

URBAN STANDARDS BYLAW

Bylaw No. 09-24

LEDUC COUNTY

A BYLAW FOR THE PURPOSE OF REGULATING UNSIGHTLY PREMISES IN ORDER TO PROMOTE SAFE, ENJOYABLE AND REASONABLE USE OF PROPERTIES WITHIN LEDUC COUNTY.

WHEREAS

pursuant to Sections 7 of the *Municipal Government Act*, 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) people, activities and things in, on or near a public place or place that is open to the public;
- c) nuisances, including unsightly property; and
- d) the enforcement of bylaws.

Leduc County Council deems it advisable to pass a bylaw to regulate unsightly and unsafe premises.

NOW THEREFORE,

the Council of Leduc County, duly assembled, enacts as follows:

1. Short title

- 1.1 This bylaw shall be cited as the "Urban Standards Bylaw".

2. Application

- 2.1 This bylaw only applies to the subdivisions and areas of New Sarepta and the East Vistas (Urban Growth Area), as outlined in Schedule "A" attached and has no force and effect in any other area of Leduc County.

3. Definitions

3.1 In this bylaw:

- 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) "Council" means the Council of Leduc County;
- c) "County" means the municipal corporation of Leduc County;
- d) "County manager" means the chief administrative officer of the County, or their delegate;
- e) "Motor vehicle" has the same meaning as in the *Traffic Safety Act*;
- f) "Municipal tag" means a tag or similar document issued by the County pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the County in lieu of prosecution of the offence;

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- g) "Occupant" means any person residing on or in apparent possession or control of property or a structure, including, but not limited to, a lessee;
- h) "Owner" 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;
- i) "Peace officer" has the same meaning given to it in the *Provincial Offences Procedures Act*;
- j) "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- k) "Property" means a parcel of land including any structure;
- l) "Reasonable state of repair" means the condition of being:
 - i) structurally sound;
 - ii) free from significant physical or aesthetic damage;
 - iii) free from rot or other deterioration; and
 - iv) safe for its intended use;
- m) "Recreational vehicle" includes, but is not limited to, any trailer, watercraft, off-road vehicle, motor home, travel trailer, tent trailer, fifth wheel trailer, camper when not mounted on a truck but placed on the ground or a stand, or any similar vehicles, regardless of whether it is capable of being transported, driven or drawn on a highway;
- n) "Structure" means any form of physical construction, whether built on site or moved in, including, but not limited to, any building, fence, retaining wall, scaffolding, shed, portable shack, or other similar types of construction or improvements;
- o) "Sidewalk" has the same meaning as in the *Traffic Safety Act*;
- p) "Vehicle" has the same meaning as in the *Traffic Safety Act*;
- q) "Violation ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

4. Rules of interpretation

- 4.1 Nothing in this bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 4.2 The headings in this bylaw are for guidance purposes and convenience only.
- 4.3 Every provision in 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.

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4.4 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.

5. Nuisance on property

5.1 No person shall cause or permit a nuisance to exist on any property, which they are the owner or occupant.

5.2 For the purpose of greater certainty, a nuisance includes property that shows sign of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, examples of which include:

- a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage, refuse, litter, or similar debris of any form whether a solid or liquid, and whether of any apparent value or not;
- b) open or exposed storage of any industrial fluid, including but not limited to engine oil, brake fluid, anti-freeze or hydraulic fluid;
- c) any loose garbage, refuse, litter, flyers, papers or similar debris of any form whether located in a storage area, collection area or elsewhere on the land;
- d) any loose building or construction materials, any accumulation of construction-related garbage, refuse, litter, or similar debris of any form, or any untidy work or storage areas on the land;
- e) the presence or accumulation of animal carcasses, domestic animal feces, or animal parts;
- f) the failure to dispose of garbage or other waste products accumulating in temporary storage containers within a reasonable time;
- g) damaged, dismantled, derelict, or inoperable vehicles, recreational vehicles, or motor vehicles, whether insured or registered or not;
- h) any structure, motor vehicle, vehicle or recreational vehicle displaying graffiti that is visible from any surrounding property;
- i) smelly or messy compost heaps;
- j) production of any offensive odours;
- k) unkempt grass higher than fifteen (15) centimetres (6 inches);
- l) excessive weeds, including but not limited to noxious and prohibited weeds as defined in the *Weed Control Act*;
- m) production of excessive dust, dirt or smoke;
- n) any tree, shrub, other type of vegetation or any structure that:
 - i) interferes or could interfere with any public work or utility;

