

# **DISCUSSION DOCUMENT**

Version 14  
October 21, 2016

## **COMMUNITY STANDARDS BYLAW 5M2004 SHOWING PROPOSED AMENDMENTS**

Proposed deletions shown in **striketrough text**  
Proposed additions shown in **underlined text**

### **OFFICE CONSOLIDATION**

#### **BYLAW NUMBER 5M2004**

#### **BEING A BYLAW OF THE CITY OF CALGARY TO REGULATE NEIGHBOURHOOD NUISANCE, SAFETY AND LIVEABILITY ISSUES**

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(Amended by Bylaw Number's 28M2004, 35M2004, 37M2004, 29M2005, 13M2006, 48M2007, 14M2009, 52M2010, 36M2011, 50M2011, 52M2014, 55M2014, 31M2016)

**WHEREAS** the *Municipal Government Act*; (RSA 2000, c. M-26) authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and protection of people and property;

**AND WHEREAS** the *Municipal Government Act* authorizes a municipality to pass bylaws respecting nuisances, including unsightly property;

**AND WHEREAS** the *Municipal Government Act* authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

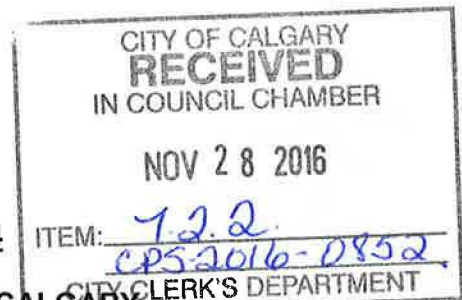
**AND WHEREAS** it is desirable for regulations which affect neighborhood livability to be located, as much as possible, in one bylaw;

**NOW THEREFORE THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

### **PART 1 – INTERPRETATION AND DEFINITIONS**

1. (1) This Bylaw shall be cited as the "Community Standards Bylaw".
- (2) In this Bylaw:

**(a.01) "Ambient Sound Level" means the Sound Level measured at a Point of Reception, which excludes the noise generated by an activity with respect to which a complaint about noise has been made;**



- (a) "Automobile Parts" includes, but is not limited to, any vehicle part or collection of vehicle parts, or one or more vehicles that are dilapidated, derelict or not in operable condition;
- (b) "Board" means the Licence and Community Standards Appeal Board as established by the Licence and Community Standards Appeal Board Bylaw Number ~~48M2007~~ 50M2011;
- (b.1) "Charity Collection Site" means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;
- (c) "Chief Bylaw Enforcement Officer" means the City Manager or the City Manager's designate the person appointed as Chief Bylaw Enforcement Officer pursuant to Bylaw 60M86, the Bylaw Enforcement Officers Appointment Bylaw;  
(B/L 36M2011, 2011 May 16)
- (d) "City Manager" means the person designated by Council as its chief administrative officer, or that person's designate;  
(B/L 36M2011, 2011 May 16)
- (e) "City" means the municipal corporation of The City of Calgary, and includes the geographical area within the boundaries of The City of Calgary where the context so requires;
- (e.1) "Commercial District" means a commercial district as defined in Bylaw 1P2007, the Land Use Bylaw;
- (e.2) "Composting" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner;
- (e.3) "Concrete Mixer" means a machine that is mounted on a Truck chassis or trailer capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used;
- (e.4) "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;
- (e.5) "Continuous Sound" means any Sound Level that occurs:
  - (i) for a continuous duration of more than 3 minutes; or
  - (ii) sporadically for a total of more than 3 minutes, in any continuous 15 minute time period;



(e.6) "Daytime" means the period:

(i) beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or

(ii) beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a Weekend;

(f) "Director" of any department of The City means the City Manager or the City Manager's designate;

(B/L 36M2011, 2011 May 16)

(f.1) "Distributor" means any person, owner of a business, company, or organization which distributes, permits to be distributed or causes to be distributed any flyer which promotes the distributor's activities;

(f.2) "Downtown" means the area in the city of Calgary bounded on the east by 3rd Street East, on the south by the CPR tracks, on the west by 9th Street West, and on the north by the Bow River;

(f.3) "Fence" includes a privately-built fence and a developer-built community screening fence;

(g) "Fire Chief" means the City Manager or the City Manager's designate the person appointed as Fire Chief pursuant to Bylaw 55M2014, the Fire Operations and Fees Bylaw;

(B/L 36M2011, 2011 May 16)

(g.1) "Fire Pit" includes a permanently affixed outdoor fire receptacle and a Portable Fire Receptacle;

(g.2) "Fire Place" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry;

(g.3) "Flyer" means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, or any other printed or otherwise reproduced matter of literature;

(h) DELETED BY BYLAW NUMBER 55M2014, 2014 OCTOBER 07.

(h.1) "Garbage Truck" means any vehicle equipped for transporting refuse or any vehicle equipped to load, unload and transport containers for handling refuse;

(h.2) "Garden" means:

(i) an area of landscaped land, or

(ii) a container

- in which flowers, vegetables, fruits, shrubs, vines or herbs are cultivated;
- (h.3) "Good Repair" means a condition where something is free from:
- (i) broken, missing, or fallen parts;
  - (ii) rot or other significant deterioration; or
  - (iii) openings which are not secured against trespassers or infiltration or air and precipitation;
- (h.4) "Graffiti" means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Premises, Structure, or other property, but does not include words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any vehicle;
- (h.5) "Herbaceous Plant" means a plant having little or no woody tissue above ground;
- (i) "Lane" means an alley intended primarily for access to the rear of Premises located adjacent to the alley;
- (i.1) "Leq" means the equivalent continuous Sound Level over periods of time as specified in this Bylaw at a specified location as measured by a Sound Level Meter;
- (i.2) "Major Event" means any outdoor concert, festival, sporting event, performance, attraction, revival or other event, for which either at least 5,000 tickets are available for paid admission or 5,000 or more people can be accommodated if there is no admission charge;
- (i.3) "Motorized Garden Tool" means any tool used for gardening that is powered;
- (i.4) "Night-time" means the period beginning at 10:00 P.M. and ending the following day at:
- (i) 7:00 A.M. if the following day is a Weekday; or
  - (ii) 9:00 A.M. if the following day is a Weekend;
- (i.5) "Non-Continuous Sound" means any Sound Level that is not a Continuous Sound measured with a Sound Level Meter;
- (i.6) "Non-Residential Development" means any land or building that is not a Residential Development or Residential Building;
- (j) "Officer" includes a Bylaw Enforcement Officer and a member of the Calgary Police Service;



- (j.1) "Open Composting Pile" means a Composting site which is not fully contained in a Structure;
- (j.2) "Outdoor Speaker System" means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, public address or other system, which is used for general listening purposes and positioned:
- (i) outside of a building;
  - (ii) inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building; or
  - (iii) in a tent;
- (k) "Person" includes a corporation, other legal entities and an individual having charge or control of a Premises;
- (k.1) "Point of Reception" means any location at the place of work or residence where noise or Sound Levels are heard by a complainant;
- (k.2) "Portable Fire Receptacle" means an outdoor fire receptacle which is not permanently affixed;
- (k.3) "Power Tool" includes any tool powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity or a fossil fuel;
- (l) "Premises" includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;
- (m) "Remedial Order" means an order written pursuant to Section 545 and or Section 546 of the *Municipal Government Act*;
- (m.01) "Residential Building" means a Structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;
- (m.02) "Residential Development" means any land which is the site of a Residential Building and is designated as one of the following land use districts:
- (i) a Residential District;
  - (ii) a direct control district pursuant to Bylaw 1P2007, the Land Use Bylaw, where the applicable land use allows a use which is residential; or

(iii) any other land use district pursuant to Bylaw 1P2007, the Land Use Bylaw which allows residential uses;

(m.03) "Residential District" means a residential district as defined in Bylaw 1P2007, the Land Use Bylaw;

(m.04) "Signalling Device" means any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon or public address system;

(m.05) "Sound Level" means the sound pressure measured in decibels using the "A" weighted network of a Sound Level Meter with fast response;

