

**CITY OF LACOMBE
BYLAW 326**

Consolidated as of June 12, 2017

A Bylaw of the City of Lacombe, in the Province of Alberta, to regulate and control certain activities in order to prevent and compel the abatement of noise, nuisances and untidy and unsightly premises and regulate and control cats;

WHEREAS the Municipal Government Act, RSA, 2000, c. M-26, authorizes a Council to pass bylaws for municipal purposes; and

WHEREAS the Council of the City of Lacombe deems it expedient and in the public interest to pass such a Bylaw;

NOW THEREFORE the Council of the City of Lacombe enacts as follows:

Part 1 - GENERAL DEFINITIONS (b 326.4, 06/12/17) (b 326.3, 02/11/13)

1. In this bylaw, unless the context requires otherwise:
 - a. **"Bylaw Enforcement Officer"** means a person who is designated by the CAO in accordance to the *Municipal Government Act*.
 - b. **"Chief Administrative Officer"** means the chief administrative officer (CAO) of the City of Lacombe appointed under the City of Lacombe Bylaw 58 or designate;
 - c. **"City"** means the City of Lacombe;
 - d. **"Community Peace Officer"** means a person who is designated by the CAO in accordance to the *Municipal Government Act* as a Community Peace Officer;
 - e. **"Council"** means the Council of the City of Lacombe;
 - f. **"Municipal Ticket"** means a form prescribed by the Chief Administrative Officer of the City or his designate allowing for voluntary payment to the City for a fine amount established by this bylaw;
 - g. **"Peace Officer"** means a peace officer as defined in the *Provincial Offences Procedure Act* and includes a:
 - i. Bylaw Enforcement Officer as appointed by the City;
 - ii. Community Peace Officer as appointed under the Peace Officer's Act;
 - iii. Member of the Lacombe Police Service.
 - h. **"Property"** shall include any land, buildings or premises in the City;
 - i. **"Time"** means either Mountain Standard Time or Mountain Daylight Saving Time, whichever is proclaimed to be in effect by the Province of Alberta;
 - j. **"Violation Ticket"** means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.

Part 2 – NUISANCE

2. Part 2 Definitions:
 - a. **"Garage Sale"** means an offering for sale to the public of personal property held inside or outside of a building located in any residential district, and includes, but is not limited to all sales entitled "attic", "backyard", "boot", "driveway", "estate", "flea market", "garage", "lawn", "moving", "patio", "porch", "room", "rummage", "white elephant" or "yard" sales. (b 326.4, 06/12/17)
 - b. "Nuisance" shall include any condition or use of or activity upon any Property which is untidy, unsightly, offensive, or has, or may have, a detrimental impact upon any person or Property in the neighborhood or that interferes with

the use or enjoyment of other Property and includes, but is not limited to, conditions arising from an Occupant's failure to comply with the provisions of Sections 3, 3.7, 7 and 8 herein. (b 326.4, 06/12/17)

- c. "Occupant" shall include the registered owner, any agent of the owner, tenant or occupier of Property, whether or not the Occupant is actually occupying or legally responsible for such Property.
- d. "**Residential District**" means a residential district as defined or designated in the City of Lacombe's Land Use Bylaw and its amendments. (b 326.4, 06/12/17)

3. On any Property privately owned, leased or occupied, all Occupants shall: (b 326.4, 06/12/17)

- a. cut the grass;
- b. destroy restricted weeds, control noxious weeds and prevent the spread or scattering of nuisance weeds;
- c. remove all dead plants, grass or brush which may constitute a fire hazard, and prune any trees or shrubs that, in any way, interfere with or endanger visibility to street signage or roadways, or interfere with sidewalk or roadway clearance or any lines, poles, conduits, or pipes, sewer, or any other works of the City or any other public utility;
- d. remove any accumulations of dirt, stone, dilapidated or inoperable vehicles, tires, or other motor vehicle parts or any other discarded or dilapidated material, including, but not limited to, furniture, household appliances, scrap metals, and scrap lumber;
- e. remove any accumulations of rubbish or garbage;
- f. prevent the generation and escape of excessive dust;
- g. shut off all existing gas, electrical, water, sewer or other services to the site of an unoccupied building, structure, erection, or excavation. Such gas, electrical, water, sewer or other services shall be capped by plugs, caps, or clean-outs properly screwed, caulked, or soldered into place, if deemed necessary by the Council or its duly appointed agents.

