

**TOWN OF VAUXHALL
BYLAW No. 866-13**

BEING A BYLAW OF THE TOWN OF VAUXHALL, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION OF PARKS, BOULEVARDS, AND SIDEWALKS.

WHEREAS the Municipal Government Act being Chapter M-26 of the RSA 2000 provides that Council may pass bylaws to control people, activities and things in, on or near a public place that is open to the public.

AND WHEREAS the Council of the Town of Vauxhall in the Province of Alberta, deem it proper and expedient to introduce regulations pertaining to parks, boulevards, and sidewalks and other Town owned property.

NOW THEREFORE the Municipal Council of the Town of Vauxhall, in the Province of Alberta, duly assembled enacts as follows:

This bylaw shall be short titled the "**Community Standards Bylaw**"

1. DEFINITIONS

- a. **Alley** means a narrow highway intended chiefly to give access to the rear of buildings and parcels of lands.
- b. **Boulevard** means that portion of any street between the curb lines or lateral lines of a roadway, and the adjoining property lines, exclusive of sidewalk; also that portion of a street between the curb lines or lateral lines of a divided roadway.
- c. **CAO** means the Chief Administration Officer as appointed by the Town.
- d. **Crosswalk** means:
 - i) That portion of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edge of the roadway, or
 - ii) Any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by other markings on the road surface.
- e. **Highway** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles and is entitled or permitted to use for the passage of vehicles, and includes:
 - i) A sidewalk (including a boulevard portion thereof)
 - ii) Where a ditch lies adjacent to and parallel with the roadway, the ditch, and

- iii) Where a highway right of way is contained between fences or between a fence and on the side of a roadway, all the land between the fence and the edge of the roadway, as the case may be.
- f. **Intersection** means the area embraced with the prolongation or connection of:
 - i. The lateral curb lines of a highway, or if none exist
 - ii. The exterior edges of the highway, where two or more highways join one another at an angle whether or not one highway crosses the other.
- g. **Motor Vehicle** means a device in upon or by which a person or thing may be transported or drawn upon a highway, and does not include any vehicle that may be drawn under muscular power.
- h. **Municipality** means the Town of Vauxhall, in the Province of Alberta.
- i. **Obscene Behavior** means words, expressions or acts that are indecent, lewd, offensive or outrageous to accepted standards of decency or modesty.
- j. **Park** means a piece of ground in or near a municipality, kept for ornamental purposes or recreation or a piece of property within the limits of the Town and owned by the Town that is not yet developed.
- k. **Peace Officer** means a Bylaw Enforcement Officer appointed by the Town or a member of the Royal Canadian Mounted Police (RCMP) or any other employee of the town delegated by the CAO to enforce this bylaw.
- l. **Reasonable Notice** means 48hrs notice.
- m. **Roadway** means the part of a highway intended for use by vehicular traffic.
- n. **Sidewalk** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line thereof (of the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not pave or improved.
- o. **Traffic Control Device** means any sign, signal, marking or device placed, marked or erected under the authority of the Town for the purpose of regulations, warning or guiding traffic.

2. PARKS

1. No person shall damage or cause damage to the park flora, equipment, fencing, play field, irrigation systems or other fixtures located within a park; notwithstanding a violation ticket has been issued a person who is considered to have caused damage to flora, equipment, fencing, play field, irrigation systems or other fixtures located within a park shall be responsible for the cost of repairing said damage.
2. Except with the expressed written approval of the CAO, no person in any park area shall:
 - a. Place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind, or attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence railing, post or structure;
 - b. Distribute any hand bills or circulars; or
 - c. Use any audible advertising vehicle.
3. No person shall place or deposit in any river, stream, irrigation ditch, pool, pond, fountain or spring, lawn, garden, display, in any part of a park, except in a receptacle provided for such purpose by the town, any paper, cardboard, tire, bottle, glass or any matter of any kind which may be offensive, injurious or inconvenient to persons using the park area.
4. No person shall operate, drive or park any vehicle in any park except on those public highways, lanes, pathways, or parking areas specifically designated for use by vehicles. This section shall not apply to those vehicles that are:
 - a. Public utility service vehicles when being used to construct, maintain or to service a public utility in a park;
 - b. Police and firefighting equipment when used for patrolling, rescuing, or firefighting in a park; or
 - c. Town of Vauxhall vehicles carrying out those duties established by the CAO.

Any person who operates a vehicle or permits another person to operate a vehicle in a park without complying with the requirements of this section is guilty of an offence.

5. The CAO may, at any time as is deemed necessary, temporarily close any park or portion thereof to the public use.
6. No person, other than an official, employee or contract employee engaged by the town shall enter any part or portion of a park while the park has been closed as per section 5 of this part.

