



BYLAW NO. 2023-1032
OF THE
TOWN OF TWO HILLS

A BYLAW OF THE TOWN OF TWO HILLS, IN THE PROVINCE OF ALBERTA TO REGULATE NEIGHBOURHOOD
NUISANCE, SAFETY AND LIVABILITY ISSUES.

WHEREAS, pursuant to 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) people, activities and things in, on or near a public place or a place that is open to the public; and
- d) the enforcement of bylaws;

AND WHEREAS, pursuant to the *Safety Codes Act*, a Council may pass bylaws respecting the following matters:

- a) minimum maintenance standards for buildings and structures; and
- b) unsightly or derelict buildings or structures;

NOW THEREFORE the Council of the Town of Two Hills, in the Province of Alberta, duly assembled, enacts as follows:

PART I - DEFINITIONS AND INTERPRETATION

1. Bylaw Title

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

2. Definitions

- 2.1 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) **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 that land;

- (c) **Charity Collection Site** means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;
- (d) **Chief Administrative Officer** means the chief administrative officer of the Municipality or his or her delegate;
- (e) **Downtown Core Sidewalk** means those Sidewalks, or portions thereof, identified in Schedule "B" to this Bylaw;
- (f) **Highway** has the same meaning as in the *Traffic Safety Act*;
- (g) **Motor Vehicle** has the same meaning as in Traffic Safety Act;
- (h) **Municipality** means the municipal corporation of the Town of Two Hills and includes the geographical area within the boundaries of the Municipality where the context so requires;
- (i) **Municipal Tag** means a tag or similar document issued by the Municipality pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence;
- (j) **Occupy or Occupies** means residing on or to be in apparent possession or control of Property;
- (k) **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;
- (l) **Panhandling** means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the *Charitable Fund-raising Act*, or

any other legislation permitting the solicitation of charitable donations;

(m) **Peace Officer** means a bylaw enforcement officer or a community peace officer appointed by the Municipality to enforce bylaws of the Municipality, and includes a member of the Royal Canadian Mounted Police;

(n) **Person** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;

(o) **Property** means a parcel of land including any Buildings;

(p) **Public Place** means any Property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation; whether on payment of any fee or not;

(q) **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;

(r) **Street Furniture** includes items such as poles, traffic control devices, waste receptacles, benches, bus enclosures, trees, plants, grass, utilities, planters, bicycle racks, newspaper boxes or any other similar property placed on a Highway or Public Place; and

(s) **Violation Ticket** has the same meaning as in *the Provincial Offences Procedure Act*.

3. Rules of Interpretation

3.1 Nothing in this bylaw relieves a person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.

3.2 The headings in this bylaw are for guidance purposes and convenience only.

- 3.3 Every provision of this bylaw is independent of all other provisions and 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.
- 3.4 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.

PART II - PUBLIC BEHAVIOURS

4. Littering and Dumping

- 4.1 A Person shall not leave any garbage, litter or other refuse, or dispose of any material, in a Public Place, including a Charity Collection Site, except in a receptacle designated and intended for such use.
- 4.2 A Person shall not scavenge from or disturb any goods located at a Charity Collection Site.
- 4.3 A Person shall not leave donated goods at a Charity Collection Site except within a designated receptacle or bin.

5. Placement of Bills, Signs and Displays

- 5.1 A Person shall not attach any advertisement, poster, notice or other similar item on any sign, utility pole, tree, fence or other fixture located on Property Owned by the Municipality or place or cause to be placed any freestanding sign, notice or display on Property Owned by the Municipality, unless the item is placed in accordance with the governing rules at a specific location approved for that purpose unless permitted to do so by the municipality or designate thereof.
- 5.2 Where a Person has placed something that is permitted by this section, that Person shall:
- (a) ensure that the thing does not cause a nuisance by becoming litter, unsightly or a hazard to users of the Property, and

(b) remove and properly dispose of the thing within 24 hours of the passing of the event if the thing refers to a specific event.

5.3 The Chief Administrative Officer is authorized to designate locations on Property Owned by the Municipality where items described in this section may be posted and establish rules for the placement of such items.