(m.06) "Sound Level Meter" means any Type 2 or better integrating instrument (as established by the standards of the American National Standards Institute "A.N.S.I") that measures Sound Levels;

(m.1) "Structure" means a building, garage, shed, Ffence or other improvement thing erected or placed in, on, over or under land, whether or not it is affixed to the land;

(B/L 52M2010, 2010 July 19)

(m.2) "Truck" means any vehicle that has a gross allowable maximum vehicle weight in excess of 5450 kilograms as listed on the official registration certificate issued by the Government of the Province of Alberta, regardless of the vehicle's actual weight at a specific time, and includes a truck-tractor and tractor-trailer, but does not include a Concrete Mixer or a Garbage Truck;

(m.3) "Weekday" means Monday through Saturday, inclusive unless it falls on a holiday, as defined in the Interpretation Act, R.S.A. 2000, c. I-8, as amended or replaced from time to time;

(m.4) "Weekend" means Sunday and any other holiday, as defined in the Interpretation Act, R.S.A 2000, c. I-8, as amended or replaced from time to time;

(n) "Work Forces" includes employees of The City and Persons under contract to The City;

(B/L 14M2009, 2009 April 06)

(3) The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibitions of this Bylaw.

(4) Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit, order or licence.



- (5) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- (6) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- (7) All schedules attached to this Bylaw shall form part of this Bylaw.  
(B/L 35M2004, 2004 May 03)  
(48M2007, 2007 October 23)

**PART 2 – REMEDIAL ORDERS AND COMMUNITY STANDARDS APPEAL BOARD**

- 2. (1) Every Remedial Order written with respect to this Bylaw must:
  - (a) indicate the Person to whom it is directed;
  - (b) identify the property to which the Remedial Order relates by municipal address or legal description;
  - (c) identify the date that it is issued;
  - (d) identify how the Premises fails to comply with this or another bylaw;
  - (e) identify the specific provisions of the Bylaw the Premises contravenes;
  - (f) identify the nature of the remedial action required to be taken to bring the Premises into compliance;
  - (g) identify the time within which the remedial action must be completed;
  - (h) indicate that if the required remedial action is not completed within the time specified, The City may take whatever action or measures are necessary to remedy the contravention;
  - (i) indicate that the expenses and costs of any action or measures taken by The City under this Section are an amount owing to The City by the Person to whom the order is directed;
  - (j) indicate that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by a specified time;
  - (k) indicate that an appeal lies from the Remedial Order to the Licence and Community Standards Appeal Board, if a notice of appeal is filed in writing with the City Clerk within fourteen days of the receipt of the Remedial Order.

- (2) Every Remedial Order written with respect to provisions of another bylaw must contain the same information as set out in subsection (1) as modified as necessary in the context of that bylaw.
- ~~(3) A Remedial Order written pursuant to this Bylaw may be served personally upon the owner of the Premises to which it relates, or it may be left with a Person apparently over the age of 18 years at the Premises.~~
- ~~(4) If, in the opinion of an Officer, service of the Remedial Order cannot be reasonably effected, or if the Officer believes that the owner of the Premises is evading service, the Officer may post the Remedial Order in a conspicuous place on the Premises to which the Remedial Order relates, or on the private dwelling place of the owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.~~
- (3) A Remedial Order issued pursuant to this Bylaw may be served:
- (a) in the case of an individual:
- (i) by delivering it personally to the individual;
- (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age;
- (iii) by delivering it by registered mail to the individual at their apparent place of residence; or
- (iv) by delivering it by registered mail to the last address of the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta;
- (b) in the case of a corporation:
- (i) by delivering it personally to a director or officer of the corporation;
- (ii) by delivering it personally to any person apparently in charge of an office of the corporation at the address held out by the corporation to be its address; or
- (iii) by delivering it by registered mail addressed to the registered office of the corporation.
- (4) If, in the opinion of a person serving a Remedial Order, service of the Remedial Order cannot be reasonably effected, or if the person serving the Remedial Order believes that the owner of the Premises is evading service, the person serving the Remedial Order may post the Remedial Order:



- (a) at a conspicuous place on the Premises to which the Remedial Order relates;
- (b) at the private dwelling place of the owner of the Premises to which the Remedial Order relates, as shown on a certificate of title pursuant to the Land Titles Act or on the municipal tax roll; or
- (c) at any other property owned by the owner of the Premises to which the Remedial Order relates, as shown on a certificate of title pursuant to the Land Titles Act or shown on the municipal tax roll;

and the Remedial Order shall be deemed to be served upon the expiry of 3 days after the Remedial Order is posted.

- (5) Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.  
(B/L 35M2004, 2004 May 03)  
(48M2007, 2007 October 23)

#### **Creation of the Community Standards Appeal Board**

- 3. DELETED BY 48M2007, 2007 OCTOBER 23.

(B/L 35M2004, 2004 May 03)  
(B/L 37M2004, 2004 May 17)  
(B/L 29M2005, 2005 May 16)  
(B/L 48M2007, 2007 October 23)

#### **Appeal of Remedial Orders**

- 4. DELETED BY 50M2011, 2011 SEPTEMBER 19.

### **PART 3 – ENFORCEMENT**

#### **General Penalty Provision**

- 5. (1) Any Person 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;is guilty of an offence.
- (2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to a period of imprisonment not exceeding six (6) months.

**Violation Tickets and Penalties**

6. (1) Where an Officer believes that a Person has contravened any provision of this Bylaw, the Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*, R.S.A. 2000 c. P-24.
- (2) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- (3) Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.
- (4) If a Person is convicted twice of the same provision of this Bylaw within a 24 month period, the minimum penalty for the second conviction and any subsequent convictions within a 24 month period shall be twice the amount of the specified penalty, unless:
- (a) the Person is a "Young Person" (as defined in the Youth Justice Act, R.S.A. 2000, c. Y-1, as amended); and
  - (b) the convictions are under either Subsection 17.1(1), Subsection 18(3), Subsection 18(5) or Subsection 19(2) of this Bylaw;
- in which case the specified penalty for a "Young Person" shall apply.  
(B/L 14M2009, 2009 April 06)
- (5) This Section shall not prevent any Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, R.S.A. 2000 c. P-24, or from laying an information in lieu of issuing a violation ticket.
- (6) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

**PART 4 – UNTIDY PROPERTIES**

**Scope**

- ~~7. The standards, requirements and prohibitions contained in this Part shall apply to:~~
- ~~(a) residential Premises;~~
  - ~~(b) vacant lots within residential areas; and~~
  - ~~(c) commercial Premises;~~
- ~~but not industrial areas.~~



7. This Part applies to Premises and vacant lots in residential areas and commercial areas but does not apply to industrial areas.

**Accumulation of Materials**

8. (1) No owner or occupier of a Premises shall allow on the Premises, the accumulation of:
- (a) any material that creates unpleasant odors;
  - (b) any material likely to attract pests; or
  - (c) animal remains, parts of animal remains, or animal feces.
- (2) No owner or occupier of a Premises shall allow the open or exposed storage on the Premises of any industrial fluid, including engine oil, brake fluid or antifreeze.
- (3) No owner or occupier of a Premises shall allow the following to accumulate on the Premises such that the accumulation is visible to a Person viewing from outside the property:
- (a) loose garbage;
  - (b) bottles, cans, boxes or packaging materials;
  - (c) household furniture or other household goods;
  - (d) Automobile Parts;
  - (e) parts of or disassembled machinery, equipment or appliances; and
  - (f) yard waste, including grass, tree and hedge cuttings but excluding ~~ground cover and~~ the contents of a Composting Pile as defined in this Bylaw.  
(B/L 14M2009, 2009 April 06)
- (4) No owner or occupier of real property shall allow on the Premises the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking is being actively carried out on the Premises and that the project has begun or the beginning of work is imminent.
- (5) An owner or occupier of a Premises shall ensure that all building materials stored on a Premises, that are not in contravention of subsection (4), are stacked or stored in an orderly manner;
- (6) Despite anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on a Premises for basic property maintenance.

