



**MUNICIPALITY OF HIGH LEVEL
BYLAW NO. 976-18**

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26 (hereinafter referred to as “the Act”), as amended, provides that a municipality may pass a bylaw for municipal purposes of the safety, health, and welfare of people, and the activities in, on or near public places as well as the protection of people, public and property, and;

WHEREAS the Council of the Town of High Level, in the Province of Alberta, deems it appropriate to establish a bylaw regulating certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises and disturbances to the public,

NOW THEREFORE the Council of the Town of High Level, in the Province of Alberta, duly assembled, hereby enacts as follows:

SHORT TITLE

1. This bylaw shall be called the “Community Standards Bylaw”.

DEFINITIONS

2. In this bylaw, unless context otherwise requires, the following definitions shall apply:
 - (a) “Aggressive manner” means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security.
 - (b) “Contractor” means a person or persons or corporation hired for or by a person or corporation for the purposes of but not limited to constructing or renovating buildings and other structures, providing services such as lawn cutting, maintenance and other landscaping.
 - (c) “Council” means the Council of the Town of High Level, elected pursuant to the Local Authorities Election Act, Revised Statutes of Alberta.
 - (d) “Debris” means waste material such as building or construction material, or refuse arising from building construction or development.
 - (e) “Designated Officer” means the Chief Administrative Officer, Acting Chief Administrative Officer, or any other designate or delegate of the Chief

Administrative Officer designated or delegated to perform the duties of the Designated Officer.

- (f) **“Development Authority”** means any person, department or corporation designated by the Town of High Level to provide administration, enforcement or action under the Land Use Bylaw of High Level.
- (g) **“Disturbance”** means actions, behaviours or conduct that is likely to cause a reasonable person to fear for their safety or deprive that person of their peaceful enjoyment of the place they are located.
- (h) **“Developer”** means a person or persons or corporation that provides services for another person, persons or corporation, or for themselves, related to land or the structure development for the purpose of resale.
- (i) **“Emergency or Extraordinary situation”** means any situation encountered by a Peace Officer which the Peace Officer verily believes there may be immediate risk to public safety, persons inside a Residential Building, or immediate risk for damage against private or public property, or other similar situationally specific circumstances.
- (j) **“Garbage”** means all kitchen and table leavings, condemned meats, fish, fruits, vegetables, and other such waste of decomposing matter, and general household waste;
- (k) **“Graffiti”** means words, figures, letters or drawings scribbled, scratched, painted, sprayed, written, drawn, or otherwise applied on Premises without the consent of the owner of the Premises.
- (l) **“Habitual”** means illicit or inappropriate activities, actions, behaviours or conduct that occurs on a regular basis, frequently enough to be recognized by any person of the general public or neighbouring properties.
- (m) **“Highway”** as defined by the Traffic Safety Act of Alberta.
- (n) **“Holiday”** means any statutory holiday as defined in THE INTERPRETATION ACT.
- (o) **“Hospital Zone”** means an area which:
 - i) is designated as such by signs or other devices, or
 - ii) any portion of the Town within one hundred (100) meters in any direction from the boundaries of the site on which is situated a hospital as defined in The Alberta Hospitals Act.
- (p) **“Industrial Zone”** is defined as in the Land Use Bylaw.
- (q) **“Intoxicating substance”** means any substance that may alter the state of mind of an individual or a substance that is controlled, regulated or prohibited under enactment in the Province of Alberta at all levels of government.

