

**TOWN OF LAMONT
BYLAW 02/24**



**BEING A BYLAW OF THE TOWN OF LAMONT IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING COMMUNITY STANDARDS, SNOW
REMOVAL, AND NOISE.**

WHEREAS, under the provisions of the *Municipal Government Act*, RSA 2000, c. M-26, the Council of the Town of Lamont may pass Bylaws respecting the following matters:

- i. the safety, health and welfare of people and the protection of people and property, and
- ii. clearing of snow, ice, dirt and other obstructions from the sidewalks situated on land adjoining the property owned or occupied by them, and
- iii. prohibiting, eliminating or abating noise within the Town of Lamont.

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

- i. minimum maintenance standards for building and structures, and
- ii. unsightly or derelict buildings or structures.

NOW THEREFORE the Council of the Town of Lamont, hereby enacts as follows:

1. BYLAW TITLE

- 1.1 This Bylaw is known as "Community Standards Bylaw".

2. ENFORCEMENT REQUIREMENT

- 2.1 The Town of Lamont is not required to enforce this Bylaw or parts of this Bylaw. In deciding whether to enforce this Bylaw or parts of this Bylaw, the Town may take into account any practical concerns, including available budget and personnel resources.

3. DEFINITIONS

- 3.1 For the purposes of this Bylaw:
 - a. "Act" means the *Municipal Government Act*, RSA 2000, c.M-26.
 - b. "Boulevard" means the part of a Highway that:
 - i. is not a roadway, and

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- ii. is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.
- c. “Building” means anything constructed or placed on, in, over or under land that does not include a Highway.
- d. “Chief Administrative Officer” means the individual appointed as such under the *Municipal Government Act* R.S.A. 2000, c. M-26 as amended or repealed and replaced from time to time and regulation thereunder, by Council, also known as the “Town Manager”.
- e. “Council” means the Council of the Town of Lamont.
- f. “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 them, whether public or privately owned, that the public is ordinarily entitled or permitted to use for the passage 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 and one regulation not to be a Highway.
- g. “Land Use Bylaw” means the Town’s Land Use Bylaw, as amended.
- h. “Motor Vehicle” means a vehicle propelled by any power other than muscular power.
- i. “Night Time” means the period beginning at 10:00 pm and ending the following day at:
 - i. 7:00 am if the following day is Monday through Friday; or
 - ii. 9:00 am if the following day is a Saturday, Sunday or statutory holiday.
- j. “Occupant” means a person or persons occupying property, including a lessee or licensee, who has actual use, possession or control of the property.

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- k. "Owner" means the registered owner of the property, shown as the owner of a parcel of land on the Town's assessment roll prepared by the Town pursuant to the *Municipal Government Act*.
- l. "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- m. "Peace Officer" means:
 - i. a member of the Royal Canadian Mounted Police;
 - ii. a member of a municipal police service;
 - iii. a Community Peace Officer where under that person's appointment as a Community Peace Officer that person is empowered to carry out the duties of a Peace Officer; or
 - iv. a Bylaw Enforcement Officer who is appointed as per the Bylaw Enforcement Officer Bylaw.
- n. "Property" means real property and any building and improvements thereon.
- o. "Public Place" means a property, whether publicly or privately owned, to which members of the public have access as a right or by express implied invitation, whether for payment of any fee or not.
- p. "Residential Building" means a structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;
- q. "Sidewalk" means that part of a highway especially adapted to the user 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 highway and the adjacent property line whether or not it is paved or improved.
- r. "Town" means the Municipal Corporation of Lamont.
- s. "Violation Tag" means a tag or similar document issued by the Town pursuant to the *Municipal Government Act* R.S.A. 2000, c. M-26 as amended or repealed and replaced from time to time and regulation

there under.

- t. "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

4. INTERPRETATIONS

- 4.1 An owner is ultimately responsible for all activities on their property which may constitute an infraction of this Bylaw.
- 4.2 Nothing in this Bylaw relieves a person from complying with any Federal or Provincial legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.

