

Sherwood Park

October 9, 2022

Mr. Darrell Reid
Chief Commissioner
County Hall
2001 Sherwood Drive
Sherwood Park
Alberta T8A 3W7

Dear Sir,

Re: Proposed Community Standards Bylaw

Thank you for providing the opportunity to review the latest draft of the above bylaw. My wife and I have been proud to call Sherwood Park home for the past 44 years. Unfortunately we will be away during the October 25, 2022 Public Hearing with Council, so please accept this written submission as our feedback for the Hearing.

The proposed bylaw objectives are laudable:

- Prevent disputes between neighbours;
- Set property maintenance and use standards;
- Protect public spaces; and
- Set community safety standards.

The effectiveness of any bylaw or regulation in meeting its objectives relies upon clear, unambiguous, impartial and enforceable compliance standards. Homeowners and their neighbours need to understand what the County's specific standards are in order to comply with them. As currently drafted, the bylaw lacks consistent defined, measurable, minimum criteria to enable homeowners and their neighbours to understand and meet the County's requirements and to avoid conflicts. Instead of such fundamentally necessary clarity, much of this bylaw relies exclusively on the opinions of an individual bylaw enforcement officer in determining what the specific standards for given compliance actually are. "Reasonable", "reasonably" and "unreasonable" appear no less than 26 times in attempts to define these standards, thus confusing residents and also the County staff charged with enforcement. It is hard to understand how such undefined, vague measures can truly be deemed by the County to either enable residents to comply with the bylaw with confidence or to prevent disputes between neighbours.

Probably all Sherwood Park residents believe that their personal values, actions and decisions are “reasonable”.

I have concerns about several specific sections of the bylaw, and here are three examples.

- i. The definition of “reasonable state of repair” includes the condition of being “free from rot or other deterioration”. A stroll around Sherwood Park’s mature neighbourhoods shows that many fences and decks fall short of this standard, therefore every one of those residents will be non-compliant and subject to penalties under this bylaw. Perfection is not a “reasonable” standard for home maintenance, nor for the County’s own properties.
- ii. There are 57 offences listed in Schedule A, Specified Penalties. “If an offence is of a continuing nature, each day or part thereof that a person fails to comply with the requirements of this bylaw constitutes a new offence.” Such accelerating penalties may quickly reach the amount where many residents will see the value of hiring a lawyer to litigate on their behalf. Although this proposed bylaw is surprisingly light on clear standards, it goes into great detail on penalties.
- iii. “Part VII- Enforcement” is silent on the process. How will enforcement occur in order to ensure that all aspects of this bylaw are fully complied with? Will bylaw enforcement officers patrol neighbourhoods searching for offences, or will they rely on receiving complaints from residents? Or a combination? During the on-line survey for the initial draft, Sherwood Park residents expressed concern about the existing lack of satisfactory response from Bylaw Enforcement. This proposed bylaw will significantly increase duties for those staff. What is the estimated budget increase to support this proposed bylaw, and do the expected benefits justify this additional cost?

In conclusion I am concerned that the vagueness of this proposed bylaw will not meet its laudable objectives. Instead, it will result in confusion; increased disputes between neighbours; the hiring of more bylaw enforcement officers and support staff; more training requirements for County staff; more complaints; more appeals; more litigation involving the County; and more taxes.

Please reconsider the unintended consequences of this bylaw as currently drafted.

Respectfully submitted,

Brian M. Soutar

October 19, 2022

Mayor Frank and Strathcona County Councillors:

Re: Public Hearing October 25/22

I googled "Community Standards Bylaws – Strathcona County"

The following issues (as published) are to be addressed:

Nuisance and unsightly properties (neighboring)
Building Maintenance (or lack thereof) (neighboring)
Dilapidated fencing (neighboring)
Symbols of hate (flags) (neighboring)
Graffiti (obscene language) (facing our yard)
Nuisance smoke (neighbor)
Littering (neighbor)
Eaves and gutters (neighbor)

I brought our concerns to the attention of the mayor and several councillors (a couple of times) 2020 & 2021 - they in turn passed them on to our ward's councillor. I have bombarded our councillor over and over and was advised that the recently drafted "community standards bylaws may help with our concerns".