6. Urination, Defecation and Spitting

6.1 A Person shall not urinate, defecate or spit in a Public Place except in a facility designed and intended for such use.

7. Dangerous Actions

7.1 A Person shall not throw or propel an object, or act in any other way, in a Public Place that is reasonably likely to cause injury to another Person or damage to Property.

8. Street Furniture

8.1 A Person shall not climb on, overturn, alter, deface, damage, destroy, tamper or otherwise interfere with any Street Furniture.

9. Fighting

9.1 A Person shall not participate in a fight or other similar physical confrontation in a Public Place.

9.2 Subsection 9.1 does not apply to participants of an organized sporting event who are governed by the rules of conduct of that sporting event.

10. Graffiti

10.1 A Person shall not cause or permit graffiti to be placed or remain on any Property.

11. Loitering

11.1 No person shall loiter and thereby obstruct any other person in any Public Place.

12. Panhandling

12.1 A Person shall not engage in Panhandling:

(a) while intoxicated or under the influence of illegal substances;

(b) within 10 metres of the entrance to:

(i) a financial institution;

(ii) an automated teller machine or bank deposit slot;

(iii) intoxicant sales

(c) in a manner which obstructs or impedes the convenient passage of pedestrians or vehicles on a street, Sidewalk or within a Public Place;

(d) in such a manner as to threaten, insult, or harass other users of the street;

(e) from any person who is an occupant of a Motor Vehicle; or

(f) from any person who has already refused or declined the solicitation.

13. Nuisance

13.1 No Person shall, in any Public Place, cause or participate in any activity that, in the opinion of a Peace Officer, constitutes a public nuisance.

PART III - PROPERTY STANDARDS AND MAINTENANCE

14. Nuisance on Property

14.1 A Person shall not cause or permit a nuisance to exist on Property they Own or Occupy.

14.2 For the purpose of greater certainty, a nuisance, in respect of Property, means

a property that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, examples of which include but are not limited to:

- (a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, whether
 - of any apparent value or not;
- (b) any loose litter, garbage, construction debris or refuse whether located in a storage area or elsewhere on a property;
- (c) damaged, dismantled or derelict Motor Vehicles or trailers, whether insured or registered or not;
- (d) outdoor storage of more than two (2) unregistered Motor Vehicles on any Property that is zoned for residential use;
- (e) smelly or messy compost heaps;
- (f) grass higher than 15 centimetres;
- (g) excessive weeds;
- (h) presence of graffiti that is visible from any surrounding Property;
- (i) production of excessive dust, dirt or smoke;
- (j) production of any generally offensive odours;
- (k) any tree, shrub, other type of vegetation or any Building;
 - (i) that interferes or could interfere with any public work or utility;
 - (ii) that obstructs any Sidewalk adjacent to the Property;
 - (iii) that impairs the visibility required for safe traffic flow at any intersection adjacent to the Property; or
 - (iv) that has any rot, disease or other deterioration;

- (l) any accessible excavation, ditch, drain or standing water that could pose a danger to the public;
- (m) any exterior damage or deterioration to a Building, including but not limited to peeling, unpainted or untreated surfaces, missing siding, shingles, windows or doors, or any other hole or opening in the building; or
- (n) any damage or deterioration to a fence, including, but not limited to peeling, unpainted or untreated surfaces and missing or rotting fences boards or posts.

14.3 Any construction project or activity is a nuisance if it is not completed within five years of the date the building permit for the project or activity was issued by the Municipality or, within five years of starting construction where no building permit has been issued.

15. Compost

15.1 A Person shall not cause or permit a compost container or heap to be located on a Property they Own or Occupy within 3 metres of any residential Building located on an adjacent Property.

16. Clearing Sidewalks

16.1 A Person shall remove snow and ice from any Sidewalk adjacent to Property that the Person Owns or Occupies within 72 hours after the snow or ice has been deposited.

16.2 If a Person fails to comply with subsection 16.1 the Municipality may arrange to have the Sidewalk cleared and the expenses and costs incurred by the Municipality for removing the snow and ice shall be paid upon demand and, if unpaid, may be added to the tax roll of the Property.

