



Sturgeon County
Meeting Agenda - Final
Committee of the Whole

9613-100 Street
Morinville, Alberta
T8R 1L9

Tuesday, July 9, 2019

Council Chambers

Immediately Following Regular Council Meeting

A. CALL TO ORDER

B. APPOINTMENTS

- B.1** 1:00 p.m. CLOSED SESSION - Regional Transit Services
Commission Update
***Closed session pursuant to section 197(2) of the Municipal
Government Act and in accordance with section 21
(disclosure harmful to intergovernmental relations) of the
Freedom of Information and Protection of Privacy Act***

Attachments:

[Closed Session Insert](#)

Susan Berry, Manager, Community Services

- B.2** Community Standards Bylaw - Update for Council

Attachments:

[Briefing Note](#)

[Community Standards Animal Bylaw Research Report 2.0](#)

[Draft Community Standards Bylaw 1433/19](#)

Pat Mahoney, Fire Chief/Manager, Protective Services

C. ADJOURNMENT



Sturgeon County

9613-100 Street
Morinville, Alberta
T8R 1L9

Legislation Text

File #: PRS-030-19, **Version:** 1

1:00 p.m. CLOSED SESSION - Regional Transit Services Commission Update

*****Closed session pursuant to section 197(2) of the *Municipal Government Act* and in accordance with section 21 (disclosure harmful to intergovernmental relations) of the *Freedom of Information and Protection of Privacy Act******



Agenda Item:

B.1

Committee of the Whole Meeting:

July 9, 2019

1:00 p.m. CLOSED SESSION - Regional Transit Services Commission Update

Closed session in accordance with section 197(2) of the Municipal Government Act and section 21 (disclosure harmful to intergovernmental relations) of the Freedom of Information and Protection of Privacy Act



Sturgeon County

9613-100 Street
Morinville, Alberta
T8R 1L9

Legislation Text

File #: INF-115-19, **Version:** 1

Community Standards Bylaw - Update for Council

Briefing Note

Title	Community Standards Bylaw – Update for Council
Issue	The purpose of this presentation is to provide Council with an update on the progress of a Community Standards Bylaw for Sturgeon County.
Previous Council Direction	None.
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none">For the past several years, requests for service have been received by Protective Services and issues raised with Council over noise, unsightly properties, number of animals on property, outdoor storage, chickens/urban hens, etc.Discussion has been held by various staff and Council over several years about the viability of a "Community Standards Bylaw" to guide issues raised by the public (residents, property owners, and visitors).Further, the idea was to identify and be able to address items that may not have been captured within the newly passed Land Use Bylaw.As part of its 2018 Department Business Plan, Protective Services committed to conducting research into what other municipalities are doing by way of bylaw.In a collaborative approach with the assistance and support of Development Services, preliminary research was conducted and a report of findings was compiled. These findings were presented to Council at the August 28, 2018 Committee of the Whole meeting.Collaborative work has continued over the last several months with meetings between Agriculture Services, Community Services, Development Services and Protective Services, which has resulted in a draft Community Standards Bylaw. <p><u>External Communication</u></p> <ul style="list-style-type: none">This presentation and draft bylaw are for information only. It is meant to provide an update and to answer any questions and/or receive input from Council.

	<ul style="list-style-type: none"> As outlined in the previous presentation to Council and again today, perhaps the most important message is that this bylaw does not include land zoned Agricultural. Administration is recommending that such a bylaw only be applicable to Sturgeon County areas districted (zoned) Residential. These are the areas of the County that generate the majority of the issues that a bylaw of this nature is meant to address. <p><u>Relevant Policy/Legislation/Practices:</u></p> <ul style="list-style-type: none"> None.
Implication	<p><u>Strategic Alignment:</u></p> <p>Strong Local Governance and Regional Leadership, Planned Growth and Prosperity – Research conducted with other municipalities demonstrates the development of a “Community Standards” type bylaw is consistent with legislation, master plans, policies and procedures. Bylaw development, reviews and updates are a normal process in municipal governance.</p> <p><u>Organizational:</u></p> <p>Support for a new bylaw of this nature will provide benefits to residents and guidance. It will allow Enforcement (County and RCMP) a mechanism to deal with several items that currently are difficult to deal with, as the current bylaws are either outdated and unenforceable, or items have never been addressed.</p> <p><u>Financial:</u></p> <p>Low impact; there will be some advertising costs in relation to the bylaw’s development, public awareness, input.</p>
Follow Up Action	<ol style="list-style-type: none"> Evaluate comments from Council; add or delete any applicable information of concern. The draft bylaw will be sent for legal review and presented to Council at a future date. Once first reading has been approved by Council, in consultation with the Communications Department, staff will firm up means of communications related to development of such a bylaw and best means of allowing public to provide feedback.

Attachment (s)	1. Community Standards and Animal Bylaw Research Report 2.0 2. Draft Version – Community Standards Bylaw
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Report Reviewed
by:



Pat Mahoney, Manager of Protective Services/Fire Chief



Scott MacDougall, General Manager, Municipal Services



Reegan McCullough, County Commissioner – CAO

Community Standards & Animal Bylaws

Research & Report 2.0



August 10, 2018

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1.0 Introduction

This report **summarizes** different approaches that municipalities across Alberta have taken in addressing the following areas: community standards bylaws (or similar) and animal bylaws.

“**Community Standards**” bylaws refer to either an entire bylaw (developed in full or by consolidation) or a collection of bylaws that address issues such as:

- ❖ Storage of materials;
- ❖ Parking of RVs and other vehicles on properties;
- ❖ Derelict vehicles or other derelict vehicles on properties;
- ❖ Unsightly properties;
- ❖ Noise;
- ❖ Loitering; and
- ❖ Other issues that affect the livability and quality of communities.

These community standards bylaws are intended to provide municipality-wide minimum standards to achieve orderly and liveable development and habitation of neighbourhoods, and to avoid unreasonable negative impacts of one landowner upon another.

Animals bylaws generally address the keeping of animals in residential communities, and outline what types and quantities of animals are permitted on parcels of given districting and size.

In collecting data pertaining to these community standards and animal bylaws, the following municipalities were examined:

- ❖ Athabasca County
- ❖ County of Barrhead No. 11
- ❖ Beaver County
- ❖ Municipal District of Bighorn No. 8
- ❖ Camrose County
- ❖ Clearwater County
- ❖ County of Grande Prairie
- ❖ City of Edmonton
- ❖ Municipal District of Foothills No. 31
- ❖ Lac St. Anne County
- ❖ Lacombe County
- ❖ Leduc County
- ❖ Municipal District of Lesser Slave Lake
- ❖ Lethbridge County
- ❖ Parkland County
- ❖ Red Deer County
- ❖ Regional Municipality of Wood Buffalo
- ❖ City of St. Albert
- ❖ Strathcona County

- ❖ Westlock County
- ❖ Wetaskiwin County
- ❖ Wheatland County
- ❖ Woodlands County

What follows is a general summary of the approaches municipalities have taken; the following sections summarize the different technical approaches and methods used in addressing specific issues. These summaries aim to provide options that Sturgeon County may utilize in developing their future bylaws.

A summary of extra information gathered during phone call interviews with other municipalities, regarding their bylaws, is included in section 5.1. The conclusion provides an overall summary and overview of next steps options for Sturgeon County moving forward.

2.0 Background

2.1 Other Municipalities

The review of 23 other municipalities across Alberta, 21 with similar composition to Sturgeon (rural) and two with close proximity to Sturgeon (St. Albert and Edmonton), found the following:

- ❖ **82.6%** (19/23) of municipalities have animal control bylaws in addition to their Land Use Bylaws and other bylaws;
- ❖ **39.1%** (9/23) of municipalities have community standard bylaws;
- ❖ **56.5%** (13/23) of municipalities do not have community standard bylaws per se, but have other bylaws that contain content similar to what community standards bylaws would contain (ie: nuisance abatement bylaws, noise bylaws, or unsightly properties bylaws); and
- ❖ **26.1%** (6/23) of the municipalities examined either allow urban hens or are running initial pilot programs to provide for keeping urban hens.