- (r) “Nuisance” means anything that causes annoyance, offence, trouble, or injury.
- (s) “Noxious Weeds” means any restricted, noxious, or nuisance weed listed in the Alberta “Weed Control Act Weed Designation Regulation”.
- (t) “Order” means any formal direction given under this Bylaw, a Stop Order, Clean Up Order, Fire Smart Order, or any order issued in accordance with the Municipal Government Act of Alberta.
- (u) “Outdoor public place” means a place outdoors to which the public is ordinarily invited or permitted access and, for greater certainty, includes but is not limited to a sidewalk, street, parking lot, public facility, park and playground, and school grounds.
- (v) “Owner” means any person who is registered under the Land Titles Act as the owner of the land.
- (w) “Peace Officer” means any Police Officer Employed or contracted by the police service of jurisdiction, or Peace Officer appointed under the Peace Officer Act of Alberta or Bylaw Enforcement Officer appointed by the Town of High Level for the purposes of this bylaw.
- (x) “Premises” means any property contained within the property lines as registered with Alberta Land Titles –but excludes all residential buildings, sheds or garages unless otherwise specifically included.
- (y) “Public Place” means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.
- (z) “Residential Building” means a building which is constructed as a dwelling for human beings and includes a hotel or motel.
- (aa) “Residential Zone” is as defined as in the Land Use Bylaw.
- (bb) “Roadway” has the same meaning as in the *Traffic Safety Act*.
- (cc) “Rubbish” means tin cans, broken dishes, glasses, rags, waste paper, food containers, grass cuttings, shrubbery, manure, weeds, garden refuse, and any other such waste of a non-decomposing matter not included in any other definition in this bylaw.
- (dd) “Signalling device” means a horn, gong, bell, claxon, or other device producing an audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle.
- (ee) “Solicit” means to request, in person, the immediate provision of money or another thing of value or service, regardless of whether consideration is offered or

provided in return, using the spoken, written or printed word, a gesture or other means.

- (ff) **“Town”** means the corporation of the Town of High Level or the area contained within the boundaries of the Town as the context requires.
- (gg) **“Unightly”** means a premises that has not been maintained in order to prevent its deterioration due to weather, rot or insects and not free from loose and broken materials.
- (hh) **“Untidy”** means the land that is not protected by suitable ground cover which prevents erosion of the soil or devaluation of neighbouring property, and shall include grass, plants, and vegetation that is not trimmed.
- (ii) **“Vehicle”** includes automobile, motorcycle, van, truck, trailer, bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, streetcar and any other vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (jj) **“Weekday”** means any other day other than a Sunday or Holiday.

PART I – SAFE STREETS OFFENCES

- 3. (1) No person shall commit an act of vandalism by;
 - (a) Intentionally causing damage or destruction to tangible property without consent, or;
 - (b) Applying graffiti to any property without consent;
 - (2) Notwithstanding section 3(1) Graffiti may be permitted in designated areas or at events.
 - (3) Every owner or occupier of Premises shall ensure that Graffiti applied on the Premises is removed, painted over, or otherwise permanently blocked from public view within seven (7) days of receiving written notice from a Peace Officer.
 - (4) A property owner who breaches the provisions of Section 3(3) where, following the issuance of and failure to comply with an Order under this bylaw, is guilty of an offence.
- 4. No person shall solicit in an aggressive manner by engaging in one or more of the following activities:
 - (a) Threatening the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation.

- (b) Obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation.
 - (c) Using abusive language during the solicitation or after the person solicited responds or fails to respond to the solicitation.
 - (d) Proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation.
 - (e) Soliciting while intoxicated by alcohol or drugs.
 - (f) Continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation.
5. No person shall solicit in one or more of the following manners:
- (a) Solicit a person who is using, waiting to use, or departing from an automated teller machine;
 - (b) Solicit a person who is using or waiting to use a pay telephone or a public toilet facility;
 - (c) Solicit a person who is in, or process of getting in, out of, on or off a vehicle or who is in a parking lot or roadway
 - (d) Solicit for the purposes of obtaining an intoxicating substance or selling sexual services.
6. No person shall dispose of or cause to be deposited any of the following things in an outdoor public place:
- (a) A used condom.
 - (b) A new or used hypodermic needle or syringe.
 - (c) Broken glass.
7. No person shall cause a breach of the peace by causing a disturbance in or near a public place, road, or alleyway by;
- (a) Physically or verbally fighting, using obscene or offensive language, or shouting, or;
 - (b) Being under the influence of an intoxicating substance, or;
 - (c) Interfering with someone in lawful use of a park, sidewalk, business or residence, or;
 - (d) Creating an indecent personal exposure, or;
 - (e) Conveying threats to any person through verbal communication or physical gestures.
- 7.1 No person shall cause a breach of the peace by causing a disturbance in or near a Residential Building by;
- (a) Physically or verbally fighting, using obscene or offensive language, or shouting, or;
 - (b) Being under the influence of an intoxicating substance, or;
 - (c) Conveying threats to any person through verbal communication or physical gestures,

