



## Taza Development Community Standards Law

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi dat'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasala.

### **A Document to Ratify the L.PH.YYDD Within the Tsuut'ina First Nation Lands.**

**Enacted on [Month, Day of 2020] in Tsuut'ina Nation  
Coming Into Force: [Month, Day, Year]**

#### **NOTICE – DRAFT ONLY**

This document is a non-binding draft of proposed legislation under development by the Tsuut'ina Nation. It has not been enacted and carries no legal force or effect. This draft is subject to review, revision, and formal approval by the Head Chief and Minor Chiefs of Tsuut'ina Nation. It may be amended or withdrawn at any time. Do not rely on this document for legal, regulatory, or development-related purposes.

## Preamble

WHEREAS the Tsuut'ina Nation Head Chief and Minor Chiefs desire to make a Law governing the Taza Development Community Standards on the Tsuut'ina Nation Reserve;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under Section 35 of the Constitution Act, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Tsuut'ina Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

AND WHEREAS Head Chief and Minor Chiefs have the authority to enact this Law pursuant to the Legislative Process Act;

NOW THEREFORE: Head Chief and Minor Chiefs hereby enact this Law pursuant to the Tsuut'ina Legislative Process.

# Table of Contents

Preamble ..... 2

**Table of Contents ..... 3**

**Interpretation and Administration ..... 5**

    Name..... 5

    Purpose ..... 5

    Applicability ..... 5

    Application of Law ..... 5

    Prohibitions..... 6

    Definitions ..... 6

**General Provisions ..... 9**

    Untidy or Unsightly Land or Premises ..... 9

    Outside Storage – Non-Residential Premises ..... 10

    Construction, Garbage, and Receptacle Placement ..... 10

    Drainage ..... 11

    Graffiti ..... 11

    Sidewalks..... 11

    Handicapped Parking Stalls ..... 12

**Noise Control ..... 14**

    Prohibited Noise ..... 14

    Criteria ..... 14

    Construction Activity ..... 14

    Garbage Collection ..... 14

    Day-time Decibel Limit - Residential ..... 14

    Night-time Decibel Limit - Residential ..... 15

    Day-time Decibel Limit – Non-Residential..... 15

    Night-time Decibel Limit – Non-Residential ..... 15

    Noise Created by Vehicles, Off-Highway Vehicles and Motorcycles ..... 16

    Sound Level Meters Operation ..... 16

    Exceptions ..... 16

**Firearms ..... 18**

    General Application ..... 18

    Exception ..... 18

**Illegal Disposal ..... 19**

    Disposal of Snow, Ice, Slush, Dirt, and Gravel ..... 19

**Administration and Enforcement ..... 20**

Powers of the Tsuut'ina Development Authority ..... 20

Permits ..... 20

Proof of Permit..... 20

Notice..... 21

Order to Remedy ..... 22

Time to Remedy Situation..... 22

Appeal ..... 22

Hearings and Decisions ..... 23

**Compliance and Enforcement..... 24**

    General Offences ..... 24

    Obstruction..... 24

    Voluntary Payment Tag ..... 24

    Violation Ticket..... 25

    Violation Tickets and Penalties ..... 25

**Amendments to this Law..... 26**

**Schedule "A" – Minimum and Specified Penalties ..... 29**

**Head Chief and Minor Chiefs Signatory Page..... 30**

DRAFT - NOT ENACTED - FOR INFORMATION ONLY

## Interpretation and Administration

### Name

1. This Law shall be cited as the Taza Development Community Standards Law.

### Purpose

2. The purpose of this Law is to provide the means to establish and enforce certain community standards for properties within the Taza Development.
3. This Law is generally consistent with the following instruments that exempt designations by Tsuut'ina Nation Citizens for portions of the Tsuut'ina Nation No. 145 for economic development purposes, as endorsed by Tsuut'ina Nation Head Chief and Minor Chiefs:
  - (a) Order-in-Council dated January 8, 1993; and
  - (b) Ministerial Order dated May 20, 2015

As have been amended from time to time.

### Applicability

4. This Law applies to:
  - (a) To the regulation of minimum maintenance standards for leased premises within the Taza Development,
  - (b) To the establishment of standards that abate nuisance generally, and regulate untidy and unsightly premises,
  - (c) To certain lands within the Tsuut'ina nation Indian Reserve No. 145, which are legally described as follows:
    - i. Lot 37, CLSR Plan 103721,
    - ii. Lot 38, CLSR Plan 103678,
    - iii. Lot 39, CLSR Plan 103718,
    - iv. Lot 40, CLSR Plan 103718,
    - v. Lot 41, CLSR Plan 103718,
    - vi. Lot 65, CLSR Plan 107404, and
    - vii. Lot 66, CLSR Plan 107404.

