

# APPENDIX A

## BYLAW NO. 1812

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA TO ESTABLISH REGULATIONS FOR THE SAFETY AND SECURITY OF THE PUBLIC WITHIN THE MUNICIPALITY HEREBY CITED AS THE CONSOLIDATED PUBLIC SAFETY BYLAW.

**WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw includes a power to amend or repeal a bylaw;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw respecting: the safety, health, welfare, and protection of people and property; people, activities and things in, or near places open to the public; nuisances, including unsightly property; transport and transportation systems; business and business activities; services provided by or on behalf of the municipality; and, wild and domestic animals and activities in relation to them;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw imposing a fine for infractions of a Bylaw;

**AND WHEREAS**, under the provisions of the Traffic Safety Act, R.S.A 2000, Chapter T-6, and amendments thereto, a Council's power to pass a bylaw for the regulation and control of vehicle, animal, and pedestrian traffic;

**AND WHEREAS**, the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended, provides that the Council of a municipality may make Bylaws defining what constitutes objectionable Noise, devising a system or method of determining or measuring that Noise, and prohibiting the operation of Motor Vehicles that make objectionable Noise;

**AND WHEREAS**, the Council of the Municipal District of Bonnyville No. 87 may also enact Bylaws respecting people, activities and things on or within the Municipal District of Bonnyville No. 87;

**AND WHEREAS**, the Council of the Municipal District of Bonnyville No. 87 Council deems it desirable and in the best interest of community safety to permit Peace Officers and the Public Safety Department to carry out Orders and enforce Bylaws;

**AND WHEREAS**, the Council of the Municipal District of Bonnyville No. 87 deems it desirable for regulations which affect neighbourhood livability and public safety to be located, as much as possible, in one Bylaw;

**NOW THEREFORE**, the Council of the Municipal District of Bonnyville No. 87, duly assembled in the Province of Alberta, hereby enacts/amends the following:

### 1 DEFINITIONS

- 1.1 Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.
- 1.2 Words in the singular shall include the plural or vice versa whenever the context so requires.

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### 1.3 In this Bylaw:

- (a) "Aggressive Dog" means any Dog designated as such in accordance with Section 5.3 of this Bylaw;
- (b) "Agricultural Operation" means:
  - i. the planting, growing and sale of trees, shrubs, or sod;
  - ii. the raising, production or protection of crops, livestock, fish, or poultry; or
  - iii. beekeeping.
- (c) "Alley" means an Alley as defined by the Alberta Traffic Safety Act, R.S.A. 2000, c. T-6;
- (d) "Animal Shelter" means an organization designated by the municipality for the impoundment and care of dogs including premises supplied by an independent contractor under contract or agreement with the municipality;
- (e) "At Large" means when a dog is at any place other than the owner's property or permitted property, and is not being carried by any person or otherwise restrained by a permitted leash held by a person;
- (f) "Audible Bird Scare Device" means a stationary instrument that creates an impulse sound from impacts or explosions and can include but is not limited to propane-fueled exploders or cannons;
- (g) "Cannabis" means Cannabis as defined in the federal Cannabis Act, S.C. 2018, c. 16;
- (h) "Chief Administrative Officer" (CAO) means the Chief Administrative Officer of the M.D. appointed by Council, or their authorized delegate;
- (i) "Construction Equipment" includes any tool, device, or machine of a noisy nature used primarily for construction or manufacturing;
- (j) "Controlled Confinement" means the confinement of a dog in a pen, cage or building, or securely tethered in a manner that will not allow the dog to bite, harm or harass any person, livestock, or other animal;
- (k) "Council" means the duly elected Council of the Municipal District of Bonnyville No. 87;
- (l) "Curb" means a stone or concrete edging to a sidewalk or boulevard or the division of a highway between the roadway and the sidewalk or boulevard;
- (m) "Dangerous Goods" means dangerous goods for which placards are required by the Transportation of Dangerous Goods Control Act and Regulations;
- (n) "Dog" means a member of the genus canis family and is a mammal commonly referred to as a "Dog";

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- (o) "Dog License" means a License issued by the municipality for dog ownership, in accordance with the provisions of this Bylaw;
- (p) "Dog License Fee" means the applicable fee payable in respect of a license for any dog as set out in the Municipal District of Bonnyville Master Rates Bylaw;
- (q) "Dog License Tag" means an identification tag issued by the municipality showing the license number for a specific dog;
- (r) "Dog Owner" means:
  - i. a person(s) who has the care, charge, custody, possession, or control of a dog;
  - ii. a person(s) who owns or claims any proprietary interest in a dog;
  - iii. a person(s) who harbors, suffers, or permits a dog to be present on any property owned, occupied, or leased by him/her, or which is otherwise under his/her control;
  - iv. a person(s) who claims and receives a dog from the custody of an animal shelter or a Peace Officer; and/or
  - v. a person(s) to whom a License Tag was issued for a dog in accordance with this Bylaw.
- (s) "Dog Owner's Property" means any property in which the owner of a dog has a legal or equitable interest or which the owner of a dog has been given the control or use of, by the legal or equitable owner of the property, and shall include, without limiting the generality of the foregoing, land, buildings, and vehicles;
- (t) "Domestic Equipment" means any implement or equipment used in the normal maintenance of a residential property including but not limited to lawnmowers, snow blowers, garden tillers, vacuum cleaners, electric tools, or similar implements;
- (u) "Emergency Vehicle" means a vehicle being operated by a Peace Officer, fire fighting vehicles, public utility vehicles only while being used in any emergency, police vehicles, ambulances, or a vehicle being used by a member of the Municipal District of Bonnyville work force or a medical doctor responding to an emergency call;
- (v) "Farm Implement" means any implement, equipment, engine, motor, machine, combine, vehicle, or attachment used, or intended for use, in an Agricultural Operation;
- (w) "Guide Dog" means a Guide Dog as defined in the Blind Persons' Rights Act, R.S.A. 2000, c. B-3;
- (x) "Hamlet" means Hamlet as defined in the M.D. Land Use Bylaw;

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- (y) "Highway" means a Highway as defined in the Traffic Safety Act, R.S.A. 2000, c. T-6;
- (z) "Holiday" means any day declared as such by a municipal, provincial, or federal authority;
- (aa) "Land Use Bylaw" means the Municipal District of Bonnyville Land Use Bylaw;
- (bb) "Livestock" means alpacas, bison, cattle, donkeys, goats, horses, llamas, mules, sheep, swine, poultry including chickens, hens, turkeys, and domestically raised wild game;
- (cc) "Master Rates Bylaw" means the Municipal District of Bonnyville Master Rates Bylaw;
- (dd) "Mobility Aid" means a device used to facilitate the transport, in a normal seated orientation, of a person with a disability excluding Off-Highway Vehicles or vehicles classified as Miniature Vehicles by the Province of Alberta such as Golf Carts, Go-Carts, or Personal Transporters;
- (ee) "Motor Vehicle" means any method of transportation by which a person or thing is transported or drawn upon land, and which is propelled by power other than muscular power;
- (ff) "Night" means between ten o'clock in the evening and six o'clock in the morning the following day on a weekday; and between eleven o'clock in the evening and seven o'clock in the morning the following day of a Weekend or Holiday;
- (gg) "Noise" means any sound that in the opinion of a Peace Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to and is reported as such that it annoys or disturbs a person(s), or which injures, endangers, or detracts from the comfort, health, peace, and safety of a person within the boundaries of the municipality;
- (hh) "Off-Highway Vehicle" means an Off-Highway Vehicle as defined in the Traffic Safety Act, RS.A. 2000, c. T-6;
- (ii) "Parade" or "Procession" means any group numbering more than 20 marching or walking on a street, or any group of vehicles or combination of pedestrians and vehicles which together exceed more than 10 but does not include a military parade or funeral procession;
- (jj) "Park Land" shall mean every recreational area owned or controlled by the Municipal District of Bonnyville that lies within the limits of the municipality whether such park land is improved in whole or in part, or remains in its natural state but shall include other neighborhood beautification areas, campgrounds, and publicly maintained areas administered by the municipality;
- (kk) "Peace Officer" means:
  - i. any member of the Royal Canadian Mounted Police;