- 7.2. All persons are prohibited from, brandishing, concealing, or discharging in a public place;
- (a) Compressed air powered firearms,
 - (b) Paintball guns,
 - (c) Irritant sprays designed to incapacitate animals or persons,
 - (d) Fireworks or firecrackers,
 - (e) Crossbows, longbows, or other devices designed to propel an arrow,
 - (f) Any other item that discharges a projectile by a source of ignition or compressed gas.
- 7.3. Any item listed in Section 7.2 is not subject to that provision if;
- (a) That item is being transported in a lawful manner to a place where it may be lawfully used,
 - (b) That item is being transported to, or used in a place where it is reasonable in the circumstances, in the manner it was intended,
 - (c) That item is a standard tool used for the persons employment, and that person is transporting it to or from their place of employment,
 - (d) That item is being used by minors for the purpose of common recreational use.
8. No person shall loiter in a public place in such a manner that;
- (a) Causes physical destruction or damages to property, or;
 - (b) Obstructs the entryway into or around a business, residence, or vehicle, or;
 - (c) Creates a nuisance to a business or residence through noise, waste, debris or through the consumption of an intoxicating substance.
9. No person who is a registered owner of a property or premise whether residential or commercial shall permit that property or activities on that property to pose a danger to public safety, by adversely affecting any other resident's peaceful enjoyment of their own property, or by negatively affecting the health, safety, or security of any persons within the confines of the Town of High Level.
- 9.1 (1) Any person may submit a complaint about a property in accordance with Section 9 of this bylaw if that person believes that the public safety has been jeopardized in the Town of High Level as a result of any one or more of the following;
- (a) The presence of, or frequent interaction with violent or aggressive dogs,
 - (b) Unresolved or reoccurring unsightly premises causing repugnant odours, attracting animals, or dangerous conditions,
 - (c) Causing disturbances to residents, occupants, or neighbouring properties of the community through:
 - (i) Habitual physical violence or verbal fighting, obscene or offensive language or shouting.
 - (ii) The habitual manufacturing, import, purchase, sale, transport, giving, possession, storage, consumption or use of a substance, as defined in the

Regulated Substances Bylaw of High Level 992-19 in contravention of that Bylaw,

- (iii) Excessive foot or vehicular traffic at irregular hours,
- (iv) Permitting persons to be intoxicated by any substance on a habitual basis,
- (v) The commission of offenses under this bylaw, Regulated Substances Bylaw of High Level 992-19, or any other enactment the Town is authorized to enforce that may pose a risk to public safety, create an emergency or extraordinary situation, or make the property or premise detrimental to the surrounding market value.
- (vi) Other habitually committed activities or conduct that would cause a disturbance or nuisance to the public or neighbourhood.

(2) A property owner responsible for a property named in a complaint under Section 9 of this bylaw may be liable to prosecution under this bylaw or proceedings under the *Municipal Government Act*, or both if the property is determined to be in contravention of Section 9 after an order to remedy a condition pursuant to this section has been served to the property owner.

(3) A Peace Officer may issue an order by a Designated Officer appointed under the *Municipal Government Act* of Alberta pursuant to Section 9 and 9.1 of this Bylaw providing orders that;

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- (c) state a time within which the person must comply with the directions;
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

(4) If, in the opinion of a Peace Officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly or unsafe condition, is detrimental to the surrounding area, the designated officer may by written order

- (a) require the owner of the structure to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) remove or demolish the structure and level the site;
- (b) require the owner of the land that contains the excavation or hole to eliminate the danger to public safety in the manner specified, including the filling or demolition of the any necessary portion of the premise.
- (c) require the owner of the property that is in an unsightly condition to
 - (i) improve the appearance of the property in the manner specified, or
 - (ii) if the property is a structure, remove or demolish the structure and level the site.

