

**Bylaw No. 711-2008**  
**COMMUNITY STANDARDS BYLAW**

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**A BYLAW OF THE CITY OF LEDUC, IN THE PROVINCE OF ALBERTA, TO REGULATE THE CONDUCT AND ACTIVITIES OF PEOPLE IN PUBLIC PLACES AND ON PRIVATELY OWNED PROPERTY AND IMMEDIATELY ADJACENT AREAS IN ORDER TO PROMOTE THE SAFE, ENJOYABLE AND REASONABLE USE OF SUCH PROPERTY FOR THE BENEFIT OF ALL CITIZENS OF THE CITY.**

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WHEREAS, pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, a Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances, including unsightly property;
- (c) people, activities and things in, on or near a public place or a place that is open to the public;
- (d) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the following:
  - (i) the creation of offences;
  - (ii) for each offence, imposing a fine not exceeding \$10,000.00 or imprisonment for not more than one year, or both;
  - (iii) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
  - (iv) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
  - (v) providing for inspections to determine if bylaws are being complied with;
  - (vi) remedy contraventions of bylaws; and

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WHEREAS, pursuant to section 66(2) of the *Safety Codes Act*, R.S.A. 2000, Chapter S-1, as amended or repealed and replaced from time to time, a Council may make bylaws respecting the following matters:

- (a) Minimum maintenance standards for buildings and structures;
- (b) Unightly or derelict buildings or structures; and

WHEREAS, pursuant to the *Agricultural Pests Act*, R.S.A. 2000, Chapter A-8, as amended or repealed and replaced from time to time, a Council may pass certain bylaws and appoint Inspectors;

Leduc City Council enacts:

**PART I – PURPOSE, DEFINITIONS AND  
INTERPRETATIONS**

**BYLAW TITLE**

- 1 This Bylaw shall be known as the “Community Standards Bylaw”.

**DEFINITIONS**

- 2 In this Bylaw, unless the context otherwise requires:

- (a) **“Boulevard”** means that part of a highway that:
  - (i) is not a roadway; and
  - (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (b) **“Bylaw Enforcement Officer”** means a Bylaw Enforcement Officer appointed by the City pursuant to the *Municipal Government Act* to enforce City Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time;
- (c) **“City”** means the City of Leduc;
- (d) **“City Manager”** means the chief administrative officer of the City or his delegate;

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- (e) **“Highway”** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended or repealed and replaced from time to time;
- (f) **“Motor Vehicle”** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended or repealed and replaced from time to time;
- (g) **“Municipal Tag”** means a tag or similar document issued by the City pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- (h) **“Occupy”** or **“Occupies”** means residing on or to be in apparent possession or control of property;
- (i) **“Own”** or **“Owns”** means:
  - (i) in the case of land, to be registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land;  
or
  - (ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;
- (j) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (k) **“Property”** means:
  - (i) In the case of land, a parcel of land including any buildings;  
or
  - (ii) In other cases, personal property;
- (l) **“Public Place”** means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not; and
- (m) **“Sidewalk”** means that part of the highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge

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of the roadway, and the adjacent property line whether or not it is paved or unpaved; and

- (n) “**Violation Ticket**” has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, as amended or repealed and replaced from time to time.

### **RULES FOR INTERPRETATION**

- 3 The table of contents, marginal notes and headings in this Bylaw are for reference purposes only.

## **PART II – PUBLIC BEHAVIOURS**

### **LITTERING**

- 4 A Person shall not leave any garbage, litter or other refuse in a Public Place except in a receptacle designated and intended for such use.

### **URINATION AND DEFECATION**

- 5 A Person shall not urinate or defecate in a Public Place except in a facility designed and intended for such use.

### **DANGEROUS ACTIONS**

- 6 A Person shall not throw or propel an object, or act in any other way, in a Public Place that is reasonably likely to cause injury to another Person or damage to Property.

### **FIGHTING**

- 7 A Person shall not participate in a fight or other similar physical confrontation in a Public Place; this prohibition does not apply to participants of an organized sporting event who are governed by the rules of conduct of that sporting event.