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- ii. any Municipal District of Bonnyville Community Peace Officer; and
  - iii. the CAO of the Municipal District of Bonnyville or any person designated by the CAO to enter and inspect property in accordance with the provisions of this Bylaw.
- (II) "Pedestrian" means a person on foot or a person in or on a mobility aid;
- (mm) "Permitted Leash" means a leash adequate to control the dog to which it is attached, and which leash shall not exceed three (3) meters in length when fully elongated.
- (nn) "Permitted Property" means private property upon which the owner of a dog has the express permission of the owner of that property to allow the dog to be at large thereon;
- (oo) "Property Owner" means any person who is registered under the Land Titles Act as owner of the land or in the case of property other than land, any person who is in lawful possession thereof including agent of the owner, lessee or occupier of any land or premises;
- (pp) "Public Place" means any place to which the Public has access, regardless of whether or not access is granted by means of membership or admission fees;
- (qq) "Recreation Vehicle" means a vehicle used or intended for use as a shelter, and without restricting the generality of the foregoing, includes any motor home, holiday trailer, camper, tent trailer, or any bus or truck converted for use as a recreation vehicle;
- (rr) "Residentially Zoned Area" means any area designated as a residential zone in accordance with the Land Use Bylaw;
- (ss) "Serious Wound" means an injury to a human or animal resulting from the action of a dog(s) which exceeds a simple bruise or other transient injury and may have resulted in the skin being broken, flesh being torn, bones being broken, or other complex injury requiring medical intervention;
- (tt) "Sidewalk" means that part of the highway especially adapted to the use of pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent property line, and does not include M.D. recreational walking trails;
- (uu) "Time" means either Mountain Standard Time or Mountain Daylight Saving Time, whichever is proclaimed to be in effect by the Province of Alberta during the period in question;
- (vv) "Unightly Premises" means a premise not in keeping with the surrounding properties of similar zoning under the Land Use Bylaw;
- (ww) "Violation Tag" means a Tag or similar document issued by the Municipal District of Bonnyville pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26;

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(xx) "Violation Ticket" means a ticket or similar document issued by the Municipal District of Bonnyville pursuant to Part II of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34;

(yy) "Weekend" means Saturday and Sunday and includes any Holiday on the preceding Friday or succeeding Monday.

### **2 NUISANCE PROPERTIES**

- 2.1 No person being the owner, agent of the owner, lessee, or occupier of any land or premises within the Municipal District of Bonnyville shall permit the land or premises of which such person is the owner, agent of the owner, lessee, or occupier to be or remain unsightly, including any sidewalks adjacent to such land or premises.
- 2.2 No person being the owner, agent of the owner, lessee, or occupier, of any land or premises within the Municipal District of Bonnyville shall permit any building, structure, or erection of any kind whatsoever, or any excavation, depression, drain, ditch, water course, pond, surface water, refuse or other matter, or thing upon any private land, street or road, or in or about any building or structure, of which such person is the owner, agent of the owner, lessee, or occupier or to be or remain a nuisance, unsightly, or dangerous to public safety or health.
- 2.3 All property owners or occupants of a property within a Municipal District of Bonnyville Hamlet shall remove or cause to be removed any debris or other materials from the full surface of any sidewalk adjacent to the property owned or occupied by them as soon as reasonably possible, and in any case within 48 hours of the time when the dirt or other obstruction was formed or deposited thereon.
- 2.4 In the case of ice or snow deposited on the surface of any sidewalk adjacent to the property owned or occupied by any resident, it must be removed by the owners or occupants of the property no later than 48 hours from the time when snow or ice stopped accumulating.
- 2.5 No property owner or occupant of property shall place or permit to be placed any snow, ice, debris or other material removed from sidewalks or private property onto the highways or other public areas of the municipality.
- 2.6 No property owner or occupant of property shall obstruct or permit to be obstructed any fire hydrant or public infrastructure with snow, ice, debris or other material removed from sidewalks or private property.
- 2.7 If a property owner or occupant of a property fails to comply with Sections 2.3 or 2.4 for sidewalk maintenance, the Municipal District of Bonnyville No. 87 may, without further notice to the property owner or occupant, resolve the matter. The cost of any actions taken by the municipality for this purpose may be at the property owner's expense and may be added to the property's tax roll, in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26.
- 2.8 In a residentially zoned area no person shall allow a dismantled vehicle or parts thereof to remain outside of a building for more than 14 consecutive days.

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- 2.9 No property owner or occupant of a property shall have, or allow in or on the property, materials that in the opinion of a Peace Officer demonstrates the unreasonable accumulation of:
- (a) Any material that creates unpleasant odour;
  - (b) Any material likely to attract animals, pests, or wildlife; and
  - (c) Animal remains, parts of animal remains, or animal feces.
- 2.10 No property owner or occupant of a property shall have or allow any discarded appliance to remain on the property such that the appliance is visible to a person viewing the property from outside of the property.
- 2.11 If Council considers it necessary for the prevention or abatement of a nuisance or the regulation of unsightly premises, it may direct the property owner, agent of the owner, lessee, or occupier of any property, whether public or private, to eradicate weeds, or to cut the grass on such property as well as grass on the boulevards which abut or flank such property, or to do such other things as Council in its discretion deems necessary for the prevention or abatement of a nuisance, or for the remedying of any unsightly condition on any premises.
- 2.12 If a tree or shrub, whether on private property or otherwise, in any way interferes with or endangers the lines, poles, conduits, pipes, sewers or other works of a utility of the municipality, or of any other public utility, a Peace Officer may direct the owner, agent of the owner, lessee or occupier of the property on which such tree or shrub stands, to remove or prune the tree or shrub, or to take such other steps as they may deem necessary to alleviate the interference with or danger to such works.
- 2.13 No person being the owner, agent of the owner, lessee, or occupier, of any land or premises within the Municipal District of Bonnyville shall permit any tree, shrub, or other object capable of blocking visual sight lines to impede the safe flow of vehicle, pedestrian, or animal traffic therein.
- 2.14 The Public Health Inspector, the Bonnyville Regional Fire Chief or designate, Fire Inspectors, Building Inspectors, Agricultural and Weed Inspectors appointed pursuant to the Weed Control Act, and any employees of the Municipal District of Bonnyville authorized by their respective departmental heads, are hereby authorized to enter into any lands, buildings, or premises, at a reasonable hour of any weekday, to inspect for conditions that are believed, on reasonable and probable grounds, may constitute a nuisance or contravention of this Section of this Bylaw.

### **3 ENFORCEMENT**

- 3.1 Council or their authorized agent may serve notice upon any owner, agent of the owner, lessee, or occupier of any land or premises who has committed a breach of this Bylaw requiring such person to abate the nuisance within a stated time. A stated time shall be a reasonable period considering the nature of the abatement but shall not be less than 24 hours nor more than 14 weekdays, with the exception of Sections 2.3 and 2.4.

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- 3.2 Should such person fail to abate the nuisance within the time stipulated in the notice he shall have committed another breach of this Bylaw and the municipality through its appointed official may enter the said land and cause the nuisance to be abated and the cost thereof maybe recovered as debt owing to the municipality in the same manner as real property taxes.
- 3.3 Any owner, agent of the owner, lessee, or occupier, who contravenes the provisions of this Bylaw shall be liable on a summary conviction to the penalties as outlined in Schedule "A" of this Bylaw.

### 4 REGULATE CANNABIS CONSUMPTION

#### 4.1 Prohibition

- (a) A person shall not consume cannabis in any public place, workplace, Public Transportation Vehicle, or any private motor vehicle, with the exception of those being used as a temporary residence, such as a parked recreational vehicle (RV), within the municipality regardless of whether or not a "No Consumption of Cannabis" sign is posted.
- (b) No person shall consume cannabis inside any vehicle that is used as a Public Transportation Vehicle, regardless of whether the vehicle is on or off duty.
- (c) A Proprietor and/or Employer of a public place shall not permit the consumption of cannabis in such public place, whether or not a "No Consumption of Cannabis" sign is posted or visible.
- (d) Every Proprietor or Employer of a public place shall:
- i. Facilitate compliance with this Bylaw;
  - ii. Prohibit consumption of cannabis in the public place; and
  - iii. Post "No Consumption of Cannabis" signs in accordance with Section 4.1(c) of this Bylaw.
- 4.2 Every Proprietor or Employer shall inform each employee that consuming cannabis is prohibited in the public place.
- 4.3 A Proprietor or Employer who takes, or ensures that, the following steps are taken, shall be deemed to have complied with the obligation described in Section 4.1(c):
- (a) Advises a person who is consuming cannabis that consuming cannabis is not allowed and requests them to extinguish any lit cannabis product, Electronic Smoking Device, or other smoking equipment;
  - (b) Asks any person who is consuming cannabis who refuses to comply with such a request as described in Section 4.1(c) to leave the premises; and
  - (c) Refuses to provide any further service to such person, and immediately reports to a Peace Officer any person who is consuming cannabis, and who refuses to



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extinguish any lit cannabis product, Electronic Smoking Device or other smoking equipment, and who refuses to leave the premises when requested to do so.