(5) If in the opinion of a Peace Officer, the property, premise or activities on the property or premise are creating an emergency or extraordinary situation, which may include;

- (a) Severe health risks posed to neighbouring properties due to unresolved or reoccurring unsightly premises,
- (b) Immediate or re-occurring incidents, threats or risks of violent confrontation between occupants of the property or premise, or between the occupants of the premise and neighbouring properties,
- (c) Immediate or re-occurring incidents of property vandalism, tampering or property damage to the property, premise or surrounding properties

A Peace Officer may without notice to the property owner or occupants apply to the Court of Queens Bench for an order that permits entry to a structure for the purpose of entry, inspection, enforcement or action of this Bylaw and prohibits any person from obstructing that entry, inspection, enforcement or action.

(6) A Peace Officer may apply to the Court of Queens Bench for an order against a property which specifies necessary conditions and requirements that eliminates the risk to public safety or property, ordering the property owner to ensure compliance to this bylaw after an order to remedy a condition has failed.

(7) In lieu of prosecution of an offence under Section 9, 9.1, 10, 10.1 or 10.2 of this Bylaw, a person may enter into a Consent Order in which the property owner consents to conditions to be imposed and enforced through the Court of Queens Bench which mitigate or eliminate the risk to the public.

10. Any person who permits their property whether residential or commercial to remain vacant or unattended shall immediately upon becoming vacant;

- (a) Ensure on-going compliance of all municipal bylaws,
- (b) Ensure adequate steps are taken to ensure the safety and security of the property,
- (c) Not permit the property to house vagrancy, wildlife, animals or activities specified in Section 9.1 of this Bylaw.

10.1. Any property described in Section 10 which is permitting an offence listed in Section 10 may be subjected to remedial action by the Town or its contractors to repair fencing, doors, exterior fortifications, barricades or property maintenance to ensure compliance to municipal bylaws, or eliminate risks to public safety or other properties in the community, at the property owner's expense in addition to prosecution of the offence.

10.2. A Peace Officer who believes on reasonable grounds that any land or structure that appears to be vacant, abandoned, or insecure and is;

- (a) permitting animals or wildlife, or
- (b) permitting unauthorized persons to gain access to the land or structure, or,
- (c) creating, about to create, or will create an emergency or extraordinary situation,

and,

the Peace Officer believes the condition presents imminent danger to public safety or the property, and obtaining an order from the Court of Queens Bench or Designated Officer would pose an unreasonable delay, may without the consent of the owner or unauthorized

occupants, enter the land or structure to and carry out an inspection, enforcement or action authorized by this or any other enactment the Town is authorized to investigate or enforce.

EXEMPTION

11. Section 5(c) does not apply to fund-raising activities that meet the following conditions:

- (a) They are conducted by a charitable organization registered under the *Income Tax Act* (Canada) on a roadway where the maximum speed limit is 50 kilometres per hour.
- (b) They are permitted by a bylaw of the municipality in which the activities are conducted.

11.1. It is a defence to a charge under Section 6 for the person who disposed of the condom, the needle or syringe or the broken glass to establish that he or she took reasonable precautions to dispose of it in a manner that would not endanger the health or safety of any person.

PART II – NOISE OFFENCES

12. No person shall make, cause, continue to cause, or allow to be made any loud, unnecessary or unusual noise which either annoys disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the corporate boundaries of the Town of High Level.

12.1 No person shall allow property belonging to him or under his control to be used so that there occurs thereon or emanates there from any loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the corporate boundaries of the Town of High Level.

12.2 Any Peace Officer conducting an investigation pursuant to Section 12 or 12.1 of this bylaw shall exercise discretion and consider all factors including the hours specified in Section 14, the time of the year, day of the week, demographic and other factors as necessary to determine what unreasonable noise is.

13. Where an area is designated by signs or by other means as being a hospital zone no person shall;

- (a) Make or cause to be made any noise or loud sound within the area.

