

**ALBERTA BEACH
BYLAW #197-04
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BEING A BYLAW OF THE VILLAGE OF ALBERTA BEACH IN THE PROVINCE OF ALBERTA, FOR THE PURPOSES OF ESTABLISHING A PUBLIC ORDER BYLAW.

WHEREAS pursuant to the provisions of the Municipal Government Act, being Chapter M-26, R.S.A. 2000, and amendments thereto, which authorizes the Municipality to pass bylaws for the purposes of prohibiting certain activities creating noise, and respecting the safety, health and welfare of people and protection of people and property; activities and things in, on or near a public place or place that is open to the public.

AND WHEREAS Council deems it desirable and expedient to regulate unnecessary noise, and regulate certain activities in a public place within the Village of Alberta Beach for the health, safety, and welfare of its people or property and provide for the delegation of authority with respect to a person who contravenes this bylaw.

NOW THEREFORE, the Council of the Village of Alberta Beach duly assembled enacts as follows:

TITLE

1. This Bylaw may be cited as the “Public Order Bylaw”.
2. When not inconsistent with the context word used in the present tense include the word future, words in the plural shall include the singular and vice versa and all words and terms are considered to be gender neutral.

DEFINITIONS

3. In this Bylaw unless the context otherwise requires:
 - a) “BULLYING” means the repeated and systematic intimidation or harassment of others by real or threatened infliction of physical violence and attacks, radically or ethnically based verbal abuse and gender based put-downs, verbal taunts, name calling and put downs, written or electronically transmitted or emotional abuse, extortion of stealing of money and possessions and social out-casting.
 - b) “CONSTRUCTION” means the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process.
 - c) “HIGHWAY” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - (i) a sidewalk, including a boulevard adjacent to the sidewalk,
 - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (iii) if a highway right of way is contained between fences or between a fence one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be but does not include a place declared by regulation not to be a highway.
 - d) “HOLIDAY” means any statutory holiday as defined in The Interpretation Act of Alberta.
 - e) “INDUSTRIAL ZONE” includes lands in Districts in the Land Use Bylaw defined as C1 (Commercial District), C2 (Arterial Commercial District), M1 (Light Industrial District), DC – (Direct Control District), CRX (Commercial Transition District).
 - f) “LAND USE BYLAW” means the Village of Alberta Beach Land Use Bylaw No. 141-98 and all amendments thereto.

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- g) “MOTORIZED GARDEN TOOL” means any tool used for horticulture that is powered by an electric or internal combustion engine of any kind.
- h) “NIGHT-TIME” means the period beginning at:
 - (i) 11:00 P.M. (23:00 hours) and ending the following day at 8:00 A.M. (08:00 hours) if the following day is a weekday; and
 - (ii) 12:00 A.M. (24:00 hours) and ending the following day at 10:00 A.M. (10:00 hours) if the following day is a weekend.
- i) “OCCUPANT” means any person occupying any property where he or she is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.
- j) “PEACE OFFICER OR OFFICER” means any member of the Royal Canadian Mounted Police, a Special Constable of the Village of Alberta Beach, a Bylaw Enforcement Officer of the Village of Alberta Beach, an Animal Control Officer of the Village of Alberta Beach or any other peace officer sworn in by the Province of Alberta.
- k) “PERSON” means a natural person and includes an individual, corporation, firm, partnership, association or body corporate.
- l) “POWER TOOL” includes any tool powered by an engine, motor or compressed air.
- m) “PROPERTY” means an object, thing or an animal which is in the control of the person.
- n) “PUBLIC PLACE” means a highway, street, road, lane, alley, sidewalk, park, school ground, play ground, skating rink, business, facility or any public owned property within the Village of Alberta Beach, privately owned or leased property, and includes any open space to which the public have or are permitted to have access, whether on pavement or otherwise, that is owned by the Village of Alberta Beach or the Province of Alberta. Without limitation, this includes school buildings and school property.
- o) “RESIDENTIAL BUILDING” means a building which is constructed as a dwellings for human beings and includes hotels and motels.
- p) “RESIDENTIAL DISTRICT” means a district defined as such in the Land Use Bylaw.
- q) “SIGNALING DEVICE” means a horn, gong, bell, klaxon, or other device producing audible sound for the purpose of drawing a person’s attention to an approaching vehicle, including a bicycle.
- r) “TICKET OR VIOLATION TICKET” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedures Act.. Any ticket which is authorized by the Municipal Government Act, RSA (2000), Chapter M-26, or under The Provincial Offences Procedures Act, RSA. (2000), Chapter P.34, issued for any bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer to a summons.
- s) “VILLAGE” means the Village of Alberta Beach” a municipal corporation in the Province of Alberta and where the context so requires means the area within the corporate boundaries of the said municipality.
- t) “C.A.O” means the Chief Administrative Officer of the Village of Alberta Beach and anyone acting or authorized by the Village C.A.O.
- u) “WEEK-DAY” means any day other than Sunday or a statutory holiday.
- v) “WEEK-END” means Sunday and any statutory holiday.

