

COMMUNITY STANDARDS

BYLAW NO. 16-20

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 BY ESTABLISHING A COMMUNITY STANDARDS BYLAW.

WHEREAS

pursuant to section 7 of the *Municipal Government Act*, the council of Leduc County may pass bylaws for municipal purposes regulating unsightly premises;

unsightly premises are a detriment to surrounding properties and the immediate neighborhood in general;

Leduc County council deems it advisable to pass a bylaw to regulate unsightly and unsafe premises; and

the purpose of this bylaw is to prevent the existence and proliferation of unsightly premises and to provide a mechanism for the remediation of a property which has become an unsightly premises;

NOW THEREFORE

be it resolved that the council of Leduc County, duly assembled, hereby enacts as follows:

PART 1 – SHORT TITLE

1.1 This bylaw may be cited as the “Community Standards Bylaw”.

PART 2 – INTERPRETATION AND APPLICATION

2.1 This bylaw only applies to hamlets, subdivisions, and areas outlined in Schedule “A” and has no force and effect in any other areas of Leduc County.

2.2 The provisions of this bylaw shall not apply to lawful agricultural, farming, commercial, and/or industrial operations as identified under the Land Use Bylaw.

PART 3 – DEFINITIONS

3.1 In this bylaw:

- (1) “Council” means the municipal council of Leduc County.
- (2) “County” means the municipal corporation of Leduc County.
- (3) “County Manager” means the Chief Administrative Officer for the county, or his or her delegate.
- (4) “Highway” has the same meaning as in the *Traffic Safety Act*.
- (5) “Motor Vehicle” has the same meaning as in the *Traffic Safety Act*.
- (6) “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.
- (7) “Occupy” or “Occupies” means a Person residing on or to be in apparent possession or control of Property.
- (8) “Own” or “Owns” means:

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- (a) 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
 - (b) 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.
- (9) “Peace Officer” means:
- (a) a member of the Royal Canadian Mounted Police (RCMP);
 - (b) a community peace officer; or
 - (c) a bylaw enforcement officer.
- (10) “Person” means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- (11) “Property” means a parcel of land including any buildings or structures.
- (12) “Violation Ticket” has the same meaning as in the *Provincial Offences Procedure Act*.

PART 4 – PROPERTY MAINTENANCE

- 4.1 A person shall not cause or permit a nuisance to exist on any property they own or occupy.
- 4.2 For the purpose of greater certainty, a nuisance includes property 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 but are not limited to:
- (a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, petroleum products, hazardous materials, disassembled equipment or machinery, garbage or refuse, whether of any apparent value or not;
 - (b) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
 - (c) any accessible excavation, ditch, drain or standing water that could pose a danger to the public.

PART 5 – DERELICT/VACANT PROPERTIES

- 5.1 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.
- 5.2 For the purposes of section 5.1, 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.

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PART 6 – CONSTRUCTION SITE

- 6.1 A person who owns or occupies a property under construction shall ensure that building materials and waste materials are removed or contained and secured in such a manner that prevents such material from being blown off or scattered from the Property.
- 6.2 A person who owns or occupies a property under construction shall ensure that waste building material is removed or secured within a reasonable time by means of appropriate containers.
- 6.3 A person who owns or occupies a property under construction shall ensure no hazardous materials shall be deposited in any garbage container or into the storm sewer or sanitary sewer system. No material, including but not limited to excess concrete, gravel or clay, shall be washed down the storm sewer, dumped onto adjacent lots, public land or any highway.
- 6.4 A person who owns or occupies a property under construction shall ensure construction materials, excavated materials and refuse shall not be placed or stored on public land or any highway.

PART 7 – NUISANCES ESCAPING PROPERTY

- 7.1 No person who owns or occupies a property shall allow or cause a flow of water from a device to be directed towards an adjacent property if it is likely that the water from the device will enter the adjacent property.
- 7.2 No person who owns or occupies a property 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.

PART 8 – ENFORCEMENT

- 8.1 A person who contravenes any provision of this bylaw is guilty of an offence.
- 8.2 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 the increased amount set out in Schedule "B" .
- 8.3 For the purposes of ensuring that the provisions of this bylaw are being complied with, a designated officer may, upon reasonable notice, enter in or upon a property, in accordance with section 542 of the *Municipal Government Act*, to carry out an inspection.
- 8.4 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.
- 8.5 (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.
- 8.6 (1) 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.
- (2) Without restricting the generality of subsection 8.6(a) the fine amounts set out in Schedule "B" are established for use on municipal tags and violation ticket if a voluntary payment option is offered.
- 8.9 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.
- 8.10 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.
- 8.11 A municipal tag shall be in a form approved by the chief administrative officer 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 chief administrative officer.
- 8.12 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.
- 8.13 If a municipal tag has been issued and if the specified penalty has not been paid within the prescribed time, then a peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*.
- 8.14 Notwithstanding section 8.13, 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.
- 8.15 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" herein; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.
- 8.16 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.
- 8.17 When a clerk of the provincial court records the receipt of a voluntary payment pursuant to section 8.16 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.