3.1 No Occupant shall hold or permit more than a total of six days of Garage Sales from the same Property in any calendar year.

3.2 For the purposes of calculating the number of Garages Sales held or permitted at a Property under Section 3.1, a Garage Sale shall be counted as having occurred for one day if it is conducted over a period of one day, or parts of one day, within the hours allowed pursuant to Section 3.7.

3.3 The limitation in Section 3.1 applies whether or not the Garage Sale is held or permitted to be held by one Occupant of the Property, or a combination or a succession of Occupants of the Property.

3.4 No Occupant shall hold or permit a Garage Sale to be held for more than three consecutive days.

3.5 No person shall sell personal property at a garage sale that consists, either in whole or in part, of:

- a. Personal property left at a garage sale on a consignment basis; or
- b. Personal property acquired for the purpose of resale at a garage sale.

3.6 An Occupant shall ensure that any personal property displayed for a Garage Sale remains in a tidy and orderly condition on the Property throughout the course of the Garage Sale.

- 3.7 Garage sales shall only take between the hours of 8:00 am to 8:00 pm local time, Sunday through Saturday. Private property shall not be displayed in or on property outside of these hours.
- 3.8 Any contravention of sections 3.1 to 3.7 shall be considered to be a nuisance.
4. No Occupant shall permit any private Property, or the activities thereon, to be or remain a nuisance.
5. After giving reasonable notice to the Occupant of any Property, any Peace Officer or any officer duly authorized by Council is hereby authorized to enter the said property, other than a dwelling house, within the City to inspect for conditions that may constitute a nuisance or that may contravene or fail to comply with the provisions of this bylaw. (b 326.4, 06/12/17) (b.326.3, 02/11/13)
6. Upon the completion of the inspection, the Peace Officer, or officer duly authorized by Council as set out in Section 5 herein, may issue a written notice to the Occupant of the Property: (b 326.4, 06/12/17)
 - a. advising of the condition and directing the actions or measures to be taken to remedy the condition;
 - b. specifying the time within which such person shall comply with the directions contained in the notice;
 - c. specifying that if the Occupant fails, neglects or refuses to comply with directions in the notice within the specified time period, the City will take the actions or measures specified in the notice to abate the condition at the expense of the Occupant.
7. All Occupants shall cut the grass on and maintain any boulevard that abuts or flanks any Property privately owned, leased or occupied by the Occupants.
8. No person shall cause or permit or undertake any activity upon any City Property which is a Nuisance.
9. Except at such places specifically designated by Council and in such a manner as may be from time to time prescribed by Council, no person shall place, deposit, or throw or cause to be placed, deposited or thrown, in, about, near, or upon on any area within the City, including, but not limited to any grassed area, boulevard, street, lane, sidewalk, parking lot, public transportation vehicle, public transportation shelter or other public transportation facility, park, playground or any other public place or water course:
 - a. any cardboard, plastic or wooden box, carton, container, or receptacle of any kind;
 - b. any paper, wrapper, envelope, or covering of any kind, whether paper or plastic;
 - c. paper of any kind, whether or not containing written or printed matter thereon;
 - d. plastic of any kind, whether or not containing written or printed matter thereon;
 - e. any human, animal or vegetable matter of waste;
 - f. any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
 - g. any scrap metal, scrap lumber, tires or dismantled, wrecked or dilapidated motor vehicles or parts thereof;
 - h. any motor vehicle or any part of any motor vehicle that may, in whole or in part, obstruct any sidewalk, highway, street, lane, alley, or other public place;

i. any dirt, filth, rubbish, garbage, waste petroleum products (either liquid or solid), or any material of any kind.

10. Any person who has placed, deposited, thrown or caused to be placed, deposited or thrown anything or any matter set out in Section 9 herein, in, about, near, or upon on any area within the City, including any grassed area, boulevard, street, lane, sidewalk, parking lot, public transportation vehicle, public transportation shelter or other public transportation facility, park, playground or any other public place or water course, shall remove it forthwith.