14. No person shall operate a power mower, snow-clearing device, power tools or machinery or carry on construction activities such as hammering, sawing or labours which cause noise or disturbance in any area designated as a Residential Zone between the hours of:

- (a) 2200 hours and 0700 hours on weekdays or
- (b) 2300 hours and 0800 hours when the following day is a Saturday, Sunday or holiday.

15. No person shall operate a vehicle of any type on a street in a Residential Zone at any time of the day or night in such a way as unduly to disturb the residents in the Residential Zone in which he is operating the vehicle.

EXEMPTION

16. Nothing in this bylaw shall apply to a work on a Town Street or Provincial highway or a public utility carried on by a;

- (a) Town department;
- (b) Public Utility
- (c) Contractor working for a Public Utility

PART III – SIGHTLY PREMISES STANDARDS

17. A Peace Officer may consider this Part as standards to conducting an unsightly or untidy premise investigation.

18. The Designated Officer may delegate any person employed or contracted by the Town of High Level to conduct inspections in accordance with this part and serve Clean Up Orders in accordance with Section 28 of this Bylaw.

19. Any premise, residential or commercial, but not including Town land or properties permitted to have a natural state, within the Town of High Level shall maintain the following minimum standard regulations;

- a) Grass and weeds shall be a maximum of 15 centimeters tall,
- b) Noxious weeds shall be destroyed or controlled as directed by the *Weed Control Act of Alberta*
- c) Pine needle mulches shall be prohibited
- d) Premises shall be free from excess accumulates such as;
 - i. Piles of dead leaves
 - ii. Dead pine needles
 - iii. Piles of dead grass trimmings
 - iv. Excess tree bark
 - v. Twigs
 - vi. Tree trimmings
 - vii. Rotted trees
 - viii. Dead Trees
 - ix. Chopped trees except where stacked as a controlled wood pile
- e) Log piles shall be stacked a minimum of 3 meters from the residential dwelling, unless mitigation of risk has been undertaken to the satisfaction of the Town.
- f) Log piles shall be kept in a stacked or controlled manner
- g) Excess log trimmings, bark and wood debris shall be removed from the yard
- h) Vegetation shall be trimmed and cleared from access routes into the premise and dwelling

- i) Excess building materials shall be stacked and or placed in a manner that is controlled, non obstructive to entrances to the premise and dwelling, and not near any source of ignition.
 - j) Spare or loose pallets shall be stacked neatly a minimum of 3 meters from the residential dwelling.
 - k) Filled garbage bags shall be sealed and stacked in a controlled manner that is not obstructive to entrances to the premise or pathways on the premise.
 - l) Household items, mattresses, box springs, foams, appliances, furniture, old motor vehicles, implements, scrap metals, waste, loose soils, loose stones, loose garbage or any other potentially combustible waste or implement is not permitted to be loose or uncontrolled on any area of premise visible by neighbors or the roadway.
 - m) Household items, mattresses, box springs, foams, appliances, furniture, old motor vehicles, implements, scrap metals, waste, loose soils, loose stones, loose garbage or any other potentially combustible waste or implement is not permitted to be loose or uncontrolled on entrances to the premise, dwelling or routes of access or escape from the premise or dwelling.
 - n) Large objects, spare building materials, tools or items shall placed in a leaning or insecure fashion that may pose a falling or safety hazard to persons entering, exiting or passing by.
 - o) Petroleum products, dangerous or hazardous substances, oils, fats or other combustible substances, not inside a garage, shed or outbuilding. shall be stored in sealed containers a minimum of 3 meters from the residential dwelling.
 - i. This section does not apply to barbecue or fire pit propane cylinders.
 - p) Petroleum products, dangerous or hazardous substances, oils, fats or other combustible substances shall not be disposed of on any property unless in accordance with the *Environmental Enhancement and Protection Act of Alberta*.
20. Any premise, dwelling or structure that has been damaged extensively by fire, neglect, deterioration, abandonment to an extent to which is would be unsafe or unhealthy to inhabit shall, upon order from a Peace Officer in accordance with *Section 546.01 of the Municipal Government Act of Alberta* have that premise removed or demolished in the time and manner specified in the order, subject to any conditions imposed.
21. Any fence constructed on, or located on a property, whether commercial or residential shall be;
- (a) Maintained in good repair,
 - (b) Free from rotted material,
 - (c) Free from loose, hanging or significantly damaged boards,
 - (d) Maintained in an up-right position
 - (e) Not contain any sharp or protruding points that may harm pedestrians,
 - (f) In compliance with the Land Use Bylaw of the Town of High Level.
22. The owner or occupant may be required to construct a fence, wall, or screen, or similar structure to prevent the untidy or unsightly premises from being viewed from any highway or other public place at the discretion of the Development Authority.
23. Any residential dwelling, shed, garage, outbuilding or commercial building shall maintain the following minimum standard regulation;