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INTERPRETATIONS

NOISE

4. No person shall make, continue to make or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the village.
5. No person shall permit property or animals that they own or control to be used so that noise annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the village.
 - a) A Peace officer may remove any property that is used so that noise that annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons ceases, within the limits of the village;
 - b) Any property seized by a Peace Officer to discontinue the offense may be held until date and time of Court;
 - c) Any charges incurred while holding property or vehicle is the owners responsibility to pay.
6. In addition to but not in substitution for any penalty which person may incur by a contravention of any provision of Bylaw No. 168-00, a person who owns, keeps, houses, harbours or allows to stay on his premises, a dog which by reason of barking or howling disturbs persons in the vicinity of his home is guilty of an offence under this bylaw.
7. No person shall yell, scream, or swear in any public place or in any place to which the public is allowed.
8. In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
 - a) Readings taken from the decibel meter, approved noise device, from the property line;
 - b) time of day and day of week;
 - c) nature and use of surrounding area.
9. No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment that annoys or disturbs any person outside the boundary of the drinking establishment. Section 6 of this bylaw applies to this provision.
10. In the operation or carrying on of an industrial or construction activity, no person shall use, operate or allow to be used or operated any tools, machinery or equipment so as to create noise or disturbance, which may be heard in a residential building during night-time unless authorized by the Village.
11. A person must not operate in a residential district during night-time unless authorized by the Village:
 - a) a lawn mower;
 - b) a motorized garden tool;
 - c) a power tool;
 - d) a snow clearing device powered by an engine of any kind;
 - e) a model aircraft;
 - f) fireworks;
 - g) a chain saw;
 - h) any type of equipment for entertainment purposes (ie: stereo / stereo speakers / vehicle stereos); or
 - i) instruments or musical instruments of any kind.

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MOTOR VEHICLE NOISES

12. The failure of a person to comply within the Village with the following provisions of the Traffic Safety Act:
- a) The prohibition against the use of signaling devices on motor vehicles, motorcycles, or bicycles, so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons on the highway as set out in the Traffic Safety Act;
 - b) The restrictions on the type or use of mufflers and similar equipment on motor vehicles and other internal combustion engines shall constitute a violation of this By-law in addition to and not in substitution for the offence created by the Traffic Safety Act.
 - c) If a person operates a vehicle of any type on a street in a residential district at any time of the day or night in such a way as to unduly disturb the residents of the street in the residential district in which he is operating the vehicle he shall be guilty of an offence under this By-law in addition to and not in substitution for any offence of which he may be guilty against the provisions of the Traffic Safety Act.
 - d) Where a vehicle is allowed by the provisions of the Traffic Safety Act to be equipped with a siren the driver thereof shall only use the siren at such times as the vehicle is proceeding in response to an emergency call and at such other times shall only use the siren when it is necessary for the purpose for which the siren is allowed to be used.
 - e) Nothing in subsection (d) shall prohibit or restrict the use of a siren on a vehicle operated by a member of the Village Police Department, Royal Canadian Mounted Police or an inspector of the Inspections Services Branch of the Department of the Attorney General or a Special Constable, or the Fire Department or an ambulance.
 - f) No persons shall allow the diesel motor on a tractor, which pulls a trailer or semi-trailer truck to remain for longer than twenty minutes while the tractor-trailer or trailer alone is not in motion in any residential district or in any other location within five hundred (500) feet of a residential district.
 - g) The provisions of subsection 15 do not apply to work on a Village street or a public utility carried on by:
 - (a) A Village Department
 - (b) Any Utility Companies, such as power, gas, telephone and cable
 - (c) A contractor working for the Villageas these areas shall be cased under separate requirements.

EXCEPTIONS

13. These provisions do not apply to any work of emergency nature or any work carried on by the Village of Alberta Beach or by a contractor carrying out the instructions of the Village.
14. These provisions do not apply to contractors carrying out snow removal from commercial or industrial sites which are not adjacent to residential districts.

NUISANCE, GRAFFITI

15. "Nuisance" for the purpose of this bylaw includes any use of or activity upon a property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighborhood, and without limiting the generality of the foregoing, includes the following:
- a) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition.
 - b) drawing, painting, or writing or any signs or message upon public or private property except with the prior permission of the owner of the property.

