll off waste bin on land they own or occupy unless the roll off waste bin is:

(a) kept closed or covered at all times except for actual loading

or unloading of waste; and

(b) contains only material that will not emit odour and will not be blown out of the bin.

REFRIGERATORS AND FREEZERS

12 (1) A person shall not place, cause or permit to be placed a refrigerator, freezer or other similar appliance on land they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.

(2) Without limiting the generality of subsection (1) measures considered to be effective may include:

(a) the complete removal of the door for the appliance;

(b) the removal of the door handle mechanism if this prevents opening and closing of the door;

(c) the removal of the door hinges;

(d) locking the appliance; or

(e) otherwise wrapping or containing the appliance so that the interior is inaccessible.

WASTE DISPOSAL

12.1 A person shall not place, cause or permit to be placed any litter, garbage, refuse or other waste material upon the privately owned property of another person.

(S.4, Bylaw 14752, February 13, 2008)

PART III - NOISE CONTROL

DEFINITIONS

13 In this Part:

(a) **"dB(A)"** means the sound pressure measured in decibels using the "A" weighted scale of a sound level meter; (S.1., Bylaw 15695, April 27, 2011)

(b) **"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;

(c) **"holiday"** means January 1st, Alberta Family Day, Good Friday, Victoria Day, July 1st, the first Monday in August, Labour Day, Thanksgiving Day, November 11th, and

December 25th of every year;

(c.1) **"motor cycle"** has the same meaning as in the *Traffic Safety Act*, as amended;
(S.2., Bylaw 15442, June 9, 2010)

(d) **"noise"** means any sound that is reasonably likely to disturb the peace of others;

(e) **"sound level meter"** means a Quest Technologies/3M 2100 Sound Level Meter, or any other device used to measure sound pressure which meets the National Standards Institute S 1.4-1983 (R2006), or the International Electro-Technical Council Standard No. 123 or the British Standard No. 3539 Part 1, or the U.S.A. Standard S.14-1961.

(S.3, Bylaw 15442, June 9, 2010)
(S.2, Bylaw 16858, July 16, 2014)

PROHIBITED NOISE 14 (1) A person shall not cause or permit any noise that disturbs the peace of another individual.

(2) A person shall not cause or permit property they own or occupy to be used so that noise from the property disturbs the peace of any other individual.

(3) 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 15 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 16 A person shall not cause or permit any construction activity on property they own or occupy on any Sunday or holiday before 9

a.m. or after 7 p.m.

GARBAGE COLLECTION

17 A person shall not collect, cause or permit the collection of garbage with a motor vehicle on or adjacent to any property zoned for residential use before 7 a.m. or after 10 p.m.

ENGINE RETARDER BRAKES

18 A person shall not use engine retarder brakes to slow or stop a motor vehicle at any time.

18.1 A person shall not operate a motor cycle that is capable of:

(a) emitting any sound exceeding 92 db(A), as measured at 50 centimetres from the exhaust outlet, while the engine is at idle; or

(b) emitting any sound exceeding 96 db(a), as measured at 50 centimetres from the exhaust outlet, while the engine is at any speed greater than idle.
(S.4., Bylaw 15442, June 9, 2010)

DAYTIME DECIBEL LIMIT – RESIDENTIAL

19 (1) A person shall not cause or permit any sound exceeding 65 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 65 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m.

(3) This section does not apply to sounds up to:

(a) 70 dB(A) lasting a total period of time not exceeding two hours in any one day;

(b) 75 dB(A) lasting a total period of time not exceeding one hour in any one day;

(c) 80 dB(A) lasting a total period of time not exceeding 30 minutes in any one day; or

(d) 85 dB(A) lasting a total period of time not exceeding 15 minutes in any one day.

OVERNIGHT DECIBEL LEVEL – RESIDENTIAL

20 (1) A person shall not cause or permit any sound exceeding 50 dB(A), as measured at the property line of a property zoned for use as residential, before 7 a.m. or after 10 p.m.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 50

dB(A), as measured at the property line of a property zoned for use as residential, before 7 a.m. or after 10 p.m.