Part 3 - NOISE

11. No person shall within the City make, or cause to be made, or permit any noise that is likely to annoy or disturb any other person.

12. All persons within the City shall prevent Property that they own, control or occupy to be used such that noise from that Property is likely to annoy or disturb any other person, unless permission to do so has first been obtained from Council.

13. In determining what constitutes noise likely to annoy or disturb other persons, consideration may be given to, but is not restricted to:

- a. type, volume and duration of sound;
- b. time of day;
- c. nature and use of the surrounding area.

14. Unless permission to do so has first been obtained from the Chief Administrative Officer, no person shall use, operate or allow to be used any tools, machinery, or equipment so as to create a noise, or disturbance which may be heard in a residential building during the hours before 7:00 am and after 9:00 pm during the week days of Monday thru Friday and during the hours before 9:00 am and after 9:00 pm on weekend days of Saturday and Sunday. (b. 326.2, 07/11/11)

15. Sections 11 through 14 do not apply to:

- a. work carried on by the City, or by a contractor carrying out the instructions of the City; and
- b. contractors carrying on snow removal from commercial, industrial or institutional sites.

Part 4 - CAT CONTROL

16. Part 4 Definitions:

- a. "Animal Control Officer" means a person employed from time to time by the Contractor under the contract between the City and the Contractor to enforce the provisions of this bylaw, or a person so appointed by the City.
- b. "Contractor" means a person employed or under contract by the City to enforce the provisions of this bylaw and maintain and administer animal pound facility for cats.
- c. "Owner" means any person who:
 - i. owns or possesses or has charge of or control of any cat;
 - ii. harbours any cat;
 - iii. suffers or permits any cat to remain about his house or Property.

d "Runs at Large" means off the premises of the Owner and not under the control of any person.

17. An Owner of a cat is guilty of an offence if such cat:

- a. Runs at Large;
- b. damages public Property or private Property not belonging to the Owner;
- c. defecates on public Property or private Property not belonging to the Owner if the Owner does not remove the defecation immediately;

18. No person shall have more than 3 cats over the age of 3 months at one time on Property owned or occupied by them.

19. No person shall:

- a. tease a cat caught in a cat trap; or
- b. throw or poke any object into a cat trap when a cat is caught therein; or
- c. fail to check a set cat trap on his premises hourly, or as otherwise required by the Contractor; or
- d. leave a set cat trap unattended, except as authorized by the Contractor; or
- e. leave a cat trap set between the hours of 11:00 p.m. on one day to 6:00 a.m. the following day, unless authorized by the Contractor; or
- f. fail to deliver a trapped animal to the Contractor within 24 hours of the time it is trapped.

20. The Animal Control Officer shall keep an up to date record of all complaints, notices, and reports regarding cats and a similar record of their disposition.

21. The Animal Control Officer, a Peace Officer, or a Bylaw Enforcement Officer may seize and impound any cat running at large.

22. No person, whether or not he is the Owner of a cat that is being or has been pursued or captured, shall:

- a. interfere with or attempt to obstruct an Animal Control Officer, Peace Officer, or Bylaw Enforcement Officer who is attempting to capture or who has captured any cat in accordance with the provisions of this bylaw; or
- b. open the vehicle in which cats captured for impoundment have been placed, so as to allow or attempt to allow any cat to escape therefrom; or
- c. remove or attempt to remove any cat from the possession of the Animal Control Officer, Peace Officer, or Bylaw Enforcement Officer.

23. The Contractor shall keep all impounded cats for a period of at least 72 hours, including the day of impounding. Sundays and Statutory Holidays shall not be included in the computation of the 72 hour period. During this period, any cat may be redeemed by its Owner upon payment to the Contractor of kennel fees as specified from time to time in the contract between the City and the Contractor for every 24 hour period or fraction thereof that the cat has been impounded.

24. At the expiry of the 72 hour period, any cat not redeemed may be destroyed or sold and the money kept by the Contractor.

25. The Contractor or Animal Control Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any cat to a veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all charges resulting therefrom.
26. Any person who has a complaint about a cat running at large or causing damage to his Property may obtain a cat trap from the Animal Control Officer.
27. A complainant, upon receiving a cat trap, shall comply with Schedule "A" of this Bylaw, and such other terms and conditions as the Contractor may require.
28. The provision of a cat trap to a complainant shall be at the sole discretion of the Contractor or Animal Control Officer.

