



**TOWN OF CARDSTON
IN THE PROVINCE OF ALBERTA**

**BYLAW 1708
GOOD NEIGHBOUR BYLAW**

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TOWN OF CARDSTON

IN THE PROVINCE OF ALBERTA

BYLAW 1708 GOOD NEIGHBOUR BYLAW

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO ENHANCE THE QUALITY OF LIFE IN THE TOWN OF CARDSTON

WHEREAS the Municipal Government Act, Chapter 26, Revised Statutes of Alberta 2000 and amendments thereto permits the Council of the Town of Cardston, by By-Law, to prohibit, climate or abate noise and establish permissible noise levels for all or varying periods of the day:

AND WHEREAS the Council of the Town of Cardston deems it advisable to adopt such a By-Law to regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations;

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

PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

- TITLE** 1) This bylaw shall be known as the “Good Neighbour Bylaw” of the Town of Cardston.
- PURPOSE** 2) The Purpose of this Bylaw is to regulate nuisances and disturbances and enhance the quality of life in the Town of Cardston.
- DEFINITIONS** 3) In this bylaw:
- (a) “In Default” means failure to fulfill the legal obligation or duty set out in a municipal tag or provincial ticket
 - (b) “Municipal Tag” means a tag or ticket, wherein a person alleged to have committed a breach of a provision of this By-Law, is given an opportunity to pay a voluntary penalty to the Town of Cardston in lieu of prosecution for the offence;
 - (c) “Bylaw Enforcement Officer” means anyone with authority to enforce the bylaws of the Town of Cardston, which includes duly appointed Bylaw Officers, RCMP, and Peace

Officers as defined by the Peace Officer Act of Alberta.

- (d)** “Nuisance Animal” includes, but is not limited to any companion animal that:
 - i.** consistently roams;
 - ii.** makes persistent, excessive noise;
 - iii.** repeatedly defecates on private property other than the property on which it is
 - iv.** ordinarily kept;
 - v.** repeatedly runs at or chases a person, animal or vehicle;
 - vi.** endangers the health of a person; or
 - vii.** repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.
- (e)** “Person” includes His Majesty and public bodies, bodies corporate, Societies, Partnerships, Firms, an individual, Companies
- (f)** “Property” means real property and includes land, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof;
- (g)** “Provincial Violation Ticket” means a violation ticket as define in section 1 of the Alberta Provincial Offences Procedures Act, RSA 2000, c P-34.
- (h)** “RCMP Officer” means an individual who is a member of the Royal Canadian Mounted Police.
- (i)** “Town” means the Town of Cardston or the area within the corporate limits of the Town of Cardston, as the context may require;
- (j)** “Voluntary penalty” means a penalty specified in this By-Law for the contravention of a provision of this By-Law which amount shall be paid by a person to whom a municipal tag has been issued.

RULES FOR INTERPRETATION

- 4)** The table of contents, marginal notes and headings in this bylaw are for reference purposes only.
- 5)** Where a provision in this bylaw may also be enforced under another bylaw, it will be at the discretion of the Bylaw Enforcement Officer whether they lay charges under this bylaw or under another bylaw.

APPLICATION

- 6)** This bylaw does not apply to the following:



- (a) Official work conducted by the Town of Cardston and its employees.
- (b) Town hosted events or celebrations, including but not limited to parades and fireworks.
- (c) Permitted uses of Town facilities.

PART II – GENERAL REGULATIONS

- BYLAW OFFICER**
- 6) No person will obstruct, or interfere with, a Bylaw Enforcement Officer in the exercise of their duties.
 - 7) A Bylaw Enforcement Officer will have the right to enter upon the real property of any owner or occupant at all reasonable times and in a reasonable manner for the purposes of inspecting property to determine compliance with the provisions of this Bylaw.

PART III – NOISE REGULATIONS

- GENERAL NOISE**
- 8) No person shall make, cause or permit to be made or caused, any noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons, either in or on private property, public property, or on any Highway in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity of those premises within the corporate limits of the Town of Cardston.
 - 9) No person being the owner, tenant or occupier of property shall allow or permit such property to be used so that noise which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons, either in or on private property, public property, or on any Highway in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity of those premises within the corporate limits of the Town of Cardston.
 - 10) For the purposes of this part, noises include—but are not limited to—those made by:
 - (a) Radios;
 - (b) Stereophonic equipment;



- (c) Instruments, or any apparatus made or modified for the production or amplification of sound.

MOTOR VEHICLE NOISE

11) MOTOR VEHICLE NOISES

- (a) The failure of a person within the Town to comply with the following provisions of the Traffic Safety Act and Regulations is guilty of an offence under this bylaw:
 - i. The prohibition against the use of signaling devices on motor vehicles, motorcycles, or bicycles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons on the highway, as set out in subsection (2) of Section 83 of the Traffic Safety Act; Use of Highway and Rules of Road Regulation;
 - ii. The restrictions on the type or use of mufflers and similar equipment on motor vehicles, as set out in 61(1) of the Traffic Safety Act; Vehicle Equipment Regulation;
 - iii. The prohibition against equipping a vehicle other than those specified with a siren, as set out in section 77 of the Traffic Safety Act Vehicle Equipment Regulation; constitutes a violation of this by-law in addition to and not in substitution for the offence under Traffic Safety Act and Regulations.
- (b) Where a person operates a vehicle of any type on a street in a Residential zone at any time in such a way as to unduly disturb the residents of that street, he/she is guilty of an offence under this bylaw in addition to and not in substitution for any offence of which he may be guilty under Section 13(1)(g)(iii) of the *Traffic Safety Act*.
- (c) Subsection (b) does not apply to work on a Town street or on a public utility carried on by
 - i. A Person acting in the normal course of that Person's employment as a Town Employee (or as an agent under contract by the Town); or
 - ii. A Person operating an Emergency Vehicle in the normal course of the Person's employment;
- (d) Where a vehicle is equipped with a siren under Section 77, of the *Vehicle Safety Act*; *Vehicle Equipment Regulations*, the driver thereof shall only use the siren when the vehicle is proceeding in response to an emergency call
- (e) Subsection (d) does not apply to the use of a siren on a vehicle operated by a member of the Royal Canadian