16.3 Subject to subsection 16.4, a Person shall not deposit snow or ice:

- (a) upon any Highway;

(b) upon or in any drainage ditch, culvert or catch basin;

(c) in any Public Place;

(d) on private Property that is not their own; or

(e) in a location that restricts access to, or visibility or operation of, a fire hydrant.

16.4 A Person may deposit snow or ice that has been removed from a Downtown Core Sidewalk onto the portion of Highway that is immediately adjacent to the Downtown Core Sidewalk in question, but may only do so in a manner that does not impede the flow of traffic on the Highway, reduce driver visibility, damage, or create a risk of damage to, Motor Vehicles or endanger Persons travelling upon, or in the vicinity of, the Highway.

17. Damage to Sidewalks or curbs

17.1 No Person shall damage a Sidewalk or curb.

17.2 A Person who contravenes subsection 17.1 shall, in addition to any penalty that may be imposed under this Bylaw, be liable for, and pay upon demand, all costs incurred by the Municipality to repair the damage.

18. Boulevards

18.1 A Person shall maintain any Boulevard adjacent to Property they Own or Occupy by:

(a) keeping any grass on the Boulevard cut to a length of no more than 15 centimetres; and

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

18.2 If a Person fails to comply with subsection 18.1, the Municipality may, in addition to any other remedy available, take steps to bring the Boulevard into compliance with subsection 18.1, and the expenses and costs incurred by the Municipality in doing so shall be paid, upon demand, by the Person who has failed to comply with subsection 18.1.

19. Roofs and Awnings

19.1 A Person shall maintain any roof or awning that extends over a Sidewalk from a Building they Own or Occupy free of snow and ice.

20. Water, Eaves Troughs and Downspouts

20.1 A Person shall not cause or permit any rainwater, downspout or eaves trough to be directed from a Property they Own or Occupy onto:

- (a) an adjacent Property; or
- (b) an adjacent alley, street, Sidewalk or other Public Place in any manner that is likely to cause damage or to create a danger.

PART IV - NOISE CONTROL

21. Prohibited Noise

21.1 A Person shall not cause or permit any noise that is reasonably likely to disturb the peace of another individual.

21.2 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 another individual.

22. determining if a sound is reasonably likely to disturb the peace of other, a Peace Officer may consider the following criteria:

- (a) type, volume, and duration of the sound;

- (b) time of day and day of week;

Criteria

22.1 In

(c) nature and use of the surrounding area; and

(d) any other relevant factor.

23 Construction Activity

23.1 A Person shall not cause or permit any construction activity on or adjacent to any Property zoned for residential use before 7:00 a.m. or after 10:00 p.m.

Monday through Friday or before 8:00 a.m. or after 10:00 p.m. on Saturday or Sunday

24. Permit

24.1 The Chief Administrative Officer may issue a permit, on whatever conditions the Chief Administrative Officer considers appropriate, authorizing the production of noise in a manner, or of a type, that would otherwise contravene this Part.

25. Exceptions

25.1 Nothing in this Part prohibits:

- (a) an employee or authorized agent of the Municipality from producing noise while acting within the scope of their functions, duties or powers;
- (b) the production of noise in accordance with a permit granted pursuant to section 24; or
- (c) any activity that is carried out in accordance with the conditions of a validly issued development permit issued by the Municipality or an activity that constitutes a legal non-conforming use for which no development permit is required pursuant to the provisions of the *Municipal Government Act*.

PART V - ENFORCEMENT

26. Orders to Remedy Contraventions

26.1 In addition to any other relief or enforcement measure that may be taken, if the Chief Administrative Officer finds that a Person is contravening this bylaw, the Chief Administrative Officer may, by written order in accordance with section 545 of the *Municipal Government Act*, require any Person responsible for the contravention to remedy it.