5. PROPERTY MAINTENANCE/LAND AND BUILDINGS

- 5.1 For the purpose of this part, a person who is the owner or occupant shall be considered to occupy the boulevard and sidewalks immediately adjacent to their property.

6. WATER, EAVES TROUGHS, DOWNSPOUTS

- 6.1 No owner or occupant of a property shall allow a flow of water from a hose or similar device on the property to be directed to an adjacent property.
- 6.2 An owner or occupant of a property shall direct any rainwater, downspout or eaves troughs on the property towards the:
 - i. front of the property;
 - ii. side yard which does not abut another property; or
 - iii. a side yard which abuts another property only if there is a minimum of 6 meters (20 feet) of permeable ground between the outfall of the downspout or eaves trough and the adjacent property.

7. SNOW, ICE, DEBRIS OR OBSTRUCTION

- 7.1 The owner or occupant of any property adjacent to a sidewalk is responsible for the removal of all ice and snow from that portion of the sidewalk within seventy-two (72) hours of a snowfall or rainfall that

creates icy conditions.

- 7.2 Where an owner or occupant anticipates being absent, the owner or occupant must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw.
- 7.3 Snow removed from driveways, parking lots or service lots shall NOT be placed or moved onto highways or sidewalks.
- 7.4 Snow removed from sidewalks only, in the business area, shall NOT be placed on the highway unless there is no lot space available to store the snow.
- 7.5 An owner or occupant of a building abutting or within 3 meters (9.8 feet) of any highway or public place, shall remove snow or ice that has accumulated on the roof, eaves, or awning to the extent that a danger or risk is created to the public passing or the property of others. The corrective action shall be undertaken immediately with due care for the warning and safety of public passing or the property of others.
- 7.6 If water drips from a building or awning upon a sidewalk or highway, the owner or occupant of the property shall clean the sidewalk or highway portion thereof to prevent ice from forming thereon.
- 7.7 No person shall place any goods, wares, merchandise or any other article upon a sidewalk or highway outside any shop, warehouse or other building so as to obstruct or cause hazard to pedestrian or vehicular traffic.
- 7.8 Where an owner or occupant fails to comply with Section 7.1, the Town may cause the sidewalk to be cleared of any snow or ice at the expense of the owner.

8. NOISE CONTROL

- 8.1 Except as authorized pursuant to this Bylaw, no Person shall cause or permit any noise that annoys or disturbs the peace of any other Person.
- 8.2 Except as authorized pursuant to this Bylaw, no Owner or Occupant of a Premises shall cause or permit any noise that annoys or disturbs the peace of any other Person.
- 8.3 In determining if a sound is reasonably likely to annoy or disturb the peace of others consideration may be give, but is not limited to:

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- i. type, volume, and duration of the sound;
- ii. time of day and day of week;
- iii. nature and use of the surrounding area; and
- iv. any other relevant factor.

or as determined by Peace Officer

- 8.4 With the exception of the activities referred to herein, unless permission from the Town is first obtained, no Person shall use, operate, or allow to be used or operated, any tools, machinery, motor vehicle, or equipment so as to create a noise, or disturbance which may be heard in a Residential Building in the Night Time.
- 8.5 No Drinking Establishment shall permit any noise to emanate from the Premises of such Drinking Establishment such that it annoys or disturbs any Person outside the boundary of the Drinking Establishment.
- 8.6 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.
- 8.7 Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which is a permitted use, an approved discretionary use, or a non-conforming, but not illegal, use as defined in the Act.
- 8.8 Section 8 does not apply to work carried on by the Town or by a contractor carrying out the instructions of the Town.