2.2 Sturgeon at Present

Sturgeon County currently has no noise, unsightly, nuisance, or community standards bylaws that provide an effective legal means for enforcement to address related issues in the municipality. This means that Sturgeon County falls within the 4.4% of municipalities that do *not* yet have this type of legislation. Prominent issues encountered by Enforcement Services have included (but are not limited to) the following:

- ❖ Storage of RVs and extra vehicles;
- ❖ Derelict vehicles on properties;
- ❖ Noise (regarding gravel operations, construction, and potential but non existent quiet hours);
- ❖ Unsightly properties (involving garbage, materials on property);

- ❖ Grass, weeds, and other vegetation disorder that is problematic but not a contravention of the Weed Act;
- ❖ Equipment storage on properties; and
- ❖ Alternative animals as pets (i.e.: potbellied pigs as pets).

Sturgeon County currently has an Animal Bylaw (Bylaw 952/02); however, this bylaw is dated and does not conform with Sturgeon County's new Land Use Bylaw 1385/17. This poses problems for interpretation and application. Additionally, this bylaw is difficult to interpret and results in a large number of phone call inquiries to Sturgeon County as ratepayers attempt to understand the rules.

Sturgeon County also receives a high number of inquiries regarding chickens, specifically laying hens, on properties that are residential parcels. This item has been addressed separately because, although it could involve only an amendment to the animal bylaw, all municipalities that have urban hen projects have separate legislation for this.

2.3 Areas of Opportunity

The non-existence of Sturgeon County's Community Standards Bylaw (or similar) is a chance for new legislation to be created from scratch – Sturgeon County Enforcement Services has indicated the development of a full Community Standards Bylaw is the desired outcome and would best address concerns.

A new Animal Control Bylaw is also required (so many amendments would be required to bring the current Animal Bylaw up to date that it is easier to rescind the current Animal Bylaw and replace with a new one, alongside a chickens bylaw). Sturgeon County Enforcement Services has indicated this same desire to develop a new Animal Bylaw, removing the old bylaw.

Consultation with Planning & Development, and Agriculture Services, has also occurred and both departments concur with this decision.

3.0 Community Standards & Related Bylaws

Community Standards Bylaws, in general, are quite similar to each other. While the specifics of the content can vary somewhat (although this continues to be very similar), most community standards bylaws address the issues outlined in sections 3.1 – 3.7.

It is worth noting that there is some overlap across the following areas. For example, noises may also be defined and addressed as nuisances, and property upkeep is sometimes defined through both unsightly provisions and property maintenance provisions.

3.1 Noise

Noise is one of the most frequently addressed issues in and outside of community standards bylaws. Those municipalities that did not have full community standards bylaws in general tended to have separate noise bylaws.

Noise is commonly addressed with the following provisions:

3.1.1 General Clause

Most bylaws addressing noise have a general clause or statement stating their purpose:

“This bylaw is passed for the purpose of prohibiting, eliminating, or abating noise and establishing permissible noise levels for varying periods of the day...”

~County of Barrhead Noise Bylaw 47-85

This general statement is usually followed by the first portion of the bylaw that restricts the noise-causing actions of a person, which is again, general in nature. These first, general prohibitive clauses tend to be very alike across all bylaws (both community standards bylaws as wholes or noise bylaws alone) & similar to the below:

“Except to the extent it is allowed by this bylaw, no person shall make, continue, cause to be made, or allow to be made or continued any loud, unnecessary, unusual or any noise whatsoever, from within the identified designated areas of Appendix “A”... which unreasonably either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace, or safety of other persons within the identified designated areas... There should be a marked departure from the norm, which would offend a reasonable person given all of the circumstances.”

~Beaver County, Noise Bylaw 09-957

3.1.2 Hours

Most municipalities employ hour or time-of-day restrictions as part of their noise regulations. These hour restrictions work in a variety of ways:

- ❖ One general time restriction for all “disruptive” activities. (i.e.: No restricted activities between the hours of 11:00pm and 7:00am.)

- ❖ Categories of activities, based on their levels of capacity to cause disruption and separate restricted hours for each activity (i.e.: more disruptive activities would have longer restricted hours).
- ❖ Restricted hours based on the district (i.e.: different quiet hours in commercial versus residential).
- ❖ A combination of options two and three, above, tweaking as necessary for the municipality. This is the most common approach.

Restricted hours (aka “quiet hours”) vary, however they are generally from 10:00pm – 12:00pm, until 7:00am – 8:00am, depending on the location and type of activity.

3.1.3 Types of Restricted Activities

There are a variety of activities that may be encompassed within defined restricted activities during outlined quiet times. Some municipalities do not specifically list restricted activities, and instead rely solely on quiet hours and general prohibitive clauses (ie: Beaver County and Camrose County).

In municipalities where restricted activities *are* specifically listed, however, they may include:

- ❖ Idling of vehicles for more than 15 minutes;
- ❖ Speaker systems operated at an unnecessarily loud volume;
- ❖ Vehicles with mufflers cut out, disconnected, or removed;
- ❖ Lawnmowers, motorized garden tools, power tools outdoors;
- ❖ Model aircrafts;
- ❖ Snow clearing device powered by an engine.

Some activities may also *not* be prohibited, and are excluded from the restrictions of the quiet hours of the bylaw. These exemptions often include:

- ❖ Any noise associated with emergency response;
- ❖ “Deemed approved uses” which have received express county approval;
- ❖ “Special Events” uses that have received an associated exemption from the noise bylaw;
- ❖ Other uses that have received an exemption from the noise bylaw through a condition in a development permit associated with the use.

3.1.4 Other Notes

Some municipalities use specific decibel (dBA) measures and tools as a mechanism of regulating noise in communities. However, these methods of enforcement have encountered significant issues (due to the problems with measuring decibel levels). It was also indicated in preliminary meeting that Sturgeon County does not wish to pursue this method of enforcement.

3.2 Nuisances

Like noise bylaws, nuisances are usually regulated with a separate nuisance bylaw or within a community standards bylaw.

3.2.1 Defining a Nuisance

Most municipalities deal with nuisance bylaws through (1) outlining what constitutes a nuisance, and (2) generally defining these nuisances (again, a general prohibitive clause is usually included) and (3) prohibiting or restricting these nuisances as defined.

“Nuisance means any activity or condition within the municipal boundaries of the County of Lethbridge which interferes with, annoys, disturbs, injures, or endangers the safety, comfort, peace, or health of others including, but without restricting the generality of the foregoing: (i) Emissions of opaque or dense smoke or dust; (ii) Placing, depositing, or allowing to be placed or deposited any garbage, rubbish, or refuse upon or along any highway, street, land, alley, or boulevard abutting or flanking lands which exist between the legal property line of an owner to the edge of the nearest adjacent roadway.”

~Lethbridge County, Nuisances Bylaw 1402

Beyond defining what a nuisance is and prohibiting it, there doesn't tend to be a significant amount of legislative material pertaining to nuisances. Some municipalities will define nuisances as being items related to noises, unsightliness, yards, or other subcategories, as defined below.

3.3 General Unsightly

Unsightly properties regulations are one of the most common fixtures in community standards bylaws; for those municipalities without full community standards bylaws, they usually have separate bylaws dedicated solely to unsightly properties. In both cases, the regulations are the same.

A general definition of “unsightly” is included, and may be something similar to the following:

“Unsightly Condition means: (i) in respect of a structure, a structure whose exterior shows signs of significant physical deterioration, relative to adjacent lands and land uses or relative to other land and land uses that could be reasonably considered to be

in the neighbourhood; (ii) in respect of land, land that shows signs of serious disregard for general maintenance and upkeep, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighbourhood; (iii) nothing shall prohibit a property owner from undertaking naturalization efforts; (iv) naturalization means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings or species or other species to emulate a natural area.”

~Parkland County, Community Standards Bylaw 03-2012

After defining “unsightly,” additional regulations tend to follow, outlining the following:

- ❖ Scope of application: What properties does this bylaw [part] pertain to? Most bylaws apply to residential properties (vacant, under construction, and developed) and commercial properties, but not AG zoned properties and industrial properties.
- ❖ Accumulation of Materials: Outlines what constitutes accumulations of materials, and where this shall not occur (again, usually excepting out AG zoned properties). For example:

“No Person, Owner, or Occupant of a property shall allow the following to accumulate on the Property such that the accumulation is visible to a Person viewing from outside the Property; (a) loose garbage; (b) Bottles, cans, boxes, or packing materials; (c) Household furniture or other household goods; (d) Automobile Part; (e) Parts of or disassembled machinery, equipment, or appliances; or (f) yard waste, including grass, tree, and hedge cuttings, but excluding ground cover and the contents of a Composting pile as defined in this Bylaw.”