7. No person, temporary or otherwise, shall reside or camp in any park; this section shall not apply to any person who is camped or residing in a park in an area so designated for such purpose or any area temporarily permitted for such purpose, and they are complying with any conditions established by the CAO.
8. No person shall start any open fires or permit any person under his or her control to start any open fires in any park within the Town of Vauxhall.
9. No person shall write, mark, draw, or paint on any fence, tree, post or other place or thing or any park, or expose to view or distribute or circulate any obscene behaviour, picture, painting, drawing, marking, writing, printing or figure or in any way assist in doing any of the foregoing acts or deeds. Obscene under this part shall in the opinion of the Peace Officer acting reasonably.
10. No person shall conduct themselves in such a manner that may be considered obscene by any other user of the park and shall include but is not limited to:
 - a. Bullying, and;
 - b. Excessive noise caused by audio equipment.
11. The CAO in respect of any park within their jurisdiction may make rules and regulations pertaining to the operation of any park or portion thereof as they deem necessary from time to time and may amend or delete the same.
12. The CAO may limit the use of any park area or portion thereof to the use of one or more types of recreational activities.

3. BOULEVARD

1. All persons shall be responsible for maintaining any boulevard adjacent to any property they own or occupy.
2. The Town may permit the planting of grass and trees on boulevards subject to the following conditions:
 - a. All property owners shall ensure that the boulevard areas which abut or flank their property are seeded to grass or adequately landscaped within two growing seasons of the issuance of an occupancy permit;
 - b. In established residential areas all property owners shall ensure that boulevard areas are seeded to lawn;
 - c. Only trees of non-suckering variety shall be planted in a boulevard area;
 - d. No tree of the cottonwood variety shall be planted in a boulevard area;
 - e. No person shall plant any shrub or hedge in a boulevard area or allow a shrub or hedge planted on their property to extend into a boulevard area;
 - f. All persons shall ensure that the fire hydrant adjacent to their property is kept clear and accessible and that no shrubs, plants, trees or protruding items be planted or placed within 4.57 meters of the fire hydrant;

- g. All persons shall remove or adequately trim trees or shrubs on private property that in any way interferes with and/or endangers the lines, poles, conduits, pipes, sewer or other workings of the Municipality or other public utility.
3. No person shall plant a tree on a boulevard or remove an existing tree from a boulevard without the expressed written consent of the Town.

4. SIDEWALKS

1. All persons shall maintain any sidewalk adjacent to the land they own or occupy keeping them clear of all snow and ice within twenty-four (24) hours of its accumulation.
2. For greater certainty "maintain" in this section means removing the accumulation of snow and ice from the property side of the sidewalk to the edge of the boulevard or curb whichever the case may be, completely cleared down to the pavement of said sidewalk.
3. No person shall cause any snow or ice, which is the result of said maintenance, to be placed on a highway, unless:
 - a. They are the owner of a property adjacent 2 Avenue North between 4 Street North and 6 Street North.
 - b. They are an employee of the Town or a company contracted to the town conducting their regular duties or contracted duties, and the placing of snow on the highway is required for that purpose.
4. Any person who causes material of any kind to be placed on the highway in a residential area shall remove said material, upon request of a Peace Officer, within twenty-four (24) hours; and is guilty of an offence.
5. Any person who fails to comply with the request of a Peace Officer is guilty of an offence and is subject to the penalty set out in schedule "A", of this bylaw, plus the costs incurred by the Town to remove said material on their behalf.
6. All persons within the Town shall remove all deleterious substance and obstructions from the sidewalk situated on land adjoining the property owned, or occupied by them including dirt, leaves, and other natural material which may accumulate in such areas from time to time.
7. Due to the threat to public safety of this section, and when exigent circumstances exist, the town may clear the sidewalk adjacent to a property without prior warning and the costs incurred by, causing the work to be completed, is a debt owed to they own and may be collected as such.

8. No person shall cause any electrical extension cords to be conveyed above the surface of the sidewalk subject to the following conditions:
 - a. The electrical extension cord must be of a grade approved for outdoor use;
 - b. A sturdy device of a nonconductive material not susceptible to wind action must be used to support and convey the extension cord above the surface of the sidewalk at a height of not less than 2.15 meters;
 - c. All electrical extension cords and portable supporting devices shall be removed from boulevards not later than April 30 of each year.

The Town may issue an Order in regards to removal of the electrical extension cord and portable supporting devices and within five (5) days of same may enter upon the property to remove the electrical extension cord and portable supporting device unless a hazard exists, then removal by the Town shall be immediate.

9. Any person who fails to maintain a sidewalk adjacent to the land they own or occupy to the degree prescribed by this section shall be guilty of an offence.