DAYTIME DECIBEL LIMIT - NON-RESIDENTIAL

21 (1) A person shall not cause or permit any sound exceeding 75 dB(A), as measured at the property line of a property zoned for use other than residential, between 7 a.m. and 10 p.m.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 75 dB(A), as measured at the property line of a property zoned for use other than residential between 7 a.m. and 10 p.m.

(3) This section does not apply to sounds up to:

(a) 80 dB(A) lasting for a total period of time not exceeding two hours in any one day; or

(b) 85 dB(A) lasting for a total period of time not exceeding one hour in any one day.

OVERNIGHT DECIBEL LEVEL – NON-RESIDENTIAL

22 (1) A person shall not cause or permit any sound exceeding 60 dB(A), as measured at the property line of a property zoned for use other than residential, before 7 a.m. or after 10 p.m.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 60 dB(A), as measured at the property line of a property zoned for use other than residential, before 7 a.m. or after 10 p.m

MOTOR VEHICLES

23 (1) If a motor vehicle is the cause of any sound that contravenes a provision of this bylaw the owner of that motor vehicle is liable for the contravention.

(2) Subsection (1) does not apply if the owner, on a balance of probabilities, satisfies the court that, at the time the motor vehicle was involved in the contravention, the owner was not present in the motor vehicle and no other person was operating the motor vehicle with the owner's express or implied consent.

EXCEPTIONS

24 Nothing in this Part prohibits:

(a) the City, its agents or employees, from managing the accumulation of snow and ice on highways and on City property; or

(S.2, Bylaw 15748, September 14, 2011)

(b) situations where the City Manager has issued a permit allowing the production of certain sounds on whatever conditions the City Manager deems appropriate

PART IV - OUTDOOR FIRES

DEFINITIONS 25 In this Part:

(a) "**fire**" includes any combustion whether or not flame is present or visible;

(b) "**fire ban**" means a period of time designated by the City Manager when, due to extremely dry or other unsafe environmental conditions, outdoor fires are prohibited;

(c) "**fire pit**" means a structure used for recreational fires that complies with section 27; and

(d) "**fire place**" means a structure used for recreational fires that complies with section 28.

(S.2, Bylaw 17298, September 22, 2015)

PROHIBITED FIRES 26 (1) A person shall not cause or permit an outdoor fire on land they own or occupy.

EXCEPTIONS (2) This section does not apply to:

(a) cooking food using an appliance designed and intended for that purpose and fuelled only by:

(i) liquid petroleum gas;

(ii) natural gas;

(iii) dry, preservative free wood or wood products; or

(iv) charcoal;

(b) smudge fires for the purpose of repelling insects or preventing frost in an orchard or garden provided that

(i) the fire is contained within a non-combustible receptacle; and

(ii) the land on which the fire is located is at least 0.5 hectares in area;

(c) recreational fires fuelled only by dry, preservative free wood or wood products and fully contained within a fire pit or fire place; or

(d) an outdoor fire for which a permit has been issued by the City Manager.

(S.3, Bylaw 17298, September 22, 2015)

FIRE PIT REQUIREMENTS

27 A fire pit must:

(a) be located at least three metres from any building, property line, or combustible material;

(b) be fully enclosed on all sides and constructed entirely from brick, concrete block, heavy gauge metal, or other non-combustible material; and

(c) have an opening that is:

(i) no more than one metre across;

(ii) no more than 60 centimetres above the surrounding surface grade; and

(iii) covered with a non-combustible mesh screen with openings no greater than 1.25 centimetres across.

(S.4, Bylaw 17298, September 22, 2015)

FIRE PLACE STANDARDS

28 A fire place must:

(a) be located at least one metre from any building, property line, or combustible material;

(b) be constructed entirely from brick, concrete block, heavy gauge metal, or other non-combustible material;

(c) have a base fire burning area that is at least 30 centimetres above the surrounding surface grade;

(d) have a fire burning area that is no more than 1.25 metres wide and between 40 centimetres and 60 centimetres deep;

(e) have a chimney that

(i) extends at least 2.5 metres above the base fire burning area; and

(ii) is covered with a non-combustible mesh screen with

openings no greater than 1.25 centimetres across.