9. UNSIGHTLY

- 9.1 An unsightly is any condition on or around property that is untidy, offensive, dangerous to health and safety, or which interferes with the use or enjoyment of other property, and includes:
 - i. uncut grasses or weeds on the property that are longer than 10 cm;
 - ii. trees or shrubs that interfere with civic works or any public utilities, obstructs sidewalk adjacent to property, that impairs the visibility

required for the safe traffic flow at any intersection adjacent to the property, or that has any rot, disease or any other deterioration;

- iii. dense or opaque smoke emitted into the atmosphere;
- iv. dense or opaque dust emitted into the atmosphere;
- v. smelly compost heaps or other noxious odors;
- vi. wrecked, dismantled, rusted or inoperative vehicles or vehicle parts, or those that are abandoned, unregistered or uninsured;
- vii. any material including but not limited to garbage, building materials, tires, boxes, machines or machine parts;
- viii. any condition, which in the opinion of the Peace Officer, taking into account the land use district, the authorized land uses and neighboring properties, are detrimental to the surrounding area;
- ix. in respect of a structure, any signs of significant physical deterioration, including but not limited to, peeling/unfinished paint, damaged or missing shingles, shutters or railings, collapsed or collapsing structures, or broken/damaged/unsecured doors or windows; and
- x. any land that shows signs of a serious disregard for general maintenance or upkeep, included but not limited to, broken or damaged driveways or walkways, and collapsing or damaged sheds.

- 9.2 The person responsible for the contravention, which can include the owner or occupant, must prevent unsightly conditions and immediately remedy unsightly conditions.

10. MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS

- 10.1 The owner or occupant is responsible for any object or good disposed of or from the property onto any portion of a highway.
- 10.2 A motor vehicle found to be leaking engine, transmission or brake fluid, antifreeze or any other environmentally harmful fluids of any type shall be deemed to constitute a danger to public safety and may be towed away and the fluids removed from the highway at the expense of the registered owner of the motor vehicle.

- 10.3 No person shall tamper with or remove a manhole cover or valve cover from its seat base without authorization from the Chief Administrative Officer.

11. ENFORCEMENT

- 11.1 The Chief Administrative Officer is hereby authorized to enforce the provisions of this Bylaw.
- 11.2 A Peace Officer is hereby authorized to enforce the provisions of this Bylaw.

12. ORDER TO REMEDY

- 12.1 Pursuant to the *Municipal Government Act*, if a designated officer believes, on reasonable grounds, that a person is contravening this Bylaw, the designated officer may, by written order require any person responsible for the contravention to remedy it.
- 12.2 The order may:
- i. direct a person to stop doing something, or to change the way in which the person is doing it;
 - ii. direct a person to take any action or measures necessary to remedy the contravention of this Bylaw and if necessary to prevent a recurrence of the contravention;
 - iii. state a time within which the person must comply with the directions;
 - iv. state that if the person does not comply with the directions within a specified time, the Town will take necessary actions or measures required to remedy the contravention, at the expense of the person.
- 12.3 Pursuant to the *Municipal Government Act*, the expenses and cost of an action or measure taken by the Town under this section are an amount owing to the Town by the person who contravened the Bylaw.
- 12.4 Pursuant to the *Municipal Government Act*, a Council may add the following amounts to the tax roll of a parcel of land:
- i. unpaid expenses and costs referred to in the *Municipal Government Act*, if the owner of the property contravened the Bylaw and the

contravention occurred on all or part of the property;

- ii. any administrative charges as set in Policy by Council resolution as amended from time to time.

12.5 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.

12.6 An order issued pursuant to this section may be served:

- i. In the case of an individual:
 - a. by delivering it personally to the individual;
 - b. 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
 - c. by registered mail addressed to the individual at their apparent place of residence or to any address of the individual on the tax roll of the Town; and
- ii. In the case of a corporation:
 - a. by delivering it personally to any director or officer of the corporation;
 - b. 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
 - c. by registered mail addresses to the registered office of the corporation.