### Application of Law

5. Where any Federal Act or Regulation or Provincial Act or Regulation or any other Law passed by Head Chief and Minor Chiefs may apply to any matter covered by this Law, compliance with this Law will not relieve a person from also complying with the provisions of any other applicable Act, Regulation or Law.

6. If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid Section or Subsections shall be severed from and not affect the remaining provisions of this Law.

## Prohibitions

7. No person shall fail to comply with any order or notice issued by an Officer.
8. No person shall submit false or misleading information to an Officer.
9. No person shall interfere with or obstruct the entry of an Officer acting in the administration or enforcement of this Law

## Definitions

10. In this Law, the following terms have the following meanings:
  - (a) **“Agent”** means a person, firm, or corporation representing the Lease Holder, by designation or contract and includes a hired tradesman or contractor who may be granted a Permit for work within the limitations of his license,
  - (b) **“Approved”** means in writing,
  - (c) **“Building”** means any Structure used or intended for supporting or sheltering any use or Occupancy,
  - (d) **“Construction”** means any erection, repair, alteration, enlargement, addition, demolition, removal or excavation,
  - (e) **“Day-time”** means the time beginning at 7:00am and ending at 10:00pm of the same day on Weekdays, or beginning at 9:00am and ending at 10:00pm of the same day on a Weekend,
  - (f) **“dB(A)”** means the sound pressure measured in Decibels using the “n” weighted scale of a Sound Level Meter set to fast response,
  - (g) **“Decibel”** means a unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to approximately one-hundred and thirty (130) for the average pain level.
  - (h) **“Development Appeal Board”** means the board established under Section 228 of the Taza Development Approval Process Law, 2019,
  - (i) **“Development Authority”** means the board established under Section 113 of the Taza Development Approval Process Law, 2019,
  - (j) **“Graffiti”** means one or more letters, symbols, figures, etchings, scratches, drawings, inscriptions, stickers, stains, or other markings or things however affixed on the surface of any Premises, Structure or other property,
  - (k) **“Handicapped Parking Stall”** means a space or portion of a Street or parking lot set apart and designated exclusively for the parking of vehicles bearing a valid disabled

- placard or license plate, and so marked with a sign or other marking authorized by the Tsuut'ina Development Authority,
- (l) **“Lands”** means the Tsuut'ina Nation lands, including surface water and air space, which are legally described as follows:
    - i. Lot 37, CLSR Plan 103721,
    - ii. Lot 38, CLSR Plan 103678,
    - iii. Lot 39, CLSR Plan 103718,
    - iv. Lot 40, CLSR Plan 103718,
    - v. Lot 41, CLSR Plan 103718,
    - vi. Lot 65, CLSR Plan 107404, and
    - vii. Lot 66, CLSR Plan 107404.
  - (m) **“Law”** means this Taza Development Public Health Inspection Law, 2020,
  - (n) **“Lease”** means a lease, Lease, Sub-Lease or lesser interest in respect of any of the Lands,
  - (o) **“Lease Holder”** means a person that has entered into a Lease agreement with the Partnership,
  - (p) **“Nation”** means the Tsuut'ina Nation No. 145,
  - (q) **“Night-time”** means the period beginning at 10:00pm and ending the following day at 7:00am if the following day is a weekday, or 9:00am if the following day is a weekend,
  - (r) **“Noise”** means any sound that is reasonably likely to disturb the peace of others,
  - (s) **“Non-residential”** means the use or occupancy of a Building or land for any purpose other than for residential purposes,
  - (t) **“Occupancy”** means the use or intended use of a Building or part of a Building for the shelter or support of Person, animals or property,
  - (u) **“Off-Highway Vehicle”** means that vehicle as defined in the Alberta Traffic Safety Act.
  - (v) **“Officer”** has the same meaning as a Peace Officer within the Tsuut'ina Nation Offences Procedures Bylaw, 1998, as amended from time to time,
  - (w) **“Partnership”** means the Tsuut'ina Land Development Limited Partnership or its General Partner, Tsuut'ina Land Development GP Inc. (or their successors and assigns),
  - (x) **“Person”** means an individual, corporation, body corporate, Partnership, joint venture, association, society or unincorporated organization or any trustee, executor, administrator or other legal representative,
  - (y) **“Point of Reception”** means the location where noise or sound levels are heard by the complainant, as determined by a sound level meter operator to be appropriate in each circumstance,