**Appliances**

9. (1) No owner or occupier of a Premises shall allow a refrigerator or freezer to remain ~~on the outside on a~~ Premises without first ensuring that the hinges and latches, or lid or doors of the unit have been removed.
- (2) No owner or occupier of a Premises shall allow any appliance to remain on the Premises such that the appliance is visible to a Person viewing from outside the property.
- (3) Notwithstanding subsections (1) ~~and (2)~~, it shall not be an offence for an owner or occupier of a Premises to allow a refrigerator to remain outside on a Premises:
  - (a) if the refrigerator is not visible to a Person viewing from outside the property; and
  - (b) the refrigerator remains locked at all times with a padlock and key or similar device.

#### Outdoor Storage of Building Materials

- ~~10. (1) No owner or occupier of real property shall allow on the Premises the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking is being carried out on the Premises and that:~~
  - ~~(a) the project has begun or the beginning of work is imminent;~~
  - ~~(b) the materials found on the Premises relate to the project taking place on the Premises in a quantity reasonable to complete the project; and~~
  - ~~(c) the work on the project has not been suspended for a period in excess of one hundred and twenty days; and~~
  - ~~(d) REPEALED BY B/L 13M2006, 2006 JANUARY 16~~
- ~~(2) An owner or occupier of a Premises shall ensure that all Building materials stored on a Premises, that are not in contravention of subsection (1), are stacked or stored in an orderly manner;~~
- ~~(3) Notwithstanding anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on a Premises for basic property maintenance.~~

(B/L 13M2006, 2006 January 16)

#### PART 5 – FIRE ON PREMISES



~~11. For the purposes of this Part:~~

- ~~(a) "Fire Pit" includes a permanently affixed outdoor fire receptacle and a Portable Fire Receptacle;~~
- ~~(b) "Fire Place" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry;~~
- ~~(c) "Portable Fire Receptacle" means an outdoor fire receptacle which is not permanently affixed.~~

**General Prohibition**

12. Except for a fire which is allowed by the Fire Operation and Fees Bylaw 55M2014, or another bylaw, no Person shall burn, or allow to be burned, a fire on a Premises that does not comply with the requirements of this Bylaw.

(B/L 35M2004, 2004 May 03)  
(B/L 55M2014, 2015 October 07)

**All Fires Must be Supervised**

13. Every Person who builds, ignites or allows a fire on a Premises must ensure that the fire is not left unsupervised at any time.

(B/L 35M2004, 2004 May 03)

**Restrictions Applying to All Fires Allowed Pursuant to This Bylaw**

14. (1) No Person shall burn, at any time, on any Premises, the following materials:

- (a) treated or painted lumber;
- (b) lumber products containing glue or resin;
- (c) wet or unseasoned wood;
- (d) leaves, brush or yard waste;
- (e) garbage;
- (f) rubber, tires or plastic; or
- (g) any animal carcass or part thereof.

- (2) No Person shall ignite or allow **a an outdoor** fire to burn on a Premises between one o'clock a.m. (1:00 a.m.) and ten o'clock a.m. (10:00 a.m.).

(B/L 14M2009, 2009 April 06)

**Fires in Fireplaces Fire Places**

15. (1) A Person may build, ignite or allow a fire on a Premises in a Fire Place, as long as that Person complies with Sections 13 and 14 of this Bylaw.  
(B/L 35M2004, 2004 May 03)

**Fires in Firepits**

16. (1) A Person may build, ignite, or allow a fire on a Premises in a Fire Pit as long as that Person ensures that the fire is contained in a Fire Pit that:
- (a) is constructed of non-combustible material;
  - (b) has an open flame area that does not exceed 1 metre at its widest point;
  - (c) does not have walls which exceed 0.75 metres in height measured from the floor of the Fire Pit to the top of the wall of the Fire Pit excluding any chimney;
  - (d) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
  - (e) is situated at least 2 metres from any house, garage or similar ~~structure~~ **Structure** including wooden decks, porches and similar amenity space attached to a ~~structure~~ **Structure** measured from the part of the Fire Pit which is closest to the ~~structure~~ **Structure** or amenity space;
  - (f) is situated at least 2 metres from any other combustible material measured from the part of the Fire Pit which is closest to the combustible material; **and**
  - (g) is not located directly under any tree or overhanging branches; **and**
  - (h) is covered with a non-combustible mesh screen with openings no greater than 1.24 cm across, for Fire Pits in which wood is burned.**
- (2) Notwithstanding subsection 15(1)(e), a Person may build, ignite or allow a fire in a Portable Fire Receptacle on a wooden deck as long as that Person ensures that:
- (a) a non-combustible material such as brick or stone is placed between the Portable Fire Receptacle and the wooden deck; **and**
  - (b) the Portable Fire Receptacle is situated at least 2 metres from any house, garage, similar ~~structure~~ **Structure** or other combustible material, measured from the part of the receptacle which is closest to the ~~structure~~ **Structure** or combustible material.
- (3) Every Person who builds, ignites or allows a fire in a Fire Pit must ensure that:
- (a) a means of extinguishing the fire is kept on hand at all times while the fire is burning;



- (b) the flames from the fire do not exceed 1 metre in height at any time; and
- ~~(c) — the fire is not left unsupervised at any time; and~~
- (d) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.

### **Powers of The Fire Department**

- 17. If, ~~in the opinion of an Officer, or~~ in the sole opinion of a member of the Fire Department, a fire poses a danger or does not comply with the requirements of this Bylaw, a member of the Fire Department may extinguish the fire and take any other steps that member of the Fire Department deems necessary to ensure that the fire and site of the fire no longer pose a danger.

### **Powers of the ~~Chief Bylaw Officer and~~ Fire Chief**

- 17.1 (1) Notwithstanding any other provision in this Bylaw, ~~the Chief Bylaw Officer or~~ the Fire Chief may, ~~in either's sole discretion,~~ issue an order that prohibits a Person from building or igniting a fire in a Fire Pit or Portable Fire Receptacle on a Premises.
- (2) No person shall contravene an order of the ~~Chief Bylaw Officer or~~ Fire Chief that prohibits building or igniting a fire in a Fire Pit or Portable Fire Receptacle.
- (3) The ~~Chief Bylaw Officer or the~~ Fire Chief may, ~~in either's sole discretion,~~ withdraw an order issued under subsection (1).

(B/L 14M2009, 2009 April 06)

### **Fire Bans**

- 18. DELETED BY BYLAW NUMBER 55M2014, 2014 OCTOBER 07.

### **PART 6 – GRAFFITI PREVENTION AND ABATEMENT**

- 19. (1) ~~For the purposes of this Part, "Graffiti" means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Premises, Structure, or other property.~~

(B/L 14M2009, 2009 April 06)

(B/L 52M2010, 2010 July 19)

- (2) No person shall create or apply Graffiti on or to any
  - (a) Premises,
  - (b) Structure, or
  - (c) Other property which is owned or occupied by another Person unless the Graffiti is not in public view and the Person who owns or occupies the Premises, ~~structure~~ Structure or other property to which the Graffiti has

been created or applied has given prior written approval for the creation or application of the Graffiti.

(B/L 52M2010, 2010 July 19)

- (3) Every owner or occupier of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.

(B/L 52M2010, 2010 July 19)

- (4) Subsections (2) and (3) do not apply to a sign, as defined in the Land Use Bylaw 1P2007, as amended, for which a development permit has been issued.

(B/L 14M2009, 2009 April 06)

(B/L 52M2010, 2010 July 19)

## **PART 7 – DONATION AND RECYCLING CHARITY COLLECTION SITES**

### **20. For the purpose of this Part:**

- (a) ~~"Charity Collection Site" means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods; and~~

- (b) REPEALED BY B/L 14M2009, 2009 APRIL 06

### **Donation Sites**

21. (1) No Person shall dump or deposit household garbage or other waste at a Charity Collection Site.
- (2) No Person shall scavenge from or disturb any material, bag or box in or at a Charity Collection Site, whether or not that material, bag or box is contained in a receptacle or resting upon the ground.

