

**BYLAW 2022-16**

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO  
ESTABLISH COMMUNITY STANDARDS**

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The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

**TITLE**

- 1 This bylaw shall be known as the “Community Standards Bylaw.”

**INTERPRETATION**

- 2 In this bylaw,
- a) “Concrete Mixer” means a machine that is capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used and which is mounted onto a trailer or the chassis of a Truck as defined herein;
  - b) “Construction” means the temporary process of building, constructing, repairing, deconstructing or demolishing any Structure, including landscaping, home repair, home renovations, property improvements, and any work in connection with those processes;
  - c) “Dangerous Wildlife” means species or individual animals that could cause serious bodily injury in the event of an aggressive encounter, including, but not limited to, bear, elk, cougar, coyote, wolf, or any wildlife species or individual animal deemed dangerous by a Peace Officer, fish and wildlife officer, or conservation officer;
  - d) “Daytime” means the period
    - i) beginning at 7:00 a.m. and ending at 10:00 p.m. of the same day on Weekdays, or
    - ii) beginning at 9:00 a.m. and ending at 10:00 p.m. of the same day on a Weekend;
  - e) Enforcement Appeals Review Committee means the committee that reviews Orders issued under sections 545 and 546 of the *Municipal Government Act* for the purpose of section 547 of the *Municipal Government Act*, and which performs other municipal enforcement review functions as provided by Enforcement Appeal Review Committee Bylaw 2022-11;
  - f) “Fruit” means the fleshy, seed-bearing structure of a flowering plant species and includes fruit and berries;
  - g) “Fruit Bearing Vegetation” means any vegetation that bears Fruit and is a Wildlife Attractant, including but not limited to
    - i) mountain ash trees,

- ii) crabapple trees,
  - iii) chokecherry, and
  - iv) buffalo berry;
- h) “Garbage Truck” means any vehicle equipped for transporting waste, refuse, or recyclable materials or any vehicle equipped to load, unload, and transport containers for handling waste, refuse, or recyclable materials;
- i) “Good Repair” means a condition where something is free from
- i) broken, damaged, missing, detached, or fallen parts,
  - ii) rot or other physical deterioration,
  - iii) openings which are not secured against trespassers, and
  - iv) openings which are not secured against the infiltration of air or precipitation.
- j) “Graffiti” means words, figures, letters, drawings, or stickers applied, scribbled, scratched, etched, sprayed, or attached on or to the surface of any Premises, Structure, or other property, without the owner’s consent, but does not include words, figures, letters, drawings, or stickers applied, scribbled, scratched, etched, sprayed, or attached on or to the surface of any vehicle;
- k) “Motorized Garden Tool” means any tool used for gardening or horticulture that is powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity, or a fossil fuel;
- l) “Motor Vehicle Parts” includes, but is not limited to, any motor vehicle part or collection of motor vehicle parts, or one or more vehicles that are dilapidated, derelict, or not in operable condition;
- m) “Non-Residential District” has the same meaning as in Land Use Bylaw 2018-22;
- n) “Nighttime” means the period
- i) beginning at 10:00 p.m. and ending at 7:00 a.m. on Weekdays, or
  - ii) beginning at 10:00 p.m. and ending at 9:00 a.m. on a Weekend;
- o) “Occupant” means the Person residing in or in apparent possession or control of Premises;
- p) “Outdoor Speaker System” means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a musical

instrument amplifier, radio, stereo, television, public address system, or other system which is positioned

- i) outside of a building,
  - ii) inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building, or
  - iii) in a tent;
- q) "Owner" means
- i) in the case of land registered under the *Land Titles Act*, the owner of a fee simple estate or registered leasehold interest in a parcel of land,
  - ii) in the case of personal property, the registered owner,
  - iii) in the case of unregistered personal property, any person with lawful possession and control over the property;
- r) "Order" means an order issued pursuant to section 545 or section 546 of the *Municipal Government Act*;
- s) "Peace Officer" means
- i) a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*,
  - ii) a person appointed as a peace officer pursuant to the *Peace Officer Act* or
  - iii) a police officer;
- t) "Person" means any individual, firm, partnership, association, corporation, or other legal entity;
- u) "Point of Reception" means any location, be it a place of work or residence, where noise or Sound Levels are heard by an individual;
- v) "Power Tool" includes any tool powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity, or a fossil fuel;
- w) "Premises" includes any real property that may be owned, occupied, managed, or controlled by an Owner or Occupier, including parcels of land, any subdivisions of land or units of real property, and any Structures that may owned, occupied managed or controlled by an Owner or Occupier;