### **4.4 Signage**

- (a) The Proprietor and/or Employer of a public place shall ensure that signs are posted in a prominent, clearly visible location and in accordance with this Bylaw to clearly identify that consuming cannabis is prohibited.
- (b) The Proprietor and/or Employer of the public place shall ensure that:
  - i. Signs are posted at all entrances to the public place;
  - ii. Signs are posted at the entrance to each washroom; and
  - iii. Signs are posted in the vicinity of any seating area where food or beverages are sold or consumed.

### **4.5 Offences**

- (a) Any person who contravenes any provision of this Section of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.

### **4.6 Penalties**

- (a) Any person who fails or neglects to perform the duties or requirements imposed upon them under this Section of this Bylaw is guilty of an offence and liable on summary conviction to a fine as specified in Schedule "A".
- (b) In the case of an offence that is of a continuing nature, each contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence 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 offence.

### **4.7 Violation Tag/Ticket**

- (a) Peace Officer's are hereby authorized and empowered to issue a Violation Tag pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26 and/or a Violation Ticket pursuant to the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended from time to time, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Section of this Bylaw.

### **4.8 Authority of a Peace Officer**

- (a) For the enforcement of this Bylaw, a Peace Officer, may enter any public place and may make examinations, investigations, and inquiries.
- (b) No Peace Officer may enter a workplace that is also a private residence without the consent of the occupant or without first obtaining and producing a warrant to enter.

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- (c) Where a Peace Officer has reason to believe that a person has contravened any provision of this Bylaw, they may serve upon such person:
- i. A Violation Ticket requiring a person to appear in court with the alternative of making a voluntary payment in lieu of prosecution; or
  - ii. A Violation Ticket requiring a Person to appear in court without the alternative of making a voluntary payment.

### 5 DOG CONTROL

#### 5.1 Licensing

(a) Every Person who:

- i. On January 1<sup>st</sup> in any given year is the owner of a dog which is three (3) months of age or older, shall apply for a license for that dog by submitting an application to the Municipal District of Bonnyville Main Office, and, if the application is approved, by paying the applicable License Fee as indicated in the Master Rates Bylaw by no later than January 31<sup>st</sup> of that same year;
- ii. On January 1<sup>st</sup> in any given year, the owner of a dog which is less than three (3) months of age, shall apply for a license for that dog within fifteen (15) calendar days of that dog reaching the age of three (3) months by submitting an application to the Municipal District of Bonnyville's Main Office, and if the application is approved, paying the applicable License Fee as indicated in the Master Rates Bylaw;
- iii. Becomes the owner of a dog after January 1<sup>st</sup> in any given year shall apply for a license for that dog by applying to the Municipal District of Bonnyville's Main Office, and if the application is approved, paying the applicable License Fee as indicated in the Master Rates Bylaw, within fifteen (15) calendar days of:
  - becoming the owner of that dog if the dog is three (3) months of age or older; or
  - that dog reaching three (3) months of age, if the dog is less than three (3) months of age at the time when the person becomes the owner;
- iv. Takes up residence within the municipality after January 1<sup>st</sup> in any given year and is the owner of a dog shall apply for a license for that dog, by submitting an application to the Municipal District of Bonnyville's Main Office, and if the application is approved, paying the applicable License Fee as indicated in the Master Rates Bylaw, within fifteen (15) calendar days of:
  - taking up residence in the municipality if the dog is three (3) months of age or older; or

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- that dog reaching three (3) months of age, if the dog is less than three (3) months of age at the time when the person takes up residence within the municipality.
- (b) The licensing provisions of this Bylaw shall not apply to dogs accompanying a person temporarily in the municipality on business or vacation for a period not exceeding 30 days or on such longer period as may be authorized by the municipality.
- (c) An applicant is responsible for and is not excused from ascertaining and complying with the requirements of any federal, provincial, or other municipal legislation, including the Land Use Bylaw.
- (d) Where the keeping of the animals would not comply with federal, provincial, or other municipal legislation, the municipality may refuse to issue a license.
- (e) An owner of a dog which is unlicensed, and which is required to be licensed pursuant to this Bylaw is guilty of an offence.
- (f) An owner shall provide the following information with each application for a license:
  - i. Name, telephone number, and street address of the owner;
  - ii. Name and description of the dog or dogs to be licensed;
  - iii. The breed or breeds of the dog or dogs to be licensed;
  - iv. The birth date and age of the dog or dogs at the time of application for a license; and
  - v. Such other information as may be required by the municipality or Peace Officer in respect of the application for a license.
- (g) Any person who provides the municipality with false or misleading information with respect to the information required in Section 5.1(f) of this Bylaw is guilty of an offence.
- (h) The Municipal District of Bonnyville shall keep registration records in accordance with the Retention Bylaw. These records shall contain the name and address of each owner, the breed, color, and sex of each owner's dog(s) together with the date of registration of each dog(s), the identification number stamped on the identification tag, and the amount of the license fee paid by the owner.
- (i) A license issued under this Bylaw shall not be transferable from one dog to another, nor from one owner to another.
- (j) Upon payment of the required License Fee and providing the information set out in Section 5.1(a) of this Bylaw, the owner will be supplied with a License Tag which shall have a number registered to that dog.

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- (k) The owner shall ensure that the License Tag is securely fastened to a choke chain, collar, or harness worn by the dog, with the License Tag to be worn by the dog at all times when the dog is on a property other than the owner's property.
- (l) The owner of a licensed dog is guilty of an offence if that dog is not wearing a License Tag while that dog is on a property other than the owner's property.
- (m) The owner of a dog, which has been duly licensed under this Bylaw may obtain a replacement License Tag upon payment of the Replacement License Tag fee as indicated in the Master Rates Bylaw.
- (n) No person is entitled to a refund or a rebate for any License Fee for any reason.
- (o) Where a License Fee has been paid by cheque, the license may be:
  - i. issued subject to the cheque being honoured by the financial institution against which it is drawn; and
  - ii. automatically suspended if the cheque is not honoured until such time as the applicable License Fee has been paid.
- (p) No person shall be the owner of more than three (3) dogs if they reside in the following Land Use Districts as defined in the Land Use Bylaw:
  - i. Controlled Urban Development (CUD)
  - ii. Country Residential – Resort (CR)
  - iii. County Residential (CR1)
  - iv. Country Residential – Large Lot (CR2)
  - v. Country Residential – Estate (CR3)
  - vi. Direct Control (DC)
  - vii. Hamlet General (HG)
  - viii. Hamlet Single Family Residential (HR1)
  - ix. Hamlet Multi Family Residential (HR2)
  - x. Hamlet Urban Reserve (HUR)
  - xi. Intensive Recreation (IR)
  - xii. Manufactured Home Community (MHC)
  - xiii. Rural Commercial (RC)
  - xiv. Rural Industrial (RI)

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- (q) Dog licenses issued shall be a one time only application and remain in effect for the life of the dog within the Municipal District of Bonnyville.
- (r) The provisions of this Section do not apply to: Not-for-profit associations, corporations, or organizations engaged in the provision or specialized dog services including but not limited to:
  - i. Service Dogs;
  - ii. Therapy Dogs,
  - iii. Guide Dogs;
  - iv. Police Dogs; and
  - v. Search and Rescue Dogs.
- (s) A Peace Officer shall consider all applications for licenses in cases where three (3) or more dog licenses have been requested for the same household under Section 5(1)(v), and may upon review:
  - i. require the applicant to submit such information as the Peace Officer deems appropriate;
  - ii. reject the application; or
  - iii. approve the application, with or without any conditions relevant to the presence of the dog(s) at the lands.
- (t) The Peace Officer may revoke a license if:
  - i. the applicant fails to comply with the conditions of the license;
  - ii. the license was issued based on incorrect information or misrepresentation by the applicant; or
  - iii. the license was issued in error.
- (u) The licensing of dogs under this Bylaw may be subject to regulations and restrictions imposed under the Land Use Bylaw, which will supersede the provisions contained within this Bylaw.
- (v) Persons who wish to license more than three (3) dogs shall be required to obtain a development permit from the Planning & Development Department.

### 5.2 Dog Control Provisions

- (a) An owners whose dog is at large is guilty of an offence.
- (b) An owner whose dog barks or howls excessively or makes another noise excessively thereby disturbing the quiet or repose of any person is guilty of an offence.