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- ii) impairs visibility required for safe traffic flow at any intersection adjacent to the land; or
- iii) has any rot or other deterioration;
- o) any accessible excavation, ditch, drain or standing water that could pose a danger to the public;
- p) an infestation of rodents, vermin or insects; or
- q) failure to keep property in a reasonable state of repair including but not limited to:
 - i) the significant deterioration of a structure or portion of a structure;
 - ii) broken or missing windows, doors, stairs, landings, balconies, patios, fences, siding, shingles, shutters, eaves or other building material; and
 - iii) significant fading, chipping, peeling, rotting or absence of paint on areas of a structure or signage located on the property.

5.3 No person, landowner, land representative, company, contractor or realtor shall place, cause or permit to be placed any earth, clay, sand, construction materials, tools, litter, garbage, waste, refuse or any other waste material upon any privately or publicly owned property, without clearly expressed or written permission from the said property owner or agent of the property owner, regardless of the presence or absence of signage erected on said property to prohibit dumping or trespassing.

6. Undeveloped land

6.1 Notwithstanding the generality of section 5, owners of undeveloped, bare, or vacant land shall, at a minimum, clean their lands by June 30th of each year, including by cutting all vegetation, removing all garbage / refuse / litter or similar debris, and otherwise complying with section 5.

6.2 An inspection of lands, which, in the opinion of a peace officer, are undeveloped, bare, or vacant, may occur on or after July 1st and September 1st of each year to determine compliance with section 6.1.

6.3 If an owner fails to comply with section 6.1, the County may arrange to have the undeveloped, bare, or vacant land cleaned. The expenses and costs incurred by the County for cutting vegetation, removing all garbage, refuse, litter, or similar debris, and otherwise complying with section 5, shall be paid upon demand and, if unpaid, may be added to the tax roll of the property in question.

7. Boulevards

- 7.1 A person shall maintain any boulevard adjacent to property they own or occupy by
- a) keeping any grass on the boulevard cut to a length of no more than 10 centimeters (4 inches); and
 - b) removing any accumulation of fallen leaves or other debris;

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- c) notify Leduc County if there is any evidence of infestation, decay or disease within or near trees and vegetation on a boulevard, to ensure that it is properly remedied or disposed of.

8. Abandoned buildings

- 8.1 If, in the opinion of a peace officer, a building shows signs of abandonment, the building shall be secured by the owner in such a manner as to prevent unauthorized access.
- 8.2 For the purposes of section 8.1, if the building is not secured by means of maintaining all doors, windows and locks in a sound and operational condition then any door or window opening in the building shall 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 matching the exterior of the building.

9. Water, eavestroughs and downspouts

- 9.1 No owner or occupant of a property shall cause or permit a flow of water from a hose or similar device, downspout or eavestrough to be directed so as to discharge onto abutting property or be a hazard to any person or any other property.

10. Outdoor lighting

- 10.1 No owner or occupant shall allow outdoor lighting on their property to shine in a manner that:
 - a) disturbs the peace of another individual;
 - b) unreasonably affects the use or enjoyment of another property; or
 - c) interferes with traffic safety on any roadway.

11. Construction sites and outdoor storage of building materials

- 11.1 No owner or occupant shall place, cause or permit to be placed building materials, whether new or used, on their property unless they can establish that a construction or renovation undertaking is being carried out on the property and that:
 - a) the project has begun or the beginning of work is imminent;
 - b) the building materials on the property relate to the project taking place on the property and are of a quantity reasonable to complete the project; and
 - c) the work on the project has not been suspended for a period in excess of one-hundred and twenty (120) days.