It appears that everything my husband and I have been complaining about to our ward's councillor for the last 3+ years may at long last be dealt with.

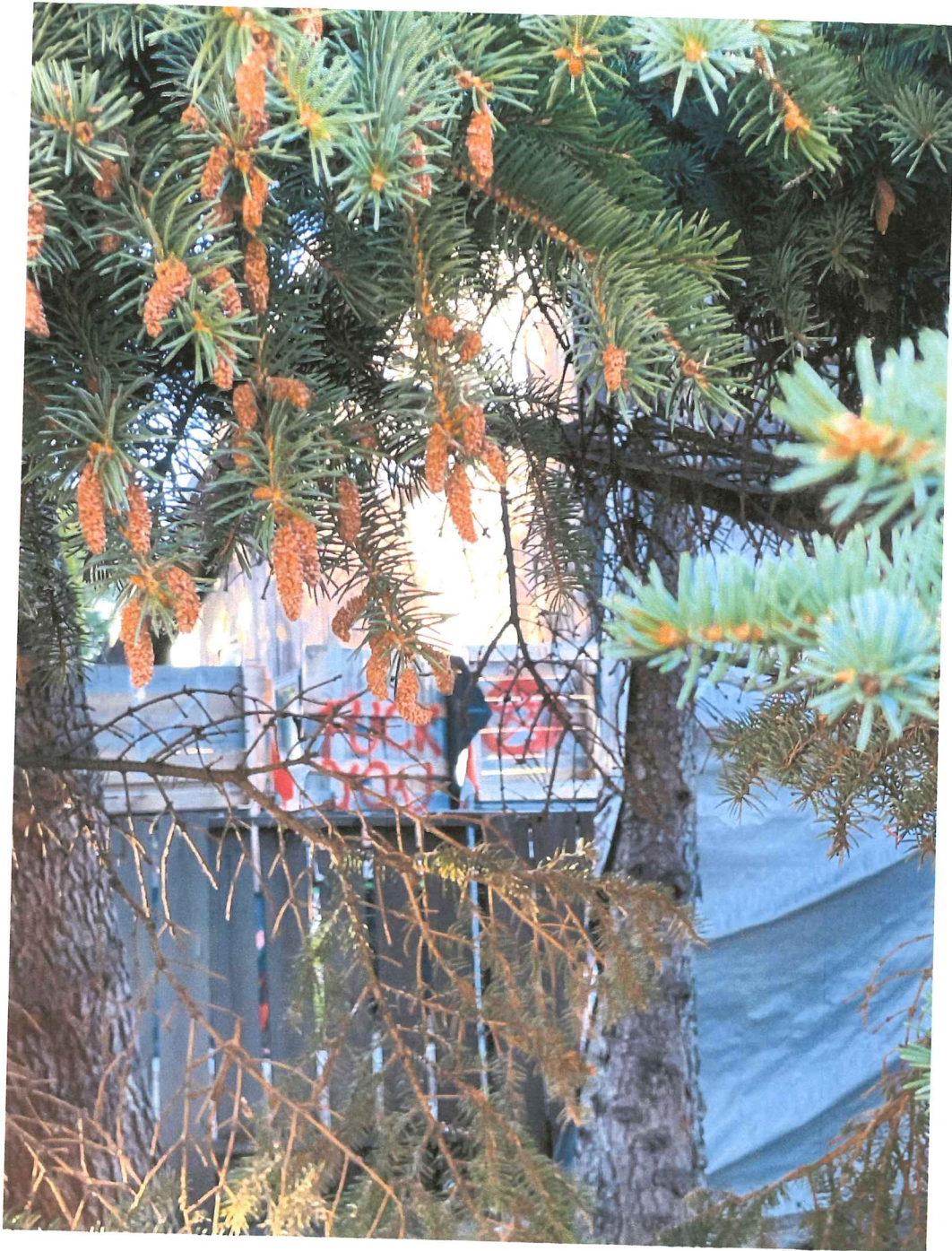
For our own peace of mind, we are forced to place our home for sale, but were advised by real estate agents that the value of our property is greatly devalued due to the conditions of the property next door. As the funds received from the sale, are to pay for our care in a senior facility, we need to procure maximum value.