- (z) **“Premises”** includes the external surface of all Buildings and the whole or part of any parcel of real property, including land immediately adjacent to any Building or Buildings:
- i. **“Occupied Premises”** means the premises which are used and/or occupied by a Lease Holder and/or Sub-Lease Holder which are identified in the relevant Lease.
- (aa) **“Receptacle”** means a container designed or used for containing Refuse awaiting collection and disposal or used for moving purposes,
- (bb) **“Refuse”** means any discarded or abandoned organic or inorganic material and without restricting the generality of the foregoing, includes garbage, ashes and all forms of grass, tree and hedge cuttings and clippings, broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other materials, all trees, shrubs, stumps, scrap lumber, scrap metal, large boxes and crates, oil drums, and similar unwieldy materials, discarded furniture and fixtures, including but not limited to tables, mattresses, water heating tanks, stoves, furnaces, fences, gates and other discarded fixtures,
- (cc) **“Street”** means any public road, including the boulevards, sidewalks, and improvements, but excludes a lane, private roadway, bridge, or walkway,
- (dd) **“Structure”** means any construction fixed to, supported by, or sunk into land or water, but shall not include concrete, asphalt, brick, or tile surfaced areas,
- (ee) **“Taza Development Guidelines”** means the *Taza Development Guidelines, 2018*, as may be amended from time to time,
- (ff) **“Tsuut'ina Nation Offences Procedures Bylaw”** means the *Tsuut'ina Nation Offences Procedures Bylaw, 1998*, as may be amended from time to time,
- (gg) **“Use”** means the purpose for which any Lot, Building or Structure is designed, arranged or intended or for which it is occupied or maintained, and
- (hh) **“Work”** means any construction, erection, repair, alteration, enlargement, addition, demolition, removal, or excavation.

## General Provisions

### Untidy or Unsightly Land or Premises

11. No Person, Lease Holder, or Occupant of a subleased parcel shall permit the Land or Premises to be or remain in an untidy or unsightly condition, which means that the Premises shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, which includes but is not limited to the following:
- (a) Any loose litter, feces, garbage or refuse, whether located in a storage area, collection area or elsewhere on the Land,
  - (b) Damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not,
  - (c) Smelly or messy compost heaps,
  - (d) Unkept grass or weeds higher than ten (10) centimetres,
  - (e) Any tree, shrub, other type of vegetation or any Structure that:
    - i. Interferes or could interfere with any public work or utility,
    - ii. Obstructs any Sidewalk adjacent to the Land,
    - iii. Becomes a nuisance by encroaching on a neighbouring Premises, and
    - iv. Any accessible excavation, ditch, drain or standing water that could pose a danger to the public.
  - (f) Any dust or other airborne matter that may escape the Premises and disturb any other Person,
  - (g) Any snow, ice, slush, dirt, and/or gravel that:
    - i. Interferes or could interfere with pedestrian or vehicle movement on the Premises,
    - ii. Interferes or could interfere with any public work or utility,
    - iii. Obstructs any Sidewalk adjacent to the Premises,
    - iv. Impairs the visibility required for safe traffic flow at any intersection adjacent to the Land, or
    - v. Becomes a nuisance by encroaching on a neighbouring Premises.
12. All Residential Premises shall be kept free of any vehicle, Recreational Vehicle, Utility Trailer, or object, which is in a wrecked, discarded, or abandoned condition.
13. The provisions of this Section shall not be interpreted to prevent bona-fide and lawfully permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other related lawful activities from being carried out on, in or in relation to a Premises.

## **Outside Storage – Non-Residential Premises**

14. Any vehicle, mechanical equipment or object on Non-residential Land, which is in a wrecked or dismantled condition shall be removed from the Land, unless the storage area is defined and enclosed with an approved fence and visually screened to the satisfaction of the Tsuut'ina Development Authority.
15. Any outdoor storage area on Non-residential Land will not be permitted, unless the outdoor storage area is permitted by the granting of an Approved Development Permit and is visually screened to the satisfaction of the Tsuut'ina Development Authority.
16. All signs which are excessively weathered or faded, or those upon which the paint has peeled or cracked, shall be removed, repainted or replaced.

## **Construction, Garbage, and Receptacle Placement**

17. Construction Refuse shall be placed in a Receptacle with a fixed cover and Construction material shall not be allowed to blow out of the Receptacle or off the Premises from where the Construction is taking place.
18. Construction Refuse, subject to the displacement by wind, shall be placed in a Receptacle with a fixed cover in the closed portion during the periods as noted in the following:
  - (a) Required covers on Construction Receptacles must be kept in the closed position from 7:00 PM to 7:00 AM Monday to Sunday, when construction garbage is not being loaded into the Receptacle. From 7:00 AM to 7:00 PM. Construction Receptacle covers would only need to be kept in the closed position if no construction activity is taking place or during periods of high wind.
  - (b) The Lease Holder cannot be held responsible for not closing the Receptacle cover when obvious signs of illegal dumping have taken place,
  - (c) Construction Refuse Receptacle fixed covers must be securely attached to the Receptacle and capable of containing the Refuse placed within the Receptacle,
  - (d) Prior to a citation being handed out, a warning giving the Lease Holder or Occupant twenty-four (24) hours to comply is required to be given up the Lease Holder. This warning would be served if provided to any employee or representative of the Lease Holder. The warnings shall indicate that the Lease Holder is required to remove the Receptacle or have a fixed cover installed on the Construction Receptacle within twenty-four (24) hours. Bins placed adjacent to a property will be considered controlled by the Lease Holder, a Designated Officer shall take a picture of each offence showing the bin and property for reference by the Lease Holder or to be used as evidence in Court. Once a Lease Holder has been found in violation of the Law, they may be served future fines without warning for each bin violation of the Law within the same calendar year.
19. Construction and moving bins in developed residential areas must be removed from the yard after ninety (90) days of placement.