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- 11.2 An owner or occupant of a property shall ensure that all building materials are stacked and stored in an orderly manner and in such a manner as to prevent the materials from being blown off or scattered from the property.
- 11.3 During active constructions, disposal of building material shall be done in accordance with the building permit time limitations and shall be collected and hauled from the site in appropriate containers in a timely manner.
- 11.4 Storage of building material must be located entirely on the property where the construction is underway.
- 11.5 Notwithstanding anything else contained in this bylaw, it shall not be an offence for an owner or occupant of a property to store a small amount of neatly stacked building materials on a property for basic property maintenance.

12. Sidewalks

- 12.1 The owner or occupant of a property shall maintain the sidewalks adjacent to their property clear of all snow and ice.
- 12.2 If an owner fails to comply with section 12.1, the County may arrange to have the sidewalk cleared and the expenses and costs incurred by the County for removing the snow and ice shall be paid upon demand and, if unpaid, may be added to the tax roll of their property.

13. Seasonal recreational vehicle storage and parking

- 13.1 No owner or occupant shall store, keep, or maintain a recreational vehicle on the front portion of a residential property or driveway from October 1 of a given year until May 1 of the following year, except for the purpose of temporary loading and unloading. For the purposes of this section, the front portion of a residential property means ahead of the front foundational wall of the house. Temporary loading shall not be permitted for more than seventy-two (72) consecutive hours.
- 13.2 No person shall park a recreational vehicle on any highway, roadway, alley, or road allowance, except for the purpose of temporary loading and unloading. For the purposes of this section, temporary loading shall not be permitted for more than seventy-two (72) consecutive hours.
- 13.3 No person shall park a recreational vehicle on any highway, roadway, or driveway in such a way as to encroach onto a public sidewalk or boulevard at any time.

14. Vicarious liability

- 14.1 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 exercising the powers or performing the duties on behalf of the person under their agency relationship.

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15. Corporations and partnerships

15.1 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.

15.2 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.

16. Offences and penalties

16.1 A person who contravenes any provision of this bylaw is guilty of an offence.

16.2 A person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "B" and not exceeding \$10,000.00.

16.3 Without restricting the generality of section 16.2, the fine amounts set out in Schedule "B" are established for use on municipal tags and violation tickets if a voluntary payment option is offered.

16.4 A peace officer is hereby authorized and empowered to issue a municipal tag to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

16.5 A municipal tag shall be served:

- a) either personally; or
- b) by mailing a copy, via registered mail, to such person at their last known postal address.

16.6 A municipal tag shall be in a form approved by the County manager and shall state:

- a) the name of the person;
- b) a description of the property upon which the offence has been committed, if applicable;
- c) the offence;
- d) the specified penalty established by this bylaw for the offence;
- e) that the penalty shall be paid within 30 days of the issuance of the municipal tag; and
- f) any other information as may be required by the County manager.

16.7 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 County the penalty specified within the time period indicated on the municipal tag.

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16.8 Notwithstanding section 16.7, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

16.9 If a violation ticket is issued in respect of an offence, the violation ticket may:

- a) state the specified penalty for the offence as set out in Schedule "B"; or
- b) require a person to appear in court without the alternative of making a voluntary payment.

16.10 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.

16.11 When a clerk of the provincial court records the receipt of a voluntary payment pursuant to section 16.10 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

17. Investigation and enforcement procedure

17.1 Peace officers shall follow the investigation and enforcement guidelines established in Schedule "C" attached to this bylaw.

18. Obstruction

18.1 No person shall obstruct, hinder or impede any peace officer, designated officer, or County employee, contractor or agent in the exercise of any of their powers or duties under this bylaw.