We ask that the existing bylaw (i.e. eaves/gutters) be amended and perhaps twined to (surface drainage bylaw), to facilitate the conduction of rain water/snow melt from the eaves and gutters to the roadway and not aimed at neighboring properties and that these amendments and rewrites, be adopted and expedited post haste. I have been asking for help with this issue since 2016.

Thank you,

George and Connie Chretien

PS Pictures included





Review of draft Community Standards Bylaw - Version 2.0 – October 4, 2022

Webpage Groups	Bylaw Structure
	Part I – Purpose, Definitions, and Interpretation
Property Standards <ul style="list-style-type: none"> • Nuisance and unsightly properties • Storing construction materials and debris • Building, yard, fence maintenance • Parking on private property • Graffiti 	Part II – Neighbour Relations <ul style="list-style-type: none"> • Division 1 – Noise • Division 2 – Nuisance and Unsightly Premises • Division 3 – Graffiti • Division 4 – Wood Burning Appliances and Nuisance Smoke
Public Spaces <ul style="list-style-type: none"> • Noise • Wood-burning appliances and nuisance smoke • Littering • Idling 	Part III – Residential Property Standards <ul style="list-style-type: none"> • Division 1 – Storing Construction Materials and Debris • Division 2 – Building, Yard, and Fence Maintenance • Division 3 – Parking on Private Property • Division 4 – Sidewalk Clearing
Community Safety <ul style="list-style-type: none"> • Charity bins and collection sites • Clearing disabled persons' parking stalls • Sidewalk clearing • Symbols of hate 	Part IV – Public Spaces <ul style="list-style-type: none"> • Division 1 – Littering • Division 2 – Idling
	Part V – Community Safety and Standards <ul style="list-style-type: none"> • Division 1 – Charity Bins and Collection Sites • Division 2 – Clearing Disabled-Parking Stalls • Division 3 – Symbols of Hate
	Part VI – Inspections, Orders, and Permits <ul style="list-style-type: none"> • Division 1 – Designated Officers • Division 2 – Permits • Division 3 – Notice
	Part VII – Enforcement
	Part VIII – Decisions and Appeals
	Part IX - Transitional

1. Propose that “Graffiti” be moved to Part IV – Public Spaces section of bylaw.
2. Include definition of “nuisance smoke” within Part I, section (2)(t) “nuisance” - proposed statement:
 - a. “The generation of smoke, emissions, fumes or particulate matter from heating or burning material with impact to adjacent property resulting in poor air quality.”
3. Part II, section 5(g) and 5(h) refer to *Outdoor Fire Bylaw*, Bylaw 4-2021 – two bylaws to address an issue may result in confusion and challenges in enforcement.
 - a. Residential fires and fire pits are an appropriate fit for the Community Standards Bylaw. Propose that Part II, Sections 11-15 of Bylaw 4-2021 pertaining to residential fire pits be

removed and incorporated into the Community Standards Bylaw so that Permitted Fires are the focus of the *Outdoor Fire Bylaw*. This clear division of permitted and unpermitted fire management will allow for clear legislation and enforcement.

4. Part II, Division 4, section 26(2)(b) and (c) are unclear, request to provide practical examples in support of relevance.
5. Part II, Division 4 – propose adding a statement such as “A bylaw enforcement officer may order the immediate extinguishing of an outdoor fire causing nuisance smoke to prevent further impact on human health due to poor air quality.” Without a statement such as this, the draft bylaw hasn’t changed or improved upon the existing bylaw.
 - a. May also be included in Part IV, Division 1, section 88.