### **Recycling Sites**

22. REPEALED BY B/L 14M2009, 2009 APRIL 06

### **Vehicle Owner Liable**

23. (1) If a vehicle is involved in an offence referred to in this Part, the owner of that vehicle is guilty of an offence unless the owner of that vehicle satisfies the Court that the owner was not in control of the vehicle and that the Person having control of the vehicle at the time of the offence had control of the vehicle without the owner's express or implied consent.
- (2) ~~Subsection (1) does not apply if the owner of that vehicle satisfies the Court that the owner was not in control of the vehicle and that the Person having control of the vehicle at the time of the offence had control of the vehicle without the owner's express or implied consent.~~



## **PART 8 – REGULATION OF COMPOSTING**

24. ~~(1) — For the purposes of this part:~~

- ~~(a) — “Composting” means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner; and~~
- ~~(b) — “Open Composting Pile” means a Composting site which is not fully contained in a structure.~~

(B/L 28M2004, 2004 March 15)

## **Prohibitions**

- 25. (1) No owner or occupier of a Premises shall place or allow to be placed cat feces, dog feces, animal parts or animal meat on a Composting pile or in a Composting container on the Premises.
- (2) No owner or occupier of a Premises shall allow an Open Composting Pile on the Premises within ten (10) metres of an adjacent dwelling house, measured from the nearest part of the Open Composting Pile to the nearest part of the adjacent dwelling house.
- (3) Every owner or occupier who allows a Composting container or Composting pile to remain on a Premises must ensure that it is maintained in such a manner that it does not become a nuisance by:
  - (a) creating offensive odours; or
  - (b) attracting pests.

(B/L 28M2004, 2004 March 15)

## **PART 9 – REGULATION OF NOISE**

26. ~~(1) — For the purposes of this Part:~~

- ~~(a) — “Ambient Sound Level” means the Sound Level measured by a Tester at a Point of Reception, which excludes the noise generated by an activity with respect to which a complaint about noise has been made;~~
- ~~(b) — “Concrete Mixer” means a machine that is mounted on a Truck chassis or trailer capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used;~~
- ~~(c) — “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;~~

- (d) ~~"Continuous Sound" means any Sound Level that occurs:~~
  - (i) ~~for a continuous duration of more than 3 minutes; or~~
  - (ii) ~~sporadically for a total of more than 3 minutes, in any continuous 15 minute time period;~~
- (e) ~~"Daytime" means the period:~~
  - (i) ~~beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or~~
  - (ii) ~~beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a Weekend;~~
- (f) ~~"Downtown" means the area in the city of Calgary bounded on the east by 3<sup>rd</sup> Street East, on the south by the CPR tracks, on the west by 9<sup>th</sup> Street West, and on the north by the Bow River;~~
- (g) ~~"Field Calibrator" means an instrument (as established by the American National Standards Institute "A.N.S.I.") to be used for the calibration of a Sound Level Meter. The Field Calibrator must be approved by the manufacturer for use with the Sound Level Meter being used and must also be certified and calibrated by the manufacturer within the previous 12 months prior to its use;~~
- (h) ~~"Garbage Truck" means any vehicle equipped for transporting refuse or any vehicle equipped to load, unload and transport containers for handling refuse;~~
- (i) ~~"Leq" means the equivalent continuous Sound Level over periods of time as specified in this Bylaw at a specified location as measured by a Sound Level Meter;~~
- (j) ~~"Major Event" means any outdoor concert, festival, sporting event, performance, attraction, revival or other event, for which either at least 5,000 tickets are available for paid admission or 5,000 or more people can be accommodated if there is no admission charge;~~
- (k) ~~"Motorized Garden Tool" means any tool used for horticulture that is powered by an electric or internal combustion engine of any kind;~~
- (l) ~~"Night-time" means the period beginning at 10:00 P.M. and ending the following day at:~~
  - (i) ~~7:00 A.M. if the following day is a Weekday; or~~
  - (ii) ~~9:00 A.M. if the following day is a Weekend;~~
- (m) ~~"Non-Continuous Sound" means any Sound Level that is not a Continuous Sound measured with a Sound Level Meter;~~



- (n) — ~~“Non-Residential Development” means any land or building that is not a Residential Development or Residential Building;~~
- (o) — ~~“Outdoor Speaker System” means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, public address or other system, which is used for general listening purposes and positioned:~~
  - (i) — ~~outside of a building;~~
  - (ii) — ~~inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building; or~~
  - (iii) — ~~in a tent;~~
- (p) — ~~“Point of Reception” means any location at the place of work or residence where noise or Sound Levels are heard by a complainant, as determined by the Tester to be appropriate in each circumstance;~~
- (q) — ~~“Power Tool” includes any tool powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity or a fossil fuel;~~
- (r) — ~~“Residential Building” means a structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;~~
- (s) — ~~“Residential Development” means any land which is the site of a Residential Building and is designated as one of the following Land Use Districts, as defined in Bylaw 2P80, The Land Use Bylaw:~~
  - (i) — ~~RR-1, R-1, RS-1, RS-2, R-1A, R-2, R-2A, R-MH, RM-1, RM-2, RM-3, RM-4, RM-5, RM-6, RM-7; or~~
  - (ii) — ~~Direct Control, where the applicable land use guidelines allows a use which is residential; or~~
  - (iii) — ~~any other Land Use Districts which allows residential uses;~~
- (t) — ~~“Signalling Device” means any device that produces an audible sound used for the purpose of drawing an individual’s attention, including a horn, gong, bell, klaxon or public address system;~~
- (u) — ~~“Sound Level” means the sound pressure measured in decibels using the “A” weighted network of a Sound Level Meter with fast response;~~

- (v) — ~~"Sound Level Meter" means any Type 2 or better integrating instrument (as established by the standards of the American National Standards Institute "A.N.S.I.") that measures Sound Levels;~~
- (w) — ~~"Tester" means an Officer or individual authorized by the City Manager and trained in the operation of a Sound Level Meter as defined in this Bylaw, appointed pursuant to subsection 39(1);~~  
(B/L 36M2011, 2011 May 16)
- (x) — ~~"Truck" means any vehicle that has a gross allowable maximum vehicle weight in excess of 5450 kilograms as listed on the official registration certificate issued by the Government of the Province of Alberta, regardless of the vehicle's actual weight at a specific time, and includes a truck tractor and tractor trailer, but does not include a Concrete Mixer or a Garbage Truck;~~
- (y) — ~~"Weekday" means Monday through Saturday, inclusive unless it falls on a holiday, as defined in the Interpretation Act R.S.A. 2000, c. I-8, as amended or replaced from time to time;~~
- (z) — ~~"Weekend" means Sunday and any other holiday, as defined in the Interpretation Act R.S.A. 2000, c. I-8, as amended or replaced from time to time.~~

- (2) This Part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads, or aeronautical related activities of aircraft or The Calgary Airport Authority.

(B/L 28M2004, 2004 March 15)

### **General Prohibitions and Noise from Vehicles on Premises**

- 27. (1) Except as authorized pursuant to this Bylaw, no Person shall make or cause or allow to be made or continued any noise ~~which disturbs or annoys which would disturb or annoy a reasonable person a Person, including any loud outcry, clamour, shouting, movement, music or activity.~~
- (2) Except as authorized pursuant to this Bylaw, no owner or occupier of a Premises shall make or cause or allow to be made or continued any noise which emanates from the Premises and ~~disturbs or annoys which would disturb or annoy a reasonable person a Person, including any loud outcry, clamor, shouting, movement, music or activity.~~
- (3) No person shall permit a vehicle located on a Premises to emit noise which emanates from that Premises and ~~disturbs or annoys which would disturb or annoy a reasonable person a Person,~~ including noise from excessive engine revving and stereo and amplification equipment in the vehicle.
- (4) No owner or occupier of a Premises shall permit a vehicle located on the Premises to emit noise which emanates from that Premises and ~~disturbs or annoys which would disturb or annoy a reasonable person a Person,~~ including



noise from excessive engine revving and stereo and amplification equipment in the vehicle.