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8.18 A person shall not obstruct or hinder a peace officer in the exercise or performance of the person's powers pursuant to this bylaw.

PART 9 - GENERAL

- 9.1 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 authorized;
 - (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 county.

PART 10 - TRANSITIONAL

10.1 This bylaw shall take effect on the date of the third reading.

Read a first time this 13th day of October, 2020.

MAYOR

COUNTY MANAGER

Read a second time this __ day of _____, 2020.

Read a third time and finally passed this __ day of _____, 2020.

MAYOR

COUNTY MANAGER

COMMUNITY STANDARDS**BYLAW NO.16-20****Page 6****SCHEDULE "A"**

| SUBDIVISION NAME | SUBDIVISION ADDRESS |
|---------------------------------|---|
| AMARILLO PARK | 50470 - Rge Rd 234 |
| ANCHOR K. ESTATES | 50119 - Rge Rd 232 |
| ARBOR ESTATES | 50511 - Rge Rd 234 |
| BEAU HILLS | 23551 - Twp Rd 505 |
| BEAU VISTA NORTH | 50452 - Rge Rd 245 |
| BEAU VISTA SOUTH | 50416 - Rge Rd 245 |
| BRENDA VISTA | 50242 Rge Rd 244A |
| BRIGHT FUTURE ESTATES | 26555 - Twp Rd 481 |
| BRIGHTWOOD ESTATES | 50509 - Rge Rd 222 |
| BROOKSIDE | 50205 - Rge Rd 232 |
| BUFORD | 49364 - Rge Rd 275 |
| CARRIAGE HILLS | 23551 - Twp Rd 505 (Beau Hills) |
| CAYWOOD | 23016 - Twp Rd 504 / 50414 - Rge Rd 230 |
| CENTURY WOODS | Rge Rd 222A |
| CLEARWATER CREEK ESTATES | 50125 - Rge Rd 233 |
| CLEARWATER MEADOW ESTATES | 50210 - Rge Rd 244 |
| CLEARWATER PARK | 50159 - Rge Rd 243 |
| CLOVER LAWN | 48221 - Rge Rd 233 / 48222 - Rge Rd 232 |
| COPPER CREEK | 50428 - Rge Rd 234 / 50450 - Rge Rd 234 |
| CURILANE BEACH / BUTTERFLY COVE | 48003 - Rge Rd 271 / 27070 - Twp Rd 480 |
| DEER CROSSING ESTATES | 49320 - Rge Rd 240A |
| DIAMOND ESTATES | Urban Addressing |
| EDDA VISTA | 50512 - Rge Rd 245 |
| EMERY ESTATES | 50367 RNG RD 222 |
| ENCHANTMENT VALLEY | 48057 - Rge Rd 272 |
| FALCON CREST | New Sarepta |
| GATEWAY ESTATES | 50450 - Rge Rd 233 |
| GILWOOD BEACH | 47263 - Hwy 771 |
| GLEN PARK | 27438 - Twp Rd 490 |
| GOLFVIEW ESTATES | 23361 - Twp Rd 510 |
| GOUDREAU ESTATES | 23549 - Twp Rd-510 |
| GREEN ACRES | 24015 - Hwy 625 |
| HAWKSTONE | 23449 - Twp Rd 505 |
| HAWKVIEW PLACE | North of Looma |
| HAZEL GROVE | 50542 - Rge Rd 225 / 22531 - Twp Rd 510 |
| HEARTLAND ESTATES | 49035 - Rge Rd 250 |
| HIGHLANDS | 50461 - Rge Rd 233 |
| HILLTOP ESTATES | 50434 - Rge Rd 232 |
| IRONHORSE ESTATES | 47424 RGE RD 20A |
| KAVANAGH | 48520 - Hwy 2A |
| KAYDA VISTA | 50342 Rge Rd 244A |