5. HIGHWAYS

1. No person shall cause damage to any highway within the Town of Vauxhall.
2. No person shall operate any tracked machine upon any highway within the Town of Vauxhall. This section shall not apply to any person who:
 - a. Is an employee of the town and operating a tracked machine is for the purpose of conducting his regular duties,
 - b. Is a contracted employee or organization to the Town and operating a tracked machine is for the purpose of conducting his or their contracted duties.
3. The CAO or a Peace Officer may close or temporarily close any highway within the Town by placing such traffic control devices as deemed necessary for that purpose. This duty may be delegated to any other employee of the Town.
4. No person shall remove, damage, or destroy any traffic control device set out to close a highway within the Town. Any person, who on reasonable grounds a Peace Officer believes had damaged or destroyed a traffic control device, said person shall be responsible for the repair or replacement of said device.
5. No person shall enter upon a highway that has been closed by the CAO pursuant to section 5(3) of this bylaw.

6. ENFORCEMENT AND ORDER OF COMPLIANCE

1. A Peace Officer may, for the purpose of ensuring that the provisions of this bylaw are being complied with, enter upon any property, in accordance with s. 542 of the *Municipal Government Act*, to carry out an inspection, enforcement or other action required or authorized by this bylaw, the *Municipal Government Act*, or other statute of Alberta.

2. When exercising his authority to enter onto a property for inspection or enforcement under s. 6(1) of this bylaw, the Peace Officer shall provide the Owner or Occupier of the property with reasonable notice.
3. Where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Peace Officer may commence enforcement against such person by issuing a written order to the person giving a specified time to remedy the violation pursuant to section 545 of the *Municipal Government Act*.
4. Where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Peace Officer may commence court proceedings against such person by:
 - a. Issuing the person a Municipal Violation Ticket in such form as prescribed from time to time by the CAO; or
 - b. Issuing the person a Violation Ticket pursuant to the provision of Part 2 of the *Provincial Offences Procedure Act*; or
 - c. Swearing out an Information and Complaint against the person.
5. Where a Designated Officer issues a Violation Ticket in accordance with section 4 of this bylaw, the Officer may either:
 - a. Require the person to pay the specified penalty as provided for the offence in Schedule A of this bylaw by including such specified penalty in the Violation Ticket; or
 - b. Require a Court appearance of the person where the Peace Officer believes that such appearance is in the best public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.
 - c. No provision of this bylaw or any action taken pursuant to any provision of this bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a Property provided by the *Municipal Government Act*, or any other statute of the Province of Alberta.
 - d. Notwithstanding whether a Violation Ticket has been issued under section 4(a) of this bylaw, any Owner or Occupier who contravenes this bylaw may be issued an order by a Peace Officer to remedy the contravention in any manner deemed necessary under the circumstances pursuant to section 545 or section 546 of the *Municipal Government Act*.

7. PENALTIES

1. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this bylaw.
2. Where a contravention of this bylaw is of a continuing nature, more than one Violation Ticket may be issued by a Peace Officer provided however, that no more than one (1) Violation Ticket is issued for each day that the contravention continues.
3. If a Peace Officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, such Officer may serve upon such person an violation ticket allowing payment of the specified penalty to the Town, which payment shall be accepted by the Town in lieu of prosecution for the offence.

4. No person shall do anything or omit to doing anything where such act or omission shall be construed as obstructing a Peace Officer from his duty of investigating and enforcing any contravention of or any provision of this bylaw.

8. SERVABILITY

1. If at any time, any provisions of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

9. GENDER

1. In this bylaw, whenever the male gender is specified it shall be interpreted as meaning both male and female as applicable.

10. RESCINDING BYLAW

1. This bylaw repeals Bylaw No. 664

READ a first time in open council this 4th day of February, 2013

READ a second time in open council this 4th day of February, 2013

READ a third and final time in open council this 4th day of March, 2013



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE A

Section	Offence	Each Offence
2(1)	Causing damage in a park	\$100.00 + costs
2(2)	Advertising in a park	\$100.00
2(3)	littering	\$100.00
2(4)	Operating/ parking a motor vehicle within a park	\$100.00
2(6)	Entering a park while closed	\$100.00
2(7)	Camping in an undesignated area	\$100.00
2(8)	Open fire within a park	\$100.00
2(9)	Graffiti	\$100.00
2(10)	Obscene behaviour	\$100.00
3(3)	Planting or removing a tree on a boulevard without authorization	\$100.00
4(3)	Piling snow on a highway	\$100.00 + cost
4(8)	Causing electrical cord to rest on sidewalk	\$100.00
4(9)	Failing to maintain sidewalk	\$100.00
5(1)	Causing damage to a highway	\$100.00
5(2)	Operating a tracked machine within the town	\$100.00
5(4)	Damaging or removing a traffic control device	\$100.00 + cost
5(5)	Entering a highway that has been closed by the CAO	\$100.00
7(4)	Obstruction of a Peace Officer	\$250.00