~Parkland County, Community Standards Bylaw 03-2012

- ❖ Outdoor Storage of Building Materials: Outdoor storage of building materials is prohibited unless there is construction occurring presently or recently, within parameters defined in the bylaw.
- ❖ Vehicles and RVs: Although there are generally separate sections of a community standards bylaw dedicated to this topic, some bylaws address motor vehicles in their unsightly regulations.

This address is generally brief, but simply addresses the state that motor vehicles shall be in, when visible on a property, to not be considered unsightly.

3.4 Vehicles, RVs & Equipment

Regulations regarding vehicles, RVs, and related equipment are usually dealt with in one of two ways:

- 1) Through “Unsightly” standards of a community standards bylaw or unsightly premises bylaw; or,
- 2) Through a dedicated section of a community standards bylaw.

In either case, regardless of how these regulations are positioned within the legislation, the resulting requirements and restrictions are nearly the same.

As with most other sections of community standards bylaws, agricultural uses are generally exempt from vehicle requirements and restrictions.

“Notwithstanding the foregoing, the storage of any number of unregistered and/or inoperative motor vehicles on a parcel which hare functionally required as part of a bona fide agricultural use/farming operation occurring on the subject parcel is permissible.”

~Parkland County, Community Standards Bylaw 03-2012

Vehicles are generally prohibited in states of disrepair on residential and commercial properties.

There also tend to be limits on the number of unlicensed vehicles on properties. These limits tend to range from one to four unlicensed vehicles, depending on the size of the property. For example:

The Municipal District of Foothills No. 31 outlines a maximum of no more than, “one (1) unlicensed Vehicle within a Hamlet or on any parcel of land less than two (2) acres or the presence of more than three (3) unlicensed Vehicles on any other parcel of land.”

~ Municipal District of Foothills No. 31, Community Standards Bylaw 45/2013

3.5 Outdoor Storage

Outdoor storage is dealt with in different manners. In some cases, it is dealt with under unsightly property regulations and does not have its own section. In other cases, there are specific sections addressing outdoor storage that, in addition to requiring that outdoor storage not be unsightly, require specific standards.

For example, these standards may require that the outdoor storage:

- ❖ Not be visible from public property;
- ❖ Have visual screening of some sort;
- ❖ Not include hazardous materials;
- ❖ Does not relate to a home based business unless there is a permit for such business; and,
- ❖ Does not include garbage that is being housed on the property for more than 15 days.

3.6 General Property Maintenance

Some community standards bylaws include specific maintenance standards, in addition to having unsightly regulations for deterioration. This allows enforcement of issues that are less serious than “unsightly” infractions, being more proactive.

This section of a bylaw usually begins with defining the state of “good repair” (or similar) that is the desired condition. For example:

“Good repair means a condition where something is free from: (i) significant damage; (ii) peeling surfaces; (iii) broken, missing, or fallen parts; (iv) rot or other significant deterioration; (v) openings which are not secured against trespassers or infiltrations or air and precipitation; or (vi) other visual evidence of a lack of general maintenance.”

~Parkland County, Community Standards Bylaw 03-2012

Following this, there is usually a clause or section that outlines the obligation to maintain – *who* shall be held to these standards (i.e.: property owners, occupants, etc.) and *what* items shall be held to these standards (i.e.: foundations, walls, windows, etc.).

3.7 Other Items

Some other items that may appear in community standards bylaws (but are not as common as the other above topics) are:

- ❖ Littering (prohibitions on littering);
- ❖ Addressing (municipal addressing policies);
- ❖ Lights (restrictions and requirements for lighting in residential communities);
- ❖ Major Events Permits (Requirements for what events need special events permits);
- ❖ Composting Regulations (Regulations surrounding composting)
- ❖ Yard Standards (where maintenance requirements for yards are not encompassed in unsightly property bylaws); and
- ❖ Waste Bins on Properties (Restrictions on where waste bins may be stored).

4.0 Animal Bylaws

The general approach to animal regulation in many municipalities is very similar to the approach that Sturgeon County currently takes in regulating animals, and specifying animal units, zoning, and parcel area relevant to these regulations.

4.1 Animals in AG

Many municipalities do not regulate animals on agricultural parcels. In some cases, this applies to all agriculturally zoned parcels; in other situations, it applies to agriculturally zoned parcels greater than a certain area. Note that this does not allow unlimited animals; the NRCB (Natural Resources Conservation Board) places restrictions on animals in Alberta. Residents in municipalities with no AG-animal regulations are still required work alongside the NRCB to adhere to their regulations and animal limits, if they are running a confined/high-density animal operation.

Sturgeon County already breaks down AG parcels into sub-types in the Land Use Bylaw (AG Major, AG Minor, and AG Residential) so may consider how to regulate animals on each of these sub-types of parcels.

4.2 Animals in Residential / Non-AG

Animals on residential or non-AG parcels are usually regulated in one of the following manners:

- ❖ By animal units per land area, specific to district; or
- ❖ By specific restrictions per area; or
- ❖ By a combination of the two above strategies.

4.2.1 Animal Units per Land Area, Specific to District

This involves using the same strategy Sturgeon County currently uses to regulate animals, involving animal units and parcel size. This approach is common for municipalities that have not begun different approaches to animal regulation (i.e.: urban hens, or non-common domestic pets).

4.2.2 Specific, Non-Animal Unit Restrictions

These strategies include approaches that do not rely on animal units. Some of these involve, for example, completely banning animals, other than domestic pets, on residential properties (uncommon). Another variation of this approach involves having no animal regulations whatsoever, on any properties in the municipality.

4.2.3 Combination Strategy

This is the most common approach, especially amongst municipalities where new legislation regarding special pets or urban hens has been developed. It involves specific legislation that deals with certain animals, that will therefore no longer be subject to the animal units regulations (i.e.: urban hens), and leaves other animals (goats, horses, etc.) to the animal units per area restrictions.

After consultation with Sturgeon County departments, this is the approach that has been indicated as favourable, and thus the approach that has informed the draft bylaws.

4.3 Animal Units

In general, animal units are assigned to parcels of certain sizes. Each “animal unit” is then assigned a specific number and species of animal (ie: one animal unit = 1 horse, or 1 animal unit = 20 rabbits).

The most common breakdown of parcel size area is by acre – only two municipalities, including Sturgeon County, use other breakdowns. Therefore, the comparisons in the table below are based on acre by acre area breakdowns, or equivalent.

In general, animal units per parcel size for municipalities is as follows:

PARCEL SIZE (acres)	ANIMAL UNITS Most common (50%)	ANIMAL UNITS Other (33%)	ANIMAL UNITS Other (16%)	STURGEON COUNTY
0.00 – 0.99	0	0	0	0
1.0 – 1.99	0	1	0	0
2.0 – 2.99	1	2	1	1
3.0 – 3.99	2	3	2	2
4.0 – 4.99	3	4	3	3

5.0 – 5.99	4	5	4	4
6.0 – 9.99	5	6	5	5
10+	5+*	6+*	5	5
20+	No limits	6+*	No limits	5

*The number permitted plus the number in excess of 10 acres. I.e: 13 acres = 10 acres (5 Animal Units) + 3 acres (2 animal units) = 13 acres (7 animal units).

Sturgeon County's animal unit allowances per parcel size are low in comparison to other municipalities.

Defining what constitutes a "single animal unit" is also mostly consistent across municipalities, although there are again some variations. The table below demonstrates how many animals, of what type, normally constitute a "single animal unit".