## Drainage

20. Eavestroughs, sump pump discharges and downspouts, if provided along any Building, shall prevent the discharge of water onto external stairs, landings and walkways, and shall direct water away from the Building.
21. Rain water downspouts, sump pump discharges or flow of water from a hose, or eavestroughs, attached to a Building, shall not discharge onto any adjacent Premises.

## Graffiti

22. No person shall create or apply Graffiti on or to any:
  - (a) Premises,
  - (b) Structures, or
  - (c) Other property which is leased or occupied by another Person unless the Graffiti is not in the public view and the Person who leases or occupies the Premises, Structure, or other property to which the Graffiti has been created or applied has given prior written approval of the creation or application of the Graffiti.
23. Every Lease Holder or Occupant of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.
24. Sections 22 and 23 do not apply to a sign as defined in the Land Use Bylaw, for which a sign permit has been issued.

## Sidewalks

25. A Lease Holder shall remove or cause to be removed and cleared away snow, ice and/or slush, dirt, debris and obstructions from any Sidewalk adjoining the property owned or occupies by them, such removal to be completed within twenty-four (24) hours of the time when the snow, ice and/or slush, dirt, debris and obstructions was formed or deposited thereon.
26. No Person shall remove snow, ice and/or slush, dirt, debris and obstructions from any sidewalk or driveway by causing such material to be placed upon any other portion of the highway or other public place adjacent to such property
27. Every Lease Holder shall, whenever snow or ice shall accumulate on the roof or eaves such building, to an extent that a danger is created to persons passing, cause the same to be removed at once and every person while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.
28. A Lease Holder who has an awning extending from a portion of their premises over a highway or portion thereof shall keep the awning free from snow and ice.
29. A Person may, in such a way as not to cause injury or unduly interfere with any Person lawfully using the Sidewalk, use a power device that is sufficiently light and of such construction that will not damage the surface of the Sidewalk to clear snow, ice, and/or slush, dirt, debris and obstructions from any portion of a Sidewalk.

30. For the purpose of clearing snow, ice, and/or slush, dirt, debris and obstructions from a Sidewalk, no Person shall drive a vehicle onto, across, or on any boulevard, ditch or Sidewalk except at a vehicular crossing provided for that purpose. Tsuut'ina Development Authority or Nation vehicles, contractors contracted by the Tsuut'ina Development Authority and any vehicle or Person(s) exempted by the Tsuut'ina Development Authority are exempt from the above requirement.
31. Off-Highway Vehicles, including all-terrain vehicles, are not permitted on sidewalks or highways for any purpose. Tsuut'ina Development Authority vehicles are exempt from this Section.
32. If a Lease Holder who is required by the provision of this Law neglects or refuses to remove snow, ice, and/or slush, dirt, debris and obstructions from a Sidewalk, a Designated Officer may cause the Lease Holder or Occupant to be served with a notice to clear or remove snow, ice, and/or slush, dirt, debris and obstructions. The notice will require the Lease Holder to clear the Sidewalks to the bare surface within twenty-four (24) hours. If the Sidewalk is not cleared, a Violation Ticket may be issued at the discretion of the Designated Officer and Tsuut'ina Development Authority may cause the removal of the snow, ice and/or slush, dirt, debris and obstructions and the cost thereof shall be paid to the Nation upon demand and failing payment such cost shall be added to the tax roll for said parcel.