~~(5) — Whether any sound annoys or disturbs a Person, or otherwise constitutes objectionable noise, is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw.~~

(B/L 28M2004, 2004 March 15)

### Continuous Sound in Residential Developments

28. (1) No Person shall cause or permit to be caused a Continuous Sound that exceeds ~~the greater of~~ the following Sound Levels:

- (a) 65 decibels (dBA) Leq measured over a one (1) hour period during the Day-time; or
- (b) 50 decibels (dBA) Leq measured over a one (1) hour period during the Night-time;

at any Point of Reception within a Residential Development.

(2) Notwithstanding subsection (1), where the Ambient Sound Level for an area is at or above the maximum allowable Day-time or Night-time Sound Levels referred to in subsection (1), measured over a one (1) hour period, a Sound Level must exceed 5 decibels (dBA) Leq over the Ambient Sound Level before it becomes an offence.

(B/L 28M2004, 2004 March 15)

28.1 (1) In this section, "*Sound Level*" means the sound pressure measured in decibels using the "C" weighted network of a Sound Level Meter with fast response.

(2) No Person shall operate or permit to be operated an air conditioner, fan, central vacuum system or generator that causes a Continuous Sound that exceeds the greater of the following Sound Levels:

- (a) 70 decibels (dBC) Leq measured over a one (1) hour period during the Day-time; or
- (b) 60 decibels (dBC) Leq measured over a one (1) hour period during the Night-time;

at any Point of Reception within a Residential Development.

(3) Notwithstanding subsection (2), where the Ambient Sound Level for an area is at or above the maximum allowable Day-time or Night-time Sound Levels referred to in subsection (2), measured over a one (1) hour period, a Sound Level must exceed 5 decibels (dBC) Leq over the Ambient Sound Level before it becomes an offence.

(B/L 52M2014, 2014 September 22)

**Continuous Sound in the Downtown**

29. (1) No Person shall cause or permit to be caused a Continuous Sound that exceeds ~~the greater of~~ the following Sound Levels:

- (a) 75 decibels (dBA) Leq measured over a one (1) hour period during the Day-time; or
- (b) 60 decibels (dBA) Leq measured over a one (1) hour period during the Night-time;

at any Point of Reception within the Downtown.

(2) Notwithstanding subsection (1), where the Ambient Sound Level for an area is at or above the maximum allowable Day-time or Night-time Sound Levels referred to in subsection (1), measured over a one (1) hour period, a Sound Level must exceed 5 decibels (dBA) Leq over the Ambient Sound Level before it becomes an offence.

(B/L 28M2004, 2004 March 15)

~~(3) Sections 28 and 28.1 do not apply to a Residential Development in the Downtown.~~

**Non-Continuous Sound in Residential Developments and Downtown**

30. No Person shall cause or permit to be caused a Non-Continuous Sound that exceeds:

- (a) 85 decibels (dBA) Leq measured over a period of 15 minutes during the Daytime; or
- (b) 75 decibels (dBA) Leq measured over a period of 15 minutes during the Nighttime;

at any Point of Reception within a Residential Development or Downtown.

(B/L 28M2004, 2004 March 15)

**Activities in Residential Developments**

31. (1) No Person shall operate or use:

- (a) a hand lawn mower;
- (b) a Motorized Garden Tool;
- (c) a Power Tool outside of any building or ~~structure~~ Structure;
- (d) a model aircraft driven by an internal combustion engine of any kind;
- (e) a snow clearing device powered by an engine of any kind; or



(f) a motorized snow or leaf blowing device; or

(g) a Sports Ramp;

in a Residential Development during the Night-time.

- (1.1) In subsection (1), "*Sports Ramp*" means a Structure that is used to provide a surface upon which an individual may use or operate a skateboard, bicycle, roller skates or other similar device.

(31M2016, 2016 July 05)

- (2) No Person shall load or unload a Truck, Concrete Mixer, or Garbage Truck in a Residential Development or within 150 metres of a Residential Development during the Night-time.
- (3) Notwithstanding subsection (2) a Person may, at any time, unload a vehicle containing:
- (a) fresh fruit, produce and perishable merchandise including ~~milk~~, milk products and baked goods; or
- (b) daily or weekly newspapers being delivered to vendors.
- (4) Notwithstanding subsection (2), a Person may load a Garbage Truck between 6:00 A.M. and 10:00 P.M. on any Weekday in the Downtown.
- (5) A Person must not use a Signalling Device to promote or advertise the sale of ice cream or any other food stuffs in a Residential Development during the Nighttime.
- (6) A Person who owns, occupies or controls a Truck must not at any time allow it to remain running for longer than 20 minutes when it is stationary in a Residential Development or within 150 metres of a Residential Development.

(B/L 28M2004, 2004 March 15)

### **Relaxations**

- 31.1 (1) Despite subsection 31(1)(b), it is not an offence to use a Motorized Garden Tool or grass cutting device on a golf course between the hours of 6:00 A.M. and 9:00 A.M. on any day of the week.
- (2) Despite subsection 31(1)(e), a person may operate a snow clearing device powered by an engine for the purpose of commercial and non-commercial removal of snow and ice from streets, parking lots and sidewalks during the 48 hour period following a snowfall, rain or freezing rain, subject to the right of the Chief Bylaw Enforcement Officer to withdraw this relaxation on a site-specific basis.

### **Sound in Non-Residential Developments**

32. (1) No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of:
- (a) 85 decibels (dBA) Leq measured over a one (1) hour period during the Day-time or Night-time; or
  - (b) 5 decibels (dBA) Leq over the Ambient Noise measured over a one (1) hour period during either the Day-time or Night-time;
- at any Point of Reception within a Non-Residential Development.
- (2) No Person shall, in a Non-Residential Development, cause or permit to be caused a Non-Continuous Sound that exceeds 85 decibels (dBA) Leq measured over a period of one (1) hour during the Day-time or Night-time where the Point of Reception is within a Non-Residential Development.

(B/L 28M2004, 2004 March 15)

### **Outdoor Speaker Systems**

33. (1) No Person shall operate an Outdoor Speaker System on a parcel where a property line of the parcel is within 150 metres of a Residential Development during the period beginning at 10:00 P.M. and ending at 7:00 A.M. the following day.
- (2) Notwithstanding subsection (1), an Outdoor Speaker System must comply with the Sound Levels established in this Bylaw.
- (3) Notwithstanding subsection (1), for the duration of the Calgary Stampede each year, no Person shall operate an Outdoor Speaker System on a parcel where a property line of the parcel is within 150 metres of a Residential Development during the period beginning at Midnight and ending at 7:00 A.M. each day.

(B/L 28M2004, 2004 March 15)

### **Outdoor Concerts**

- 33.1 (1) No Person shall cause or permit to be caused sound from an outdoor concert whether recorded or live, that exceeds the following:

- (a) 65 decibels (dBA) Leq measured over a one (1) hour period; or
- (b) 85 decibels (dBC) Leq measured over a one (1) hour period;

at any Point of Reception within a Residential Development.

- (2) Despite subsection (1), where the Ambient Sound Level for an area is at or above the maximum allowable Sound Levels, measured over a one (1) hour period, a Sound Level must exceed 5 decibels Leq over the Ambient Sound Level before it becomes an offence.

### **Relaxations**



- ~~34. (1) Notwithstanding subsection 31(1)(e), a person may operate a snow clearing device powered by an engine for the purpose of commercial and non-commercial removal of snow and ice from streets, parking lots and sidewalks during the 48 hour period following a snowfall, rain or freezing rain, subject to the right of the Chief Bylaw Officer to withdraw this relaxation on a site-specific basis.~~
- ~~(2) Notwithstanding subsection 31(1), it shall not be an offence to use a Motorized Garden Tool or grass-cutting device on a golf course between the hours of 6:00 A.M. and 9:00 A.M. on any day of the week.~~

(B/L 28M2004, 2004 March 15)

**Exemptions and Scope**

35. (1) The provisions of this Part do not apply to:
- (a) emergency vehicles;
  - (b) Construction in Residential Developments during the Day-time, whether or not the Construction requires any City permits;
  - (c) the use of Motorized Garden Tools in Residential Developments where:
    - (i) the Sound Level does not exceed 75 decibels (dBA) Leq measured over a one (1) hour period; and
    - (ii) the tool is used during the Day-time and for less than 3 hours during any given day;
  - (d) work on a City street or on a public utility carried out by the owner or operator of the public utility, or its contractors;
  - (e) the activities of The Calgary Exhibition and Stampede Ltd. during the period of the Stampede; or
  - (f) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.