- a) Roofs shall be free from;
 - i. Overhanging trees
 - ii. Blankets
 - iii. Tarps
 - iv. Other loose or scrap materials
 - b) Gutters with accumulates visible from the roadway shall be cleaned.
 - c) Chimneys shall be free from loose bricks, visible damage or accumulates.
24. (a) Contractors and Developers shall at all work sites have and use an adequate container designed to contain all construction debris and rubbish.
- (b) Upon such container being filled it must be completely secured in such a manner so that no portion of the load can escape, blow, drop, or spill, or fall onto a highway or land adjacent thereto. It must then be transported away to an appropriate location designated for the disposal of such materials.

CLEAN UP ORDERS

25. (1) A Peace Officer may issue a Clean Up Order for any provision of Part III of this Bylaw.
- (2) A Clean Up Order shall be deemed sufficiently served if served;
- (a) personally on the person, firm or corporation or by leaving at his/her residence or business with a person on the premises who appears to be at least 18 years of age,
 - (b) by sending it by registered mail to the last known address of the person, firm, or corporation,
 - (c) By publication in one issue of a newspaper published or circulating in the Town.
- (3) When a person complies with an Order, no prosecution shall be commenced with respect to the offense.
- (4) When a person or persons fails to comply with any Order issued under this Bylaw, the Town may execute the remedial action necessary to the extent specified in the Order and shall charge the costs of the work done to the person or persons to whom the clean up order was issued.
- (a) These costs involved are a debt due to the Town and may be recovered as such.
 - (b) The statement and demand for payment may be served by ordinary mail addressed to the registered owner or occupant, last known address, and a copy to the owner of the land at the address on the assessment roll.
 - (c) If the person or persons on whom the statement is served fails to pay the amount set out in the statement within 30 days, the Town may cause the amount of the statement to be placed on the tax roll as an additional tax against the land concerned and the amount may be collected in the same manner as any property taxes due and payable.

(5) Where a person or persons are convicted of an offense under this bylaw, the court may order, in addition to a penalty, that the convicted person clean up the nuisance, unsightly, or untidy premises or land as the court considers appropriate

PART IV – LITTERING OFFENCES

26. (1) No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Town property, including any street, lane, sidewalk, boulevard, parking lot, park, or other public place or water course:

- (a) A cardboard or wooden box, carton, container, or receptacle of any kind;
- (b) A paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
- (c) Paper of any kind, whether or not containing written or printed matter thereon;
- (d) Any human, animal or vegetable matter or waste;
- (e) Any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
- (f) Scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts there from;
- (g) Any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;
- (h) Dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.

(2) A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection (1) upon any street, lane, sidewalk, boulevard, parking lot, park, or other public place or water course shall forthwith remove it.

PART V – SPITTING & URINATING OFFENCES

27. (1) No person shall urinate or deposit any human waste in any public place or in any place to which the public is allowed access, other than a public washroom.

(2) No person shall spit at any person or on any public or private property that they do not own.

PART VI – FLYERS ON VEHICLES OFFENCES

28. No person shall place, deposit or throw or cause to be placed, deposited or thrown upon or into any motor vehicle, which is parked on any street, lane, parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.

PART VII –
AUTHORITY TO REMOVE

29. A Peace Officer may remove and put in storage or destroy anything placed upon Town property, in contravention of this bylaw or used in commission of the offence of any section in this bylaw.