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- (c) An owner whose dog has caused damage to property within the municipality is guilty of an offence.
- (d) The municipality may post signs in areas where dogs are not permitted, and an owner whose dog is in an area where a sign prohibits the presence of dogs, is guilty of an offence regardless of whether such dog is at large.
- (e) An owner of a dog is guilty of an offence if their dog:
  - i. bites, attacks, threatens, harasses, chases, kills, or injures any person including, but not limited to, when such person is on bicycle, horse-back, or while walking or running; or
  - ii. bites, attacks, threatens, harasses, chases, kills, or injures any livestock, poultry, or pets belonging to other persons.
- (f) If a dog defecates on property which is not the owner's property, the owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner, and an owner who fails to do so is guilty of an offence.
- (g) Any person who teases, torments, annoys, abuses, or injures any dog is guilty of an offence.
- (h) Any person who unties, loosens, or otherwise frees a dog which is not in distress unless such person has the authorization of the owner, or a Peace Officer, is guilty of an offence.
- (i) Any person who unlocks, unlatches, or otherwise opens a vehicle or animal control trap in which dogs captured for impoundment have been placed so as to allow or attempt to allow any dog to escape there from is guilty of an offence.
- (j) No person shall interfere with, hinder, or impede a Peace Officer in the performance of any duty authorized by this Bylaw.

### 5.3 Declaration of Aggressive Dog

- (a) A Peace Officer may declare a dog to be an aggressive dog if the Peace Officer has reasonable grounds to believe, either through personal observation or on the basis of beliefs determined after the investigation of a complaint, that the dog:
  - i. has a known propensity, tendency, or disposition to threaten, attack, chase or bite other animals or humans;
  - ii. has inflicted a serious wound upon another animal or human in the past 12 months;
  - iii. has been the subject of an order or direction of a Justice or Judge, pursuant to the Dangerous Dogs Act, R.S.A. 2000, c. D-3; or
  - iv. is a continuing threat of serious harm to any human or other animal.

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- (b) Where a Peace Officer determines that a dog is an aggressive dog, the Peace Officer may:
  - i. serve the owner of the dog with a written notice that the dog has been declared an aggressive dog; and
  - ii. direct the owner to keep the aggressive dog in accordance with the provisions of Section 5.7(a), and provide the owner with a time limit for compliance; and
  - iii. inform the owner that if the aggressive dog is not kept in accordance with Section 5.7(a), the owner may be fined, or subject to enforcement action pursuant to this Bylaw.

### 5.4 Review of Declaration

- (a) The owner of a dog declared an aggressive dog may, within 14 days after the date the written notice of the declaration is received, and upon payment of any outstanding fees, request in writing that the declaration be reviewed by Council.
- (b) Council is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material provided by the CAO and the owner.
- (c) Upon a request to review the declaration pursuant to Section 5.3(a), Council may:
  - i. uphold the declaration of the dog as an aggressive dog;
  - ii. cancel the aggressive dog declaration; or
  - iii. uphold the declaration of the dog as an aggressive dog and vary the conditions for harbouring the dog within the municipality.
- (d) The decision of Council shall be provided to the owner in writing, with reasons, within 14 days of Council conducting the review and may be served personally or by registered mail to the owner.

### 5.5 Controlled Confinement

- (a) A person who has received a serious wound, or the owner of any livestock, poultry, or pets which have received a serious wound, or the owner of a dog which has inflicted the serious wound, shall promptly report the incident to a Peace Officer who may thereupon place the dog under controlled confinement and the dog shall not be released from such controlled confinement except by written permission of the Peace Officer. Failure to report is an offence.
- (b) At the discretion of the Peace Officer, such controlled confinement may be on the premises of the owner, with a veterinarian within the municipality, or an Animal Shelter.
- (c) Upon demand made by a Peace Officer, the owner shall forthwith surrender for quarantine, any dog which has inflicted a serious wound to any person, or any dog

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which the Peace Officer has reasonable and probable grounds to suspect of having been exposed to rabies. The dog may be reclaimed by the owner if:

- i. adjudged free of rabies;
  - ii. upon payment of confinement expenses and fines; and
  - iii. upon compliance with the licensing provisions of this Bylaw.
- (d) A Peace Officer that has reasonable grounds to believe that an animal within the Municipal District of Bonnyville has contracted or has been exposed to rabies or another communicable disease, shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as practicable.
- (e) An owner of an animal which is suffering from rabies or another communicable disease or who has been notified by the municipality that a Peace Officer has reasonable grounds to believe the animal has contracted, or has been exposed to rabies or another communicable disease, shall:
- i. not permit the animal to be in any public place; and
  - ii. not keep the animal in contact with or in proximity to any other animal or human.

### 5.6 Powers of a Peace Officer

- (a) A Peace Officer is authorized to capture and impound in an Animal Shelter, any dog which is at large.
- (b) The Peace Officer is further authorized to take such reasonable measures as are necessary to subdue any dog, which is at large, including, but not limited to, the use of tranquillizer equipment and materials, snares, traps, snare poles, and oleoresin capsicum spray (pepper spray). If the dog is injured, it may be taken to a registered veterinarian for treatment and then to the Animal Shelter at the owner's expense.
- (c) An impounded dog may be kept in the Animal Shelter under municipal control for a period of two (2) days.
- (d) During this period, any dog may be redeemed by its owner, except as otherwise provided in this Bylaw, upon payment to the following fees to the Municipal District of Bonnyville, or the responsible agency:
- i. The appropriate Impoundment Fee as set out by the Animal Shelter;
  - ii. The appropriate License Fee when the dog is not licensed; and
  - iii. The cost of any veterinary treatment incurred by the municipality while the dog remained in custody.
- (e) If no license is issued for the dog, or the conditions of the license have not been met, the Peace Officer is not obliged to release the dog to the owner.



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- (f) At the expiration of the two (2) days, should the owner fail to meet the conditions set out in Section 5.6(d), the Peace Officer is authorized release the dog to an Animal Shelter for disposal as per their policies and procedures.
- (g) A Peace Officer is authorized, upon review of facts and investigation into reports and/or complaints about violations under Section 5.3(a) of this Bylaw, deem a dog as aggressive and have it placed into controlled confinement until:
  - i. the fines assessed by the Violation Ticket have been paid in full;
  - ii. the licensing regulations have been met, if required, and;
  - iii. control provisions as stipulated by the Peace Officer have been met, unless the dog is deemed a threat to cause injury or death or humans, in which case it may be humanely destroyed.
- (h) The Peace Officer may capture and impound any dog in respect of which:
  - i. he/she believes an offence under this Bylaw is being or has been committed;
  - ii. he/she believes a complaint has or will be made about the dog pursuant to the Dangerous Dog Act, R.S.A. 2000, c. D-3; or
  - iii. he/she believes the dog is actually or apparently infected with rabies or any other contagious disease.
- (i) In enforcement of this jurisdiction but not for the purpose of investigation only, the Peace Officer is authorized to enter any privately owned premises at any reasonable time, provided there is a believed public safety risk involving a potentially dangerous or aggressive dog.

### 5.7 Designated Aggressive Dogs

- (a) Where a Peace Officer designates a dog as aggressive, the Peace Officer shall serve notice upon the owner requiring the owner, upon receipt of said notice, to comply with any or all of the following requirements:
  - i. Keep said dog, when it is on the lands and premises of the owner, confined within the owner's dwelling or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the entry therein of unsupervised children, animals, or livestock;
  - ii. While the aggressive dog is off the owner's property, muzzle and secure the aggressive dog by means of a restraining device under the physical control of the owner or a person over the age of 18 years who is physically capable of controlling the aggressive dog, with the owner's consent;
  - iii. Obtain and maintain a policy of public liability insurance issued by an insurer licensed by the Province of Alberta providing third party liability coverage in an amount of not less than \$1,000,000 for any damage or injury caused by

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said aggressive dog, and provide to the Peace Officer proof of said coverage upon demand;

- iv. Immediately notify a Peace Officer should the insurance policy expire, be cancelled, or be terminated for any reason;
- v. Have a microchip inserted into said dog, at the dog owner's expense, for the purpose of identifying said dog as an aggressive dog.
- vi. Immediately notify a Peace Officer if the aggressive dog is at large or has died.

(b) Anyone who contravenes any provision of section 5.7(a) is guilty of an offence.

### 5.8 Dangerous Dogs

- (a) Where a Peace Officer has designated a dog as an aggressive dog, and they form the opinion that the dog would be better managed under the Dangerous Dog Act, R.S.A. 2000, c. D-3, an application may be made before a Justice to hear the case through Alberta Justice and render a decision.

### 5.9 Penalties

- (a) Any person who contravenes any provision of this Section of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this Bylaw.
- (b) Notwithstanding Section 5.9(a) of this Bylaw, any person who commits a second offence under this Section within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "A" of this Bylaw, while any person who commits a third or subsequent offence under this Section within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "A" of this Bylaw.