(S.5, Bylaw 17298, September 22, 2015)

FIRE BAN

29 Notwithstanding anything in this Part, a person shall not cause or permit an outdoor fire on land they own or occupy while a fire ban is in effect.

(S.6, Bylaw 17298, September 22, 2015)

NUISANCE FIRE

29.1 (1) Notwithstanding anything in this Part, a person shall not cause or permit an outdoor fire on land they own or occupy that is reasonably likely to disturb the peace of any other individual.

(2) In determining if an outdoor fire is reasonably likely to disturb the peace of any other individual, the following criteria may be considered:

(a) demonstrated impact of the outdoor fire on health or well-being of others;

(b) proximity of the outdoor fire to adjacent or affected properties;

(c) duration of the outdoor fire;

(d) date and time of the outdoor fire;

(e) nature and intended use of the surrounding area; and

(f) weather and ambient conditions.

(S.7, Bylaw 17298, September 22, 2015)

NUISANCE FIRE ORDER

29.2 (1) If a person contravenes section 29.1, the City Manager may, by written notice, restrict that person from causing or permitting outdoor fires on land they own or occupy in the manner directed by the City Manager.

(2) A written notice may direct the person to:

(a) limit the duration or frequency of outdoor fires on land they own or occupy;

(b) only cause or permit outdoor fires on land they own or occupy at certain times;

(c) modify or relocate a fire pit or fire place; or

(d) undertake any other action reasonably required to ensure outdoor fires are not reasonably likely disturb the peace of others.

(3) A person shall not contravene a written notice issued pursuant to subsection (1).

(4) A person who receives a written notice pursuant to subsection (1) may appeal the notice by filing a notice of appeal within 14 days of the date of the notice pursuant to the Community Standards and Licence Appeal Committee Bylaw, Bylaw 15166.

(S.8, Bylaw 17298, September 22, 2015)

OWNER LIABILITY 30 Where a person who owns land contravenes or fails to comply with any provision of this Part, the person is liable for the expenses and costs related to the City extinguishing any related fires on the land.

PART V - WEED AND PEST CONTROL

DEFINITIONS 31 In this Part:

(a) "**elm tree**" means any tree or part of a tree, whether dead or alive, of the *Ulmus* genus; and

(b) "**Inspector**" means an individual appointed as an inspector pursuant to the *Agricultural Pests Act*;

(c) Repealed (S.6, Bylaw 15941, February 1, 2012)

(S.6, Bylaw 15941, February 1, 2012)

HIGHWAY OCCUPANCY 32 For the purposes of the *Weed Control Act* and the *Agricultural Pests Act*, a person who owns or occupies land shall be considered to occupy that portion of any highway between the property line and the centre line of the highway.

NOXIOUS WEEDS 33 Repealed (S.7, Bylaw 15941, February 1, 2012)

ELM TREE REMOVAL 34 A person shall not remove, cause or permit the removal of an elm tree unless the stump of the elm tree is:

(a) removed to a depth of at least 10 centimetres below the surface of the soil; or

(b) treated in a manner acceptable to an Inspector.

ELM TREE PRUNING

35 (1) Unless otherwise ordered by an Inspector, and subject to subsection (2), a person who owns or occupies land shall keep every elm tree pruned so that the elm tree is free of wood that is dead or dying.

(2) Unless otherwise ordered or permitted by an Inspector, a person shall not prune, cause or permit the pruning of an elm tree after March 31st and before October 1st in any year.

BOULEVARD ELM TREES

36 Notwithstanding any other provision of this bylaw a person shall not:

(a) remove or damage any elm tree on a boulevard; or

(b) prune, cut, repair or perform any other work on any elm tree on a boulevard;

unless ordered or permitted to do so by the City Manager.