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**PART III – PROPERTY MAINTENANCE**

**DEFINITIONS**

- 8 In this Part, “**Building**” includes a structure and any part of a building or structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of that land.

**LAND**

9

- (1) A Person shall not cause or permit a nuisance to exist on land they Own or Occupy.
- (2) For the purpose of greater certainty a nuisance, in respect of land, means land that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:
  - (a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
  - (b) Any loose litter, garbage, construction debris or refuse whether located in a storage area, collection area or elsewhere on the land;
  - (c) damaged, dismantled or derelict vehicles or Motor Vehicles, whether insured or registered or not;
  - (d) smelly or messy compost heaps;
  - (e) grass or weeds higher than 10 centimetres;
  - (f) production of excessive dust, dirt or smoke;
  - (g) production of any generally offensive odours;
  - (h) any tree, shrub, other type of vegetation or any structure:
    - (i) that interferes or could interfere with any public work or utility;

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- (ii) that obstructs any sidewalk adjacent to the land;
  - (iii) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land; or
  - (iv) that has any rot or other deterioration;
- (i) any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and
- (j) any construction project or activity not completed within 5 years of the date the building permit for the project or activity was issued by the City or, if no permit was issued or required, within 5 years of starting construction.

**SIDEWALKS**

10 A Person shall reasonably remove snow and ice from any Sidewalk adjacent to land they Own or Occupy within 48 hours after the snow or ice has been deposited.

**BOULEVARDS**

- 11 A Person shall maintain any Boulevard adjacent to land they Own or Occupy by:
- (a) keeping any grass on the Boulevard cut to a length of no more than 10 centimetres;
  - (b) removing any accumulation of fallen leaves or other debris; and
  - (c) notifying the City if tree maintenance is required.

**BUILDINGS**

12

- (1) A Person shall not cause or permit a nuisance to exist in respect of any Building on land they Own or Occupy.
- (2) For the purpose of greater certainty a nuisance, in respect of a Building, means a Building showing signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

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- (a) any damage to the Building;
- (b) any rot or other deterioration within the Building; and
- (c) any inappropriate infiltration of air, moisture or water into the Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building.

### **UNOCCUPIED BUILDINGS**

13

- (1) If a Building normally intended for human habitation is unoccupied then any door or window opening in the Building may be covered with a solid piece of wood but only if the wood is:
  - (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
  - (b) of a thickness sufficient to prevent unauthorized entry into the Building;
  - (c) secured in a manner sufficient to prevent unauthorized entry into the Building; and
  - (d) coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

### **REFRIGERATORS AND FREEZERS**

14

- (1) A Person shall not place, cause or permit to be placed a refrigerator, freezer or other similar appliance on land they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- (2) Without limiting the generality of subsection (1) measures considered to be effective may include:
  - (a) the complete removal of the door for the appliance;
  - (b) the removal of the door handle mechanism if this prevents opening and closing of the door;

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- (c) the removal of the door hinges;
- (d) locking the appliance; or
- (e) otherwise wrapping or containing the appliance so that the interior is inaccessible.

**PART IV – NOISE CONTROL**

**DEFINITIONS**

15 In this Part:

- (a) **“Holiday”** means January 1<sup>st</sup>, Alberta Family Day, Good Friday, Victoria Day, July 1<sup>st</sup>, the first Monday in August, Labour Day, Thanksgiving Day, November 11<sup>th</sup>, and December 25<sup>th</sup> of every year;
- (b) **“Noise”** means any sound that is reasonably likely to disturb the peace of others;
- (c) **“Weekday”** means Monday through Friday; and
- (d) **“Weekend”** means Saturday through Sunday.

**PROHIBITED NOISE**

16

- (1) A Person shall not cause or permit any Noise that disturbs the peace of another individual.
- (2) A Person shall not cause or permit Property they Own or Occupy to be used so that Noise from the Property disturbs the peace of any other individual.

**CRITERIA**

17 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;

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(c) nature and use of the surrounding area; and

(d) any other relevant factor.