Number of animals constituting a single animal unit			
Animal Type	Most common #	Other #	Sturgeon County
Horse, donkey, mule or ass	1	2	1
Llama	1	N/A	5
Alpacas	2	N/A	5
Cow, Steer, or Swine	1	N/A	1
Calve(s), up to one year old	2	N/A	2
Chickens	15	N/A	N/A
Ducks, turkeys, pheasants, geese, similar fowl	10	N/A	10
Sheep	3	2	2
Goats	3	2	2
Rabbits or similar rodents	20	N/A	10
Ostriches, Emus, or Ratites	2	N/A	5
Broiler Chickens	50	N/A	N/A
Piglet(s), up to one year old	2	N/A	N/A
Elk, Bison, Buffalo	1	N/A	N/A
Pigs	1	N/A	N/A
Miniature Horses	3	N/A	N/A
Colt(s), up to one year old	N/A	N/A	1
Large controlled wildlife	N/A	N/A	1
Medium controlled wildlife	N/A	N/A	5
Small controlled wildlife	N/A	N/A	10

4.4 Additional Animals

Municipalities surveyed generally use one of three approaches when addressing the potential acquisition of animals beyond what is permitted (i.e.: extra animals):

- ❖ Development Permit or Extra Animal Permit at the discretion of a development officer, based on specific considerations that the development officer must examine. This was the most common approach.
- ❖ Variance provided by the municipality planning and development manager.
- ❖ No additional animals permitted. The outlined number of animals is the maximum – no variance opportunity. This was the least common approach.

Although issuing development permits is the most common option, review of historical bylaws (i.e.: 1970's) in comparison to more recent bylaws seems to indicate this trend is changing, with different systems and licenses in place to provide for these extra animals.

Additional discussion and deliberation has resulted in the following decision of approach:

- ❖ Refrain from utilizing development permits via the planning department to issue additional animal permissions. Planning & Development is not best familiar with animal enforcement or regulation and associated impacts. Departments such as Enforcement or Agricultural Services would be better suited for this.
- ❖ Develop a template for an *Additional Animal Permit* application.
- ❖ Determine the department to oversee these applications (Agricultural Services or Enforcement, most likely). This department can refer to other departments (i.e.: Planning & Development) for comment on these applications, much like subdivision applications are internally referred.
- ❖ Include provisions for these *Additional Animal Permits* in the updated Animal Bylaw.

4.5 Non-Traditional Animals

4.5.1 Alternative Pets

Increasing diversity and access to animals within municipalities has led to a wider variety of animals kept as domestic pets; these issues tend to be more prominent in larger cities and in municipalities bordering these cities. Several municipalities have developed ways to address these concerns. The strategies are outlined as follows:

- ❖ The City of Edmonton gives the officer reviewing animal applications a great amount of authority and selection. Various factors are considered by the officer (disease risk, size, threat, waste produced, location housed, etc.) and the officer may make a decision as to whether the animal can be kept as a pet within the boundaries of the city. Conditions may also be imposed upon the animal license to reduce adverse land use impacts of possessing the animal in the city.

- ❖ The Regional Municipality of Wood Buffalo has several classifications of pets that require licensing – these encompass many types of animals that a city may encounter. These categories include: dog, cat, bird, exotic, reptile, and other. A similar decision making criteria are outlined for officers deciding on whether any animal is suitable within the bounds of the municipality.

4.5.2 Prohibited Animals

Several municipalities maintain a list of prohibited animals; animals that are not permitted within the boundaries of the municipality. The most common (and often the only) animal on this list is a wild boar.

4.6 Chickens/Urban Hens

4.6.1 Overall Trend and Summary

The past few decades have seen a ban on small productive animals such as laying hens being permitted in urban regions. However, this trend has changed in the past several years, as research on agricultural productivity within cities has demonstrated great potential. As a result, many municipalities have begun urban hens pilots and implemented specific bylaws that allow for urban hen keeping.

Sturgeon County has seen a large and consistent increase in the number of residents in residential, multi-lot subdivisions inquiring and requesting the ability to have urban hens.

4.6.2 Basic Guidelines

To ensure that land use impacts are minimized, the following guidelines, restrictions, and parameters also usually apply to urban hens:

- ❖ Applicants must first obtain a chicken license or urban hen license from the municipality.
- ❖ No roosters are permitted; female hens only, as female hens produce minimal noise. Most noise associated with chickens comes from the males.
- ❖ Chickens must not roam free on the property; they must be confined to their chicken coops or runs.
- ❖ No on-site slaughtering or burying of chickens is permitted.
- ❖ The coop must be in satisfactory condition, at the discretion of an enforcement officer, and be free of vermin, obnoxious smells and substances.

4.6.3 Size of Coops & Runs

Coop and run size minimums are provincially regulated. By provincial regulations, the minimum coop size is 50 square feet and 2 meters in height, and the minimum run area is 100 square feet.

A municipality may implement more stringent standards if there is a reasonable land-use related reason to do so.

4.6.4 Number Allowed

Generally, a minimum of 3 to a maximum of 6 hens is required and permitted in order to have a urban hen coop within the areas where this is permitted.

Having only one urban hen has been found to cause problems for the hen, leading to increased chances of illness and death due to the clinical problems arising from non-companionship. To avoid these issues, most municipalities require a minimum of two or three hens if a person keep chickens in an urban area.

4.6.5 Locations Permitted

Generally, specific zones (i.e.: for Sturgeon County, the “R’s”: R1, R2, R3 and R4) are permitted to have urban hens. Selection of the specific zones and areas is based on the suitability of the location from a land use impact perspective where small coops and runs may fit within the setbacks of the parcel in a rear yard.

The location of the coops and runs is also restricted to a rear yard, or an area where the coop is the least visible from the property line.

Additionally, setbacks apply. These may be the same for all hen coops, vary from district to district, or be the same as other setbacks for structures in a district.

The hen coop and run, and any other associated structures, must be:

- (i) *“a minimum of 0.9 m from a side property line;*
- (ii) *a minimum of 18.0m from a front property line;*
- (iii) *a minimum of 0.6m from the rear property line; and,*
- (iv) *a minimum of 0.9m from any other buildings on the site.”*

~City of Edmonton, Urban Hens Pilot Project

4.6.6 Application Process

In most municipalities, the application involves completing and submitting a respective application form to the designated authority overseeing urban hen applications. The applicant must submit the following alongside their completed application form:

- **A site plan**, demonstrating the proposed location of the coop and run, the dimensions of the chicken coop and run, setbacks from the property line as well as from any other structures/buildings on the property (including the distance between the house and coop, distance between the coop and garage, and any other structures on site);
- **Hen Specifications**, including the number, age, and breed of hens.
- **Recommended:** certification of completion of an urban hen keeping course. Most municipalities provide links to resources through linked pages on the municipality urban hens page.

Once this preliminary application is approved, the applicant will be provided with a **preliminary license**, which allows them to build their chicken coop and run (note: extra building permits may be required), and acquire a Premise Identification (PID) number. The PID is a requirement of the Province of Alberta's Animal Health Act, and requires owners of *any and all* poultry (including small urban flocks) to have a PID account and PID number, parts of a system designed to address potential threats of disease outbreaks that could affect animal health, public health and food. The requirement for a PID is no different than for standard chicken farms, CFOs, etc.

4.6.7 Process

Once a chicken run and coop are constructed, and a PID has been acquired, the municipality will conduct a site inspection and verify that all structures meet required standards. A **final chicken license** will then be issued, allowing the applicant to acquire their chickens and keep them on property. An applicant is subject to inspections from enforcement upon complaints or for regular check ins.

5.0 Conclusion

5.1 Additional Items

Communication from employees at other municipalities was gained through this report via both email and telephone.

Important pieces of information were obtained that may help Sturgeon County with the bylaws it intends to bring forward at some point.

5.1.1 Issues with AG Residents and Community Standards Bylaws – Leduc County

Telephone conversation with officer Clarence Nelson.

Leduc County attempted to pass community standards bylaws in 2015. They went through a year long process with consultation and discussion to produce a draft community standards bylaw. There were many exemptions for AG residents, and in most areas, the bylaws did not apply to AG zoned parcels. However, these residents were still very concerned they would be negatively affected; the overarching feeling towards this bylaw by rural residents was fear. This fear quashed the bylaw when it went to Council – Council felt that passing it would be a suicide mission of sorts. The community standards bylaw was not passed.

Instead, a watered down “urban standards bylaw,” which only applies to two very small hamlets (New Sarepta and East Vistas), was passed.

Sturgeon County should use this knowledge wisely and use effective and cautious language when advertising and discussing this bylaw, taking care to emphasize and explain clearly in layman’s terms how this legislation will exempt AG zoned parcels and operations.