- x) "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;
- y) "Residential Area" or "Residential Areas" means any area, location, or parcel of land, that is zoned as a Residential Land Use District, a Direct Control District that lists residential use among its uses, or is otherwise zoned for a primary purpose of residential use under Land Use Bylaw 2018-22;
- z) "Sidewalk" means that part of a street, road, or highway that is adapted or designated for the use of pedestrians, including that part of a street, road, or highway between the curb line and the adjacent properties or, where there is no curb line, that piece of land between the edge of the street, road, or highway and the adjacent property line;
- aa) "Signaling Device" means any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon, or public address system;
- bb) "Sound Level", unless otherwise defined in this bylaw, means the sound pressure measured in decibels using the "A" weighted network of a Sound Level Meter with fast response;
- cc) "Sound Level Meter" means any Type 2 or better integrating instrument that measures Sound Levels;
- dd) "Structure" means any building, extension from a building, garage, shed, shelter, fence, or other thing erected or placed in, on, over, or under land, whether or not it is movable or affixed to the land;
- ee) "Truck" means any vehicle that has a gross allowable maximum vehicle weight in excess of 5450 kilograms as listed on the government issued registration, regardless of the vehicle's actual weight at a specific time, and includes a truck-tractor and tractor-trailer;
- ff) "Violation Tag" means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this bylaw;
- gg) "Violation Ticket" means a ticket issued pursuant to the *Provincial Offences Procedures Act*, and the regulations thereunder;
- hh) "Weekday" means Monday, Tuesday, Wednesday, Thursday, and Friday;
- ii) "Weekend" means Saturday and Sunday;
- jj) "Wildlife" means any free-living species of vertebrate animal that is not a domesticated, escaped, or stray domestic animal;
- kk) "Wildlife Attractant" means any substance that could reasonably be expected to attract Wildlife, including, but not limited to, Fruit, garbage, refuse, food, food waste, and compost.

- 3 Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

**PART 1  
REGULATION OF NOISE**

- 4 This Part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads or aeronautical related activities of aircraft.

**GENERAL PROHIBITIONS**

- 5 Except as authorized by this bylaw, no Person shall make, cause, continue, or allow to be made, caused, or continued, any noise which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 6 Except as authorized by this bylaw, no Owner or Occupier of a Premises shall make, cause, continue, or allow to be made, caused, or continued, any noise which emanates from the Premises and which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 7 No Person shall permit a vehicle located on a Premises to emit noise which would disturb the peace, enjoyment, comfort, or convenience of another individual, including, but not limited to, noise from excessive engine revving and music or amplification equipment in the vehicle.
- 8 No Owner or Occupier of a Premises shall permit a vehicle located on the Premises to emit noise which emanates from that Premises, including noise from excessive engine revving and music or amplification equipment in the vehicle, is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 9 A person may be found guilty of a contravention of sections 5 to 8 whether or not the noise
  - a) is measured, or
  - b) if measured, exceeds any Sound Level limit prescribed by this bylaw.
- 10 In determining if a noise is likely to disturb the peace, enjoyment, comfort, or convenience of another individual, the following criteria may be considered:
  - a) the type, volume, and duration of the noise,
  - b) the time of day and day of week,
  - c) the nature and use of the surrounding area,
  - d) the Sound Level in decibels, if measured, and
  - e) any other relevant factor.

- 11 A Person shall not cause or permit any noise exceeding a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.
- 12 An Owner or Occupier shall not allow a property that they own or occupy to be used in a manner that results in noise coming from the property to exceed a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.