Heather Willis



Sherwood Park

I have had an ongoing interest in the development of the Strathcona County Community Standards Bylaw (henceforth, the Bylaw) for some time. When I initially got involved in the process, it had begun as a personal issue, but has since become a personal interest in trying to gain fair representation for the rural residents of Strathcona County (henceforth, the County) in how our County is managed. I have found throughout this process that there is far too little representation for rural residents with respect to the governing of the County, their representation within the County, and the tax spending that may benefit the rural residents of this County. I live in an acreage subdivision (one of approximately 202) in rural Strathcona County, not in one of the 9 hamlets (urban), or on an agricultural property. There are different considerations and challenges for each type of residential area, and typically the focus of bylaws is on laws governing urban residents. While I understand that approximately 73% of the County's residents reside in the hamlet of Sherwood Park, the draft of the new Bylaw provides an opportunity for the other 27% of the population of the County to have representation.

To further this observation that the County has a very urban-centric view, I will point out that in the report presented on the results of the survey regarding public feedback on the initial draft of the Bylaw, was also very urban-centric, in that a large number of comments and concerns presented appeared to have originated from residents residing in one of the Hamlets. It is therefore no surprise that I do not feel that the current Bylaw adequately deals with the challenges facing the residents of acreage subdivisions. While I was gratified to see that there have been some changes made to the initial draft of the Bylaw, presented to the public in June 2022, however, I do not feel that the Bylaw has adequately addressed noise concerns, either in terms of rural residents or urban residents. This written submission will focus on Part II, Division 1 – Noise.

When I began looking into County bylaws, I realized that certain bylaws required modernization or creation in order to meet the needs of a changing County. I believe that the bylaw for Prohibiting, Eliminating or Abating Noise ("Noise" Bylaw), bylaw no.66-99, which this current Bylaw will replace, was 23 years out of date. While it touched on some noise issues in the county, it was vague and difficult to enforce (according to a bylaw officer). As such, there was a lack of will by some officers to attempt to enforce the bylaw.

On November 22, 2021, Mayor Frank, Mr. Tom Sutton (RCMP/Enforcement), Mr. Vito Disciglio (Manager of Enforcement Services), Mr. Zach Herbers, and I met virtually to discuss my concerns with the current noise bylaw (no. 66-99). At this time they had discussed the creation of the Community Standards Bylaw, which would include a noise section in the bylaw, but they were unsure of how extensive it would be and whether it would supersede bylaw 66-99. We discussed that the noise section in this bylaw may not cover all noise concerns in the county, particularly concerns of rural neighbourhoods/acreage owners, as community standards bylaws tend to be urban-centric. It was unknown how much overlap there would be between this bylaw and an actual noise bylaw. There was a consensus that the old noise bylaw was vague and outdated, and it relied too much on officer discretion, which Mr. Sutton acknowledged could be problematic, and yet, the wording in the old Noise Bylaw and the updated draft Bylaw, are almost identical, certainly in intent, so really, what has been gained?

At the time of this discussion I voiced the following concerns:

- That any Community Standards Bylaw document, using Fort Saskatchewan's C1-21 as an example, tended to be urban centric, and did not appear to address the issues presented in rural acreage communities. We are somewhere in-between the urban and rural/agriculture land-base, and the bylaw requirements definitely differ for these small communities;
- If the Community Standards Bylaw was to replace the Noise Bylaw, it would need to be fully comprehensive and include detail that would specifically deal with the concerns of the small acreage owner, as well as urban dwellers and agricultural land owners; and
- That the new updated bylaw needed to be more comprehensive, and take the subjectivity out of the enforcement of that bylaw.