26.2 The Municipality may take whatever action or measures are necessary to remedy a contravention of this bylaw, or to prevent re-occurrence of the contravention, if:

- (a) the Municipality has issued an order pursuant to section 545 of the *Municipal Government Act*, as described in subsection 26.1;
- (b) the order contains a statement providing that if the Person issued the order does not comply with the directions with a specified time frame, the Municipality will take the action or measure at the expense of the Person;
- (c) the Person to whom the order is directed has not complied with the order within the time specified in the order; and
- (d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.

26.3 The expenses and costs of an action or measure taken by the Municipality under subsection 26.2 is an amount owing to the Municipality by the Person who contravened the bylaw, and the expenses payable shall include, but are not limited to, the administration charge set out in Schedule "C" of this bylaw.

26.4 roll of a parcel of land, if the parcel's owner contravened this bylaw and the contravention occurred on all or a part of the parcel.

27. Service of Order

27.1 An order issued, pursuant to Section 545 of the *Municipal Government Act*, for a contravention of this bylaw 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 eighteen (18) years of age, or

{iii) by registered mail addressed to the individual at their apparent place of residence or to any address for the individual on the tax roll of the Municipality; and

{b) in the case of a corporation:

(i) by delivering it 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 registered mail addressed to the registered office of the corporation.

27.2 In the event that the methods of service listed under subsection 27.1 prove, in the opinion of the Chief Administrative Officer, to be impractical or not likely to be successful, service can be affected by any other means that the Chief Administrative Officer determines to be appropriate, including but not limited to:

(a) posting to the Property;

{b) issuance by regular mail; or

(c) advertising in a local newspaper or similar publication.

28. Review by Council

28.1 A person who is issued an order pursuant to Section 545 of the *Municipal Government Act*, for a contravention of this bylaw, may by

written notice request Council to review the order within fourteen (14) days after the date the order is received.

28.2 After reviewing the order, Council may confirm, vary, substitute or cancel the order.

29. Offence

29.1 A Person who contravenes any provision of this bylaw is guilty of an offence.

30. Continuing Offence

30.1 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.

31. Vicarious Liability

31.1 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.

32. Corporations and Partnerships

32.1 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.

32.2 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.

33. Fines and Penalties

33.1 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 6 months for non-payment of a fine.

33.2 Without restricting the generality of subsection 33.1 the fine amounts set out in Schedule "A" are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered.

34. Municipal Tag

34.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

34.2 A Municipal Tag may be issued to such Person:

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

34.3 The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:

- (a) the name of the Person;
- (b) the offence;
- (c) the specified penalty established by this bylaw for the offence;
- (d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
- (e) any other information as may be required by the Chief Administrative Officer.

35. Payment in Lieu of Prosecution

35.1 Where a Municipal Tag is issued pursuant to this bylaw, the Person to

whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Tag.

36. Violation Ticket

36.1 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

36.2 Notwithstanding subsection 36.1, 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 and probable grounds to believe has contravened any provision of this bylaw.

36.3 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.

37. Voluntary Payment

37.1 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 by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

38. Obstruction

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

39. Powers of Chief Administrative Officer

39.1 Without restricting any other power, duty or function granted by this bylaw, the Chief Administrative Officer 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; and
- (i) delegate any powers, duties or functions under this bylaw to an employee of the Municipality.

40. Permits

40.1 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.

40.2 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.

40.3 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

Chief Administrative Officer may immediately cancel the permit.

41. Proof of Permit

41.1 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.

42. Certified Copy of Record

42.1 A copy of a record of the Municipality, certified by the Chief Administrative Officer 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.

PART VII -TRANSITIONAL

43. Repeals

43.1 The following bylaws, as amended, are repealed:

(a) Bylaw No.