### ACTIVITIES IN RESIDENTIAL AREAS

- 13 No Person in a Residential Area during the Nighttime shall operate or use
  - a) a lawn mower,
  - b) a Motorized Garden Tool,
  - c) a Power Tool outside of any building or Structure,
  - d) a snow clearing device powered by an engine of any kind, or
  - e) a motorized snow or leaf blowing device.
- 14 No Person shall load or unload a Truck, Concrete Mixer, or Garbage Truck in a Residential Area or within 150 metres of a Residential Area during the Nighttime.
- 15 Notwithstanding section 14, a Person may, at any time, unload a vehicle containing
  - a) fresh produce and perishable merchandise including milk products and baked goods, or
  - b) daily or weekly newspapers being delivered to vendors.
- 16 Notwithstanding section 14, a Person may load a Garbage Truck between 6:00 a.m. and 10:00 p.m. on any day.
- 17 A Person must not use a Signaling Device in a Residential Area during the Nighttime.
- 18 Notwithstanding section 13(a), (b), and (c), it is not an offence to use a Motorized Garden Tool, lawn mower, or other grass cutting device on a golf course between the hours of 5:30 a.m. and 9:00 a.m. on any day of the week.
- 19 Notwithstanding section 13(d) and (e), a person may operate a snow clearing device powered by an engine for the purpose of commercial and non-commercial removal of snow and ice from streets, parking lots and Sidewalks during the forty-eight-hour period following a snowfall, rain or freezing rain, subject to the authority of the chief administrative officer, in their sole discretion, to withdraw this exception on a site-specific basis.

## CONSTRUCTION ACTIVITY

- 20 A Person shall not cause or permit any Construction activity on property they own or occupy
- a) between the hours of 10 p.m. and 7 a.m. on any Weekday and Weekend,
  - b) at any time on Sunday or statutory holiday, or
  - c) at any time contrary to a written notice issued by the chief administrative officer pursuant to section 22.
- 21 Notwithstanding section 20, a Person may on Sundays and statutory holidays conduct construction, alterations, or renovations on their own home and property, or by persons assisting them if the persons assisting do not receive financial compensation or any other compensation for their labour.
- 22 Subject to section 20, the chief administrative officer may, by written notice, direct that a person shall not cause or permit any Construction activity or certain types of Construction activity on property they own or occupy during the time specified in the written notice.
- 23 Prior to issuing a written notice pursuant to section 22, the chief administrative officer must consider
- a) the proximity of the Construction activity to adjacent properties,
  - b) the nature of the Construction activity occurring on the property,
  - c) the nature and use of adjacent properties,
  - d) the number and nature of previous complaints regarding the Construction activity occurring on the property received by the chief administration officer,
  - e) the intended schedule for completion of the Construction activity occurring on the property, including the potential impact of noise-restricted hours on the completion of the Construction activity, and
  - f) any other factor deemed relevant by the chief administrative officer related to the Construction activity occurring on the property.

## OUTDOOR SPEAKER SYSTEMS

- 24 No Person shall operate an Outdoor Speaker System during the Nighttime on a parcel where the property line of the parcel is within 150 metres of a Residential Area.
- 25 Regardless of the time of day, an Outdoor Speaker System must always comply with the Sound Levels established in this bylaw.

## EXEMPTIONS AND SCOPE

- 26 The prohibitions on noise in Part 1 of this bylaw do not apply to
- a) emergency vehicles,
  - b) Construction in Residential Areas during the Daytime, except for Sundays, whether or not the Construction requires any Town permits,
  - c) the use of Motorized Garden Tools in Residential Areas where the tool is used during the Daytime and for less than three (3) hours during any given day,
  - d) work on a Town street or on a public utility carried out by the owner or operator of the public utility, or its contractors, and
  - e) any activity within the jurisdiction of the Government of Canada or the Government of Alberta.
- 27 Notwithstanding section 26, the chief administrative officer may apply any other provision of Part 1 to the activities in sections 13 to 25 on a site-specific basis in the chief administrative officer's sole discretion.
- 28 The provisions contained in Part 1 shall not be interpreted to prevent
- a) the ringing of bells in churches, religious establishments, and schools,
  - b) the sounding of any alarm or warning to announce a fire or other emergency,
  - c) the playing of a band in connection with a parade or special event allowed pursuant to any Town permit, or
  - d) the use of Signaling Devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons.