19. Review of enforcement orders

19.1 A person who receives a written order from the County under section 545 or 546 of the *Municipal Government Act* may request council to review the order pursuant to section 547 of the *Municipal Government Act*.

19.2 A written request for review shall be made within fourteen (14) days after the date the order is received.

19.3 Council is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material only.

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19.4 Upon a request to review the order, Council may confirm, vary, substitute or cancel the order pursuant to section 547(2) of the *Municipal Government Act*.

20. Powers of the County manager

20.1 Without restricting any other power, duty or function granted by this bylaw, the County 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;
- 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; and
- i) delegate any powers, duties or functions under this bylaw to an employee of the County.

21. Repeal

21.1 The following bylaw is hereby repealed:

- Bylaw No. 14-22

22. Enactment

22.1 This bylaw shall take effect on the date of third and final reading.

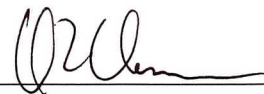
Read a first time this 28th day of May, 2024.

Read a second time this 28th day of May, 2024.

Read a third time with the unanimous consent of the Council members present and finally passed this 28th day of May, 2024.



MAYOR



COUNTY MANAGER

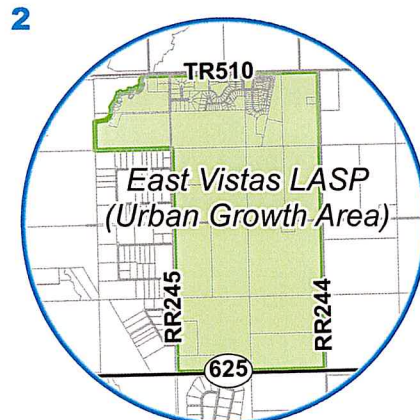
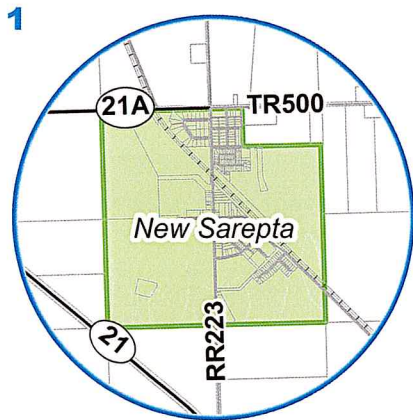
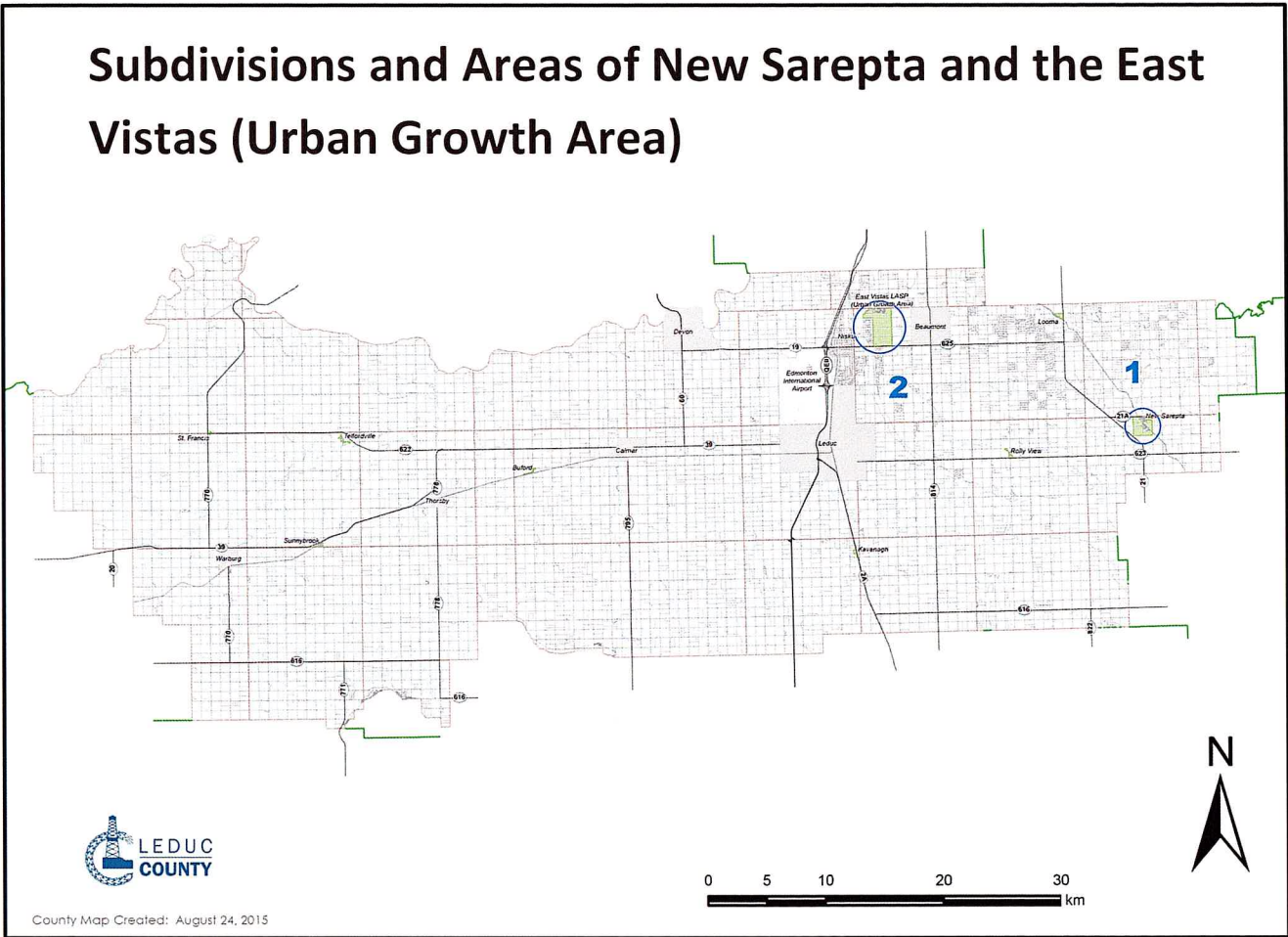
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SCHEDULE "A"