### **Handicapped Parking Stalls**

33. The Lease Holder or Occupant of Land or a Premises that contains an area or areas that are designated as a Handicapped Parking Stall, shall clear snow, ice and/or slush, dirt, debris and obstructions of the Handicapped Parking Stall within twenty-four (24) hours after the snow, ice and/or slush, dirt, debris and obstructions have been deposited and shall keep the Handicapped Parking Stall in a state of cleanliness from edge to edge, free from snow, ice, and/or slush, dirt, debris and obstruction.
34. No Person shall clear snow, ice, and/or slush, dirt, debris and obstructions from any Handicapped Parking Stall by causing such material to be placed upon any other portion of the Highway or any other public place adjacent to such Land or a Premises.
35. Where a Handicapped Parking Stall is contained on Land in which the Premises are unoccupied or under development, the Lease Holder shall ensure that the Handicapped Parking Stall is clear of snow, ice and/or slush, dirt, debris and obstructions.
36. A Peace Officer may deem that snow, ice and/or slush, dirt, debris and obstructions on the Handicapped Parking Stall pose a danger to the public and Tsuut'ina Development Authority may then clear the snow, ice, and/or slush, dirt, debris and obstructions.
37. Where the Lease Holder has not complied with this Section, the Tsuut'ina Development Authority may remove the snow, ice, and/or slush, dirt, debris and obstructions, and the Lease Holder is liable for such removal costs.
38. If a Lease Holder or Occupant who is required by the provisions of this Law neglects or refuses to remove snow, ice, and/or slush, dirt, debris and obstructions from a Handicapped Parking Stall, a Designated Officer may cause the Lease Holder to be served with a notice to clear or remove snow, ice, and/or slush, dirt, debris and obstructions. The notice will require the Lease

Holder to clear the Handicapped Parking Stall within twenty-four (24) hours. If the Handicapped Parking Stall is not cleared, a Violation Ticket may be issued at the discretion of the Designated Officer, and Tsuut'ina Development Authority may cause the removal of snow, ice, and/or slush, dirt, debris and obstructions and the cost thereof shall be paid to the Nation upon demand and failing payment such cost shall be added to the tax roll for said parcel.

DRAFT - NOT ENACTED - FOR INFORMATION ONLY

## Noise Control

### Prohibited Noise

39. A Person shall not cause or permit any Noise that disturbs the peace of another individual.
40. No Lease Holder or Occupant of a Premises shall make or cause to allow to be made or continue any noise which emanates from the Premises.
41. A Person may be found guilty of a contravention of this Section whether or not the decibel level:
  - (a) Is measured, or
  - (b) If measured, exceeds any limit prescribed by this Law.

### Criteria

42. In determining if a sound is reasonably likely to disturb the peace of others, the following criteria may be considered:
  - (a) Type, volume, and duration of the sound,
  - (b) Time of day and day of week,
  - (c) Nature and use of the surrounding area,
  - (d) Decibel level, if measured, and
  - (e) Any other relevant factor.

### Construction Activity

43. A Person shall not cause or permit any Construction activity on Premises they own or occupy which is directly adjacent or within three hundred (300) meters of a Residential Development during the Night-time.

### Garbage Collection

44. A Person shall not collect, cause or permit the collection of garbage with a motor vehicle on or adjacent to any Residential Development during the Night-time.

### Day-time Decibel Limit - Residential

45. A Person shall not cause or permit the Premises they own or occupy to be used so that any sound coming from the Premises exceeds sixty-five (65) dB(A), as measured at the property line of a Residential Premises, during the Day-time.
46. The preceding sub-section does not apply to sound up to:
  - (a) Seventy (70) dB(A) lasting a total period not exceeding two (2) hours in any one (1) day,
  - (b) Seventy-five (75) dB(A) lasting a total period not exceeding one (1) hour in any one (1) day,

- (c) Eighty (80) dB(A) lasting a total period not exceeding thirty (30) minutes in any one (1) day,
- (d) Eighty-five (85) dB(A) lasting a total period not exceeding fifteen (15) minutes in any one (1) day.

### **Night-time Decibel Limit - Residential**

- 47. A Person shall not cause or permit any sound exceeding fifty (50) dB(A), as measured at the property line of a Residential Premises, during the Night-time.
- 48. A Person and/or Lease Holder shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds fifty (50) dB(A), as measured at the property line of a Residential Premises, during the Night-time.
- 49. No person shall operate:
  - (a) A hand lawn mower,
  - (b) Motorized Garden Tool,
  - (c) Power tool outside of any Building or Structure,
  - (d) Snow clearing device powered by an engine of any kind, or
  - (e) Motorized snow or leaf-blowing device,In a Residential Development during the Night-time.

### **Day-time Decibel Limit – Non-Residential**

- 50. A Person shall not cause or permit any sound exceeding seventy-five (75) dB(A), as measured at the property line of a Non-residential Premises, during the Day-time.
- 51. A Person and/or Lease Holder shall not cause or permit Premises they lease or occupy to be used so that any sound coming from the Premises exceeds seventy-five (75) dB(A), as measured at the property line or a Non-residential Premises during the Day-time.
- 52. This preceding section does not apply to sounds up to:
  - (a) Eighty (80) dB(A) lasting for a total period not exceeding two (2) hours in any one (1) day, or
  - (b) Eighty-five (85) dB(A) lasting for a total period not exceeding one (1) hour in any one (1) day.