Mounted Police, or a Peace Officer.

- 12)** The use of engine retarder brakes is prohibited within the Municipal Boundaries of the Town of Cardston on all roads excepting provincial highways.
- 13)** No person shall advertise any event or merchandise by ringing bells, calling loud, playing any type of musical or noise making instrument or by any other audible means in any part of the Town except by permit from the Town.

DOMESTIC NOISE

- 14)** No person shall operate:
 - (a)** a motorized or electric construction/lawn/garden tool; or
 - (b)** a snow clearing device powered by an engine of any type;

in a Residential Zone between the hours of:

- (1)** ten o'clock in the evening and seven o'clock in the morning of the next day which is a weekday; or
- (2)** ten o'clock in the evening and eight o'clock in the morning of the next day which is a Sunday or holiday.

- 15)** Unless written permission from the Town is first obtained, no person shall operate or allow to be operated:

- (a)** a riveting machine; or
- (b)** a concrete mixer; or
- (c)** a gravel crusher; or
- (d)** a trenching machine; or
- (e)** jack hammer or other pneumatic tool; or
- (f)** any other construction equipment;

in a Residential Zone between the hours of:

- (1)** ten o'clock in the evening and seven o'clock in the morning of the next day which is a weekday; or
- (2)** ten o'clock in the evening and eight o'clock in the morning of the next day which is a Sunday or holiday.

PART IV – PROPERTY MAINTENANCE

- 16)** No Owner, occupier or tenant of real property will allow or permit the property to become or remain unsightly.
- 17)** Every owner, occupier or tenant of real property will maintain



in a clean and well-kept condition every boulevard, lane or alley adjacent their property.

PART V – SNOW REMOVAL

- 18)** Every owner, occupier or tenant of real property will keep the sidewalk adjacent to their property free of snow or ice, and will remove any snow that has accumulated on the sidewalk within 24 hours from when it has accumulated.
- 19)** No one in a residential area will deposit any snow from any sidewalk or driveway onto any road within the Town of Cardston.
- 20)** No one in a residential area will deposit any snow onto any private property without the consent of the owner, occupier, or tenant of the private property.

PART VI – COMPANION ANIMALS

- 21)** No companion animal will become a nuisance animal to neighbours. Should complaints be received, the owner of the companion animal may be required to keep the animal indoors to ensure a nuisance is not produced and or be subject to enforcement actions.
- 22)** If an animal is subject to repeat violations the Town may declare the animal a nuisance animal and thereafter escalate the issuing of Municipal Tickets on a multiplying basis as to the number of violations committed currently and or previously.

PART VII – ILLEGAL DUMPING

- 23)** No person will deposit refuse upon a public space except in waste receptacles provided for such purposes (littering).
- 24)** No person will deposit any refuse of any kind upon private property except for in a proper waste receptacle as defined by the garbage bylaw (unsightly property).
- 25)** No person will deposit any off-site refuse of any kind upon private property or a public space unless a waste receptacle explicitly marked for that purpose is provided (illegal dumping).



PART VIII – EMERGENCIES

- 26)** Nothing herein shall render any person liable to a fine, penalty or punishment for performing work of an emergency nature for the preservation or protection of life, health or property.

PART IX – PENALTIES

- 27)** A Municipal tag or Provincial Violation Ticket in the amount of the voluntary penalty may be issued for any breach of this By-Law.
- 28)** In the event a municipal tag remains unpaid after the period of thirty (30) days a summons will be issued.
- 29)** Any person who commits a breach of any provision of this By-Law shall be liable to a voluntary penalty of:
- (a)** For the first offence to a voluntary penalty of One Hundred (\$100.00) Dollars and upon Summary Conviction to a fine of not less than Two Hundred (\$200.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) months, or to both.
 - (b)** For the second offence within a six (6) month period to a voluntary penalty of Two Hundred (\$200.00) Dollars and upon Summary Conviction to a fine of not less than Three Hundred (\$300.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) months, or to both.
 - (c)** For a third and subsequent offence within a six (6) month period a summons shall be issued and upon Summary Conviction to a fine of not less than Three Hundred (\$300.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) months, or both.

- EFFECTIVE DATE** **30)** This Bylaw shall come in force upon the date of its third and final reading.

- REPEAL** **31)** Bylaw #1600 and amendments there to shall be rescinded.



Received First Reading this 24 day of January, 2023

Received Second Reading this 14 day of February, 2023

Received Third & Final Reading this 14 day of February, 2023

Signed by the Mayor and the Chief Administrative Officer this 15 day of February, 2023

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