(B/L 28M2004, 2004 March 15)

- (2) Notwithstanding Subsection (1), the Chief Bylaw **Enforcement** Officer may apply any other provision of this Part to Subsections (1)(b) through (e) on a site-specific basis in the Chief Bylaw **Enforcement** Officer's sole discretion.

(B/L 14M2009, 2009 April 06)

- ~~(3) The provisions contained in this Part shall not be interpreted to prevent:~~
- ~~(a) the ringing of bells in churches, religious establishments and schools;~~
  - ~~(b) the sounding of any alarm or warning to announce a fire or other emergency;~~

- (c) the playing of a band in connection with a parade allowed pursuant to any City bylaw; or
- (d) the use of Signalling Devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons.

### **Permits**

36. (1) A Person may make a written application to the Chief Bylaw Enforcement Officer for a temporary permit allowing for noise or Sound Levels that would otherwise violate this Bylaw.

(2) Any application made pursuant to Subsection 36(1) must be made at least 5 business days prior to the proposed activity and must contain the following information pertaining to the work or activity for which the exemption is sought:

- (a) the name, address and telephone number of the applicant;
- (b) the address of the site;
- (c) the building permit number (if applicable);
- (d) a description of the source(s) of noise or Sound Levels;
- (e) the period of time that the exemption is desired;
- (f) the applicant's reason(s) why the exemption should be given; and
- (g) a statement of the measures that will be taken to minimize the noise or Sound Levels.

(B/L 14M2009, 2009 April 06)

(3) The Chief Bylaw Enforcement Officer may, in his the Chief Bylaw Enforcement Officer's sole discretion:

- (a) waive any requirement of this Section;
- (b) issue the temporary permit, where the Chief Bylaw Enforcement Officer determines that circumstances make it impractical for the applicant to comply with this Bylaw;
- (c) revoke any temporary permit that has been issued, where the Chief Bylaw Enforcement Officer determines that the applicant has not taken sufficient measures to minimize the noise or Sound Levels; or
- (d) impose any conditions on the issuance or use of the permit that the Chief Bylaw Enforcement Officer considers appropriate.

(B/L 28M2004, 2004 March 15)

### **Permits for Major Events**



37. (1) Where a Person makes an application pursuant to Section 36 for a Major Event in the City, the Chief Bylaw Enforcement Officer may, before making a decision thereon, require the applicant to provide public notice of the application in a manner directed by the Chief Bylaw Enforcement Officer, which may include posting, media advertising or direct notice.
- (2) As soon as practicable after deciding on an application under Section 36 for a Major Event, the Chief Bylaw Enforcement Officer shall so advise all parties who have requested of the Chief Bylaw Enforcement Officer that they be notified of his the decision.
- (3) Any approval of an application under Section 36 for a Major Event may be appealed by an affected Person to the Licence and Community Standards Appeal Board within 14 days of the date of approval.
- (4) If no appeal is filed within 14 days of the date of approval, the temporary permit may be issued.
- (5) Any rejection of an application under Section 36 for a Major Event may be appealed by the applicant to the Licence and Community Standards Appeal Board within 14 days of the date of the rejection decision.
- (6) An appeal to the Licence and Community Standards Appeal Board pursuant to this Section shall be filed in the same manner as an appeal of a Remedial Order as set out in Section 4 of this Bylaw.
- (7) If an appeal is filed pursuant to this Section, the Licence and Community Standards Appeal Board shall hear the application within 30 days, or at their next meeting, which ever is sooner.
- (8) The Licence and Community Standards Appeal Board may determine its own procedure for a hearing pursuant to this Section, and may reverse, vacate, confirm or vary the approval or conditions thereof made by the Chief Bylaw Enforcement Officer, and its decision is final.

(B/L 28M2004, 2004 March 15)

(B/L 50M2011, 2011 September 19)

### Scope

~~38. The provisions contained in this Part shall not be interpreted to prevent:~~

- ~~(a) the ringing of bells in churches, religious establishments and schools;~~
- ~~(b) the sounding of any alarm or warning to announce a fire or other emergency;~~
- ~~(c) the playing of a band in connection with a parade allowed pursuant to any City bylaw; or~~
- ~~(d) the use of Signalling Devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons.~~

(B/L 28M2004, 2004 March 15)

**Testers**

39. (1) ~~The City Manager of The City of Calgary or his designate may establish the qualifications for and appoint Persons as Testers to measure Sound Levels.~~  
(B/L 36M2011, 2011 May 16)
- (2) ~~When measuring Sound Levels, the Tester must measure the Sound Level at the Point of Reception with the Sound Level Meter at least 1.0 metres above the ground.~~
- (3) ~~When measuring Sound Levels, the Tester is the person who determines the Point of Reception.~~
- (4) ~~The Tester must ensure the accuracy of the Sound Level Meter by testing it with the Field Calibrator immediately before and after measuring the Sound Level and record the results of those tests.~~

(B/L 28M2004, 2004 March 15)

**PART 10 – NUISANCES ESCAPING PROPERTY**

**Interpretation**

40. (1) ~~Whether a thing or activity annoys or disturbs a Person or otherwise constitutes a nuisance is a questions of fact to be determined by a Court hearing a prosecution pursuant to this Part of the Bylaw.~~
- (2) ~~In making a determination with respect to an offence under this Part a Court may take into consideration any or all of the following factors:~~
- ~~(a) the frequency of the activity;~~
  - ~~(b) the intensity and duration of the activity;~~
  - ~~(c) the time of day or season;~~
  - ~~(d) the nature of the surrounding area;~~
  - ~~(e) the effect of the thing or activity on a complainant or complainants; and~~
  - ~~(f) the effect of the thing or activity on the surrounding area.~~

(B/L 35M2004, 2004 May 03)

**Water, Eavestroughs and Downspouts**



41. (1) No owner or occupier of a Premises shall allow a flow of water from a hose or similar device on the Premises to be directed towards an adjacent Premises if it is likely that the water from the hose or similar device will enter the adjacent Premises.
- (2) An owner or occupier of a Premises shall direct any rainwater downspout or eavestrough on the Premises towards:
- (a) the front of the Premises;
  - (b) the rear of the Premises;
  - (c) a sideyard which does not abut another Premises; or
  - (d) a sideyard which abuts another Premises only if there is a minimum of 6 (six) metres of permeable ground between the outfall of the downspout or eavestrough and the adjacent Premises.
- ~~(3) — Notwithstanding subsection (2), no owner or occupier of a Premises shall allow a rainwater downspout or eavestrough to be directed towards a neighboring Premises if it is likely that the water from the downspout or eavestrough will enter the adjacent Premises.~~

(B/L 35M2004, 2004 May 03)

#### **Smoke and Dust**

42. A Person shall not engage in any activity that is likely to allow smoke, dust or other airborne matter that may disturb any other Person to escape the Premises without taking reasonable precautions to ensure that the smoke, dust or other airborne matter does not escape the Premises.