### 5.10 Violation Tag

- (a) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision in this Section of this Bylaw.
- (b) A Violation Tag may be issued to such person:
  - i. either personally;
  - ii. by mailing a copy to such person at their last known mailing address.
- (c) The Violation Tag shall be in a form approved by the municipality and shall state:
  - i. the name of the owner;
  - ii. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;

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- iii. that the penalty shall be paid within 30 days of the issuance of the Violation Tag; and
  - iv. any other information as may be required by the municipality.
- (d) Where a contravention of this Section of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided however, that no more than one (1) Violation Tag shall be issued for each day that the contravention continues.
  - (e) Where a Violation Tag is issued pursuant to Section 5.10(a) of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the municipality the penalty specified on the Violation Tag.
  - (f) Nothing in this Section of this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

### **5.11 Violation Ticket**

- (a) In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offenses Procedure Act, S.A. 1988, c. P-21.5.
- (b) Notwithstanding Section 5.10(a) of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offenses Procedure Act. S.A. 1988, c. P-21.5, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Section of this Bylaw, and the Peace Officer need not first issue a Violation Tag for a contravention of any provision of this Section of this Bylaw.
- (c) The fines assessed by means of a Violation Ticket, as described in Schedule "A", shall include the penalty either assessed or to be assessed for the prescribed offence of a Violation Tag.

### **5.12 Euthanasia**

- (a) Where an animal has been impounded, if, in the opinion of a Registered Veterinarian, the animal should be humanely euthanized for medical reasons, a Registered Veterinarian may immediately proceed to humanly euthanize the animal at the owner's expense.

## **6 TRAFFIC SAFETY**

### **6.1 Uninsured Vehicles**

- (a) Any vehicle parked on a highway must be registered and insured, as per the Traffic Safety Act, R.S.A.2000, c. T-6.

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### **6.2 Funeral Procession**

- (a) Despite Sections 34, 36 to 40, 53 and 54 of the Traffic Safety Act, R.S.A. 2000, c. T-6, Use of the Highway and Rules of the Road Regulation AR 304/2002, a person driving a vehicle in a funeral procession, other than the lead vehicle in the funeral procession, may, during daytime hours, drive the vehicle into an intersection without stopping the vehicle if:
  - i. the vehicle's headlamps and hazard warning lamps are alight;
  - ii. the vehicle is traveling immediately behind the vehicle in front of it in the funeral procession so as to form a continuous line of traffic;
  - iii. the lead vehicle in the funeral procession is showing a purple flashing light; and
  - iv. the passage into the intersection can be made safely.

### **6.3 Parades and Charity Runs**

- (a) No person shall hold any parade or procession without first obtaining permission from the CAO, subject to such terms and conditions as the CAO deems advisable.
- (b) Every member of a parade or procession, and the organization and leaders thereof shall be guilty of an offence for each violation of this section.
- (c) Any person desiring to hold a parade or procession within the Municipal District of Bonnyville shall make application in writing to the CAO or their designate at least seventy-two (72) hours prior to the time they desire to hold the event, and in such application shall furnish the following information:
  - i. the name and address of the applicant; if such application is an organization, the names, addresses, and occupations of the executive thereof;
  - ii. the nature and object of such parade or procession;
  - iii. the day, date, and hours during which the event will be held;
  - iv. the intended route thereof; and
  - v. the approximate number of persons and vehicles taking part therein.
- (d) During such parade or procession, all pedestrians not taking part therein shall be restricted to the use of the sidewalk area.
- (e) No parade or procession shall obstruct any highway for a longer period than is reasonably necessary.

### **6.4 Engine Retarder Brakes**

- (a) No person shall operate engine retarder brakes on diesel powered vehicles where such operation is prohibited by sign.

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### 6.5 Trucks Prohibited

- (a) No person shall operate a Commercial Vehicle on a highway, where the operation of such vehicle is prohibited by sign unless:
  - i. The company, owner, or operator of the vehicle has obtained a Road Use Agreement from the Municipal District of Bonnyville;
  - ii. The vehicle is being operated in accordance with all restrictions listed on the Road Use Agreement; and
  - iii. A copy of the Road Use Agreement is carried and accessible in the vehicle.
- (b) The operator of a Commercial Vehicle on a truck prohibited road is guilty of an offense if they fail to produce a valid Road Use Agreement upon the demand of a Peace Officer.

### 6.6 Parking

- (a) Every person who parks a vehicle upon any highway, where parking spaces are marked out for angle, perpendicular, or parallel parking shall park wholly within the marked parking space.
- (b) Unless required or permitted by this Bylaw or the Traffic Safety Act, R.S.A. 2000, c. T-6, or by a traffic control device, or in compliance with the directions of a Peace Officer or other authorized person, or to avoid conflict with other traffic, a driver shall not stop or park his vehicle:
  - i. On a highway adjacent to a curb or sidewalk that has been marked by being painted a solid color (PAINTED CURB);
  - ii. On a sidewalk or boulevard;
  - iii. On a crosswalk or on any part of a crosswalk;
  - iv. In any driveway or lane designated for use by ambulances, fire fighting vehicles, or other emergency response vehicles;
  - v. Where such vehicle will obstruct, or in any way interfere with, the use of any doorway intended as a fire or emergency exit from any building, provided that such doorway is marked by a sign indicating an Emergency Exit or Fire Exit;
  - vi. Within an intersection other than immediately next to the curb in a "T" intersection;
  - vii. At an intersection nearer than five (5) meters (16.4 feet) to the projection of the corner line immediately ahead or immediately to the rear except when the vehicle is parked in a space where a parking meter or other traffic control device indicates parking is permitted;
  - viii. Within five (5) meters (16.4 feet) upon any approach to any stop or yield sign;

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- ix. Within five (5) meters (16.4 feet) of any fire hydrant, or when the hydrant is not located at the curb, within five (5) meters (16.4 feet) of the point on the curb nearest to the hydrant; except in those locations where parking has been authorized by the municipality;
  - x. Within five (5) meters (16.4 feet) of the near side of a marked crosswalk;
  - xi. Alongside or opposite any street excavation or obstruction when stopping or parking would obstruct traffic;
  - xii. At any other place where a traffic control device prohibits stopping or parking, during such times as stopping or parking is so prohibited;
  - xiii. On the roadway side of a vehicle parked or stopped at the curb or edge of a highway;
  - xiv. In such a manner as to obstruct access to a garage, private road, or driveway;
  - xv. At any angle to the curb in a cul-de-sac unless that vehicle is parked in such a manner as not to interfere with the free flow of traffic in the cul-de-sac;
  - xvi. Without a permit, where a permit is required; or
  - xvii. For a longer period of time than that indicated on any sign placed in a parking area by authority of the CAO. Where signs are not posted, the parking time limit shall be 72 hours.
- (c) After the issuance of a Violation Tag concerning a vehicle for a first violation and where that vehicle remains parked in excess of the time permitted on the sign or in contravention of any sign for a further period of more than 24 hours, then a second offence shall be deemed to have occurred.
- (d) Any person, who has not moved their vehicle after a second offence has occurred, may be fined and the vehicle may be immediately towed at the owner's expense.
- (e) No person shall park a vehicle in a parking space where a sign indicates that it is for the exclusive use of persons with disabilities unless their vehicle displays a handicap placard or license plate that is issued or recognized by the Province of Alberta.
- (f) No driver shall park in any alley, except a Commercial Vehicle engaged in the loading or unloading of goods.
- (g) When parking on a highway, a driver shall park his vehicle with the sides parallel to the curb edge of the highway, and with the right-hand wheel thereof not more than 500 mm (19.7 in.) from the right-hand curb or edge of the highway.
- (h) In the case of a one-way highway where parking on either side is permitted, the wheels closest to the curb edge of the highway shall not be more than 500 mm

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(19.7 in.) from the curb or edge and with the vehicle facing the direction of travel authorized for that highway.

- (i) Sections 6.6(h) and (i) do not apply where angle parking is permitted or required.

### 6.7 Abandoned Vehicle

- (a) No person shall abandon a vehicle on a highway.
- (b) No person shall abandon a vehicle on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.
- (c) A vehicle left standing, at a location referred to in Section 6.7(a) or 6.7(b) for more than 72 consecutive hours shall be deemed to have been abandoned at that location for the purposes of the Traffic Safety Act, R.S.A. 2000, c. T-6 and the Vehicle Seizure and Removal Regulation AR 251/2006.
- (d) Where the abandonment or obstruction is unavoidable due to mechanical failure of the vehicle, the operator will not be in breach of this Section provided he takes measures to clear the faulty vehicle from the highway within 72 hours. In such cases, no person shall leave a vehicle unattended on a highway if the vehicle has been placed on a jack or similar device, and:
  - i. one of more wheels have been removed from the vehicle; or
  - ii. part of the vehicle is raised.
- (e) No person shall park or drive any vehicle upon any land owned by the Municipal District of Bonnyville which the municipality uses or permits to be used as a playground, recreation area, utility or public park, buffer strip, land held for resale, or any land in reserve, or on any boulevard unless permission has been obtained in writing from the CAO.
- (f) The CAO is authorized to designate those portions of highways upon which parking is prohibited.
- (g) Despite any other provision in this Bylaw, the CAO may cause "No Parking" signs to be placed on or near a highway for roadway maintenance or construction purposes.
- (h) When emergency snow removal, street cleaning, or other work commences on the signed portion of the highway, then the owner of any vehicle parked 24 hours after the placement of the appropriate signs, shall be in contravention of this Section.