### **Night-time Decibel Limit – Non-Residential**

- 53. A Person shall not cause or permit any sound exceeding sixty (60) dB(A), as measured at the property line of a Non-residential Premises, during the Night-time.
- 54. A Person shall not cause or permit Premises they own or occupy to be used so that any sound coming from the Premises exceeds sixty (60) dB(A), as measured at the property line of a Non-residential Premises, during the Night-time.

## **Noise Created by Vehicles, Off-Highway Vehicles and Motorcycles**

55. No Person who owns or operates a Motor Vehicle equipped with engine retarder brakes shall allow such brakes to be engaged in any area within the Tsuut'ina Development Lands where the use of engine retarder brakes is prohibited by signage placed by the Nation.
56. No Person who owns or operates or controls a Motor Vehicle equipped with an audible alarm system shall allow such systems to be activated repeatedly or excessively, regardless if such activation is due to system malfunction, improper installation, setting, or otherwise.
57. A Person shall not operate a Motor Vehicle on a Highway that is capable of:
  - (a) Emitting any sound exceeding ninety-two (92) dB(A) while the engine is at idle, or
  - (b) Emitting any sound exceeding ninety-six (96) dB(A).

## **Sound Level Meters Operation**

58. When measuring sound levels, the Officer must measure the sound level at the Point of Reception with the Sound Level Meter in accordance with the manufacturer's specifications.
59. When measuring sound levels, the Officer shall determine the Point of Reception.
60. The Officer must ensure the accuracy of the Sound Level Meter by testing the meter with a Field Calibrator immediately before and after measuring the Sound Level and record the results of those tests.

## **Exceptions**

61. Nothing in this Section prohibits situations where the Tsuut'ina Development Authority issued approval to allow the production of certain sounds on whatever conditions are deemed appropriate.
62. This Section does not regulate the cumulative effect of Noise created by vehicular traffic on Highways.
63. The provisions of this Section do not apply to:
  - (a) Nation vehicles and equipment used to clear snow and ice from Streets or public realm facilities,
  - (b) Emergency vehicles,
  - (c) Construction in a Residential Development during the Day-time, whether or not the Construction requires any permits,
  - (d) Any activity within the sole jurisdiction of the Nation,
  - (e) The sounding of any alarm or warning to announce a fire or other emergency,
  - (f) The playing of a band or activity in connection with a parade allowed pursuant to any Nation Law,
  - (g) The use of signalling devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons, or

- (h) Work on any urgent nature carried on by or on behalf of the Nation, ATCO Gas, Enmax, Telus, Shaw Cable or any other utility company authorized to carry out such work.

DRAFT - NOT ENACTED - FOR INFORMATION ONLY

## Firearms

### General Application

64. No Person shall discharge a Firearm within the Tsuut'ina Development Lands.

### Exception

65. This Section does not apply to an Officer who may be required to discharge a Firearm or Weapon in carrying out his duties as an Officer.

## Illegal Disposal

### Disposal of Snow, Ice, Slush, Dirt, and Gravel

66. No Person, Lease Holder, or Occupant of a Land or a Premises shall use any Tsuut'ina Lands outside of the Occupied Premises for the disposal of snow, ice, slush, dirt, and/or gravel. No exceptions.

DRAFT - NOT ENACTED - FOR INFORMATION ONLY

## Administration and Enforcement

### Powers of the Tsuut'ina Development Authority

67. Without restricting any other power, duty of function granted by this Law, Tsuut'ina Development Authority may:
- (a) Carry out any inspections to determine compliance with this Law,
  - (b) Take any steps or carry out any actions required to enforce this Law,
  - (c) Take any steps or carry out any action required to remedy a contravention of this Law,
  - (d) Establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question,
  - (e) Establish areas where activities restricted by this Law are permitted,
  - (f) Establish forms for the purposes of this Law,
  - (g) Issue permits with such terms and conditions as are deemed appropriate,
  - (h) Establish the criteria to be met for a permit pursuant to this Law,
  - (i) Delegate any powers, duties or functions under this Law to a Nation employee or contractor, and
  - (j) Appoint inspectors for the purposes of this Agricultural Pest Act and the Weed Control Act.

### Permits

68. A Person to whom a permit has been issued pursuant to this Law, and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Law pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
69. A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Law.
70. If any term or condition of a permit issued pursuant to this Law is contravened or if a false or misleading statement of false or misleading information was provided to obtain the permit, the Tsuut'ina Development Authority may immediately cancel the permit.

### Proof of Permit

71. The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Law is on the Person alleging the existence of such a permit on a balance of probabilities.