13.OBSTRUCTION

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

14.GENERAL

14.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer or any Peace Officer may:

- i. carry out an inspection to determine compliance with this Bylaw, or take any steps or carry out any action required to enforce this Bylaw; or
- ii. take any steps or carry out any actions required to remedy a contravention of this Bylaw; or
- iii. establish investigation and enforcement procedures with respect to property and such procedures may differ depending on the type of property in question.

15. APPEAL PROCEDURE

- 16.1 A person who receives a written order under this Bylaw may request Council to review the order by delivering a written request to the Chief Administrative Officer within fourteen (14) days of the order being received. The order shall be deemed received within five (5) days of mailing.

16. OFFENCE

- 16.1 A person who contravenes any provision of this Bylaw is guilty of an offence.

17. OFFENCES AND PENALTIES

- 17.1 A person who is guilty of an offense is liable, upon summary conviction, to a specified penalty for that offence as set out in Schedule "A" to this Bylaw.
- 17.2 Notwithstanding Section 11 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within ONE (1) year of committing a first offence under this Bylaw, is liable upon summary conviction to the fine as set out in Schedule "A" of this Bylaw, for that offence.
- 17.3 Under no circumstances shall a person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

18. VIOLATION TAGS

- 18.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable grounds to

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believe has contravened any provision of this Bylaw.

18.2 A Violation Tag may be served:

- i. In the case of an individual:
 - a. by delivering it personally to the individual;
 - b. by leaving it for the individual at the apparent place of residence with someone who appears to be at least 18 years of age; or
 - c. by mail addressed to the individual at the apparent place of residence or to any address for the individual on the tax roll of the Town; and
- ii. In the case of a corporation:
 - a. by delivering it personally to any director or officer of the corporation;
 - b. 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
 - c. by mail addressed to the registered office of the corporation.

18.3 A Violation Tag issued pursuant to this Bylaw shall be in the form approved by the Chief Administrative Officer and shall state:

- i. the name of the person to whom the violation tag is issued;
- ii. a description of the property upon which the offence has been committed, if applicable;
- iii. a description of the offence and the applicable Bylaw section;
- iv. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
- v. the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
- vi. any other information as may be required by the Chief

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Administrative Officer.

- 18.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 18.5 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

19. VIOLATION TICKETS

- 19.1 In those cases where a Violation Tag has been issued and the penalty has not been paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedures Act*, to any person whom a Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 19.2 Notwithstanding the foregoing provision of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 19.3 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served on the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 19.4 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together along with an amount equal to the specified penalty for the offence as provided in Schedule "A" of this Bylaw.
- 19.5 When a clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 19.4 and the *Provincial Offences Procedures Act*, the act of recording constitutes acceptance of the fine in the amount of the specified penalty.

20. SEVERABILITY

- 20.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions. If any portion of this

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Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid.

21. TRANSITIONAL

21.1 That Bylaw 10-23 Community Standards is hereby repealed.

22. EFFECTIVE DATE

22.1 That this Bylaw shall come into force and take effect upon the date of third reading and is duly signed.

READ A FIRST TIME THIS 23 DAY OF January, 2024.

READ A SECOND TIME THIS 23 DAY OF January, 2024

READ A THIRD TIME AND PASSED THIS 23 DAY OF January, 2024

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Mayor

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Chief Administrative Officer

January 23, 2024

Date signed

SCHEDULE "A" BYLAW 02/24 COMMUNITY STANDARDS

Section Number	Offence	Violation Ticket 1st offence	Violation Ticket 2nd and Subsequent Offence
6.1	Water flowing onto another property	\$200.00	\$250.00
7.1	Failure to remove snow or ice	\$200.00	\$250.00
7.3, 7.4	Placing snow off property	\$200.00	\$250.00
7.5	Removal of snow from eaves	\$200.00	\$250.00
7.7	Objects on sidewalk causing an obstruction	\$200.00	\$250.00
8.1	Make Prohibited Noise	\$200.00	\$250.00
9.1	Unsightly	\$350.00	\$600.00