### **CONSTRUCTION ACTIVITY**

18 A Person shall not cause or permit any construction activity on Property they Own or Occupy before 7:00 a.m. or after 10:00 p.m. on a Weekday or before 8:00 a.m. or after 10:00 p.m. on a Weekend or Holiday.

### **GARBAGE COLLECTION**

19 A Person shall not collect, cause or permit the collection of garbage with a Motor Vehicle on or adjacent to any Property zoned for residential use before 7 a.m. or after 10:00 p.m. on a Weekday or before 8:00 a.m. or after 10:00 p.m. on a Weekend or Holiday.

### **ENGINE RETARDER BRAKES**

20 A Person shall not use engine retarder brakes to slow or stop a Motor Vehicle at any time.

### **MOTOR VEHICLES**

21

(1) If a Motor Vehicle is the cause of any sound that contravenes a provision of this Bylaw the Owner of that Motor Vehicle is liable for the contravention.

### **EXCEPTIONS**

22 Nothing in this Part prohibits:

(a) a person who is an employee or authorized agent of the City from producing certain sounds while acting within the scope of their functions, duties or powers; or

(b) situations where the City Manager has issued a permit allowing the production of certain sounds on whatever conditions the City Manager deems appropriate.

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**PART V – PEST CONTROL**

**DEFINITIONS**

23 In this Part:

- (a) **“Elm Tree”** means any tree or part of a tree, whether dead or alive, of the *Ulmus* genus; and
- (b) **“Inspector”** means an individual appointed as an inspector pursuant to the *Agricultural Pests Act*, R.S.A. 2000, Chapter A-8, as amended or repealed and replaced from time to time.

**ELM TREE REMOVAL**

24 A Person shall not remove, cause or permit the removal of an Elm Tree unless the stump of the Elm Tree is:

- (a) removed to a depth of at least 10 centimetres below the surface of the soil; or
- (b) treated in a manner acceptable to an Inspector.

**ELM TREE PRUNING**

25

- (1) Unless otherwise ordered by an Inspector, and subject to subsection (2), a Person who Owns or Occupies land shall keep every Elm Tree pruned so that the Elm Tree is free of wood that is dead or dying.
- (2) Unless otherwise ordered or permitted by an Inspector, a Person shall not prune, cause or permit the pruning of an Elm Tree after March 31<sup>st</sup> and before October 1<sup>st</sup> in any year.

**BOULEVARD ELM TREES**

26 Notwithstanding any other provision of this Bylaw a Person shall not:

- (a) remove or damage any Elm Tree on a Boulevard; or

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(b) prune, cut, repair or perform any other work on any Elm Tree on a Boulevard;

unless permitted to do so by the City Manager.

**ELM TREE TRANSPORTATION STORAGE USE AND SALE**

27

(1) A Person shall not bring, cause or permit to be brought into the City an Elm Tree:

(a) suffering from Dutch elm disease caused by the fungus:

(i) *Ophiostoma ulmi* (Buis.);

(ii) *Ceratocystis ulmi* (Buis.);

(iii) *Ophiostoma novo-ulmi* (Brasier); or

(b) carrying or infected by:

(i) the Native elm bark beetle (*Hylurgopinus rufipes*); or

(ii) the European elm bark beetle (*Scolytus multistriatus*).

(2) Unless otherwise ordered or permitted by an Inspector, a Person shall not cause or permit the transportation, storage, use or sale of an Elm Tree within the City.

(3) In any order or permission pursuant to this section an Inspector must:

(a) describe the quantity, condition and type of elm trees that are the subject of the order or permission;

(b) describe the activity being permitted; and

(c) where applicable:

(i) describe the purpose, route and mode of transportation;

(ii) describe the storage location;

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(iii) describe the use; or

(iv) describe the sale.

**ELM TREE DISPOSAL**

28 A Person shall not dispose, cause or permit the disposal of an Elm Tree within the City unless the disposal is at a site authorized by the City Manager.