(B/L 35M2004, 2004 May 03)

(B/L 14M2009, 2009 April 06)

#### **Light**

43. (1) No owner or occupier of a Premises shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house unless the outdoor light is permitted or required pursuant to the Land Use Bylaw 1P2007, a development permit or a similar approval.
- ~~(2) — An outdoor light shall not constitute a violation of subsection (1) if the owner or occupier of the Premises shields the light from shining directly at the living or sleeping areas of the adjacent dwelling house.~~
- ~~(3) — Where an outdoor light is permitted or required pursuant to a land use bylaw, a development permit or a similar approval, the land use bylaw, development permit or similar approval shall take precedence over this Bylaw, and the light shall not constitute a violation of subsection (1).~~

(B/L 35M2004, 2004 May 03)

**Flyers and Debris**

44. (1) An owner or occupier of a Premises shall ensure that articles such as papers, flyers and loose debris are collected and contained on the Premises so that they do not escape onto adjacent or other neighboring properties.
- (2) An owner or occupier of a Premises is responsible for papers and flyers on their Premises regardless of whether they solicited for the delivery of these papers or flyers.
- ~~(3) No Person shall deposit commercial flyers on a Premises where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit, indicating that such material is not wanted.~~
- ~~(4) No Person responsible for the operation of a business engaged in the distribution of commercial flyers shall allow the deposit of their flyers on a Premises where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit, indicating that such material is not wanted.~~
- ~~(3) No person shall deposit a Flyer at or on a Premises where a sign or notice has been posted and which is clearly visible at the entrance of a dwelling unit indicating that such Flyers are not wanted.~~
- ~~(4) No Distributor shall distribute or cause to be distributed Flyers for the purpose of depositing them at or on a Premises where a sign or notice has been posted and which is clearly visible at the entrance of a dwelling unit indicating that such Flyers are not wanted~~
- ~~(5) Subsections (3) and (4) do not apply to:~~
- ~~(a) any election advertising material which is permitted to be transmitted or delivered pursuant to any applicable federal, provincial or municipal legislation;~~
- ~~(b) newspapers delivered to paid subscribers;~~
- ~~(c) community association newsletters or newspapers;~~
- ~~(d) information circulars produced by a federal, provincial or municipal government or an agency of such government;~~
- ~~(e) information circulars produced by a member of Calgary City Council, a member of the Alberta Legislative Assembly or a member of the federal Parliament.~~

(B/L 35M2004, 2004 May 03)



## **PART 11 – WEEDS AND GRASS**

### **Interpretation**

45. (1) The definitions found in the ~~Act~~ Weed Control Act, S.A. 2008, c. W-5.1 shall apply to this Part.
- ~~(2) — For the purpose of this Part:~~
- ~~(a) — “Act” means the Weed Control Act, S.A. 2008, c. W-5.1, as amended or replaced from time to time;~~
- ~~(b) — “Garden” means:~~
- ~~(i) — an area of land, or~~
- ~~(ii) — a container~~
- ~~in which flowers, vegetables, fruits or herbs are cultivated;~~
- ~~(c) — “Herbaceous Plant” means a plant having little or no woody tissue above ground;~~
- ~~(d) — “Regulation” means the Weed Control Regulation, AR 19/2010, as amended or replaced from time to time;~~
- ~~(e) — “Weed Inspector” means an individual appointed as an inspector pursuant to subsection 7(1) of the Act;~~
- ~~(f) — “Xeriscaped Area” means an area of land that is landscaped using plants that are adapted to the local area or that are drought resistant.~~
- (3) Nothing in this Part relieves a Person from complying with the Weed Control Act, or the Weed Control Regulation, AR 19/2010.
- (4) Pursuant to section 26 of the Weed Control Act, for the purposes of the Act a Person is the owner or occupant of the highway to the highway’s midpoint to the extent that the Person is the owner or occupier of the land that borders the highway.

(B/L 35M2004, 2004 May 03)  
(B/L 36M2011, 2011 May 16)

### **Weed Inspectors**

- 45.1 The City Manager may appoint Weed Inspectors pursuant to subsection 7(1) of the Weed Control Act to enforce the Act.

(B/L 36M2011, 2011 May 16)

### **Grass**

46. (1) No owner or occupier of a Premises shall allow grass or other Herbaceous Plants on the Premises to exceed a height of 15 centimetres.
- (2) This section shall not apply to:
- (a) golf courses;
  - (b) maintained Gardens ~~or maintained Xeriscaped Areas~~;
  - (c) parks and natural areas under the direction and control of Calgary Parks;  
or
  - (d) areas under the direction and control of Calgary Roads including boulevards adjacent to major roadways, areas subject to naturalization efforts and sound attenuation berms;

and for greater certainty, shall apply to vacant lots within residential areas and the grass on any boulevard that lies directly between the boundary of a parcel of land and an adjacent highway, road or alley.

(B/L 35M2004, 2004 May 03)

(B/L 36M2011, 2011 May 16)

### **Fire Hazards**

47. If in the opinion of a Weed Inspector or a member of the Fire Department, the grass or any other vegetation on a Premises poses a fire hazard, a Weed Inspector may issue a Remedial Order to modify the vegetation on the Premises to abate the hazard, and the Remedial Order shall include the manner in which the fire hazard may be abated.

(B/L 35M2004, 2004 May 03)

### **Appeals**

48. (1) The Licence and Community Standards Appeal Board shall constitute the independent committee contemplated by section 19 of the *Act* to hear appeals of notices issued pursuant to the *Act*.

(B/L 50M2011, 2011 September 19)

(2) DELETED BY 50M2011, 2011 SEPTEMBER 19.

(3) DELETED BY 50M2011, 2011 SEPTEMBER 19.

(4) DELETED BY 50M2011, 2011 SEPTEMBER 19.

(B/L 35M2004, 2004 May 03)

(B/L 36M2011, 2011 May 16)

## **PART 12 – MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES**

### **Interpretation**



~~49. For the purpose of this Part:~~

- ~~(a) "Fence" includes a privately-built fence and a developer-built community screening fence;~~
- ~~(b) "Good Repair" means a condition where something is free from:~~
  - ~~(i) significant damage;~~
  - ~~(ii) peeling surfaces;~~
  - ~~(iii) broken, missing, or fallen parts;~~
  - ~~(iv) rot or other significant deterioration;~~
  - ~~(v) openings which are not secured against trespassers or infiltration of air and precipitation; or~~
  - ~~(vi) other visual evidence of a lack of general maintenance.~~
- ~~(c) "Structure" includes any building, retaining wall, scaffolding, garbage container, trailer, mobile home, shed or portable shack.~~

(B/L 35M2004, 2004 May 03)  
(B/L 13M2006, 2006 January 16)

**Obligation to Maintain**

- 50. ~~(1) No owner or occupier of a Premises shall allow a Structure or Fence to become a safety hazard.~~
- ~~(1) No owner or occupier of a Premises shall allow a Structure to remain in an unsightly condition.~~
- (2) Every owner or occupier of a Premises shall ensure the following are maintained in Good Repair:
  - (a) Fences and their structural members;
  - (b) Structures and their structural members, including:
    - (i) Foundations and foundation walls;
    - (ii) Exterior walls and their components;
    - (iii) Roofs;
    - (iv) Windows and their casings;
    - (v) Doors and their frames;

- (c) Protective or decorative finishes of all exterior surfaces of a Structure or Fence; and
- (d) Exterior stairs, landings, porches, balconies and decks.

(B/L 35M2004, 2004 May 03)  
(B/L 13M2006, 2006 January 16)

**PART 13 – EXCAVATIONS AND PONDING WATER**

51. (1) No owner or occupier of a Premises shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.
- (2) If, in the opinion of the Chief Bylaw Enforcement Officer, a water-course, pond or other surface water becomes or remains a nuisance or poses a danger to public safety, the Chief Bylaw Enforcement Officer may declare the water-course, pond or other surface water a nuisance and require the owner or occupier of the Premises to eliminate the nuisance or danger.

(B/L 35M2004, 2004 May 03)

**PART 14 – ADDRESSING**

52. (1) The owner or occupier of a Premises on which a dwelling unit has been erected shall display the number assigned to the property pursuant to Bylaw 67M86, the Addressing Bylaw, at a location plainly visible from the street in front of the Premises to which the property is addressed.
- (2) The owner or occupier of a Premises on which a dwelling unit has been erected that has access to a Lane shall display the number assigned to the property pursuant to Bylaw 67M86, the Addressing Bylaw, at a location plainly visible from the Lane.