Part 5 - PENALTIES

29. A person who fails to comply with or breaches any provision of this Bylaw is guilty of an offence.
30. If a Municipal Ticket is issued in respect of an offence by a Peace Officer, the Municipal Ticket will specify the fine amount listed in Schedule "B" annexed hereto. (b 326.4, 06/12/17)
31. A person who is issued a Municipal Ticket in respect of an offence may pay the fine amount established by this bylaw for the offence at the Lacombe City office located at 5432 – 56th Avenue, Lacombe, Alberta T4L 1E9 and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
32. If a Violation Ticket is issued in respect of an offence by a Peace Officer, the Violation Ticket may: (b 326.4, 06/12/17)
 - a. specify the fine amount established by this bylaw for the offence;
 - b. require a person to appear in court without the alternative of making a voluntary payment; and a person who enters a guilty plea or is found guilty of an offence is liable to a fine in an amount not less than that specified in this bylaw and not exceeding \$10,000.00 and liable to imprisonment for not more than 6 months for nonpayment of the fine.
33. A person who is issued a Violation Ticket, may, if the Violation Ticket specifies the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine at the Court House, Provincial Court Division, located at 4909 – 48th Avenue, Red Deer, Alberta.

SEVERABILITY

34. The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.
35. Bylaw # 51, # 247 and all amendments thereto are hereby repealed.
36. This Bylaw shall come into effect upon final passage thereof.

INTRODUCED AND GIVEN FIRST READING this 13th day of September, 2004, A.D.

GIVEN SECOND READING this 27th day of September, 2004, A.D.

GIVEN THIRD AND FINAL READING this 27th day of September, 2004, A.D.

Mayor

Chief Administrative Officer

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**CITY OF LACOMBE
BYLAW 326**

Schedule "A"

PROCEDURE AND GUIDELINES

1. A citizen of the City of Lacombe who is annoyed with damages done to his property as a result of a cat that Runs at Large, may contact the Contractor or the City and voice a complaint, requesting a cat trap.
2. The Complainant can attend at the office of the Contractor or make arrangements through the City Office, and if the complaint is found to be valid, the complainant will be requested to sign the form and a agreement provided by the Contractor, and the Contractor will then provide a cat trap to the Complainant.
3. The Complainant will be required to pay a \$20.00 deposit to the Contractor. This will be returned to the Complainant at such time as the trap is returned and is found to be in the same condition it was at the time it was obtained from the Contractor.
4. The complainant will set the trap in a place shaded from the hot sun, on the premises of the Complainant for a period of not more than 72 hours, after which time he will return the trap to the Contractor.
5. It will be the responsibility of the Complainant to check the trap hourly, or as approved by the Contractor and, if an animal is caught, the Complainant must bring the animal and the trap to the Contractor within 24 hours following the trapping.
6. The Contractor may enter and inspect the premises of the Complainant and ascertain if a cat trap has been properly placed or set and if a cat has been trapped.
7. The Complainant shall not leave a trap set on his property unattended when absent therefrom for any period of time whatsoever, except as approved by the Contractor.
8. At such time as the Contractor takes possession of a trapped cat, the Contractor will try to locate an identifying tag or tattoo on the cat and, if found, will make every effort to contact the owner of the cat in order to report that it has been impounded by the Contractor.
9. If an identifying tag or tattoo cannot be found on the impounded cat, the Contractor will keep the cat for a period of at least 72 hours and, after that time, as space permits. After the 72 hour period, it shall be it the discretion of the Contractor as to whether or not the trapped cat shall be kept, sold to a new owner , or be euthanized. However, not withstanding the care taken to ensure return of an Owner's cat, if a trapped cat shall be found by the Contractor to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded by the Contractor
10. At such time as a cat owner attends at the Contractors impound facilities for the purpose of picking up his or her cat that was running at large, an offence ticket will be issued in accordance with this Bylaw.
11. It is the responsibility of the Complainant to ensure that, once a cat has been trapped on his property, that said cat shall not be abused contrary to Section 17 of this Bylaw, by anyone on his property or anyone coming onto his property.
12. Any person seeing a cat in a trap being abused is encouraged to report the abuse to the Contractor, at which time the Contractor will immediately attend at the premises where the abuse has taken place and will remove the cat and the trap forthwith.
13. The Contractor will not provide services after normal business hours.
14. No cat traps will be provided by the Contractor to a Complainant when weather conditions are, or forecast to be, colder than 0 degrees Celsius within the 72 hour period from the time of issue.
15. Any person who abuses, teases, or pokes an animal in a cat trap or is causing pain, suffering, or injury to any animal may be charged with an offence under Section 446 of the Criminal Code of Canada.