## PERMITS FOR EXEMPTIONS TO NOISE REGULATIONS

- 29 A Person may make a written application to the chief administrative officer for a noise exemption permit allowing for noise or Sound Levels that would otherwise violate this bylaw.
- 30 Applications made pursuant to section 29 must be made in writing in a form approved by the chief administrative officer.
- 31 The chief administrative officer may in their sole discretion
- a) issue a noise exemption permit where the chief administrative officer determines that circumstances make it impractical for the applicant to comply with this bylaw,



- b) revoke any noise exemption permit where the chief administrative officer determines that the permit holder has not met the terms or conditions of the permit or taken sufficient measures to minimize noise or Sound Levels, and
- c) impose any conditions on the issuance or the use of the Noise Exemption Permit the chief administrative officer considers appropriate.

**PART 2  
CLEARING OF SIDEWALKS**

- 32 The Owner or Occupant of any land adjacent to a Sidewalk shall remove, or cause to be removed, any ice or snow from all adjacent Sidewalks within forty-eight hours after the ice or snow was formed or deposited.
- 33 Whenever snow or ice is deposited or formed on a Sidewalk adjacent to a parcel of land that is the subject of a condominium plan, the condominium corporation associated with the parcel of land shall remove, or cause to be removed, the snow or ice from the Sidewalk within forty-eight hours after the ice or snow was formed or deposited.
- 34 In the event that the Owner or Occupant of land adjacent to a Sidewalk or a condominium corporation associated with land adjacent to a Sidewalk fails or neglects to remove and clear away all snow or ice from a Sidewalk within forty-eight hours, the chief administrative officer may cause the snow or ice to be removed from such Sidewalk, with all costs and expenses plus a 10% administration fee charged to the Owner, Occupant, or condominium corporation responsible for the removal of the snow or ice, and any unpaid costs or expenses shall be added to the tax roll for the land to be recovered in the same manner as other taxes pursuant to the provisions of the *Municipal Government Act*.
- 35 Any Person who has an awning, canopy, marquee, roof drainage controlled by eaves troughing, or other Structure extending from a portion of their Premises over a Sidewalk or other portion of a roadway shall keep the said awning, canopy, marquee, eaves troughing, or other Structure free from snow or ice so that it will not drip or fall upon the Sidewalk or roadway below.
- 36 The Owner or Occupant of Premises with an awning, canopy, marquee, roof drainage controlled by eaves troughing, or other Structure extending from the Premises, shall cause to be cleaned up any water from melting snow or ice that could otherwise drip onto the Sidewalk or roadway below, and take all necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the Sidewalk or roadway.
- 37 No Person operating a business Premises, to which entry or exit for vehicles is made by a crossing located between the curb and the private property line, shall allow mud, water, slush, ice, or icy frozen snow to remain on the public Sidewalk or roadway portion of the said crossing; but shall keep the same clean and clear of all such materials, liquids or substances as may be or become a hazard to pedestrians.

- 38 A Person may use a power-driven device to remove snow and ice from any portion of a Sidewalk for which that person is responsible for removing snow and ice under this bylaw, provided that the power-driven device is used in a way that will not injure or unduly interfere with any other person lawfully using the Sidewalk or injure the surface of the Sidewalk.
- 39 A Person who removes snow or ice from Sidewalks and or any public or private property shall not deposit the said snow or ice upon any roadway or Public Place without permission from the chief administrative officer to deposit the snow or ice upon the roadway or Public Place.
- 40 A Person who removes snow or ice from public or private Sidewalks and or public or private property shall not deposit said snow or ice
- a) in a manner that impedes storm sewer run off or blocks access to any storm sewer grate,
  - b) in the entranceway, ramps, or gated access to any fire hall, ambulance station, emergency vehicle lane, marked fire laned or in any other manner that interferes with the proper operation of and access of emergency vehicles,
  - c) in any area of the Sidewalk where the curb is depressed to allow for the passage of mobility aids,
  - d) on any physical infrastructure or amenity owned by the Town of Canmore including, but not limited, to bicycle racks and transit stops, or
  - e) generally upon any public street, road, highway or any Public Place unless expressly permitted by the chief administrative officer.