## Notice

72. Where any Land or Premises in the Tsuut'ina Development Lands are deemed to be in any untidy or unsightly condition, the Tsuut'ina Development Authority may give notice in writing to a Person who is under a duty imposed by this Law to prevent such condition to remedy the same, and the Tsuut'ina Development Authority may direct that this be done in such a manner as he or she deems advisable on or before a day to be named in the notice.
73. The notice shall describe the property by:
- (a) Municipal address or location, and/or
  - (b) Legal description.
74. The notice shall describe the property by:
- (a) State that the Premises fails to comply with the Standards,
  - (b) Give reasonable particulars of the repairs, demolition, clearing or other actions required to be made,
  - (c) State the time within which the repairs, demolition, clearing, or other actions are to be done,
  - (d) Unless otherwise stated, give not less than seven (7) days' notice from the date of delivery for its compliance, and
  - (e) State that if the repairs or other action are not done within the time specified, Tsuut'ina Development Authority may carry out the repairs or other actions required and charge the cost thereof against the Premises concerned as taxes due and owing in respect of those Premises.
75. A copy of the notice shall be served upon the Lease Holder or Occupant of the Premises.
- (a) A notice given by the Tsuut'ina Development Authority pursuant to any of the provisions of this Law shall be deemed to have been duly given and served on the Person to whom it is addressed,
  - (b) On the notice being personally delivered to the Lease Holder/Occupant to whom it is addressed,
  - (c) On sending it by mail in a prepaid cover addressed to the last known postal address of the Lease Holder/Occupant to whom the notice is addressed, or
  - (d) On posting the notice in a conspicuous place on the Land referred to in the notice or on a Building(s) or Structures thereon, when the Tsuut'ina Development Authority has reason to believe:
    - i. That the Person to whom the notice is addressed is evading service thereof, or
    - ii. For any reason it is impossible that the notice will be received by the Person to whom it is addressed within seven (7) days of the date of the notice if it is delivered in any of the ways mentioned in this Section.

76. If, after the day designated for the compliance in any notice given pursuant to this Law, the Lease Holder or Occupant fails to remedy the condition stated in the notice, the Tsuut'ina Development Authority may determine if there is an infraction and issue an Order to Remedy.

### **Order to Remedy**

77. A Designated Officer is hereby authorized and empowered to issue an Order to Remedy to any Person who the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Law.
78. If the Person to whom an Order to Remedy has been issued fails to comply with the Order to Remedy within the time specified therein:
- (a) Tsuut'ina Development Authority may take whatever steps are necessary to remedy the contravention of the Law and the cost of doing so becomes a debt owing to the Nation by the Person to whom the order was issued, and
  - (b) Any items removed pursuant to this Section, if deemed of value by Tsuut'ina Development Authority, will be removed to a place of safekeeping and will:
    - i. Be assessed a daily fee for storage as may be determined from time to time by the Tsuut'ina Development Authority, and
    - ii. If unclaimed within thirty (30) days, may be disposed of or sold by the Nation.

### **Time to Remedy Situation**

79. Any such Order may require the Person, within a period which shall not be more than twenty-one (21) days from the date of making of the Order unless otherwise ordered, to remedy the untidy or unsightly condition of the Premises in the manner set forth in the Order.
80. If the Person to whom an Order to Remedy has been issued fails to comply with the Order within the time specified therein, the Tsuut'ina Development Authority shall remedy the condition to the extent directed in the Order, in accordance with the preceding Section of this Law.

### **Appeal**

81. The Person and/or Lease Holder may request the Development Appeal Board to review the Order to Remedy issued pursuant to this Law by written notice within fourteen (14) days of the date the Order to Remedy is received. Appeals are not permitted under the Sidewalk Section or any provision regarding handicapped accessibility in this Law.
82. Each notice of appeal shall:
- (a) State with reasonable detail, the grounds of appeal,
  - (b) State the name, address and interest of the appellant in the Premises,
  - (c) Be in the form determined by Tsuut'ina Development Authority and must be accompanied by the appropriate fee, and

- (d) Be dated and signed by the appellant or on his behalf by his agent and, if signed by an agent shall state the name and address of the agent as well as that of the appellant.

### **Hearings and Decisions**

- 83. The Appeal Board shall:
  - (a) Hold a hearing within thirty (30) days after receipt of the notice of appeal,
  - (b) Ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing, and
  - (c) Consider each appeal having due regard to the circumstances and merits of the case and to this Law.
- 84. When hearing an appeal, the Appeal Board shall be governed by the rules and procedures established for the Development Board.
- 85. In determining an appeal, the Development Appeal Board:
  - (a) May confirm, revoke or modify the decision of the Tsuut'ina Development Authority, and
  - (b) Shall render its decision in writing to the appellant within fifteen (15) days from the date of the hearing.