ELM TREE TRANSPORTATION STORAGE USE AND SALE

37 (1) A person shall not bring, cause or permit to be brought into the City an elm tree:

(a) suffering from Dutch elm disease caused by the fungus:

(i) *Ophiostoma ulmi* (Buis.);

(ii) *Ceratocystis ulmi* (Buis.); or

(iii) *Ophiostoma novo-ulmi* (Brasier);

or

(b) carrying or infected by:

(i) the Native elm bark beetle (*Hylurgopinus rufipes*); or

(ii) the European elm bark beetle (*Scolytus multistriatius*).

(2) Unless otherwise ordered or permitted by an Inspector, a person shall not cause or permit the transportation, storage, use or sale of an elm tree within the City.

(3) In any order or permission pursuant to this section an Inspector

must:

(a) describe the quantity, condition and type of elm trees that are the subject of the order or permission;

(b) describe the activity being permitted; and

(c) where applicable:

(i) describe the purpose, route and mode of transportation;

(ii) describe the storage location;

(iii) describe the use; or

(iv) describe the sale.

ELM TREE DISPOSAL

38 A person shall not dispose, cause or permit the disposal of an elm tree within the City unless the disposal is at a site authorized by the City Manager.

PART V.1 - EXCESSIVE IDLING

DEFINITIONS

38.1 In this Part "**idle**" or "**idling**" means the operation of the engine of a motor vehicle while the motor vehicle is not in motion.

NO IDLING

38.2 A person shall not cause, permit or allow a motor vehicle to idle for more than five minutes total in any thirty minute period in any area identified as a no idling zone.

EXCEPTIONS

38.3 This Part does not apply to:

(a) All motor vehicles when the outdoor temperature is less than zero degrees Celsius and only to allow safe vehicle operation and maintain clear windows;

(b) Motor vehicles licensed to provide for hire transportation services to the public;

(c) Vehicles transporting medically fragile people;

(d) Fire, police, medical services or other similar emergency motor vehicles while engaged in operational activities;

(e) Motor vehicles assisting in emergency activities;

(f) Motor vehicles in which the engine is used to operate auxiliary equipment that is essential to the basic function of the vehicle;

(g) Motor vehicles containing equipment that must be operated inside or in association with the vehicle;

(h) Motor vehicles idling in compliance with the manufacturer's written directions concerning proper vehicle performance and proper vehicle safety;

(i) Armoured motor vehicles in the course of being loaded or unloaded;

(j) Motor vehicles using heating or refrigeration systems powered by the vehicle engine for the welfare or preservation of perishable cargo;

(k) Motor vehicles in which proper ventilation system function is required to clear interior window surfaces of accumulated condensation, but only for the minimum period of time to allow safe visibility;

(l) Motor vehicles remaining motionless for brief periods of time, not to exceed three consecutive minutes, due to emergency, traffic conditions, weather conditions, a traffic control device or as directed by a peace officer;

(m) Motor vehicles idling where required for the purpose of servicing or repairing the vehicle;

(n) Motor vehicles engaged in a parade, race or other event authorized by the City; or

(o) Motor vehicles operating solely on electric power or those idling without the use of an internal combustion engine.

PROOF OF EXCEPTION

38.4 The burden of proving that an exception applies in a particular case is on the person alleging such exception on a balance of probabilities.

PROSECUTIONS

38.5 (1) In the absence of evidence to the contrary, if a motor vehicle is involved in an offence referred to in this Part the registered owner of that vehicle is deemed to be a person causing, permitting or allowing the idling of the vehicle.

(2) In any prosecution for an offence under this Part evidence by a

person of audible engine noise or visual observation of exhaust coming from a motor vehicle shall be considered *prima facie* evidence of engine operation.

(S.2, Bylaw 15982, January 1, 2013)

PART VI - ENFORCEMENT

OFFENCE 39 A person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE 40 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

VICARIOUS LIABILITY 41 For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person , or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS 42 (1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

(2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES 43 (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding $10,000.00, and to imprisonment for not more than six months for non-payment of a fine.