5.1.2 Urban Animals – Strathcona County

Telephone conversation with Dianna, Senior Advisor of AG Initiatives – Liaises with P&D and AG to help implement the new AG Master Plan and collaborate between the two departments.

(Special note: said she was happy to assist us and answer questions in the future. Also provided Strathcona County’s background research on urban hens to us to use.)

Strathcona County will be, in the future, changing their animal bylaw to also deal with alternative animals and pets. They are not especially concerned with it as an urgent matter, however, because there is a lot of provincial legislation that outlines what a person can and cannot possess as a pet (i.e.: it is not up to the municipality to say that a resident cannot have an alligator as a pet).

5.1.3 Fees and Penalties

Fees and penalties charts are typically included with each bylaw.

A survey of a random 50% of municipalities involved in this report was conducted, and fines and penalties for offenses were calculated (averages, ranges, and medians). This table provides three analyses of the fine charges for each offense: the mean (average) fine charge, the median (middle) fine charge, and the range (low to high) of fine charges. These values are intended to give an idea of the distribution and variety in fee charges for each offense.

Note that the specific offenses listed in each municipality can vary greatly; this table is not exhaustive and many other specific fees may be listed. This table simply shows the averages for most commonly recurring fees and penalties across municipalities.

Common Fees and Penalties for Bylaw Offenses			
Offense	Penalty (average)	Penalty (Median)	Range
Unlisted contravention of Animal Bylaw	287.50	287.50	75.00 – 500.00
Failure to Comply with Order	300.00	300.00	250.00 – 350.00
Nuisance Animal (Howling, barking, or causing other nuisance or problem)	466.00	500.00	400.00 – 500.00
Nuisance Animal (Bite, attempt to bite, chase, or cause injury or harm)	2,000.00	2,500.00	1,000.00 – 2,500.00
Obstruct a Peace Officer	1,625.00	1,750.00	500.00 – 2,500.00
Exceed Animal Units without valid permit	500.00	500.00	500.00 – 500.00
Failure to Contain Animals as required	525.00	425.00	250.00 – 1,000.00
Tormenting or Causing Harm to Animal	1,375.00	1,250.00	500.00 – 2,500.00
Noise Infraction	370.00	250.00	200.00 – 700.00
Noise – General, not listed	300.00	300.00	300.00 – 300.00
Noise – Vehicle Infraction	500.00	500.00	300.00 – 700.00
Community Standards – General, not listed	375.00	375.00	250.00 – 500.00
Unsightly Contravention	666.00	500.00	500.00 – 1,000.00
Litter or Dumping	600.00	600.00	500.00 – 700.00
Failure to Comply with Remedial Order	750.00	750.00	500.00 – 1,000.00

5.2 Conclusion

The initial version of this report (1.0) was a preliminary investigation into community standards, animal, and urban hens bylaws across Alberta.

Following the meeting on July 17th, the was decision to move forward with additional extensive and concluding research, forming this report (version 2.0). The following deliverables, aligning with the research in this report and the decided direction, were also to be created:

- ❖ Community Standards Bylaw *[draft]*
- ❖ New Animal Bylaw *[draft]*
- ❖ Urban Hens Bylaw *[draft]*
- ❖ Additional Animals Application Form
- ❖ Urban Hens Application Form
- ❖ Domestic Pets Application Form

References & Resources

- ❖ Athabasca County: <http://www.athabascacounty.com/>
- ❖ County of Barrhead No. 11: <http://www.countybarrhead.ab.ca/>
- ❖ Beaver County: <http://www.beaver.ab.ca/>
- ❖ Municipal District of Bighorn No. 8: <http://mdbighorn.ca/>
- ❖ Camrose County: <http://www.county.camrose.ab.ca/>
- ❖ Clearwater County: <http://www.clearwatercounty.ca/>
- ❖ County of Grande Prairie: <http://www.countygp.ab.ca/>
- ❖ City of Edmonton: <https://www.edmonton.ca/>
- ❖ Municipal District of Foothills No. 31: <https://www.mdfoothills.com/>
- ❖ Lac St. Anne County: <http://lsac.ca/>
- ❖ Lacombe County: <https://www.lacombecounty.com/>
- ❖ Leduc County: <https://www.leduc-county.com/>
- ❖ Municipal District of Lesser Slave Lake: <http://www.slavelake.ca/>
- ❖ Lethbridge County: <http://www.lethcounty.ca/>
- ❖ Parkland County: <https://www.parklandcounty.com/en/index.aspx>
- ❖ Red Deer County: <http://rdcounty.ca/>
- ❖ Regional Municipality of Wood Buffalo: <http://www.rmwb.ca/>
- ❖ City of St. Albert: <https://stalbert.ca/>
- ❖ Strathcona County: <https://www.strathcona.ca/>
- ❖ Westlock County: <https://www.westlockcounty.com/>
- ❖ Wetaskiwin County: <http://www.county.wetaskiwin.ab.ca/>
- ❖ Wheatland County: <https://wheatlandcounty.ca/>
- ❖ Woodlands County: <https://woodlands.ab.ca/>
- ❖ Contacts at selected municipalities
- ❖ Natural Resources Conservation Board: <https://www.nrcb.ca/>

DRAFT

BYLAW 1433/19 COMMUNITY STANDARDS BYLAW STURGEON COUNTY, MORINVILLE, ALBERTA

BEING A BYLAW OF STURGEON COUNTY TO REGULATE NEIGHBOURHOOD NUISANCE, SAFETY AND LIABILITY ISSUES

BYLAW 1433/19 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA, FOR THE PURPOSE OF REGULATING NEIGHBOURHOOD NUISANCE, SAFETY AND LIABILITY ISSUES.

WHEREAS the Municipal Government Act, RSA 2000 c. M-26 authorizes a municipality to pass Bylaws respecting the safety, health and welfare of people and protection of people and Property;

AND WHEREAS the Municipal Government Act, RSA 2000 c. M-26 authorizes a municipality to pass Bylaws respecting nuisances, including Unsightly Property;

AND WHEREAS the Municipal Government Act, RSA 2000 c. M-26 authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

AND WHEREAS Sturgeon County deems it desirable to establish regulations which maintain and improve neighbourhood livability, and for these to be located in a single bylaw to the extent this is possible;

NOW THEREFORE BE IT RESOLVED that the Council of Sturgeon County duly assembled and under the authority of and pursuant to the provisions of the Municipal Government Act, as amended, hereby enacts the following:

PART I – INTERPRETATION AND DEFINITIONS

- 1(1) This Bylaw may be cited as the “Community Standards Bylaw.”
- 1(2) This Bylaw shall apply only to lands districted Residential (i.e. R1 – R6) in accordance with Sturgeon County’s Land Use Bylaw.
- 1(3) In this Bylaw:
 - a. “Agricultural Practices” means a practice that is conducted in a manner consistent with appropriate and accepted customs and standards as established and followed by similar agricultural operations under similar circumstances, and without restricting the generality of the foregoing includes the use of innovative technology used with advanced management practices.
 - b. “Building” means the process of constructing a Structure.
 - c. “CAO” means the Person designated by Council as the Chief Administrative Officer or that Person’s designate.
 - d. “Crossbow” means an item, as defined by SOR/98-482, that:
 - a. is designed or altered to be aimed and fired by the action of one hand, whether or not it has been redesigned or subsequently altered, to be aimed and fired by the action of both hands; or