Subdivisions and Areas of New Sarepta and the East Vistas (Urban Growth Area)



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SCHEDULE "B"

SECTION	OFFENCE	FINE 1 ST OFFENCE	FINE 2 ND OFFENCE
5.1	Cause or permit a nuisance on land	\$750	\$1500
5.3	Cause or permit to be placed unauthorized material on privately or publicly owned property without permission	\$750	\$1500
6.1	Nuisance on undeveloped and vacant land	\$750	\$1500
7.1	Fail to maintain boulevard	\$750	\$1500
8.1	Fail to secure derelict/vacant property	\$750	\$1500
9.1	Cause or permit water to be discharged onto abutting property or be a hazard	\$500	\$1000
10.1	Allow light to shine in a manner that disturbs the peace, affects enjoyment or interferes with traffic safety	\$500	\$1000
11.1	Fail to secure building and waste materials	\$500	\$1000
11.2	Fail to dispose of building and waste materials	\$500	\$1000
12.1	Fail to maintain sidewalks	\$250	\$500
13.1	Improper storage or parking of recreational vehicle on residential property	\$250	\$500
13.2	Improperly park recreational vehicle on a highway, roadway, alley, or road allowance for longer than seventy-two (72) consecutive hours	\$250	\$500
13.3	Park a recreational vehicle on any highway, roadway, road allowance or driveway, causing encroachment onto a public sidewalk or boulevard	\$250	\$500
18.1	Obstruction of peace officer	\$1000	\$2000
All other sections not listed above		\$250	\$500

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SCHEDULE "C" Investigation guidelines

Purpose

- 1.1 The purpose of these guidelines is to promote an efficient, consistent, fair, unbiased and effective process for the investigation and enforcement of this bylaw.