Unfortunately, the updated Bylaw is no more prescriptive, and provides no more guidance to bylaw officers, than the old Noise Bylaw. As mentioned, there appears to be a lack of will by the bylaw officers to attempt to enforce our bylaws, and vague bylaws only increase the likelihood of non-action by these officers. I am apparently also not the only person that feels the bylaw officers could be doing a better job of enforcing the bylaws at their disposal, and also providing a more pro-active approach to enforcement, as this was mentioned several times in the report of the first public consultation of the new Bylaw. While I do understand that bylaw officers must retain a certain amount of discretion when dealing with bylaw complaints, unfortunately, too much officer bias can creep in.

I would like to bring to your attention two bylaws enacted within Strathcona County that I believe are more prescriptive, which would appear to me, make them easier to enforce:

BYLAW 37-2017 – Responsible Dog Ownership Bylaw

Section 42 An owner of a dog that barks, howls, or otherwise makes such noise so as to, in the opinion of a peace officer, be likely disturb the peace of any person is guilty of an offence.

Section 43 Dog barking and howling or other noise shall be deemed to disturb the peace of any person if the barking, howling or other noise activity:

- (a) occurs within 100 metres of another residence, and continues for more than one (1) hour; or
- (b) occurs between the hours of 22:00 hours and 06:00 hours and continues for more than fifteen (15) minutes.

BYLAW 3-2014 – Firearms Bylaw

Section 5.3 No person shall use or discharge a Firearm or a Weapon within 183 metres of any occupied building, or cause a projectile from a Firearm or a Weapon to pass within 183 metres of any occupied building.

Section 5.4 Sub-section 5.3 does not apply if:

- i) the occupied building is on land outside of the Urban Service Area, the Special Control Area and the Rural Hamlet Boundaries Area; and

ii) the occupied building is on land the person owns or leases, or the person has permission from the owner or lessor of the land.

Very prescriptive. If my dog was to bark for over an hour within 100 metres of another residence, bylaw officers could take action. That means that any time during the day if my dog is a nuisance, the bylaw officer could take some form of action. Again, the Firearms Bylaw, if someone discharges a weapon within 183 metres of an occupied building, but not an occupied building outside of three very clearly defined no shooting areas, or the occupied building is leased or owned by me, then that person has committed an offence. Very clear.

However, the draft of the Bylaw is not at all prescriptive:

(s) “noise” means any sound which, in the opinion of a bylaw enforcement officer, having regard for all the circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb persons or to injure, endanger, or detract from the comfort, repose, health, peace, or safety of persons within the boundary of the County;

It leaves it to the officer to determine what constitutes a noise and how loud that noise is, and will that noise be annoying or unreasonable dependent on the time of day or its circumstances. This is very subjective. The bylaw officer may not be subject to two ATVs driven within 100 feet of their house for three or four hours at a time, every weekend, and therefore, may not find that noise particularly annoying or disturbing. I believe that if the noise section of the Bylaw were revised to be more prescriptive it would be easier to enforce and meet the requirements of changing County dynamics. I noted that several sections of the current draft Bylaw were quite prescriptive, for example Part III, Division 1, Section 30(1), and Part IV, Division 2, Section 65, and would suggest that the Part II, Division 1 be re-written to be more prescriptive.

Similarly, a subjective approach has been taken by the current Bylaw for the definitions of Nuisance Contaminants:

26 (1) A person shall not allow an outdoor fire to, or operate a wood burning appliance in a manner that would, in the opinion of a bylaw enforcement officer, cause a nuisance by releasing air contaminants or odours that are likely to:

- (a) cause or significantly contribute to the injury of or damage to human health, plant or animal life, or property; or
- (b) unreasonably interfere with a person’s enjoyment of life or property.

I would like to point out that there is equipment available to measure and quantify both the level of noise being made and the amount and type of particulates in the air. Surely a more scientific manner of assessment is preferred to that of an “opinion” of a potentially biased bylaw enforcement officer or a vindictive neighbor?