**CITY OF LACOMBE
BYLAW 326**

**Schedule "B"
Schedule of Fines**

(b 326.3, 02/11/13) (b 326.4, 06/12/17)

Offence	Section	Fine
Permitting a nuisance	3, 3.8 and 4	100.00
a) second offence within 1 year		200.00
b) third or subsequent offence within 1 year		500.00
Nuisance upon City property	7 and 8	150.00
a) second offence within 1 year		250.00
b) third or subsequent offence within 1 year		500.00
Depositing litter on City property	9	150.00
a) second offence within 1 year		250.00
b) third or subsequent offence within 1 year		500.00
Failing to remove litter	10	150.00
a) second offence within 1 year		250.00
b) third or subsequent offence within 1 year		500.00
Noise	11, 12, 14	150.00
a) second offence within 1 year		250.00
b) third or subsequent offence within 1 year		500.00
Cat running at large	17 a)	75.00
a) second offence within 1 year		100.00
b) third or subsequent offence within 1 year		200.00
Cat damaging Property	17 b)	75.00
a) second offence within 1 year		100.00
b) third or subsequent offence within 1 year		200.00
Cat defecating	17 c)	75.00

a) second offence within 1 year		100.00
b) third or subsequent offence within 1 year		200.00
More than 3 cats	18	100.00
a) second offence within 1 year		250.00
b) third or subsequent offence within 1 year		500.00
Mistreatment of cats	19	250.00
a) second offence within 1 year		500.00
b) third or subsequent offence within 1 year		750.00
Interference with Enforcement Officer	22	250.00
a) second offence within 1 year		500.00
b) third or subsequent offence within 1 year		750.00

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**CITY OF LACOMBE
BYLAW 326**

**Schedule "C"
Municipal Ticket**



MUNICIPAL TICKET

Municipal Ticket Issued for Breach of:

Traffic Bylaw <input type="checkbox"/>	Other Bylaw <input type="checkbox"/>	Bylaw Section
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Offence Description: _____

Vehicle Licence #	Province
Make	Colour

Date of Offence: _____
Month Day Year

Time of Offence: _____ : _____ AM PM

Location of Offence: _____

Penalty \$	Warning Only
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Name of Offender: _____

Address of Offender: _____
City/Town/Village Province Postal Code

Issued by
Peace Officer: _____

You may avoid prosecution for the offence by paying the penalty within 22 calendar days from the offence date to the address indicated below:

Payable to:
 City of Lacombe
 5432 - 56 Avenue
 Lacombe, AB T4L 1E9

If paid within the 22 days, the penalty amount may be paid:

1. In person at City Hall by cash, cheque or money order; or
2. By mail or deposit in the drop box (located at the front entrance to City Hall) by cheque or money order payable to the **City of Lacombe**

If payment is not received at City Hall within 22 days of the offence, a Provincial Violation ticket will be issued to you and prosecution will proceed in Provincial Court.

Further information regarding this offence may be obtained by contacting **City of Lacombe Enforcement Services** at (403) 782-1269

If you receive a "Warning Only" ticket, this does not authorize the violation or its continuation. Failure to comply may result in enforcement action by the City of Lacombe.

Once a Provincial Violation ticket is issued, bylaw penalties may be subject to additional sanctions imposed by the Province. The City has no control over these sanctions and they accrue to the benefit of the Provincial Government only. For example, administrative fees may be added to the penalty if a person is convicted in their absence by the Court. Unpaid penalties will have to be paid in order to renew a vehicle registration or operator's license.

NOTES:



5432 - 56 Avenue
 Lacombe, AB T4L 1E9
 Phone: 403.782.6666
 Fax: 403.782.5655