

**TOWN OF MAYERTHORPE
BYLAW 882**

BEING A BYLAW OF THE TOWN OF MAYERTHORPE IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSES OF ESTABLISHING A PUBLIC ORDER BYLAW.

WHEREAS pursuant provisions of the Municipal Government Act, being Chapter M-26, R.S.A. 2000, and amendments thereto, authorizes the Municipality to pass bylaws for the purposes respecting the safety, health and welfare of the people and protection of the people and property; and people, activities and things in, on or near a public place or place that is open to the public; and may in a bylaw prohibit.

AND WHEREAS Council deems it desirable and expedient to regulate certain activities in a public place within the town for the health, safety, and welfare of its people or property

NOW THEREFORE, the council of the Town of Mayerthorpe enacts as follows:

TITLE

1. This Bylaw may be cited as the “Public Order Bylaw”

DEFINITIONS

2. In this Bylaw unless the context otherwise requires:
 - a) “Construction” means the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process.
 - b) “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place or any part of 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 and includes
 - i. a sidewalk, including a boulevard adjacent to the sidewalk,
 - ii. if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - iii. if a highway right of way is contained between fences or between a fence, and one side of the roadway, 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 a highway.
 - c) “Holiday” means any statutory holiday as defined in The Interpretation Act of Alberta.
 - d) “Hospital Zone” means an area which:
 - i. is designated as such by signs or other devices, or
 - ii. any portion of the town within 500 feet in any direction from the boundaries of the site on which is situated a hospital as defined in any direction from the boundaries of the site on which is situated a hospital as defined in the Hospitals Act.
 - e) “Industrial Zone” includes lands in Districts defined as in the Land Use Bylaw.
 - f) “Land Use Bylaw” means bylaw No. 839 (and Amendments)
 - g) “Motorized Garden Tool” means any tool used for horticulture that is powered by an electric or internal combustion engine of any kind.

- h) “Night-time” means the period beginning at 9:00 p.m. and ending the following day at:
 - i. 7:00 a.m. if the following day is a weekday; or
 - ii. 10:00 a.m. if the following day is a weekend.
- i) “Peace Officer” means any member of the Royal Canadian Mounted Police, Special Constable, and/or Bylaw Enforcement Officer of the Town of Mayerthorpe or any other peace officer sworn in by the Province of Alberta.
- j) “Persons” means a natural person.
- k) “Power Tool” includes any tool powered by an engine, motor or Compressed air.
- l) “Public Place” means highway, street, sidewalk, lane, alley, park, school ground, playground, business, facility or any public owned property within the Town of Mayerthorpe.
- m) “Residential Building” includes lands in Districts defined as Residential Districts in the Land Use Bylaw
- n) “Signaling Device” means a horn, gong, bell, klaxon, or other device producing an audible sound for the purpose of drawing a person’s attention to an approaching vehicle, including a bicycle.
- o) “Ticket” means any ticket, which is authorized by the Municipal Government Act, RSA (2000), Chapter M-26, or under The Provincial Offences Procedures Act, RSA (2000), Chapter P – 34, issued for any bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer to a summons.
- p) “Town” means the “Town of Mayerthorpe”, a municipal corporation in the Province of Alberta and where the context so requires means the area within the corporate boundaries of the said municipality.
- q) “Town Manager” means the Town CAO of the Town of Mayerthorpe and anyone acting or authorized by the CAO
- r) “Weekday” means any other day other than Sunday or a holiday
- s) “Week-End” means Sunday and any other holiday

INTERPRETATIONS

NOISE

- 3. No person shall make, continue to make or cause or allow to be made or continued any loud unnecessary or unusual noise or any noise which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the town.
- 4. No Persons shall permit property that they own or control to be used so that noise annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the town.
 - a) A peace officer may remove any property that is used so that noise that annoys, disturbs injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons ceases, within the limits of the town.
 - b) Any property seized by a Peace Officer to discontinue the offense may be held until date and time of Court or until the fine has been paid.
- 5. No person shall yell, scream, or swear in any public place or in any place to which the public is allowed.

6. In determining what constitutes noise to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
 - a) Type, volume and duration of sound;
 - b) Time of day and day of week
 - c) Nature and use of surrounding area
7. No drinking establishment shall permit any noise to emanate from the premises of such drinking establishments that annoy or disturbs any person outside the boundary of the drink establishment. Section 6 of this bylaw applies to this provision.
8. Where an area is designated by signs or other means as being a Hospital District, no person shall:
 - a) Carry on any noise-making activity in the area unless it cannot be carried on in some other area; or
 - b) Make or continue any noise or loud sound within the area
9. In the operation or carrying on of an industrial or construction activity, no person shall use, operate or allow to be used or operate ay tools, machinery or equipment so as to create noise, or disturbance which may be heard in a residential building between the hours of nine o'clock in the evenings and seven o'clock in the morning of the weekday, and from nine o'clock in the evening until ten o'clock in the morning of the weekend.
10. A person must not operate:
 - a) A Lawn mower
 - b) A motorized garden tool;
 - c) A power tool;
 - d) A power tool outside any building or structure
 - e) A snow clearing device powered by an engine of any kind
 In a Residential Development during Night-time

EXCEPTIONS

11. These provisions do not apply to work carried on by the Town of Mayerthorpe or by contractors carrying out the instructions of the Town.
12. These provisions do not apply to contractors carrying out snow removal from commercial or industrial sites, which are not adjacent to residential districts.