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16. No person shall place, or deposit or throw or cause to be placed, deposited or thrown upon any village property, including any street, lane, sidewalk, parking lot, park, or other public place:
- a) a cardboard or wooden box, carton, container, or receptacle of any kind;
 - b) a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionary;
 - c) paper of any kind, whether or not containing written or printed matter thereon;
 - d) any human, animal, or vegetable matter or waste;
 - e) any glass, crockery, nails, tacks, barbed wire or other breakable or sharp objects;
 - f) scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts there from;
 - g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place; or
 - h) dirt, filth, or rubbish of any kind whether similar or dissimilar to the foregoing.
17. A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection 21 upon any street, lane, sidewalk, parking place, park, or other public place shall forthwith remove it.
18. No person shall urinate or defecate in a public place or place in view of a public place other than in a washroom designated for use by the public.

FIGHTING, LOITERING, ASSEMBLY OF PERSONS

19. No person shall participate in a fight or other similar physical confrontation in any public place or any place to which the public reasonably has access with.
20. No person shall be a member of an assembly of three or more persons in any public place or any place to which the public is allowed access where a peace officer has reasonable probable grounds to believe the assembly will disturb the peace of the neighborhood, and any such person shall disperse as requested by a peace officer.
21. No person shall loiter and thereby obstruct any other person in any public place or in any place to which the public is allowed access.

BULLYING, HARASSMENT

22. In this Bylaw the following requirements shall apply to bullying and harassment:
- a) No person shall, in any public place or any place to which the public reasonably has access, communicate either directly or indirectly, with any person in a way that caused the person, reasonably in all circumstances to feel harassed or bullied.
 - b) No person shall, in any public place or any public place to which the public reasonably has access, while not taking part in any action described in Section 20 above, encourage or cheer on, any person described in Section 20 above.

SEVERANCE

23. Each section of this By-law shall be read and construed as being separate and severable from the other sections of this By-law. Furthermore, should any section or part of this By-law be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the By-law and the By-law remaining after such severance shall be effective and enforceable as such if the section found to be improperly enacted had not been enacted as part of this By-law.

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PENALTIES

24. A violation ticket may be issued by a Peace Officer to any person alleged to have breached any provision of this bylaw as laid out in **Schedule A**, and the violation ticket shall be in the form prescribed by Alberta Regulations 233/89, as amended, being the Procedures Regulation passed pursuant to Provincial Offences Procedures Act (Alberta) as amended.
25. The violation ticket shall be issued by serving it personally on the offender.
26. Where a violation ticket is issued pursuant to this bylaw, the accused may, in lieu of being prosecuted for the offence, pay the sum indicated on the violation ticket.
27. It is an offence to obstruct or otherwise hinder a Peace Officer when enforcing any or all parts of this bylaw and may be subject to criminal charges being laid under Section 129 of the Criminal Code of Canada.

This bylaw hereby rescinds Bylaw No. 195-04.

This Bylaw will come into full force and effect upon the third and final reading.

READ a first time this _____ day of _____, 2004, A.D.

READ a second time this _____ day of _____, 2004, A.D.

READ a third time this _____ day of _____, 2004, A.D.

MAYOR, KEN JOLIN

C.A.O., KATHY SKWARCHUK

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SCHEDULE "A"

FINES

ALL OCCURENCES AND OFFENCES ARE SEGRAGATED BY AN EIGHTEEN (18) MONTH TIME FRAME.

S.4	MAKE NOISE IN PUBLIC	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.5	PERMIT NOISE IN PUBLIC	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.6	BARKING OR HOWLING DOG	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.7	YELLING, SCREAMING OR SWEARING IN PUBLIC	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.9	DRINKING ESTABLISHMENT MAKING NOISE IN PUBLIC	
	First Offence	\$ 500.00
	Second Offense	\$1000.00
	Third & Subsequent Offences	\$1500.00
S.10	MAKE NOISE INDUSTRIAL/CONSTRCTION	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.11	MAKE NOISE IN RESIDENTIAL DISTRICT DURING NIGHT-TIME	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.12	MAKE MOTOR VEHICLE NOISE	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.15	NUISANCE, GRAFFITI	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.16	DEPOSIT LITTER ON PUBLIC PROPERTY	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.17	FAIL TO REMOVE LITTER	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00

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**SCHEDULE "A" CONT'D
FINES**

S.18	URINATE OR DEFECATE IN A PUBLIC PLACE	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.19	FIGHT IN PUBLIC PLACE	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.20	FAIL TO DISPERSE AS REQUESTED BY PEACE OFFICER	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.21	LOITERING	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00
S.22	BULLYING AND HARASSMENT	
	First Offence	\$ 250.00
	Second Offense	\$ 500.00
	Third & Subsequent Offences	\$1000.00