

**TOWN OF MAYERTHORPE
BYLAW 966**

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" of the Town of Mayerthorpe.

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, maintenance 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) "Industrial Zone" includes lands in Districts defined as in the Land Use Bylaw.
 - e) "Land Use Bylaw" means Bylaw No. 890 (and Amendments)
 - f) "Peace Officer" means any member of the Royal Canadian Mounted Police, Community Peace Officer and/or Bylaw Enforcement Officer of the Town of Mayerthorpe or any other peace officer sworn in by the Province of Alberta.
 - g) "Persons" means a natural person.
 - h) "Public Place" means highway, street, sidewalk, lane, alley, park, school ground, playground, business, facility or any public owned property within the Town of Mayerthorpe.
 - i) "Residential Building" includes lands in Districts defined as Residential Districts in the Land Use Bylaw.

- j) "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.
- k) "Temporary Sign" means a sign which will remain for a limited time.
- l) "Ticket" means any ticket, which is authorized by the Municipal Government Act, R.S.A 2000, Chapter M-26, or under The Provincial Offences Procedures Act, R.S.A 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.
- m) "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.
- n) "Town Manager" means the Town Chief Administrative Officer of the Town of Mayerthorpe and anyone acting or authorized by the Chief Administrative Officer.
- o) "Weekday" means any other day other than Sunday or a holiday.
- p) "Week-End" means Sunday and any other holiday.

PROHIBITED NOISE

- 3)
 - a) A person shall not cause or permit any noise that disturbs the peace of another individual.
 - b) A person shall not cause or permit property they own or occupy to be used so that noise from the property disturbs the peace of any other individual.
 - c) A person may be found guilty of a contravention of this section whether or not the decibel level is measured.
- 4)
 - a) In determining if a sound is reasonably likely to disturb the peace of others the following criteria may be considered:
 - i) type, volume, and duration of the sound;
 - ii) time of day and day of week;
 - iii) nature and use of the surrounding area;
 - iv) decibel level, if measured; and
 - v) any other relevant factor.
- 5)
 - a) A person shall not cause or permit any construction activity on property they own or occupy on any Sunday or holiday before 9 a.m. or after 7 p.m.
 - b) A person shall not cause or permit any construction activity on property that they own or occupy on between Monday and Saturday inclusive before 7:00 a.m. or after 9:00 p.m.
- 6)
 - a) A person shall not use engine retarder brakes to slow or stop a motor vehicle at any time.
- 7)
 - a) If a motor vehicle is the cause of any sound that contravenes a provision of this bylaw the owner of that motor vehicle is liable for the contravention.
 - b) Subsection (a) does not apply if the owner, on a balance of probabilities, satisfies the court that, at the time the motor vehicle was involved in the contravention, the owner was not present in the motor vehicle and no other person was operating the motor vehicle with the owner's express or implied consent.
- 8) Nothing in this Part prohibits:
 - a) Work carried on by the Town of Mayerthorpe or by contractors carrying out the instructions of the Town.
 - b) Contractors carrying out snow removal from commercial or industrial sites, which are not adjacent to residential districts.

TEMPORARY SIGNS

- 9) (a) An A-board Sign may be placed on a Boulevard if the A-board Sign
- i) does not exceed 0.8m² in Sign Area;
 - ii) does not exceed 1m in Sign Height; and
 - iii) is separated by at least 3m from another A-board Sign.
 - iv) is posted no more than 24 hours prior to the advertised event and removed no more than 24 hours following the advertised event.
- (b) A Developer Marketing Sign may be placed on a Boulevard if the Developer Marketing Sign
- i) is located in a subdivision or development that is subject to a subsisting development agreement issued by the Town;
 - ii) is Self-Supported;
 - iii) does not exceed 3m² in Sign Area;
 - iv) does not exceed 3m in Sign Height; and
 - v) is separated by at least 10m from another Developer Marketing Sign.
- (c) An Election Sign may be placed on a Boulevard if the Election Sign is posted
- i) with respect to municipal and school elections, only between 12:00 noon on nomination day and 24 hours after the closing of polling stations, and
 - ii) with respect to provincial and federal elections, only between 12:00 noon on the day when an election writ is handed down and 24 hours after the closing of polling stations; and
 - iii) is not located within any Town-owned or occupied facility, or on or within any property upon which that facility is situated.
- (d) A Garage Sale Sign may be placed on a Boulevard if the Garage Sale Sign
- i) is Self-Supported;
 - ii) does not exceed 0.6m in width;
 - iii) does not exceed 1m in Sign Height; and
 - iv) is posted no more than 24 hours prior to the advertised event and removed no more than 24 hours following the advertised event.
- (e) An Open House Sign may be placed on a Boulevard if the Open House Sign
- i) is Self-Supported;
 - ii) does not exceed 0.6m in width;
 - iii) does not exceed 1m in Sign Height; and
 - iv) is posted no more than 24 hours prior to the advertised event and removed no more than 24 hours following the advertised event.
- 10) For the purposes of the enforcement of this Part, the individual, business or organization referred to on a Sign shall be presumed to be the Person who placed the Sign.
- 11) In addition to pursuing any other remedy referenced under this Bylaw, the Town may cause to be immediately removed and/or impounded any Sign where
- a) the Sign interferes with Town maintenance operations;
 - b) the Sign is in a state of disrepair;
 - c) safety concerns or emergency conditions require the Sign's removal; or
 - d) the Sign is placed in contravention of a provision of this Part.
- 12) A Sign removed under section (11) shall be disposed with in any manner the Town deems to be appropriate.

OFFENCE

- 13) A person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE

- 14) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

VICARIOUS LIABILITY

- 15) For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

- 16) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

- 17) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.

Without restricting the generality of section (17) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:

- a) \$100.00 for any offence under sections 3, 5 and 6;
- b) \$200.00 for any offence under section 9; and
- c) double these fine amounts for any subsequent offence.

MUNICIPAL TAG

- 18) If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence.

PAYMENT IN LIEU OF PROSECUTION

- 19) A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

VIOLATION TICKET

- 20) If a violation ticket is issued in respect of an offence, the violation ticket may:
- a) specify the fine amount established by this bylaw for the offence; or
 - b) require a person to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

- 21) A person who commits an offence may:
 - a) if a violation ticket is issued in respect of the offence; and
 - b) if the violation ticket specifies the fine amount established by this bylaw for the offence;
 - c) make a voluntary payment equal to the specified fine.

SEVERABILITY

- 22) If a Court of competent jurisdiction should declare any Section or part of a Section of this bylaw to be invalid, such Section or part of a Section shall not be construed as having persuaded or influenced the Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

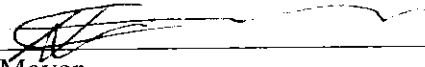
This Bylaw shall come into effect on the final reading thereof.

Bylaw No.882 of the Town of Mayerthorpe is hereby repealed.

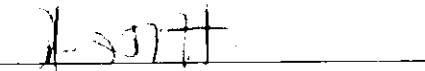
Read a First time in Council this 24th day of June A.D. 2011

Read a Second time in Council this 24th day of June A.D. 2011

Read a Third and Final time and duly passed this 13th day of June A.D. 2011



Mayor



CAO