### 6.8 Trailers

- (a) For the purposes of this Section, "mobile unit" shall mean any vacation trailer, house trailer, motor home, relocation trailer or, any structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from

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one point to another by being towed or carried and to provide living accommodation for or other use by one or more persons.

- (b) No person shall park any trailer upon any highway unless the said trailer is attached to a vehicle by which it may be propelled or drawn, and when so attached, the trailer shall be deemed part of the vehicle and subject to the regulations pertaining to vehicles unless otherwise authorized by the CAO.
- (c) No person shall occupy or suffer or permit any other person to occupy a mobile unit upon a highway or upon public property unless such property has been designated for use as a mobile unit park or trailer court.

### **6.9 Dangerous Goods**

- (a) No person shall park a vehicle carrying Dangerous Goods in any Hamlet or Land Use District as listed in Section 5.1(p) Subsections i. through to xii. of this Bylaw.

### **6.10 Service Station Requirements**

- (a) No person being in charge or control of a garage, service station, radio shop or other premises where repairs or installations are made on vehicles for compensation shall leave or cause or permit to be left on any street a vehicle which is left in his or her possession for carrying out the repairs or making installations or for any other purpose whatsoever.

### **6.11 Chalking Tires**

- (a) For the purposes of this Section, it shall be lawful for any person authorized to enforce this Bylaw to place an erasable chalk mark on a tire on any vehicle found parked on any highway or Municipal District of Bonnyville property, for establishing the amount of time the vehicle has remained stationary.

### **6.12 Covered Loads and Securement**

- (a) No person shall drive or pull a load on a trailer, vehicle, or other receptacle that is not secured with sufficient measures to ensure the load does not come loose.
- (b) No person shall drive or pull onto or upon a highway a vehicle containing or pulling a trailer containing a load unless such load is completely covered by a tarpaulin or other covering device secured in such a manner that no portion of the said load can escape, blow, drop, spill, or fall onto a highway or land adjacent thereto.
- (c) In the event that any load or any portion thereof becomes loose or detached or blows, drops, spills, or falls from any vehicle onto any highway, it shall be the duty of the driver of the vehicle forthwith to safeguard traffic and to safely remove such material from such highway.



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### **6.13 Vehicle Fluids**

- (a) No person shall conduct vehicle repairs or maintenance in a vehicle or conduct any activity which may cause the spillage of lubricating oils or any fluids upon a highway.

### **6.14 At an Emergency**

- (a) No person shall pass beyond a point designated by a Peace Officer, a member of the Fire Department, or any other emergency personnel at a location near a fire, motor vehicle accident or other emergency occurrence.
- (b) Emergency vehicles shall always have the right of way when conducting business and when emergency equipment is activated.

### **6.15 Pedestrians**

- (a) No person shall stand in a group of three (3) or more persons near to each other on any highway as to obstruct the entrance to buildings or to obstruct or prevent other persons using such highway; and forthwith, after a request has been made by a Peace Officer or other person duly authorized so to do, the persons shall disperse and move away.
- (b) No person shall conduct himself or otherwise position himself on a highway in such a manner as to obstruct vehicular or pedestrian traffic, distract, or inconvenience any other person upon the highway.
- (c) No person shall stand upon or walk along a highway for the purpose of soliciting a ride from the driver of any vehicle.
- (d) When being lawfully operated, persons operating mobility aids are to be considered as pedestrians including the same rights and obligations under the Traffic Safety Act, R.S.A. 2000, c. T-6, and this bylaw.

### **6.16 Obstruction of Traffic Control Device**

- (a) No person shall willfully remove, throw down, deface, alter, damage, or destroy a traffic control device, or sign placed, marked, or erected on a highway.

### **6.17 Overhanging Trees and Shrubs**

- (a) The owner, tenant or occupier of any land adjoining any highway or public place in the Municipal District of Bonnyville shall cause all trees, shrubs and bushes which overhang on the sidewalk of the street, lane or public place to be properly trimmed and cut back, so as to prevent obstruction on the sidewalk, highway or public place to pedestrians or vehicles, or block traffic control device(s).

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### 6.18 Alternative Modes of Transportation

- (a) Where a sign is posted restricting the use of alternative modes of transportation including but not limited to skateboards, rollerblades, horseback, bicycles, and scooters, no person shall contravene the restrictions listed on the sign.

### 6.19 Obstruction of Road Allowance

- (a) No person shall place any obstruction on, over or under any road allowance, highway, street, lane, or other public place.
- (b) No person shall place or in any way permit the accumulation of dirt, stones, filth, dust, or rubbish upon, on or over road allowances, highways, lanes, or other public places within the municipality.
- (c) Persons as hereinbefore referred to in Section 6.19(a) and 6.19(b) shall include any individual, person, company, firm or partnership, its agents, employees, contractors, and/or sub-contractors.
- (d) Council or their designate may give notice in writing to any person contravening any of the Sections herein compelling the removal of the obstruction and in default thereof, Council or their designate may have the said obstruction removed and any expenses incurred thereby in the removal of any such obstruction, will and shall be forthwith payable by the person placing said obstruction, and in the event of default of payment, the said sum so expended shall be recoverable by Distress upon the goods and chattels of the person by whom or by whose direction any such obstruction was so placed in the same manner as if the expenses were taxes and so recoverable.

### 6.20 Recreational Trails

- (a) Recreational trails placed on municipal controlled or owned lands are for the use of pedestrians, pedal bicycles, human-powered transportation devices. and Use of electric power or power assisted units including, but not limited to, devices commonly known as electric scooters, electric bicycles, segways, or similar, are also permitted on recreational trails under compliance with the following criteria:
  - i. The unit must not be able to exceed 32 km/h;
  - ii. The unit must not be capable of producing more than 500 watts of energy;
  - iii. The operator must be a minimum of 12 years of age; and
  - iv. If under 14 years of age, the operator must wear a properly fitted bicycle helmet.
- (b) No person shall operate a motorized vehicle on or adjacent to any recreational trails located within the Municipal District of Bonnyville.

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### 6.21 Off-Highway Vehicles

- (a) Off-Highway Vehicles are permitted to operate on a highway solely for the purpose of crossing the highway from one lawful point of operation to another, avoiding hazards, and loading or unloading an Off-Highway Vehicle from or onto a trailer, or into a building or property.
- (b) Off-Highway Vehicles operating adjacent to or on municipal controlled highways must:
  - i. travel in the same direction as traffic on the highway; and
  - ii. not exceed 40 km/h.
- (c) Peace Officers, Emergency Services Personnel, or employees of the Municipal District of Bonnyville are authorized to operate Off-Highway Vehicles on any highway within the municipality while performing their duties.
- (d) Off-Highway Vehicles are permitted to be operated in the ditches adjacent to municipal controlled highways only, not in ditches or right of ways associated to Primary or Secondary Highways under the jurisdiction of the Province of Alberta.  
**EXEMPTION:** Off-Highway Vehicles are not permitted in ditches directly adjacent to municipal recreational trails in accordance with Section 6.20(b).
- (e) No person shall operate an Off-Highway Vehicle upon any park land or campground within the Municipal District of Bonnyville except where permission for access is posted.
- (f) No person who is the owner or operator of an Off-Highway Vehicle may operate or permit any other person to operate the Off-Highway Vehicle when there is not a subsisting certificate of registration and/or a financial responsibility card indicating valid insurance issued pursuant to the Off-Highway Vehicle Act, R.S.A. 2000, c. O-5.
- (g) Off-Highway Vehicles are permitted to operate on the right hand edge of municipal controlled streets, avenues, alleys and laneways within paved subdivisions, or within the Hamlets of Fort Kent, Ardmore, Therien, La Corey, and Cherry Grove, provided that said vehicle is being operated by a licensed operator in accordance with any existing provincial regulations, and for the purpose of proceeding directly from the paved roadway onto the Iron Horse Trail or other approved surface by the most direct route possible.
- (h) For the purposes of this Section a licensed operator is a person who is the holder of a valid operators license as defined in the Traffic Safety Act, R.S.A. 2000, c. T-6 and its regulations excluding class 7 (learner's permit) drivers unless that person is supervised by a licensed operator who is at least 18 years of age and occupying the passenger seat of the Off-Highway Vehicle or is otherwise in a position to, in the opinion of a Peace Officer, supervise the operator adequately.