### **PART 3 PROPERTY MAINTENANCE**

#### **SCOPE**

- 41 Part 3 applies to all Premises except for those located in industrial areas where outdoor storage has been approved under Land Use Bylaw 2018-22 for materials the accumulation of which would otherwise be prohibited under this Part.

#### **ACCUMULATION OF MATERIALS**

- 42 No Owner or Occupier of a Premises shall allow on the Premises, the accumulation of
- a) any material that creates unpleasant odors,
  - b) any material likely to attract pests or animals, whether or not defined as Wildlife, or
  - c) animal remains, parts of dead animals, or animal feces.

- 43 No Owner or Occupier of a Premises shall allow the outdoor storage of any toxic or hazardous substance, including but not limited to industrial fluids, automotive fluids, petroleum products, paints, and solvents in a manner that is open, exposed, or accessible by other Persons or animals.
- 44 No Owner or Occupier of a Premises shall allow the following to accumulate on the Premises in a manner that is visible to a Person viewing from outside the property:
- a) loose litter, garbage, or refuse,
  - b) bottles, cans, boxes, recyclable materials, or packaging materials,
  - c) household furniture or other household goods,
  - d) Motor Vehicle Parts,
  - e) parts of or disassembled machinery, equipment, or appliances,
  - f) yard waste, including grass, tree and hedge cuttings, leaves and other refuse,
  - g) any tree, shrub, other type of vegetation or any Structure, or
    - i) that interferes or could interfere with any public work or utility,
    - ii) that obstructs any Sidewalk adjacent to the Land,
    - iii) that impairs the visibility required for safe traffic flow at any intersection or roadway adjacent to the Land, or
    - iv) that reasonably interferes with the use and enjoyment of a neighbouring Premises or Public Place.
- 45 No Owner or Occupier of a Premises shall allow on the Premises the accumulation of building or landscaping materials, whether new or used, unless that Owner or Occupier can establish that a Construction activity on the Premises is actively underway or that the beginning of the Construction activity is imminent.
- 46 An Owner or Occupant of a Premises shall ensure that all building and landscaping materials stored on a Premises, are stacked or stored in an orderly manner.

#### **EQUIPMENT IN OUTDOOR LOCATIONS**

- 47 No Owner or Occupant of a Premises shall place, cause, or permit the placement of a refrigerator, freezer, or other similar appliance in an outdoor location on Premises that they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- 48 Without limiting the generality of section 47, effective measures for preventing the opening and closing of an appliance include, but are not limited to, the following:

- a) the removal of the door from 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) the locking of the appliance, or
  - e) otherwise wrapping or containing the appliance so that the interior is inaccessible.
- 49 No Owner or Occupant of a Premises shall place, cause, or permit a refrigerator, freezer or other similar appliance to be placed in an outdoor location on the Premises where the appliance is visible to a Person viewing from outside the Premises.
- 50 No Owner or Occupant of a Premises shall place, cause, or permit the placement of Power Tools or other potentially dangerous equipment in an outdoor location on the Premises except during active use for their intended purposes unless secured so as to not be potentially dangerous.

**MAINTENANCE OF EXTERIOR STRUCTURES**

- 51 Any Structure shall be maintained in Good Repair and in a manner that does not contribute to health, safety, and fire hazards.
- 52 Every Person, Owner, or Occupant of a Premises shall ensure the following Structures are maintained in Good Repair:
- a) fences,
  - b) retaining walls, terraces, patios, and other hardscaping,
  - c) foundations and foundation walls,
  - d) exterior walls and exterior wall components,
  - e) windows and window casings,
  - f) roofs and roof components,
  - g) doors and door frames,
  - h) exterior stairs, landings, porches, balconies, and decks, and
  - i) the protective and decorative finishes of all exterior surfaces of Structures.

- 53 If an Owner or Occupant fails to keep a Structure in Good Repair, the chief administrative officer may direct the Owner of the subject Premises to repair, rehabilitate, or replace or remove that portion of the Structure. Failure by the Owner to adhere to the direction of the chief administrative officer shall constitute an offence under this bylaw.