- b. has a length not exceeding 500mm.
- e. "Compost" means the managed practice of recycling organic material including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner.
- f. "Construction" means the temporary process of demolishing or building any Structure or repairing or improving a Structure that already exists, including landscaping, home repairs, Property improvement, and any work in connection with that process.
- g. "Council" shall mean the Municipal Council of Sturgeon County.
- h. "County" means the municipality of Sturgeon County.
- i. "Court" means the Provincial Court of Alberta.
- j. "Cultivation" means prepare and use land to raise crops by ploughing, planting seeds and taking care of growing plants.
- k. "Designated Officer" means an individual who is a designated Bylaw Enforcement Officer or Peace Officer, or Inspector appointed under the Alberta Weed Control Act, or ~~and/or~~ such other person as may be appointed by the Chief Administrative Officer (CAO).
- l. "Enforcement Officer" means a Bylaw Enforcement Officer appointed by Sturgeon County pursuant to the Municipal Government Act; RSA 2000 c. M26 to enforce the County Bylaws, or a member of the Royal Canadian Mounted Police.
- m. "Fence" means a vertical physical barrier constructed for the purposes of marking a boundary, limiting visual intrusion, preventing unauthorized access, or sound abatement. ~~includes a privately built Fence developer built community screening Fence.~~
- n. "Firearm" as defined in the Criminal Code of Canada, Section 2 (or amendments thereto), means a barrelled weapon from which any shot, bullet or other projectile can be discharged with velocity exceeding 500 ft/sec and that is capable of causing bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm. For application of this Bylaw this definition includes Crossbows.
- o. "Good Repair" means a condition where something is free from significant damage or disrepair, including but not limited to broken or missing parts, rot, peeling or chipping surfaces, or other physical deterioration.
- p. "Graffiti" means any images or lettering, applied to an Owner's Property without their consent.
- q. Hazardous Tree' means a destabilized or structurally compromised tree, or a tree with pest infestation, with a probability of failure that, in the opinion of a certified arborist, or in the opinion of a Designated Officer presents a significant risk of harm to people or property; or
 - (i) A tree that, in the opinion of an arborist or a Designated Officer:
 - a. Cannot have its life prolonged or be made safe through Good Arboricultural Practice; or
 - b. Is in a state of irreversible decline and is unlikely to become healthy through natural process of recovery; or
 - Is a threat to the surrounding natural environment
- r. "Highway" means:
 - (i) 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;

- (ii) a sidewalk, including a boulevard adjacent to the sidewalk;
 - (iii) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - (iv) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or 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 highway. This includes highways owned and managed by Sturgeon County.
- s. "Industrial Fluids" includes, but is not limited to engine oil, brake fluid, anti freeze or hydraulic fluid.
 - t. "Land Use Bylaw" means Sturgeon County's Land Use Bylaw as amended or replaced from time to time.
 - u. "Landscaping" means work undertaken to make a yard or other piece of land more attractive by altering the existing design, adding ornamental or aesthetic features, and planting vegetation.
 - v. "Motor Vehicle" means a Motor Vehicle as defined in the Traffic Safety Act, RSA 2000, c T-6 as amended.
 - w. "Municipal Government Act (MGA)" means the Municipal Government Act, RSA 2000, c. M-26, and any amendments or successor legislation along with its associated regulations, as amended or replaced from time to time.
 - x. "Naturalization" means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate planting of species to emulate a natural area.
 - y. "Nuisance Animal" means any animal identified in the Pest and Nuisance Control Regulation 3(1) under the Agricultural Pests Act, including coyotes and skunks.
 - z. "Occupant" means any Person other than the registered Owner who is in possession of the Property, including but not restricted to, a licensee, lessee, tenant, or agent of the Owner.
 - aa. "Open Compost Pile" means a Composting site which is not fully contained in a Structure.
 - bb. "Order" means an Order as described in Section 545 or 546 of the Municipal Government Act, or Part 2 of this Bylaw.
 - cc. "Owner" means the Person who is:
 - i. Registered on the title of a Property at a land titles office;
 - ii. A Person who is recorded as the Owner of the Property on the County's assessment roll;
 - iii. A Person controlling the Property under construction, should the property be under construction;
 - iv. A Person who is the Occupant of the Property under a lease, license or permit.
 - dd. "Park" means those reserve lands, recreational lands, and other lands within Sturgeon County boundaries which are owned by or controlled by the County.

- ee. "Person" means a corporation, individual, heirs, executors, administration, or other legal representatives of an individual.
- ff. "Property" means any land, Structures, or premises, or any Personal Property located thereupon within the municipal boundaries of the County.
- gg. "Recreational Vehicle" means a wheeled structure designed to provide seasonal and/or temporary living quarters for travel or recreational purposes which may or may not be a motor vehicle itself. Typical examples are travel trailers, motor homes, truck campers and tent trailers.
- hh. "Renovation" refers to Building.
- ii. "Residential District" refers to any district that is intended for residential use under Sturgeon County's current Land Use Bylaw.
- jj. "Structure" includes anything, permanent or temporary, constructed or placed on, in, over, or under land.
- kk. "Trailer" means a trailer as defined in the Traffic Safety Act, RSA 2000, c. T-6 as amended.
- ll. "Unightly" means:
 - i. In respect of a Structure, a Structure whose exterior shows signs of significant physical deterioration, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighborhood, and
 - ii. In respect of land, land that shows signs of serious disregard for general maintenance and upkeep, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighborhood.
- mm. "Vegetation" means trees, shrubs, vines, and all other plants.
- nn. "Work Forces" includes employees of Sturgeon County and Persons under contract to Sturgeon County.

PART II – ORDERS

Orders

- 2(1) Every Order written with respect to this Bylaw must:
- a. Indicate the person to whom it is directed;
 - b. Identify the Property to which the Order is related by municipal address or legal description;
 - c. Identify the date it was issued;
 - d. Identify how the Property fails to comply with this or other Bylaws;
 - e. Identify the specific provisions of the Bylaw the Property contravenes;
 - f. The actions that must take place to bring the lands or activity into compliance or remedy;
and
 - g. Timeline of when the order must be carried out.

PART III – ENFORCEMENT

General Provisions

- 3(1) A Person who contravenes this Bylaw by:

- a. Doing any act or thing which the Person is prohibited from doing; or,
- b. Failing to do any act or thing which the Person is required to do;

is guilty of an offence.

- 3(2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine, imposed to a period of imprisonment not exceeding six (6) months.
- 3(3) No person shall obstruct a Designated Officer or Enforcement Officer, ~~Peace Officer~~ in the performance of their duties pursuant to this bylaw. Obstruction will include failure to provide access to property and failure to provide information as to identity of individuals.

Orders to Comply

- 3(4) Where a property in Sturgeon County is deemed by a Designated Officer to be in contravention of this Bylaw, the Officer may, at their discretion, prior to issuing a violation ticket, issue an Order under the Municipal Government Act, to the Person who is in contravention with this Bylaw.
- 3(5) Such an order may require that the Person:
- a. In the case where the Property is found to be Unsightly, a Nuisance, or a contravention of this Bylaw in a similar manner, the Officer may order a cleanup of the lands or premises and may further direct the Person to clean the lands or premises in such a manner that this Bylaw is, and continues to be, complied with
 - b. Take other required action to ensure that the contravention of this Bylaw no longer continues.
 - c. Orders (ie: Weed Notices) may be issued via regular mail and if not returned, are deemed received after seven days.
- 3(6) The Designated Officer who issues such an Order in writing must specify a deadline for compliance and may provide specific instructions to be followed when remedying the Nuisance.
- 3(7) The Designated Officer may provide a deadline for compliance with this Bylaw to be achieved, allowing up to fourteen (14) days for compliance, or an additional period of time where extenuating circumstances justify such an extension, at the discretion of the Designated Officer.
- 3(8) If the Owner or Occupant fails, neglects, or refuses to remedy a contravention of this Bylaw within the specified time period as directed by a Designated Officer's order, the specified officer may:
- a. Issue a violation ticket imposing a payment or fine as outlined in Sections 3(9) through 3(12) of this Bylaw;
 - b. Cause to be done any work necessary to remedy the condition with all costs and expenses involved being charged to the Owner of the Property in question, with any unpaid costs and expenses being added to the tax roll of the Property to be recovered in like manner as, and with, other taxes, pursuant to the Municipal Government Act.

- 3(9) Where a Person makes application pursuant to other Bylaws and Policies belonging to Sturgeon County and receives a valid permit pursuant to such a Bylaw or Policy, the issuing manager or their delegate may waive any requirement of this Bylaw, impose any conditions on the issuance or use the permit as they consider appropriate.