(B/L 35M2004, 2004 May 03)  
(B/L 14M2009, 2009 April 06)

53. This Bylaw comes into force on May 1, 2004.

(B/L 28M2004, 2004 March 15)

54. Upon the coming into force of this Bylaw, subsection 83(3) of Bylaw 20M88, the Streets Bylaw, is repealed.

(B/L 28M2004, 2004 March 15)

55. Upon the coming into force of this Bylaw, the following bylaws are repealed:

- (a) Bylaw 39M93, The Unsightly Premises Bylaw;
- (b) Bylaw 32M2000, The Graffiti Abatement Bylaw;
- (c) Bylaw 41M91, The Open Burning Bylaw; and
- (d) 15M98, The Refrigerator Bylaw; and



(e) Bylaw 45M95, The Noise Control Bylaw.

(B/L 28M2004, 2004 March 15)

READ A FIRST TIME THIS 26<sup>TH</sup> DAY OF JANUARY, 2004.

READ A SECOND TIME, AS AMENDED, THIS 26<sup>TH</sup> DAY OF JANUARY, 2004.

READ A THIRD TIME, AS AMENDED, THIS 26<sup>TH</sup> DAY OF JANUARY, 2004.

(Sgd.) D. Bronconnier  
MAYOR

(Sgd.) B. Clifford  
DEPUTY CITY CLERK

TEXT FOR REVIEW

**SCHEDULE "A"**

**SPECIFIED AND MINIMUM PENALTIES**

(Amended by Bylaw Numbers 28M2004, 35M2004, 14M2009, 36M2011, 52M2014, 55M2014)

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
2 (5)	Failure to Comply with Remedial Order	\$250	\$500
8(1)	Accumulation of Offensive Material	<del>\$100</del> \$200	<del>\$300</del> \$500
8(2)	Exposed Storage of Harmful Fluids	<del>\$100</del> \$200	<del>\$200</del> \$500
8(3)	Accumulation of Material Visible from Off Property	<del>\$50</del> \$100	<del>\$100</del> \$200
<del>8(4) &amp; (5)</del>	<del>Improper Storage of Building Materials</del>	<del>\$200</del>	<del>\$500</del>
9(1)	Refrigerator Improperly Stored	\$100	\$300
9(2)	Appliance Storage	<del>\$50</del> \$100	<del>\$200</del> \$300
<del>10</del>	<del>Improper Storage of Building Materials</del>	<del>\$50</del>	<del>\$200</del>
12	Prohibited or Non-Compliant Fire	<del>\$100</del> \$375	<del>\$500</del> \$750
13	Unsupervised Fire	<del>\$100</del> \$375	<del>\$500</del> \$750
14(1)	Burn Prohibited Materials	<del>\$100</del> \$375	<del>\$500</del> \$750
14(2)	<u>Outdoor</u> Fire between 1:00 a.m. and 10:00 a.m.	<del>\$100</del> \$375	<del>\$500</del> \$750
17.1(2)	Contravene order of <del>Chief Bylaw Officer or</del> Fire Chief that prohibits building or igniting a fire in a Fire Pit or Portable Fire Receptacle on a Premises	\$1,000	\$2,500
	Young Person" (as defined in the Youth Justice Act, R.S.A. 2000, c. Y-1, as amended) contravening an order of the <del>Chief Bylaw Officer or</del> Fire Chief that prohibits building or igniting a fire in a Fire Pit or Portable Fire Receptacle on a Premises	\$500	\$1,000



SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
19(2)	Person applying Graffiti	\$2,500	\$5,000
	Young Person" (as defined in the Youth Justice Act, R.S.A. 2000, c. Y-1, as amended) applying Graffiti	\$500	\$1,000
19(3)	Failure to remove Graffiti	\$50	\$150
21	Dump or Scavenge at Donation Site	<del>\$50</del> <u>\$125</u>	<del>\$100</del> <u>\$250</u>
22	Dump or scavenge at Municipal Recycling Depot	<del>\$50</del> <u>\$125</u>	<del>\$100</del> <u>\$250</u>
25	Improper Composting	\$50	\$100
27	Noise which disturbs a Person	<del>\$50</del> <u>\$125</u>	<del>\$100</del> <u>\$250</u>
28(1)	Continuous <del>Noise</del> <u>Sound</u> in excess of prescribed Sound Level	<del>\$50</del> <u>\$125</u>	<del>\$100</del> <u>\$250</u>
28.1(2)	Continuous <del>Noise</del> <u>Sound</u> in excess of prescribed Sound Level	<del>\$50</del> <u>\$125</u>	<del>\$100</del> <u>\$250</u>
<u>29(1)</u>	<u>Continuous Sound in excess of prescribed Sound Level</u>	<u>\$125</u>	<u>\$250</u>
<u>30</u>	<u>Non-Continuous Sound in excess of prescribed Sound Level</u>	<u>\$125</u>	<u>\$250</u>
31(1)	Operate prohibited equipment or device during Night-time	<del>\$50</del> <u>\$125</u>	<del>\$100</del> <u>\$250</u>
31(2)	Load Truck during Night-time	<del>\$50</del> <u>\$125</u>	<del>\$100</del> <u>\$250</u>
31(5)	Use Signalling Device during Night-time	<del>\$50</del> <u>\$125</u>	<del>\$100</del> <u>\$250</u>
31(6)	Idle Truck more than 20 minutes in Residential Development	<del>\$100</del> <u>\$150</u>	<del>\$200</del> <u>\$300</u>
<u>32(1)</u>	<u>Continuous Sound in excess of prescribed Sound Level</u>	<u>\$125</u>	<u>\$250</u>
<u>32(2)</u>	<u>Non-Continuous Sound in excess of prescribed Sound Level</u>	<u>\$125</u>	<u>\$250</u>

BYLAW NUMBER 5M2004

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
33(1) & (3)	Operate Outdoor Speakers when prohibited	<del>\$50</del> <u>\$250</u>	<del>\$100</del> <u>\$500</u>
<u>33.1(1)</u>	<u>Outdoor concert in excess of prescribed Sound Level</u>	<u>\$250</u>	<u>\$500</u>
41(1)	Direct water flow to adjoining Premises	\$100	\$300
<del>41(3)</del>	<del>Improper placement of Downspout</del>	<del>\$100</del>	<del>\$300</del>
42	Smoke or Dust escaping Premises	\$100	\$500
<del>43(1)</del>	Light directed to adjacent dwelling house	\$100	\$300
44(1)	Flyers/Debris escaping Premises	\$100	\$300
44(3)	Deposit <del>commercial</del> flyer contrary to sign	\$50	\$100
44(4)	<del>Person responsible allow deposit of commercial flyer contrary to sign</del> <u>Distribute flyer contrary to sign</u>	<del>\$100</del> <u>\$200</u>	<del>\$300</del> <u>\$400</u>
46(1)	Grass or Herbaceous Plant over 15 cm	<del>\$100</del> <u>\$200</u>	<del>\$300</del> <u>\$400</u>
50(1)	<del>Accessory Building, Structure or Fence Safety Hazard</del> <u>Unsightly Structure</u>	\$100	\$300
50(2)	<del>Accessory Building, Structure or Fence Unsightly</del> <u>Structure not in Good Repair</u>	\$100	\$300
51	Hazardous excavation, drain, ditch or depression	<del>\$100</del> <u>\$250</u>	<del>\$300</del> <u>\$500</u>
52(1)	Improper address or failure to address front of property facing street	\$100	\$300
52(2)	Improper address or failure to address the rear of property adjacent to Lane	\$100	\$300

(B/L 28M2004, 2004 March 15)  
 (B/L 35M2004, 2004 May 03)  
 (B/L 14M2009, 2009 April 06)  
 (B/L 36M2011, 2011 May 16)  
 (B/L 52M2014, 2014 September 22)  
 (B/L 55M2014, 2015 October 07)



**SCHEDULE "B"**

DELETED BY BYLAW 36M2011, 2011 MAY 16.

TEXT FOR DELETED