NUISANCE, GRAFFITI AND LITTER

13. "Nuisance" for the purpose of this bylaw included any use of or activity upon a property which is offensive to any persons, or has or many have a detrimental impact upon any person or other property in the neighborhood, and without limiting the generality of foregoing, includes the following:
 - a) The posting or exhibiting of posters, signs, billboards, place cards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition.
 - b) Drawing, painting, or writing or any signs or message upon public or private property except with the prior permission of the owner of the property.

14. (1) No person shall place, or deposit or throw or cause to be placed, deposited or thrown upon any city property, including any street, lane, sidewalk, parking lot, park, or other public place:
- 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 confectionary;
 - c) paper of any kind, whether or not containing written or printed matter thereon;
 - d) any human, animal, or vegetable matter or waster;
 - 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, byway 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, parking place, park, or other public place shall forthwith remove it.
15. No person shall urinate or defecate in public or place in view of a public place other than in a washroom designated for use by the public.

FIGHTING, LOITERING, ASSEMBLY OR PERSONS

16. No person shall participate in a fight or other similar physical confrontation in any public place or any place to which the public reasonably has access with
17. No person shall be a member of an assembly of three or more persons in any public place or any place to which the public is allowed access where a peace officer has reasonable probable grounds to believe the assembly will disturb the peace of the neighborhood, and any such person shall disperse as requested by a peace officer.
18. No person shall loiter and thereby obstruct any other person in any public place or in any place to which the public is allowed access.

PENALTIES

19. A violation ticket may be issued by a peace Officer to any person alleged to have breached any provision of this bylaw as laid out in Schedule A, and the violation ticket shall be in the form prescribed by Alberta Regulations 233/89, as amended, being the Procedures Regulation passed pursuant to Provincial Offences Procedures Act (Alberta) as amended.
20. The violation ticket shall be issued by serving it personally on the offender.
21. Where a violation ticket is issued pursuant to this bylaw, the accused may, in lieu of being prosecuted for the offence, pay the sum indicated on the violation ticket.
22. Bylaw #639 of the Town of Mayerthorpe is hereby repealed.

**Schedule “A”
Bylaw #882**

Schedule “A”

S.3	Make Noise in Public	\$250.00 First Offense \$500.00 Second Offense \$1000.00 3 rd & Subsequent Offenses
S.4	Permit Noise in Public	\$250.00 First Offense \$500.00 Second Offense \$1000.00 3 rd & Subsequent Offenses
S.5	Yelling, Screaming or Swearing In Public	\$150.00 First Offense \$250.00 Second Offense \$500.00 3 rd & Subsequent Offenses
S.7	Drinking Establishment Making Noise In Public	\$500.00 First Offense \$1000.00 Second Offense \$1500.00 3 rd & Subsequent Offenses
S.8	Make Noise in Hospital District In Public	\$150.00 First Offense \$250.00 Second Offense \$500.00 3 rd & Subsequent Offenses
S.9	Make Noise Industrial/Construction	\$150.00 First Offense \$300.00 Second Offense \$750.00 3 rd & Subsequent Offenses
S.13	Deface Public/Private	\$350.00 First Offense \$500.00 Second Offense \$750.00 3 rd & Subsequent Offenses
S.14 (1)	Deposit Litter on Public Property	\$100.00 First Offense \$200.00 Second Offense \$300.00 3 rd & Subsequent Offenses
S.14 (2)	Fail to Remove Litter	\$100.00 First Offense \$200.00 Second Offense \$300.00 3 rd & Subsequent Offenses
S.15	Urinate or Defecate in a Public Place	\$250.00 First Offense \$500.00 Second Offense \$750.00 3 rd & Subsequent Offenses
S.16	Fight in Public Place	\$250.00 First Offense \$500.00 Second Offense \$1000.00 3 rd & Subsequent Offenses
S.17	Fail to Disperse as Requested by Peace Officer	\$250.00 First Offense \$500.00 Second Offense \$750.00 3 rd & Subsequent Offenses
S.16	Loitering	\$100.00 First Offense \$200.00 Second Offense \$300.00 3 rd & Subsequent Offenses

This bylaw shall have effect on the date of third reading

First reading 25th day of July 2005

Mayor, Albert Schalm

Chief Administrative Officer, Greg Gayton

Second reading 8th day of August 2005

Mayor, Albert Schalm

Chief Administrative Officer, Greg Gayton

Third reading 22nd day of August 2005

Mayor, Albert Schalm

Chief Administrative Officer, Greg Gayton