Penalties and Violation Tickets

- 3(10) Where an Enforcement Officer or Designated Officer believes that a Person has contravened any provision of this Bylaw, the Enforcement Officer or Designated Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the Provincial Offences Procedure Act RSA 2000, c P-24.
- 3(11) Where a specified penalty exists for an offense, as listed in Schedule "A" of this Bylaw, that is the amount to be charged as penalty for the offence.
- 3(12) Notwithstanding Section 3(10) or the specified and minimum penalties set out in Schedule "A" of this Bylaw:
- a. If a Person is convicted twice of contravening the same provision of this Bylaw within a twenty-four (24) month period, the minimum penalty for the second conviction shall be twice the amount of the specified penalty for a first offence;
 - b. If a person is convicted three or more times of contravening the same provision of this Bylaw within a twenty-four (24) month period, the minimum penalty for the third and subsequent convictions shall be triple the amount of the specified penalty for the first offence.
- 3(12) This section does not prevent any Enforcement Officer or Designated Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, RSA 2000 c. P-24 or from laying an information in lieu of a violation ticket.

PART IV – UNSIGHTLY

Scope

- 4(1) Nothing in this Part shall prevent bona fide agricultural practices.
- 4(2) Nothing in this Part shall affect any land designated by Sturgeon County as a sanitary landfill site, recycling centre, or other waste management facility.
- 4(3) Nothing in this Part shall prohibit a Property Owner from undertaking Naturalization efforts.

General Provisions

- 4(4) No Owner or Occupant of a Property shall allow the Property which they own or occupy to be in an unsightly condition, as defined in Section 1(3).

Accumulation of Materials

- 4(5) No Owner or Occupant of a Property shall allow on the Property, the accumulation of:

- a. Materials that create odours of any kind; or
 - b. Animal remains, parts of animal remains, or animal feces; or
 - c. Any material likely to attract animals, pests, or wildlife; or
 - d. Waste that remains on the property for a period of longer than three (3) weeks.
- 4(6) No Owner or Occupant of a Property shall allow the open or exposed storage on the Property of any industrial fluid, including engine oil, brake fluid, antifreeze, or hydraulic fluid.
- 4(7) No Person, Owner, or Occupant of a Property shall allow the following to accumulate on the Property such that the accumulation is visible to a Person viewing from outside the Property:
- a. Loose garbage;
 - b. Bottles, cans, boxes, or packing materials;
 - c. Household furniture or other household goods;
 - d. Automobile parts;
 - e. Parts of or disassembled machinery, equipment, or appliances; or
 - f. Refuse.

Appliances

- 4(8) No Owner or Occupant of a Property shall allow a refrigerator, freezer, washer or dryer to remain on the Property without first ensuring that the hinges and latches or lid or doors of the unit have been removed.
- 4(9) No Owner or Occupant shall allow any appliance to remain on the property such that the appliance is visible to a Person viewing from outside the Property.
- 4(10) Notwithstanding Section 4(8), it shall not be an offence for an Owner or Occupant of a Property to allow one or more refrigerators, freezers, washer, or dryer on a Property:
- a. If the specified appliance is not visible to a Person viewing from outside the Property; and
 - b. The specified appliance remains locked at all times with a padlock and key, or similar device.
- 4(11) Notwithstanding Section 4(9), nothing shall prohibit an Occupant or Owner of a Property from maintaining, in Good Repair, an appliance that is conventionally used and stored outdoors, including but not limited to, an appliance such as a barbeque.

Outdoor Storage of Building Materials

- 4(11) No Owner or Occupant of a Property shall permit on the Property, the accumulation of building materials, whether new or used, unless the Owner or Occupant can establish that a Construction or Renovation is taking place on the Property and that:
- a. The Construction or Renovation is currently taking place; or

- b. The Construction or Renovation is imminent; or
 - c. The Construction or Renovation has been recently completed; and
 - d. The materials found on the Property relate to the project taking place on the Property, in an amount reasonable for the size and scope of the project; and
 - e. The work on the project has not been suspended for a period in excess of one hundred and eighty (180) days; and
 - f. The project has a definite completion date.
- 4(12) The Owner or Occupant of a Property shall ensure that all Building materials stored on a Property, that are in agreement with the conditions of Section 4(11), are stored in an orderly and organized manner.
- 4(13) Notwithstanding the provisions of this Bylaw, it shall not be an offence to store a small amount of neatly stacked materials on a Property for basic Property maintenance.

Yards and Landscaping

- 4(14) Any Vegetation or Landscaping on a property must be maintained and kept from becoming Unsightly.
- 4(15) Vegetation on a Property shall be maintained so it does not exceed a height of fifteen (15) centimeters, except for Vegetation that is part of a maintained and intentional Naturalization or Landscaping effort.
- 4(16) Owners or Occupants of a Property shall remove or prune trees, hazardous trees, shrubs, or other landscaping that is considered to be a hazardous or in any way interferes with or endangers the lines, sidewalks, poles, conduits, pipes, sewer, or other works of Sturgeon County or a public utility.

Nuisance Escaping Property

- 4(17) 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 towards an adjacent Property if it is likely that the water from the hose or similar device will enter the adjacent Property.
- 4(18) An Owner or Occupant of a Property shall direct any rainwater downspout or eavestrough on the Property towards the front or rear of the Property or a side yard which does not abut another Property, unless it is pre-existing, otherwise authorized, or would be considered unreasonable or impractical to change.
- 4(19) No Owner or Occupant of a Premises shall allow a flow of water from a hose or similar device, downspout, or eavestrough to be directed over a public sidewalk to be a hazard to any Person or another Person's Property.

PART V – VEHICLES

Scope

- 5(1) Nothing in this Part shall prevent bona fide agricultural practices.

General Provisions

- 5(2) The Owner or Occupant of a Property shall not allow the number of Recreational Vehicles stored on that Property to exceed the number of Recreational Vehicles permitted as outlined with Sturgeon County's Land Use Bylaw.
- 5(3) At no time shall a Motor Vehicle or Recreation Vehicle be stored in any front yard other than in a parking area where Motor Vehicles or Recreational Vehicles are intended to be parked.
- 5(4) Any Motor Vehicles stored on the property in accordance with Part 5 of this Bylaw shall be kept in a state of Good Repair.
- 5(5) No more than (2) dilapidated, derelict or inoperable Motor vehicles, whether or not insured or registered, may be allowed on any Property and includes the Owner or Occupier's Property. Such Motor Vehicles shall be covered by tarpaulin or placed in an approved structure in accordance with the Land Use Bylaw.

PART VI – NOISEScope

- 6(1) The standards, requirements, and prohibitions contained in this Part shall not apply to:
- a. The sounding of alarm(s) or warning(s) announcing fires or other emergencies;
 - b. The ringing of bells in religious assembly, and schools;
 - c. The use of signalling devices on vehicles in the normal operation of these vehicles for the purpose of providing warning to other vehicles or persons.
- 6(2) Nothing in this Part shall prevent bona fide agricultural practices.

General Provisions

- 6(3) Except as authorized pursuant to this Bylaw, no person shall make or allow to be made or continue any noise which emanates from the Property and could be reasonably understood to disturb, injure, annoy, or detract from the reasonable comfort of a Person, including any loud outcry, clamour, shouting, movement, music or activity between the hours of 11:00 pm and 07:00 am.
- 6(4) Except as authorized pursuant to this Bylaw, no person shall make or allow to be made or continue any noise on Public Property that could be reasonably understood to disturb, injure, annoy, or detract from the reasonable comfort of a Person, between the hours of 11:00 pm and 07:00 am.
- 6(5) Except as authorized pursuant to this Bylaw, no Person shall make or allow to be made or continue any noise on Public Property that is unreasonably disruptive to the surrounding community and that could be reasonably understood to disturb, injure, annoy, or detract from the reasonable comfort of a Person, at any time of day.

- 6(6) Whether any sound annoys or disturbs a Person, or otherwise constitutes reasonable objectionable noise, is a question of fact to be determined by a Designated Officer or Enforcement Officer issuing a warning or other enforcement measures as outlined in Part III of this Bylaw, or by a Court hearing a prosecution pursuant to this section of the Bylaw.

Motor Vehicle Noise

- 6(7) No Owner, or Occupant of a Property shall allow a Motor Vehicle located on the Property to emit excessive noise which is unreasonably disruptive to the surrounding community, including noise from excessive engine revving and stereo and amplification equipment within the Motor Vehicle.
- 6(8) A Person who owns, occupies, or controls a Motor Vehicle must not, at any time, allow it to remain running for longer than twenty (20) minutes when it is stationary in a Residential District. This time restriction shall not apply when the outdoor temperature is at or below - 15°C.