**PART 4  
WILDLIFE ATTRACTANTS**

- 54 No Person or Owner, other than a Peace Officer or a Person appointed by the chief administrative officer who is acting in the course of their duties shall store, collect, handle, or dispose of Wildlife Attractants in such a way that the Wildlife Attractants are accessible to or may attract Wildlife.
- 55 No Person shall permit a Wildlife Attractant to be placed or remain in an outdoor location where the Wildlife Attractant is accessible to Wildlife.
- 56 Except for Fruit-Bearing Vegetation located on any premises at the time of coming into effect of this bylaw, no Owner or Occupant shall plant, install, place, or allow or cause to be planted, installed, or placed, any Fruit-Bearing Vegetation on any Premises under the ownership or occupation of the Owner or Occupier.
- 57 No Person shall feed, attempt to feed, or permit the feeding of Wildlife.
- 58 No Person shall feed any animal, whether domestic or wild, in a manner that is likely to attract Dangerous Wildlife.
- 59 Notwithstanding sections 56 and 57, a Person may place or permit the placement of an outdoor bird feeder containing bird feed, seeds, suet, nectar, or any other bird attractant between the dates of December 1 and March 31, provided that
- a) the bird feeder is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife other than birds, and
  - b) the area below any bird feeder is kept free of accumulations of any Wildlife Attractants.
- 60 No Person shall place or permit the placement of outdoor bird feeders containing bird feed, seeds, suet, nectar, or any other attractant between April 1 and November 30 of each year.
- 61 Notwithstanding section 58, no Person or Owner shall place, or cause to be placed, on or near the property of that Person or Owner, any material or substance which has the effect of attracting pigeons.

**PART 5  
GRAFFITI PREVENTION AND ABATEMENT**

- 62 No Person shall create or apply Graffiti on or to any
- a) Premises,
  - b) Structure, or
  - c) other property which is owned or occupied by another Person.
- 63 Every Owner or Occupant of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.

**PART 6  
HUMAN WASTE**

- 64 No Person shall urinate, defecate, or deposit any human waste in any Public Place, other than a washroom.

**PART 7  
ORDERS, ENFORCEMENT AND PENALTIES**

**ORDERS**

- 65 Every Order issued with respect to a contravention of this bylaw must
- a) indicate the Person to whom the Order is directed,
  - b) identify the property or Premises to which the Order relates by municipal address or legal description,
  - c) identify the date that it is issued,
  - d) identify how the property or Premises fails to comply with this bylaw,
  - e) identify the specific provisions of this bylaw that the property or Premises contravenes,
  - f) identify the nature of the remedial action required to be taken to bring the property or Premises into compliance with this bylaw or the *Municipal Government Act*, as applicable,
  - g) identify the time within which the remedial action required by the Order must be completed,

- h) indicate that if the required remedial action is not completed within the time specified, the chief administrative officer may take whatever action or measures are necessary to remedy the contravention,
- i) indicate that the expenses and costs of any action or measures taken by the chief administrative officer under this Section are an amount owing to the Town by the Person to whom the Order is directed,
- j) indicate that the expenses and costs referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time, and
- k) indicate that a review of the Order lies with the Enforcement Appeal Review Committee if an application for review is filed in writing with the municipal clerk within fourteen days of the receipt of the Order.

66 An Order issued pursuant to this bylaw may be served

- a) where the Person to whom the Order is directed is 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,
  - iii) by delivering it by registered mail to the individual at the place of residence listed on the tax roll for the individual, or
  - iv) by delivering it by registered mail to the last address of the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta;
- b) where the Person to whom the Order is directed is a corporation,
  - i) by delivering it personally to a director or officer of the corporation,
  - ii) by delivering it personally to any person apparently in charge of an office of the corporation at the address held out by the corporation to be its address, or
  - iii) by delivering it by registered mail addressed to the registered office of the corporation;
- c) where the Person to whom the Order is directed is a partnership or association,
  - i) through service on Persons who are partners in the partnership or members in the association;

- d) if, in the opinion of a person serving a Order, service of the Order cannot be reasonably effected, or if the person serving the Order believes that the Person subject to the Order is evading service, the person serving the Order may post the Order
  - i) at a conspicuous place on the Premises to which the Order relates,
  - ii) at the private dwelling place of the Person to whom the Order is directed, as shown on a certificate of the title pursuant to the *Land Titles Act* or on the municipal tax roll,
  - iii) at any other property owned by the Person to whom the Order is directed, as shown on a certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll, or
  - iv) at any other Premises occupied by the Person to whom the Order is directed, and
  - v) the Order shall be deemed to be served upon the expiry of 3 days after the Order is posted.