Priority

- 1.2 Bylaw contraventions will be investigated and enforced in accordance with the following priority levels:
- a) **Low priority:** a bylaw contravention unlikely to cause health or safety issues or negatively impact the community or environment;
 - b) **Medium priority:** multiple low priority contraventions or a single bylaw contravention with the potential to cause health issues, safety issues, and/or negatively impact the community or environment;
 - c) **High priority:** multiple medium priority contraventions or a single bylaw contravention likely to cause significant health issues, safety issues, and/or negatively impact the community or environment.

Reporting contraventions

- 1.3 Any person who has reason to believe a contravention of the bylaw has occurred may report the matter to a peace officer.
- 1.4 A complaint may be submitted via telephone, email, online, or in person. The following information must be provided by the complainant:
- a) name;
 - b) address;
 - c) contact number; and
 - d) details regarding the complaint (e.g. address/area, timing, alleged violation).
- 1.5 An investigation will not be commenced by a peace officer if a complainant fails to provide the necessary information, unless there is a reasonable apprehension of significant risk to the health or safety of the public or the environment.
- 1.6 The following factors may be considered by a peace officer when deciding whether to investigate a complaint:
- a) the priority level of the bylaw contravention;
 - b) the County resources required to address the complaint;
 - c) any general directions from County council or the County manager.

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SCHEDULE "C"

Vexatious and frivolous complaints

- 1.7 A peace officer is not required to investigate or respond to vexatious or frivolous complaints. For the purpose of these guidelines, frivolous or vexatious complaints include, but are not limited to, complaints:
- a) made solely with the intent to denigrate or embarrass County Council, County staff or the person subject to the complaint;
 - b) which are an abuse or misuse of County resources;
 - c) made on the basis of falsified documents;
 - d) which constitute unreasonable persistence and/or there are excessive demands which have a disproportionate and unreasonable impact on County services;
 - e) which fail to clearly identify the issue of the complaint, despite reasonable efforts and assistance from a peace officer;
 - f) made in an aggressive, hostile or threatening manner, including the use of derogatory or discriminatory language or profanity;
 - g) where the complainant refuses to cooperate with the investigation process, demands special treatment, fails to acknowledge a matter falls outside the County's jurisdiction, or denies that an adequate response has already been provided by the County; or
 - h) where the basis of the complaint repeatedly changes, without justification.

Enforcement guidelines

Foundational principles

- 1.8 Education is the foundation of the County's bylaw compliance approach. The mandate is to achieve voluntary compliance through community education and voluntary compliance.

Warning

- 1.9 Where a peace officer has reasonable and probable grounds to believe a person has contravened any provision of this bylaw, the person will first be notified orally or in writing (the "warning"). The warning must include:
- a) an explanation of the relevant provision(s) of the bylaw and how the person has contravened them;
 - b) a time for voluntary compliance;
 - c) an explanation of fines or other enforcement measures which may occur if voluntary compliance is not achieved.

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SCHEDULE "C"

Immediate enforcement

- 1.10 A peace officer may take immediate enforcement, including foregoing education or warnings, in situations where:
- a) environmental or human health, safety or security are at significant risk;
 - b) the contravention is occurring on lands owned by the County;
 - c) a peace officer has a reasonable belief that education or a warning will be ineffective in the circumstances.

Enforcement steps and options

- 1.11 Where a person fails to comply with a warning within the time period provided or immediate enforcement is appropriate, the following enforcement action(s) may occur:
- a) issuance of municipal tag(s) or violation ticket(s);
 - b) issuance of an order pursuant to section 545 or 546 of the *Municipal Government Act*; and/or
 - c) immediately seeking a court order pursuant to section 554 of the *Municipal Government Act*.
- 1.12 Prior to proceeding with a court application, a peace officer shall submit a report to the County manager and obtain approval to proceed with commencing legal action.