Residential Activity Noise

- 6(9) Between the hours of 11:00 pm and 07:00 am, no Person shall operate:
- A lawnmower of any type;
 - A motorized garden tool;
 - A powered tool beyond the limits of any Structure;
 - A snow clearing device operated by a motorized engine; or
 - A motorized snow or leaf blowing device.
- Additionally, between these hours, no person shall:
- Load or unload any vehicle in a manner that produces noise audible within the Structures, particularly dwellings, on adjacent properties.
- 6(10) Nothing in this Part shall prohibit a person unloading a Motor Vehicle, at any time, that contains:
- Fresh produce or perishable goods; or
 - Newspapers being delivered.

Non-Residential Activity Noise

- 6(11) No Person shall, between the hours of 11:00 pm and 07:00 am, carry on construction of any type which creates a sound which may be heard beyond the boundaries of the site on which the activity is being carried out.

PART VII – GENERAL MAINTENANCE

Scope

- 7(1) Nothing in this Part shall prevent bona fide agricultural practices.

General Provisions

- 7(2) No Owner or Occupant of a Property shall allow a fence, Structure, or any other object to become a safety hazard.
- 7(3) Every Owner or Occupant of a Property shall keep the following in a state of Good Repair:
- a. Fences and related parts;
 - b. Structures and their related parts, including but not limited to:
 - i. Foundations and foundation walls;
 - ii. Roofs and their frames;
 - iii. Doors and their frames;
 - iv. Windows;
 - v. Exterior facing, finishing, and other surfaces of a Structure or Fence; and
 - vi. Exteriors components including stairs, decks, pools, porches, and any other object on the property.

PART VIII – GRAFFITIGeneral Provisions

- 8(1) No Person shall create or apply Graffiti to any object on their or another Person's Property.
- 8(2) Every Owner or Occupant of a Property shall ensure that Graffiti applied to any part of their Property or any object on their Property is removed, painted over, or in some other manner blocked from public view.

PART IX – REGULATION OF COMPOSTINGScope

- 9(1) Nothing in this Part shall prevent bona fide agricultural practices.

General Provisions

- 9(2) No Owner or Occupant of a Property shall place or allow to be placed any amount of feces, animal parts or animal meat on a Compost pile or in a Compost container on the Property.
- 9(3) No Owner or Occupant of a Property shall allow an open Compost Pile on their Property within ten (10) metres of an adjacent dwelling house, measured from the nearest part of the open Compost Pile to the nearest part of the adjacent dwelling house.
- 9(4) Every Owner or Occupant who allows a Compost container or Compost pile to remain on the Property must ensure that it is maintained in such a manner that it does not create a nuisance by:
- a. Creating offensive odours;
 - b. Affecting the land of an adjacent Property; or
 - c. Attracting Nuisance Animals.

PART X – DISPOSAL AND NEIGHBOURING PROPERTIES

- 10(1) No person shall dump or dispose of any rubbish, garbage, waste, either liquid or solid, petroleum products, industrial or commercial waste products or by-products, sump discharge, or other products in such a manner that the disposal ends up on another Person's Property.

PART XI – LIGHTS

Scope

- 11(1) Nothing in this Part shall prevent bona fide agricultural practices.

General Provisions

- 11(2) No Owner or Occupant of a Property shall permit outdoor lights to shine directly into the living or sleeping areas of another dwelling.
- 11(3) An outdoor light shall not constitute a violation of Section 11(2) if the Owner or Occupant of the Property shields the light from shining directly at the living or sleeping area of the adjacent dwelling house.
- 11(4) Where an outdoor light is permitted or required pursuant to the Land Use Bylaw, and a valid development permit is issued for the light if necessary, the Land Use Bylaw, development, or other approval shall take precedence over Part 11 of this Bylaw.

PART XII – USE OF FIREARMS

- 12(1) The use or discharge of firearms is strictly prohibited.

Part XII - EXERCISE OF DISCRETION

- 13(1) Sturgeon County has the discretion to enforce this Bylaw and is not liable for any outcomes should an Officer or other municipal authority decide not to enforce this Bylaw, if acting in good faith.

PART XIV – COST RECOVERY

- 14(1) The expenses and costs incurred by the County and any of its work forces in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll of the Property that is subject of the enforcement proceeding under this Bylaw, in accordance with the Municipal Government Act.

PART XV – MISCELLANEOUS

- 15(1) Schedule A attached hereto forms part of this Bylaw.

PART XVI – SEVERABILITY

- 16(1) If at any time, any provision of this Bylaw is held to be invalid, illegal, or ultra vires by a decision of a Court, then that provision shall not apply, and that decision shall not affect the validity of the remaining portions of this Bylaw, which shall continue in full force and effect.

PART XVII – TRANSITION

- 17(1) Upon the coming into force of this Bylaw, Bylaw 617/88 is repealed.
- 17(2) Upon the coming into force of this Bylaw, Bylaw 606/87 is repealed.

PART XIX – EFFECTIVE DATE

- 18(1) This Bylaw shall come into force and effect upon the passing of the third and final reading and signing of the bylaw.

Read a first time this ____ day of ____, 20__.

Read a second time this ____ day of ____, 20__.

Read a third time this ____ day of ____, 20__.

MAYOR

COUNTY COMMISSIONER (CAO)

DATE SIGNED

SCHEDULE "A"

Section	OFFENCE	Specific Penalty
3(3)	Obstruct Designated Officer or Enforcement Officer	\$1,000.00
4(5)	Accumulation of material (odour, animal remains, Waste)	\$500.00
4(6)	Open or exposed storage Industrial Fluids	\$500.00
4(7)	Accumulation of material visible from outside Property	\$500.00
4(8)	Fail to remove hinges and latches or lid or doors from refrigerator or freezer	\$500.00
4(9)	Appliance on Property visible from outside Property	\$500.00
4(10)	Accumulation of Building materials	\$500.00
4(11)	Building materials not stored in orderly and organized manner	\$500.00
4(14)	Unmaintained Vegetation or Landscaping	\$500.00
4(15)	Grass and Weeds exceeding height of 15 centimetres	\$500.00
4(16)	Failure to remove or prune trees, shrubs or other landscaping that in any way interferes with or endangers lines, sidewalks, poles, conduits, pipes, sewer, or other works of the municipality or public utility	\$1,000.00
5(2)	Exceeding permitted number of stored recreational vehicles	\$250.00
5(3)	Storing or parking Motor Vehicle or Recreation Vehicle in front yard other than in an intended parking area	\$250.00
5(5)	More than (2) dilapidated, derelict or inoperable Motor vehicles	\$500.00
6(3)	No Person shall make or allow to be made or continue any noise which emanates from Property	\$500.00
6(4)	No person shall make or allow to be made or continue any noise which emanates from Public Property	\$500.00
6(5)	No Person shall make or allow to be made or continue any noise on Public Property that is unreasonably disruptive to the surrounding community	\$500.00
6(7)	Allowing Motor Vehicle on Property to emit noise which is disturbing annoys a Person	\$500.00
6(8)	Allowing vehicle to remain running longer than 20 minutes where not permitted	\$250.00
6(9)	Residential activity - Operating equipment outside permitted hours	\$500.00
6(11)	Non-Residential activity – Construction conducted outside permitted hours	\$500.00
7(2)	Allowing Fence, Structure or other object to become a safety hazard	\$500.00
7(3)	Failing to keep items on Property in state of Good Repair	\$500.00
8(1)	No Person shall create or apply Graffiti	\$500.00
8(2)	Failure to remove, paint over or block Graffiti from public view	\$500.00
9(2)	Placing feces or animal parts in Compost pile or container	\$500.00
9(3)	Placing Compost within ten (10) metres of adjacent dwelling	\$500.00

9(4)	Failure to maintain Compost pile in such a manner so that it does not create a Nuisance	\$500.00
10(1)	No Person shall dump, dispose of any rubbish, garbage, waste, either liquid or solid etc on another Person's Property	\$1,000.00
11(2)	Allowing lights to shine directly into the living or sleeping areas of another dwelling	\$500.00
12(1)	Use and or Discharge of Firearm	\$1,000.00