**PART VI – ENFORCEMENT**

**OFFENCE**

29 A Person who contravenes this Bylaw is guilty of an offence.

**CONTINUING OFFENCE**

30 In the case of an offence that is of a 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 Bylaw for each such day.

**VICARIOUS LIABILITY**

31 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

**CORPORATIONS AND PARTNERSHIPS**

32

(1) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

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- (2) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

**FINES AND PENALTIES**

33

- (1) A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than 6 months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
- (a) \$250.00 for any offence for which a fine is not otherwise established in this section;
  - (b) \$500.00 for any offence under sections 6 and 7;
  - (c) \$100.00 for any offence under sections 10 and 11; and
  - (d) double these fine amounts for any subsequent offence.

**MUNICIPAL TAG**

34

- (1) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag may be issued to such Person:
- (a) Either personally; or
  - (b) By mailing a copy to such Person at his or her last known post office address.

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- (3) The Municipal Tag shall be in a form approved by the City Manager and shall state:
- (a) The name of the Person;
  - (b) The offence;
  - (c) The specified penalty established by this Bylaw for the offence;
  - (d) That the penalty shall be paid within 30 days of the issuance of the Municipal Tag; and
  - (e) Any other information as may be required by the City Manager.

**PAYMENT IN LIEU OF PROSECUTION**

35 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified within the time period indicated on the Municipal Tag.

**VIOLATION TICKET**

36 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*;

37 Notwithstanding subsection (1), a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;

38 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;

- (a) Specify the fine amount established by this Bylaw for the offence; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

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**VOLUNTARY PAYMENT**

39 A Person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

**ORDER TO COMPLY**

40

- (1) If the City Manager believes, on reasonable grounds, that a Person is contravening any provision of this Bylaw, the City Manager may, by written order, require any Person responsible for the contravention to remedy it.
- (2) The order may:
  - (a) direct a Person to stop doing something, or to change the way in which the Person is doing it;
  - (b) direct a Person to take any action or measures necessary to remedy the contravention of the Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
  - (c) state a time within which the Person must comply with the directions;
  - (d) state that if the Person does not comply with the directions within a specified time, the City will take the action or measure.
- (3) A Person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

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- (4) An order issued pursuant to this section may be served:
- (a) in the case of an individual:
    - (i) by delivering it personally to the individual;
    - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
    - (iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;
  - (b) in the case of a corporation:
    - (i) by delivering it personally to any director or officer of the corporation;
    - (ii) by delivering it personally to a Person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
    - (iii) by mail addressed to the registered office of the corporation.

**OBSTRUCTION**

41 A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.

**PART VII – GENERAL**

**POWERS OF THE CITY MANAGER**

- 42 Without restricting any other power, duty or function granted by this Bylaw, the City Manager may:
- (a) carry out any inspections to determine compliance with this Bylaw;
  - (b) take any steps or carry out any actions required to enforce this Bylaw;

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- (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (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 Bylaw are permitted;
- (f) establish forms for the purposes of this Bylaw;
- (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 Bylaw;
- (i) delegate any powers, duties or functions under this Bylaw to an employee of the City; and
- (j) appoint inspectors for the purposes of the *Agricultural Pest Act*.

**PERMITS**

43

- (1) A Person to whom a permit has been issued pursuant to this Bylaw, and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
- (2) A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- (3) If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the City Manager may immediately cancel the permit.

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**PROOF OF PERMIT**

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

**CERTIFIED COPY OF RECORD**

45 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**NUMBER AND GENDER REFERENCES**

46 All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

**SEVERABILITY**

47 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**PART VII – TRANSITIONAL**

**REPEALS**

48 The following bylaws are repealed:

(a) Unsightly Property Bylaw No. 523-2002; and

(b) Preventing and Compelling the Abatement of Noise Bylaw No. 129-88.

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**ENACTMENT**

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 27<sup>th</sup> DAY OF OCTOBER, AD 2008.

READ A SECOND TIME IN COUNCIL THIS 8<sup>th</sup> DAY OF DECEMBER, AD 2008.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 8<sup>TH</sup> DAY OF DECEMBER, AD 2008.

"original signed"

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**Greg Krischke  
MAYOR**

"original signed"

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**Laura Knoblock  
CITY CLERK**

December 12, 2008

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Date Signed