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- (i) In the Hamlet of Ardmore, no person shall operate an Off-Highway Vehicle on 49 Street, where 49 Street is adjacent to Ardmore School property including the school building, playground, parking lot and sports fields.
- (j) Off-Highway Vehicles are prohibited from exceeding 40 km/h within a Hamlet or paved subdivision.
- (k) Off-Highway Vehicles are prohibited from being operated in Hamlets or paved subdivisions between the hours of 10:00 pm and 7:00 am of the following day.
- (l) This Bylaw shall not apply to operation of Off-Highway Vehicles on private property.

### 6.22 Authority of the CAO

- (a) The CAO is hereby authorized to:
  - i. Delegate authority under this Bylaw to any designated representative;
  - ii. Designate crosswalks upon any highway and to cause same to be marked with signs or lines to be painted on the surface of the highway;
  - iii. Designate any highway intersection or other place on a highway as a place at which no left hand or no right-hand turn or both, shall be made, and shall cause the said place to be signed, barricaded, or otherwise restricted;
  - iv. Designate any intersection or place on a highway, including a place where a railway right-of-way crosses a highway, as a place where U-turns are prohibited and shall cause same to be marked with signs prohibiting U-turns;
  - v. Designate any area as one in which parking privileges are temporarily suspended in whole or in part to traffic and shall cause such areas to be marked with signs;
  - vi. Designate any roadway as one to be divided into traffic lanes of such number as is considered proper and shall cause such lanes to be marked with solid and/or broken lines painted on the road surface;
  - vii. Designate "School Zones" and "Playground Zones" and shall cause such zones to be marked by signs posted along the highway, or by markings on the pavement or by signs or lights or both, posted or suspended over the highway;
  - viii. Designate any boulevard upon which parking is permitted and shall cause signs permitting such parking to be erected thereon;
  - ix. Determine the format of the traffic tags, notices, and other forms required to administer this Bylaw; and
  - x. Cause moveable signs to be placed on or near a highway.

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- (b) When Council has approved of any highway or a part of a highway being designated for one way traffic, the CAO shall cause the same to be marked with signs.

### **6.23 Authority of Peace Officers**

- (a) Any Peace Officer of the Municipal District of Bonnyville is hereby authorized to remove and impound, or cause to be removed and impounded, any vehicle or trailer parked on any highway when in contravention of any provision of this Bylaw, and when interfering with snow removal or other public works being carried on by the municipality.
- (b) Any vehicle impounded under Section 6.23(a) may be released to the owner or agent upon proof that any Violation Tag charges, or costs imposed for towing and/or storage have been paid.
- (c) A Peace Officer, while in the performance of his duty, may contravene any Section of this Bylaw, in a manner that, considering the circumstances, is not negligent.

### **6.24 Violation Tag**

- (a) A Violation Tag may be issued by a Peace Officer to any person who contravenes any provision of this Section, and served as per Section 6.25(b), and the Tag shall require the payment to the Municipal District of Bonnyville for the specified amount for that particular breach of this Bylaw.
- (b) A Violation Tag shall be deemed to be sufficiently served if:
  - i. served personally on the accused;
  - ii. mailed to the address of the registered owner of the vehicle concerned, or the person concerned; or
  - iii. attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.

### **6.25 Penalties and Payment**

- (a) Except as otherwise provided herein, every person who contravenes any provisions of this Section is guilty of an offence and shall be liable on Summary Conviction to a fine as enumerated in Schedule "A" herein.
- (b) If at any time after the expiration of the fifteenth (15th) day from the service of a Violation Tag, a person pays for a Violation Tag issued, the Municipal District of Bonnyville shall accept payment of the appropriate penalty as provided in Schedule "A", and the payment will be accepted in lieu of prosecution.

## **7 UNMANNED AERIAL VEHICLES (UAV) / DRONES**

- 7.1 It is prohibited to operate a drone or UAV unless permission has been obtained from the landowner before flying said drone or UAV over their property.

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- 7.2 It is prohibited to fly a drone or UAV at night or otherwise when there is reduced visibility.
- 7.3 It is prohibited to fly a drone or UAV near moving vehicles.
- 7.4 It is prohibited to fly any drone or UAV in any Municipal District of Bonnyville owned land, parks, or campgrounds.

### 8 NOISE CONTROL

- 8.1 Except to the extent, it is permitted by this Bylaw, no person shall unreasonably:
  - (a) cause unreasonable noise within the Municipal District of Bonnyville; or
  - (b) operate or permit any other person to operate a motor vehicle which causes unreasonable noise.
- 8.2 No person shall allow property they own or control to be used in such a way as there is unreasonable noise originating from the property.
- 8.3 Where an activity is not specifically prohibited or restricted by any federal, provincial, or municipal legislation but involves making a sound that will or may become a disturbance or annoyance to other people or a danger to the comfort, health, peace or safety of others, the activity shall be carried out in a manner aimed to create as little noise as practicable.
- 8.4 Any Peace Officer may direct any person(s) who has caused or made noise, or any person who owns or controls property from which the noise has originated, to immediately abate or eliminate the noise. Such a direction may be either verbal or written.
- 8.5 No Audible Bird Scare Devices may be used at night.
- 8.6 Motor Vehicle Noise
  - (a) The failure of a person within the Municipal District of Bonnyville to comply with the following provisions of the Traffic Safety Act, R.S.A. 2000, c. T-6, and Regulations thereof constitutes a violation of this Bylaw in addition to and not in substitution for the offence under the Traffic Safety Act:
    - i. The prohibition against the use of signaling devices such as a horn or bell or other noise making devices on motor vehicles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning other persons on the roadway, as set out in Subsection (2) of Section 83 of the Use of Highway and Rules of the Road Regulation;
    - ii. The restrictions on the type or use of mufflers and similar equipment on motor vehicles, as set out in Section 61(1) of the Vehicle Equipment Regulation;
    - iii. The prohibition against equipping a motor vehicle with a siren, as set out in Section 77 of the Vehicle Equipment Regulation.

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- (b) A person who operates a motor vehicle in a residentially zoned area or at any time in such a way as to cause noise is guilty of an offence under this Bylaw in addition to and not in substitution for any offence of which the person may be guilty under Section 13(1)(g)(iii) of the Traffic Safety Act, R.S.A. 2000, c. T-6.

### **8.7 Commercial and Industrial Noise**

- (a) Persons owning or controlling construction equipment and persons owning or controlling land on which the construction equipment is being operated shall be exempt from the provisions of this bylaw if:
  - i. the noise is generated pursuant to work done in the normal manner of that industry;
  - ii. the noise is not generated at night;
  - iii. all necessary federal, provincial, and municipal permits, licenses, and approvals have been obtained and the work is not contrary to any federal, provincial, or municipal legislation.

### **8.8 Domestic Noise**

- (a) A person must not generate objectionable noise during the nighttime hours when within a residentially zoned area.

## **9 NON-APPLICATION OF THIS BYLAW**

- 9.1 The CAO may, upon written request, issue a permit to a person for the purpose of suspending the provisions of the Bylaw, and the permit shall specify the dates and hours during which noise may occur.

- 9.2 This bylaw does not apply to:

- (a) The performance of work by any person(s) for the purpose of carrying out an agricultural operation including the operation of a farm implement except for the use of an Audible Bird Scare Device which must adhere to the guidelines provided in this Bylaw;
- (b) Noise generated by Livestock involved in an agricultural operation;
- (c) Work carried out by the Municipal District of Bonnyville or its agents, contractors, or servant's employees, acting within the scope of their responsibilities;
- (d) Work carried out by persons owning or operating domestic equipment permitted that:
  - i. the noise is temporary or intermittent in nature;
  - ii. the domestic equipment is properly maintained and operated in a normal manner for that type of equipment; and
  - iii. the noise does not occur at night.

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### **10 AUTHORIZATION TO INSPECT**

- 10.1 A Peace Officer may enter any land, building, or premises to inspect for conditions that may constitute a contravention of this Section in accordance with Section 542 of the Municipal Government Act, R.S.A. 2000, c. M-26.

### **11 PENALTIES**

- 11.1 Any person who contravenes any provision of this Bylaw, is guilty of an offence and may be liable to a penalty not less than nor more than the sum as set out in Schedule "A" of this Bylaw.
- 11.2 Notwithstanding any other provision of this Bylaw, any person who commits a second offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "A" of this Bylaw, while any person who commits a third or subsequent offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine not less than nor more than the sum as set out in Schedule "A" of this Bylaw.
- 11.3 Each occurrence of a contravention of this Bylaw, or in the case of continuous contraventions, each day a contravention occurs or continues, constitutes a separate offence, and may be punished separately.
- 11.4 Where a person has been issued a fine under any provision of this Bylaw and fails to pay the penalty within the prescribed time period, the penalty may be added to the tax roll of the respective property, in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26.