## Compliance and Enforcement

### General Offences

86. Any person who contravenes any provision of this Law is guilty of an offence.
87. Any person who contravenes any provision of this Law is guilty of an offence and liable on summary conviction to a fine not less than three hundred (\$300) dollars and not more than two-thousand-five-hundred (\$2,500) dollars and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.
88. The specified fines for an offence committed pursuant to this Law are set out in the attached Schedule "A".
89. In the case of an offence that is of continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Law for each such day.

### Obstruction

90. It shall be considered an offence in this Law to interfere, obstruct or hinder any Person or Designated Officer authorized by the Tsuut'ina Development Authority in the exercise or performance of the Person's powers pursuant to this Law.

### Voluntary Payment Tag

91. A Designated Office is hereby authorized and empowered to issue a Voluntary Payment Tag to any Person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Law.
92. A Voluntary Payment Tag may be issued to such Person:
  - (a) Either personally, or
  - (b) By mailing a copy to such Person at his last known address.
93. Where a contravention of this Law is of continuing nature, further Voluntary Payment Tag or Summons may be issued by a Officer provided that no more than one (1) Voluntary Payment Tag or Summons shall be issued for each calendar day that the contraventions continues.
94. Where a Voluntary Payment Tag is issued pursuant to this Law, the Person to whom the Voluntary Payment Tag is issued may, in lieu of being prosecuted for the offence, pay to the Nation the penalty specified on the Voluntary Payment Tag.
95. Nothing in this Law shall prevent an Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Law.

## Violation Ticket

96. If the penalty specified on a Voluntary Payment Tag is not paid within the prescribed time period, then an Officer is hereby authorized and empowered to issue a Violation Ticket.
97. Notwithstanding any other provision of this Law, a Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person who the Officer has reasonable grounds to believe has contravened any provision of this Law.

## Violation Tickets and Penalties

98. Where an Officer believes that a Person has contravened any provision of this Law, he may commence proceedings by issuing a summons by means of a Violation Ticket against that Person.
99. The specified penalty payable in respect of a contravention of a provision of this Law is the amount shown in Schedule "A" of this Law.
100. Despite the preceding Section:
  - (a) Where any Person has been convicted of a contravention of the same provision of this Law twice within one twelve (12) month period, the specified penalty payable in respect of the second conviction is double the amount shown in Schedule "A" of this Law in respect of that provision, and
  - (b) Where any Person has been convicted of a contravention of the same provision of this Law three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule "A" of this Law in respect of that provision.
101. Without restricting the generality of Section 86, the minimum fine for any offences not listed in Schedule "A" shall be three hundred (\$300) dollars.
102. Where payment of the penalty is received for the first offence within one twelve (12) month period and the ticket issued for breach of any of the sections of this Law is paid within five (5) business days from the date of issuance of the ticket to a person authorized by the Tsuut'ina Development Authority to receive such payment, the penalty set out in Schedule "A" shall be reduced to one hundred (\$100) dollars and such reduced payment shall be accepted in lieu of prosecution.

## Amendments to this Law

103. Amendments to this Law shall be made through the Tsuut'ina Legislative Process Act, as may be amended from time to time.

DRAFT - NOT ENACTED - FOR INFORMATION ONLY

INSERT FIELD



# Taza Development Community Standards Law Appendix

DRAFT - NOT ENACTED - FOR INFORMATION ONLY

[Page intentionally left blank]

DRAFT - NOT ENACTED - FOR INFORMATION ONLY

## Schedule "A" – Minimum and Specified Penalties

Section	Offence	Penalty in Lieu of Prosecution	Specified Penalty
11 - 13	Untidy and Unsightly Land or Premises	\$100	\$300
14 – 16	Outside Storage – Non-Residential Premises	\$100	\$300
17 – 19	Construction Garbage and Receptacle Placement	\$100	\$300
20 – 21	Drainage	\$100	\$300
25 -32	Sidewalks	\$100	\$300
34 – 39	Handicapped Parking Stalls	\$100	\$300
40 – 64	Noise Control	\$100	\$300
66	Illegal Disposal	\$500	\$1,500
71	Failure to Provide Proof of Payment	\$100	\$300
90	Obstruction	\$100	\$300

# Head Chief and Minor Chiefs Signatory Page

**THIS LAW IS HEREBY** made at this duly convened meeting of the Head Chief and Minor Chiefs of the Tsuut'ina Nation this [\_\_\_] day of [Month, Year] by Nation Council Resolution.

Voting in favour of the Taza Development Community Standards Law, as evidenced by signatures, are the following members of the Head Chief and Minor Chiefs:

\_\_\_\_\_  
Tsuut'ina Nation Head Chief

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs

\_\_\_\_\_  
Member of Tsuut'ina Minor Chiefs