44. Enactment

44.1 This bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ for a first time this

18th Day of July, 2023

READ for a second time this

15th Day of August, 2023

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

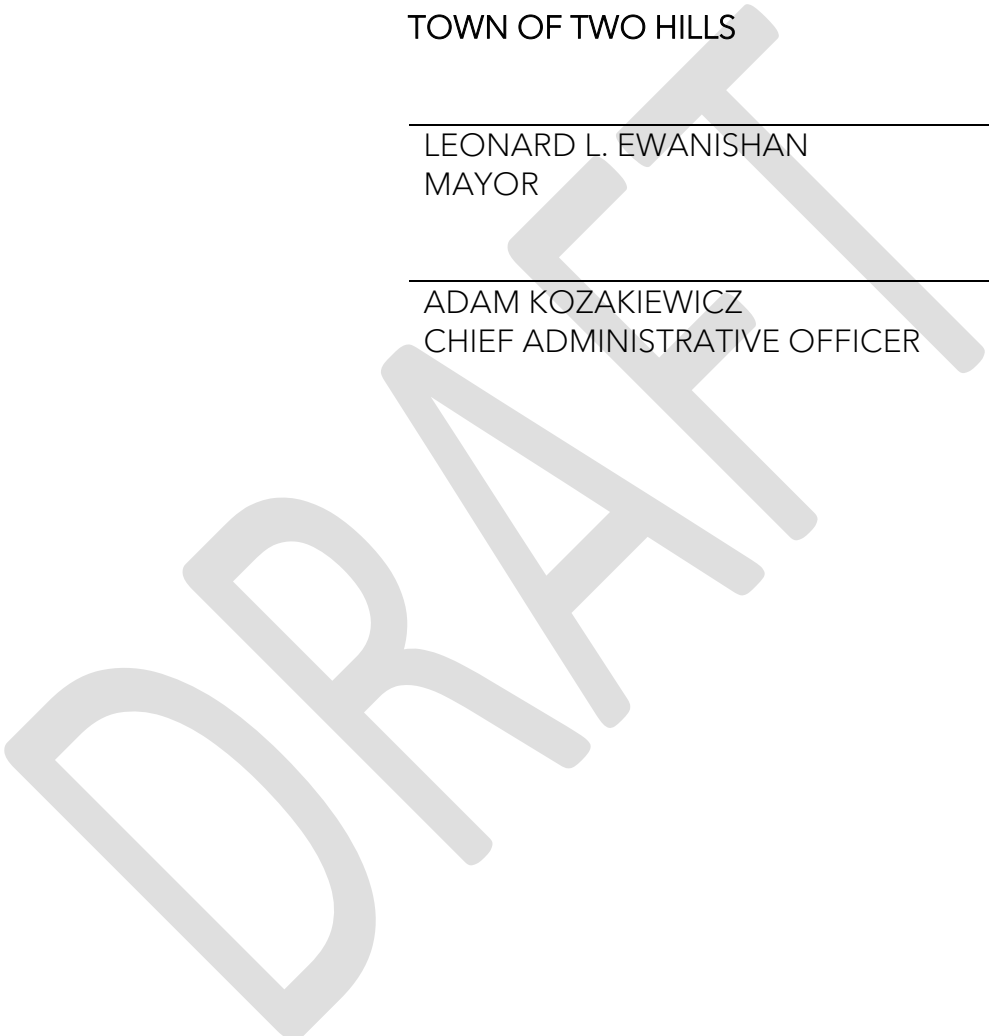
READ for a third time this

25 Day of September, 2023

TOWN OF TWO HILLS

LEONARD L. EWANISHAN
MAYOR

ADAM KOZAKIEWICZ
CHIEF ADMINISTRATIVE OFFICER



Schedule "A" - Specified Penalties

Offence	SECTION	First Offence*
Littering	4.1	\$250
Scavenge from Charity Collection Site	4.2	\$250
Improperly Leave Goods at Charity Collection Site	4.3	\$250
Posting on the hills of...		

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Schedule "B" - Downtown Core Sidewalks

For the purpose of this Bylaw, the Downtown Core Sidewalks are those portions of Sidewalk that are immediately adjacent to the following portions of roadway:

- 51st Street (Hwy 36) - 49th Street between 50th Avenue and 49th Avenue

Which portions of Sidewalk are identified, in red, on the following map:



Schedule "C" - Administration Charge

Charge	Amount
Administration fee contemplated in section 26.3, payable when actions or measures are taken by Municipality to remedy/prevent a contravention pursuant to section 26.2	\$100.00 (which shall increase by three (3%) percent each year after this bylaw comes into force, with the increase to take effect on January 1 st of each year}

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