While I realize the Community Standards Bylaw is a draft bylaw, I feel that both the first draft and the current draft have seriously under-addressed many issues, especially in the noise section. The individuals drafting this document have really missed any opportunities to improve the overall quality of living in

Strathcona County with respect to unnecessary noise and nuisance issues. Again, the document is still vague and outdated. Instead of being more prescriptive, it is actually less prescriptive (removal of any reference to quiet time), and I believe it will be more difficult for the by-law officers to enforce than the current noise bylaw. This draft does not:

- Address the noise and nuisance of drones;
- Address the use of off-road vehicles for recreational vs work-related use;
- Address minimum distances from residences for the use of recreational off-road vehicles (or even drones);
- Address or define quiet hours (only for construction); and
- Define noise in a scientific, measurable way, leaving the determination of excessive noise to the very subjective assessment of a bylaw enforcement officer.

The situation regarding an overly subjective by-law has recently been raised by in court in Ontario (sorry about the news source, originally reported in <https://lakereport.ca/>):

<https://www.msn.com/en-ca/news/other/judge-bans-pickleball-playing-on-outdoor-courts-in-virgil/ar-AAywa3x?ocid=ientp>

In her judgement, Justice of the Peace Mary Shelley stated:

“The town and the club permitted noise which disturbs the quiet, peace, rest and enjoyment of the inhabitants of the town,” and she fined and shut down the pickleball club, and fined the town for disrupting the peace. Throughout her ruling, JP Shelley made it clear that she was enforcing the town’s own bylaw and that its wording was very much an important part of the verdict. She went on to say, “The bylaw itself is subjective. It reads, ‘No person shall make, cause or permit sound or vibration at any time, which is likely to disturb the quiet, peace, rest, enjoyment or comfort of inhabitants of the town.’ It was open to the town to enact a noise bylaw that was objective and quantifiable, not perfect, but within reason. It’s for all of these reasons that I find (the club and town guilty of breaking the noise bylaw).”

The wording of the town’s bylaw in the article is really not very different from that found in Strathcona County’s old Noise Bylaw or the draft Bylaw. So, it is apparently not just myself that finds the wording of these bylaws problematic.

People move to acreages for different reasons, peace and quiet, nature, “country living”, but some move to them with the expectation that they can do what they want on a bigger patch of land – shooting, quading, dirt bike riding – all without regard for their neighbours. I will again point out that if dogs can’t bark for more than one hour within 100 metres of another residence (during daylight hours, not during quiet hours – which don’t exist anymore), then why should off-road vehicles be permitted to be operated within 100 metres of another residence? I am sure that I will not be the only person concerned with the new bylaw, and how it glosses over any noise issues in the County, and is suitably vague on other issues. Noise mitigation is important, particularly when the houses are close together. The Noise Bylaw had not been updated since 1999, and had failed to account for the many more “modern” causes of noise, which are available today (children’s ATVs and dirt bikes, drones, etc.), and again, the writers of the current draft document have also failed to adequately address these items. As our County expands, and the population density increases, I believe that it is important to have a bylaw that addresses nuisance and noise issues,

that would be applicable to both the urban and rural (subdivision and agricultural properties). Strathcona County has an opportunity to improve the Community Standards Bylaw, before it is enacted and perhaps isn't amended for another 23 years. I am sincerely and respectfully requesting that the draft bylaw be reviewed and that revisions are made to produce a solid bylaw that addresses noise complaints in all settings, urban, semi-rural, and rural.

Twitter @StrathcoDiv

F. Audy for the Strathcona County Diversity Committee Submission for Bylaw 57-2022 Community Standards Bylaw October 25, 2022 Public Hearing

Instagram [strathcona_diversity_committee](#)

<https://www.youtube.com/channel/UCBkDPmJObYEQARTowKLmR0A>

If you do not want to receive any more emails from the Strathcona County Diversity Committee please reply to this email using the subject line 'STOP'