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| SUBDIVISION NAME | SUBDIVISION ADDRESS |
|----------------------------|---|
| KERR CAPE ESTATES | 47411 - Rge Rd 14 / 47401 - Rge Rd 14 |
| KERR CAPE ESTATES PHASE II | 47427 - Rge Rd 14 |
| LINDA VISTA | 50302 Rge Rd 244A |
| LOOMA | 50516 - Hwy 21 |
| LOOMA ESTATES | 50356 - Rge Rd 232 |
| LUKAS ESTATES | 50565 - Rge Rd 245 |
| MARQUIS ESTATES | 50531 - Rge Rd 234 |
| MARTINVIEW ESTATES | 50417 - Rge Rd 232 |
| MICHIGAN CENTER | 26101 - Twp Rd 490 |
| MINI VISTA | 50202 Rge Rd 244A |
| MISSION BEACH | 47436 - Rge Rd 15 |
| MITCHELL BEACH | 2001 - Twp Rd 474 |
| MOONLIGHT BAY | 47402 - Rge Rd 13 |
| NEW SAREPTA | |
| PANORAMA | 22549 - Twp Rd 510 |
| PARADISE HILLS | 50353 - Rge Rd 224 |
| PATERSON PARK | 50305 - Rge Rd 232 |
| REDPATH ESTATES | 50355 RNG RD 222 |
| RICHDALE ESTATES | 50110 - Rge Rd 231 |
| RIDGE MEADOWS | 50446 - Rge Rd 232 / 50472 - Rge Rd 232 |
| ROCK CREST ESTATES | 50532 - Rge Rd 234 / 23412 - Twp Rd |
| ROLLY VIEW MEADOWS | 49539 - Rge Rd 233 |
| ROLLYVIEW | 49402 - Rge Rd 234 |
| ROSEWOOD ESTATES | 50054 - Rge Rd 232 |
| ROYAL OAKS | Urban Addressing |
| RUTHERFORD | 50322 - Rge Rd 232 |
| SCOTTSDALE ESTATES | 50247 - Rge Rd 232 |
| SILVER BEAR ESTATES | 23434 - Twp Rd 505 |
| SOUTHVIEW RIDGE | 50050 Rge Rd 233 / 50074 Rge Rd 233 |
| SOUTHWOOD PARK | 50450 - Rge Rd 222 |
| SPORTSVIEW | Unique Addresses |
| SPRING WILLOW PARK | 50011 - Rge Rd 231 |
| ST. FRANCIS | 3166 - Hwy 622 |
| STEINKE ESTATES | 22111 - Twp Rd 510 |
| STRAWBERRY HILL ESTATES | 50449 - Rge Rd 233 |
| SUNDANCE SUBDIVISION | 47422 - Rge Rd 14 |
| SUNNYBROOK | 49019 - Rge Rd 22 |
| SUNNYVILLE | 49547 - Rge Rd 243 |
| SW 16 / SE 17 - 49-23-W4 | 49228 - Rge Rd 234 |
| TELFORDVILLE | 2032 - Hwy 622 |
| TIEBEKE ESTATES | 50509 - Rge Rd 221 |

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SCHEDULE "A"

| SUBDIVISION NAME | SUBDIVISION ADDRESS |
|----------------------------|----------------------------|
| TREASURE ISLAND | 50251 - Rge Rd 234 |
| TWIN PEAKS RANCH ESTATES | 50150 - Rge Rd 232 |
| VALLEYVIEW | 50047 - Rge Rd 244 |
| VANTAGE POINT | 50516 - Rge Rd 233 |
| WARBURG RURAL | 48455 - Hwy 770 |
| WHITE TAIL COUNTRY ESTATES | Rural Addressing |
| WILDLAND MEADOWS | 21539 - Twp Rd 503 |
| WIZARD LAKE ESTATES | 48031 - Rge Rd 271 |
| WOODLAND HEIGHTS | 50535 - Rge Rd 233 |
| WOODVALE PARK | 50448 - Rge Rd 221 |

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SCHEDULE "B"

| SECTION | OFFENCE | FIRST OFFENCE FINE | SECOND AND SUBSEQUENT OFFENCES FINE |
|------------------------------------|---|---------------------------|--|
| 4.1 | Cause or permit a nuisance on land | \$250 | \$500 |
| 5.1 | Fail to secure derelict/vacant residential property | \$250 | \$500 |
| 6.1 | Fail to secure building and waste materials | \$250 | \$500 |
| 6.2 | Fail to dispose of building and waste materials | \$250 | \$500 |
| 6.3 | Fail to dispose of materials and hazardous materials properly | \$250 | \$500 |
| 6.4 | Store or place materials on public land and/or highway | \$500 | \$1000 |
| 7.1 | Direct water to adjacent property | \$250 | \$500 |
| 7.2 | Allow light to shine directly into the adjacent dwelling | \$250 | \$500 |
| 8.18 | Obstruction | \$500 | \$1000 |
| All other section not listed above | | \$250 | \$500 |