ENFORCEMENT

30. A Peace Officer may, for the purpose of performing their duties and exercising their powers under this bylaw, enter onto any premises, including any shed, garage or temporary structure but excluding a residential dwelling at any time after giving reasonable notice.
- a) A person may refuse entry to a Peace Officer requesting a warrant or an order from the Court of Queens Bench, whichever is necessary for the Peace Officer to complete their duties as the case may be.
 - b) Notwithstanding anything in Section 10.2, A Peace Officer may apply to a Court of Queens Bench or Provincial Court for an order or warrant to enter a residential building for the purposes their duties under this bylaw or any other enactment the Town is permitted to enforce.
31. No person shall hinder or obstruct a Peace Officer in the course of his or her duties in the enforcement of any bylaw, Court Order, Municipal Government Act Order or Clean Up Order or any other enactment the Peace Officer is permitted to investigate or enforce by;
- (a) Intentionally providing false or misleading information or statements
 - (b) Failing to identify themselves to an extent satisfactory to a Peace Officer during an investigation
 - (c) Physically interfering with or acting in an unreasonable manner that directly impedes the ability of a Peace Officer to execute duties
32. Any person committing an offence listed in Section 30 may be detained by a Peace Officer until the duties are executed to an extent where that person's action will no longer hinder or obstruct the Peace Officer.
33. Any person who is not a peace officer is authorized to enter onto any premise to remedy a condition in accordance with this bylaw as requested by a Peace Officer and shall not incur any liability therefore.
- 33.1. No person shall hinder or obstruct a contractor or person providing assistance to a Peace Officer in the course of his or her duties in the enforcement of any bylaw, Court Order, Municipal Government Act Order or Clean Up Order by;
- (a) Intentionally providing false or misleading information or statements
 - (b) Failing to identify themselves to an extent satisfactory to a Peace Officer
 - (c) Physically interfering with or acting in an unreasonable manner that directly impedes the ability of a contractor or person providing assistance to a Peace Officer attempting to execute duties.

33.2. Any person committing an offence listed in Section 34.1 may be detained until the duties can be executed to an extent where that person's action will no longer hinder or obstruct the contractor or person providing assistance to a Peace Officer.

34. A Peace Officer who has reason to believe that a person has contravened any provision of this bylaw may at the discretion of the Peace Officer:

- (a) Issue an Order to that person in the form specified by the Town; or
- (b) Commence a prosecution against that person in the form of a summons or long information for the contravention;
- (c) Issue a Part 3 Provincial Offence Notice allowing for the voluntary payment as set out in schedule "A";
- (d) Issue a municipal tag allowing for a voluntary payment amount as set out in schedule "A" in lieu of prosecution of the offence;
- (e) Commence proceedings in accordance with authorities permitted under the *Municipal Government Act*

35. A Voluntary Payment Tag shall be deemed to be sufficiently served:

- (a) If served personally on the accused, or
- (b) Served personally to a person who is 18 years of age or older or appears to be 18 years of age or older that resides either permanently or temporarily at the residence
- (c) If mailed by ordinary mail to a registered owner of the residence or to the tenant of that residence
- (d) If affixed to what the Peace Officer reasonably believes to be the Primary Entrance to the residence

36. (1) Any Person is guilty of an offence who contravenes any provision of 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 the person is required to do.

(2) A Peace Officer who finds a person committing an offence listed in Section 3 through 8 including all subsections may in lieu of prosecution may arrest the person without warrant and detain as necessary if the Peace Officer believes on reasonable grounds that it is necessary to prevent the person from continuing or repeating the offence, establishing identity or the preservation of evidence related to that offence.

(3) Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not less than Three Hundred (\$300) Dollars but not exceeding Five Thousand (\$5000). In default of payment of any fine imposed a *Form 21 Warrant of Committal* shall be issued to enforce a period of imprisonment not less than 7 days and not exceeding sixty (60) days or until such fines are paid.