### **12 VIOLATION TAGS AND TICKETS**

- 12.1 A Peace Officer is authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 12.2 A Violation Tag may be issued:
- (a) personally; or
  - (b) by mailing a copy of the Violation Tag to the person at their last known mailing address.
- 12.3 The Violation Tag shall state:
- (a) the name of the person;
  - (b) the offence;
  - (c) the appropriate penalty for the offence as set out in this Bylaw;
  - (d) that the penalty shall be paid within 30 days of the issuance thereof the Violation Tag; and



## **BYLAW NO. 1812**

(e) any other information as may be required by the Peace Officer.

- 12.4 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the municipality, the penalty specified on the Violation Tag.
- 12.5 If the penalty specified on the Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 2000, c. P-34.
- 12.6 Notwithstanding anything in this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, S.A. 2000, c. P-34 to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

### **13 REPEAL**

- 13.1 Upon third reading of Bylaw No. 1812, Bylaw No. 36 and all amendments thereto are hereby repealed.
- 13.2 Upon third reading of Bylaw No. 1812, Bylaw No. 251 and all amendments thereto are hereby repealed.
- 13.3 Upon third reading of Bylaw No. 1812, Bylaw No. 981 and all amendments thereto are hereby repealed.
- 13.4 Upon third reading of Bylaw No. 1812, Bylaw No. 1371 and all amendments thereto are hereby repealed.
- 13.5 Upon third reading of Bylaw No. 1812, Bylaw No. 1610 and all amendments thereto are hereby repealed.
- 13.6 Upon third reading of Bylaw No. 1812, Bylaw No. 1657 and all amendments thereto are hereby repealed.
- 13.7 Upon third reading of Bylaw No. 1812, Bylaw No. 1704 and all amendments thereto are hereby repealed.

### **14 SEVERABILITY**

- 14.1 If any Section of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.
- 14.2 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provision of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

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### 15 EFFECTIVE DATE

15.1 That this Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ A FIRST TIME IN COUNCIL THIS 23<sup>rd</sup> DAY OF NOVEMBER, 2022.

READ A SECOND TIME, AS AMENDED, IN COUNCIL THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2023.

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**BYLAW NO. 1812****Schedule "A"****Fines and Penalties**

<b>OFFENCES</b>	<b>APPLICABLE SECTION</b>	<b>SPECIFIED PENTALTY</b>		
		<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE</b>	<b>3<sup>RD</sup> OFFENSE</b>
<b>NUISANCE PROPERTY</b>				
Sidewalks Not Maintained	2.3 & 2.4	\$100	\$ 250	\$ 500
Placement of Snow, Ice, Debris, etc. Onto Highways or Public Areas	2.5	\$100	\$ 250	\$ 500
Obstruction of Fire Hydrant or Public Infrastructure by Snow, Ice, Debris, etc.	2.6	\$100	\$ 250	\$ 500
Vehicle Parts Unlawfully Displayed	2.8	\$100	\$ 250	\$ 500
Unreasonable Accumulation of Materials	2.9	\$100	\$ 250	\$ 500
Discarded Appliance Unlawfully Displayed	2.10	\$100	\$ 250	\$ 500
Plants Impeding View	2.13	\$100	\$ 250	\$ 500
<b>REGULATE CANNABIS CONSUMPTION</b>				
Consumption in Public	4.1(a)	\$100		
Consumption in Public Transportation Vehicle	4.1(b)	\$100		
Proprietor Permit Consumption	4.1(c)	\$250	\$ 500	\$1,000
Proprietor Fail to Install Proper Signage	4.4	\$250	\$ 500	\$1,000
<b>DOG CONTROL</b>				
Fail to License a Dog	5(1)(e)	\$200		
Provide False Information Concerning Licensing	5(1)(g)	\$200		
Fail to Affix License Tag Upon Dog when Required	5(1)(l)	\$ 50		
Unlawfully Own more than Three Dogs	5(1)(p)	\$200		
Owner Permit Dog at Large	5.2(a)	\$200	\$ 400	\$ 800
Owner Permit Dog to Make Noise Unnecessarily	5.2(b)	\$200	\$ 300	\$ 400
Owner Permit Damage to Property	5.2(c)	\$200		
Owner Fail to Comply with Dog Prohibition Signage	5.2(d)	\$100		
Owner Permit Dog to Attack or Threaten Person	5.2(e)(i)	\$300	\$ 500	\$1,000
Owner Permit Dog to Attack or Threaten Livestock or Pet	5.2(e)(ii)	\$200	\$ 400	\$ 800

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OFFENCES	APPLICABLE SECTION	SPECIFIED PENTALTY		
		1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
Owner Fail to Clean Defecation	5.2(f)	\$ 50	\$ 100	\$ 200
Tormenting a Dog	5.2(g)	\$100		
Releasing a Dog Unlawfully	5.2(h)	\$200		
Releasing a Dog from Custody	5.2(i)	\$400		
Non-Compliance for Designated Aggressive Dogs	5.7(a)	\$250	\$ 500	\$1,000
<b>TRAFFIC SAFETY</b>				
Host a Parade or Charity Run Without Approval	6.3(a)	\$ 50		
Operating Engine Retarder Brakes Unlawfully	6.4(a)	\$100		
Fail to Comply with Road Use Agreement	6.5(a)	\$500	\$1,000	\$5,000
Fail to Produce a Valid Road Use Agreement	6.5(b)	\$100		
Park Vehicle Unlawfully	6.6(b)	\$100	\$ 250	\$ 500
Unlawfully Occupy a Handicapped Parking	6.6(e)	\$250		
Abandon Vehicle on a Highway	6.7(a)	\$250		
Park Vehicle on a Jack	6.7(d)	\$100		
Unlawfully Park Vehicle on MD Land	6.7(e)	\$100	\$ 250	\$ 500
Unlawfully Park a Trailer Detached from a Power Vehicle	6.8(b)	\$100		
Unlawfully Park Dangerous Goods	6.9(a)	\$200	\$ 400	\$ 800
Service Station Unlawfully Park Vehicle on Highway	6.10(a)	\$100	\$ 250	\$ 500
Operate Motor Vehicle with Unsecure Load	6.12(a)	\$200		
Pull Trailer Hauling Insecure Load	6.12(b)	\$200		
Pedestrian Obstruct Entrance	6.15(a)	\$100	\$ 250	\$ 500
Pedestrian Obstruct Traffic	6.15(b)	\$100	\$ 250	\$ 500
Pedestrian Attempt to Hitchhike	6.15(c)	\$100		
Obstruction of Traffic Control Device	6.16(a)	\$500		
Obstruction of Road Allowance	6.19(a)	\$100		
Deposit Debris Unlawfully	6.19(b)	\$100	\$ 250	\$ 500
Operate OHV Adjacent to a Walkway	6.20(b)	\$200		
Operate OHV in Opposite Direction as Highway Traffic	6.21(a)	\$100		

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OFFENCES	APPLICABLE SECTION	SPECIFIED PENTALTY		
		1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
Operate OHV Exceeding 40 km/h on or Adjacent to Highway	6.21(b)	\$100		
Unlawfully Operate OHV on MD Land or Campground	6.21(e)	\$100	\$ 250	\$ 500
Unlawfully Operate OHV near Ardmore School	6.21(i)	\$100	\$ 250	\$ 500
Operate OHV Exceeding 40 km/h in Hamlet or Paved Subdivision	6.21(j)	\$100	\$ 250	\$ 500
Operate OHV in Hamlet or Paved Subdivision during Quite Hours	6.21(k)	\$100	\$ 250	\$ 500
<b>UNMANNED AERIAL VEHICLES (UAV) - DRONES</b>				
Operate UAV Over Private Property Without Permission	7.1	\$100	\$ 250	\$ 500
Operate UAV During Night or Otherwise Reduced Visibility	7.2	\$100	\$ 250	\$ 500
Operate UAV Over Traffic	7.3	\$100	\$ 250	\$ 500
Operate UAV in M.D. Parks and Lands	7.4	\$100	\$ 250	\$ 500
<b>NOISE CONTROL</b>				
Cause Unreasonable Noise Within the MD	8.1(a)	\$200	\$ 400	\$ 800
MV Cause Unreasonable Noise Within the MD	8.1(b)	\$200	\$ 400	\$ 800
Permit Unreasonable Noise to Originate from Property	8.2	\$200	\$ 400	\$ 800
Fail to Comply with Direction of Peace Officer to Abate Noise	8.4	\$300	\$ 500	\$1,000
Operate Audible Bird Scare Devices at Night	8.5	\$200	\$ 400	\$ 800
Fail to Comply with Provisions of TSA	8.6	\$200	\$ 400	\$ 800
Generate Noise at Night in a Residentially Zoned Area	8.8	\$200	\$ 400	\$ 800