#### REVIEW BY COMMITTEE

- 67 The Person to whom an Order is directed or the Owner of a Premises to which an Order relates may request the Enforcement Appeals Review Committee to review the Order by making a written application for review within fourteen days of the date the Order is received.
- 68 Every Person who fails to comply with an Order issued pursuant to this bylaw which has not been rescinded or overturned by the Enforcement Appeals Review Committee commits an offence.

#### ENFORCEMENT AND PENALTIES

- 69 Any Person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.
- 70 Any Person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of if this bylaw is liable to a minimum penalty of \$250.
- 71 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 72 A Violation Tag may be issued to such person
  - a) either personally, or
  - b) by mailing a copy to such Person at their last known or registered address.
- 73 The Person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.



- 74 If the penalty specified on a Violation Tag 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*.
- 75 Notwithstanding section 70 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 76 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.

**PART 8  
ENACTMENT/TRANSITION**

- 77 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 78 Schedule A forms part of this bylaw.
- 79 Section 4 of Enforcement Appeal Review Committee Bylaw 2022-11 is amended
- a) in subsection ii) by striking out “and”,
  - b) in subsection iii) by adding “and” at the end of the section, and
  - c) by adding the following after subsection iii):
    - iv) Community Standards Bylaw 2022-16.
- 80 Noise Bylaw 11-97 is repealed.
- 81 Wildlife Attractant Bylaw 2017-10 and Wildlife Amending Bylaw 2019-23 – Fruit Trees are repealed.
- 82 Sections 87 – 97 of Traffic and Road Use Bylaw 2020-03 are repealed.
- 83 This bylaw comes into force on the date it is passed.

FIRST READING: August 16, 2022

SECOND READING: August 16, 2022

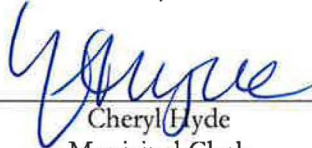
THIRD READING: August 16, 2022

Bylaw approved by: CM SK

Approved on behalf of the Town of Canmore:

  
\_\_\_\_\_  
Sean Krausert  
Mayor

August 17, 2022  
Date

  
\_\_\_\_\_  
Cheryl Hyde  
Municipal Clerk

August 17, 2022  
Date

Bylaw approved by: CM SK

## SCHEDULE A

## PENALTIES

Section	Description	Penalty
5	Person cause a noise that disturbs the peace of another individual	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
6	Owner/occupier allow noise to emanate from premise which disturbs the peace of another individual	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
7	Person permit a vehicle located on a premise to emit noise which disturbs the peace of an individual	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
8	Owner/occupier permit a vehicle located on a premise to emit noise which disturbs the peace of an individual	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
11	Person cause or permit noise exceeding 60 decibels (dBa) in residential area between the hours of 10:00 p.m. and 7:00 a.m.	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
12	Owner/occupier allow property they own or occupy to have noise exceeding 60 decibels (dBa) in residential area between the hours of 10:00 p.m. and 7:00 a.m.	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
20	Person cause or permit construction activity during prohibited times	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
25	Person operate outdoor speakers between the hours of 10:00 p.m. and 7:00 a.m.	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
54	Person or Owner store, collect, handle or dispose of wildlife attractants so that they are accessible to or may attract wildlife	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
55	Person permit wildlife attractant to be place or remain outdoors accessible to wildlife	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
57	Person feed wildlife	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
58	Person feed any animal in a manner that is likely to attract wildlife	\$250 – first offence \$500 – second offence

Section	Description	Penalty
		\$1000 – third and subsequent offences
59	Person place birdfeeder between April 1 and November 30	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
62	Person apply graffiti	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences

Bylaw approved by: AM SK