(4) Notwithstanding Section 35(3) of this bylaw any person convicted of an offence in Section 4 through Section 10 including all sub-sections of this bylaw on summary conviction is subject to a fine not less than Five Hundred (\$500) dollars but not exceeding Five Thousand (\$5000) dollars. In default of payment of any fine imposed a

Form 21 Warrant of Committal shall be issued to enforce a period of imprisonment not less than fourteen (14) days and not exceeding sixty (60) days or until such fines are paid.

- 37. No liability or action lies against a Peace Officer, for anything done in good faith with respect to the apprehension, custody or release of a person, service or execution of an Order, or remedial action taken against a property pursuant to this bylaw.
- 38. The document attached hereto and marked Schedule 'A' shall form part of this bylaw.
- 39. It is the intention of the Council of the Town of High Level that each provision of this bylaw shall be deemed independent of all other provisions and it is further the intention of the Council of the Town of High Level that if any provisions of this bylaw be declared invalid, all the other provisions shall remain valid and enforceable.
- 40. The documents attached and marked Schedules "A" are hereby incorporated into and form part of this bylaw.
- 41. This bylaw repeals Bylaw 885-09 as amended.
- 42. This bylaw amends Bylaw 976-18 as the consolidated version.

READ A FIRST TIME this 12th Day of August 2019.

READ A SECOND TIME this 23rd Day of September 2019.

READ A THIRD TIME this 12th Day of November 2019.

SIGNED AND PASSED THIS 15th DAY OF NOVEMBER 2019.

(Original signed) _____
Mayor

(Original signed) _____
Municipal Secretary

SCHEDULE "A"

GRAFFITI

Description	Penalty
Section 3(1) Vandalism	
a) first offence	\$500.00
a) second offence within 1 year	\$1000.00
b) third and subsequent offences within 1 year	\$2500.00
Section 3(4) Failure to remove graffiti	
a) first offence	\$50.00
a) second offence within 1 year	\$100.00
b) third and subsequent offences within 1 year	\$300.00

SAFE STREETS**Description Fee**

Section 4 – Any subsection - Solicit in an aggressive manner	
a) first offence	\$300.00
b) second and subsequent offences within 1 year	\$500.00
Section 5 – Any subsection - Solicit a captive audience	
a) first offence	\$100.00
b) second and subsequent offences within 1 year	\$300.00
Section 6 – Any subsection - Unlawfully dispose of item in a public place	
a) first offence	\$100.00
b) second and subsequent offences within 1 year	\$300.00
Section 7 – 7.2 – Any subsection -	
a) first offence	\$300.00
b) second offence within 1 year	\$500.00
c) third and subsequent offences within 1 year	\$1000.00
Section 8 – Any subsection - Unlawful loitering	
a) first offence	\$300.00
b) second offence within 1 year	\$500.00
c) third and subsequent offence within 1 year	\$1000.00
Section 9 – Permit property to reduce public safety	
a) first offence	\$1000.00
b) second offence	\$1500.00
c) third and subsequent offence	\$2000.00
Section 10 – Permit vacant property to adversely affect community	
a) first offence	\$500.00
b) second offence	\$1000.00
c) third and subsequent offence	\$1500.00

NOISE

Description Fee

Sections 12 through 18 \$100.00

UNSIGHTLY PREMISE

Description Fee

Section 21 -25 –All subsections \$100.00

Section 27 (a) Fail to have or use garbage container at construction site \$250.00

Section 27 (b) Fail to secure garbage container and remove from construction site \$250.00

LITTERING

Description Fee

Section 29(1) littering on Town or public property
 a) first offence \$250.00
 b) second offence within 1 year \$500.00
 c) third and subsequent offences within 1 year \$750.00

Section 29(2) Failing to remove litter
 a) first offence \$250.00
 b) second and subsequent offences within 1 year \$500.00

SPITTING AND URINATING

Description Fee

Section 30(1) Urinating or depositing human waste in a public place
 a) first offence \$250.00
 b) second offence within 1 year \$500.00
 c) third and subsequent offences within 1 year \$750.00

Section 30(2) Spitting
 a) first offence \$100.00
 b) second and subsequent offences \$200.00

FLYERS ON VEHICLES

Description Fee

Section 31 Placing item on motor vehicle \$250.00