(2) Without restricting the generality of subsection (1) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:

(a) $250.00 for any offence for which a fine is not otherwise established in this section;

(b) Repealed

(S.5(1), Bylaw 14752, February 13, 2008)

(c) $100.00 for any offence under sections 7 and 8;

(S.5(2), Bylaw 14752, February 13, 2008)

(d) Repealed

(S.5(3), Bylaw 14752, February 13, 2008)

(e) $500.00 for any offence under section 20 and 22; and

(f) double these fine amounts for any subsequent offence

MUNICIPAL TAG 44 If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence.

PAYMENT IN LIEU OF PROSECUTION 45 A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

VIOLATION TICKET 46 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.

VOLUNTARY PAYMENT 47 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.

ORDER TO COMPLY 48 (1) If the City Manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it.

(2) The order may:

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

(b) direct a person to take any action or measures necessary to remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention;

(c) state a time within which the person must comply with the directions;

(d) state that if the person does not comply with the directions within a specified time, the City will take the action or measure.

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

(4) An order issued pursuant to this section may be served:

(a) in the case of an individual:

(i) by delivering it personally to the individual;

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

(iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;

(b) in the case of a corporation:

(i) by delivering personally to any director or officer of the corporation;

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

(iii) by mail addressed to the registered office of the corporation.

OBSTRUCTION 49 A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

PART VII - GENERAL

POWERS OF THE CITY MANAGER

50 Without restricting any other power, duty or function granted by this bylaw the City Manager may:

(a) carry out any inspections to determine compliance with this bylaw;

(b) take any steps or carry out any actions required to enforce this bylaw;

(c) take any steps or carry out any actions required to remedy a contravention of this bylaw;

(d) establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;

(e) establish areas where activities restricted by this bylaw are permitted;

(f) establish forms for the purposes of this bylaw;

(g) issue permits with such terms and conditions as are deemed appropriate;

(h) establish the criteria to be met for a permit pursuant to this bylaw;

(i) delegate any powers, duties or functions under this bylaw to an employee of the City; and

(j) appoint inspectors for the purposes of the *Agricultural Pest Act* and the *Weed Control Act.*

(k) designate periods of time when a fire ban is in effect.

(S.6, Bylaw 15941, February 1, 2012)

PERMITS

51 (1) A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.

(2) A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit

pursuant to this bylaw.

(3) If any term or condition of a permit issued pursuant to this bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the City Manager may immediately cancel the permit.

PROOF OF PERMIT 52 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.

CERTIFIED COPY OF RECORD 53 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

CERTIFICATES 53.1 A certificate that purports to be issued by the manufacturer or calibrator of a device to verify, certify or otherwise declare the device's calibration or conformity with standards shall be admitted in evidence as prima facie proof of the facts stated in that certificate.

(S.8, Bylaw 15941, February 1, 2012)
(S.3, Bylaw 16858, July 16, 2014)

NUMBER AND GENDER REFERENCES 54 All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

PART VIII - TRANSITIONAL

REPEALS 55 The following bylaws are repealed:

(a) Bylaw 5535, the Control of Fireblight Bylaw;

(b) Bylaw 5825, the Public Health Bylaw;

(c) Bylaw 6046, the Weed Control Bylaw;

(d) Bylaw 7255, the Noise Bylaw;

(e) Bylaw 10406, the Nuisance Bylaw;

(f) Bylaw 10874, the Open Air Fire Bylaw;

(g) Bylaw 11468, the Dutch Elm Disease Bylaw; and

(h) Bylaw 12972, the Minimum Maintenance Standards Bylaw.

EFFECTIVE DATE 56 This bylaw takes effect beginning on April 1, 2008.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.L-21 and Bylaw No. 12005, and printed under the City Manager's authority)

Bylaw 14600, passed by Council May 22, 2007,

Amendments:

Bylaw 14752, February 13, 2008
Bylaw 15442, June 9, 2010
Bylaw 15695, April 27, 2011
Bylaw 15748, September 14, 2011
Bylaw 15941, February 1, 2012
Bylaw 15982, January 1, 2013
Bylaw 16858, July 16, 2014
Bylaw 17298, September 22, 2015