

# CONSOLIDATION COPY

## City of Lacombe Bylaw 468

Consolidated to July 11, 2022

**A Bylaw of the City of Lacombe, in the Province of Alberta (hereinafter referred to as “the Municipality”), to regulate and control certain activities in order to prevent and compel the abatement of noise, nuisances, and unsightly premises**

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c M-26, a municipality shall pass bylaws for municipal purposes;

AND WHEREAS, 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, duly assembled hereby enacts as follows:

### **1. BYLAW TITLE**

1.1. The bylaw shall be referred to as “Community Standards Bylaw”.

### **2. DEFINITIONS**

In this bylaw:

- 2.1. “Bullying” means repeated verbal or physical abuse, threats, taunts, teasing, name calling or abusive communication, either directly or through any medium whatsoever;
- 2.2. “CAO” means a person appointed by the Council of the City of Lacombe as the Chief Administrative Officer or their designate;
- 2.3. “City” means City of Lacombe;
- 2.4. “Council” means the duly elected municipal Council of the City of Lacombe;
- 2.5. “Curfew Period” means the period of time between Midnight and 6:00 a.m. the same day;
- 2.6. “Dilapidated Vehicle” means a Motor Vehicle or Trailer damaged or worn to the extent that it is in poor condition, inoperable and cannot be registered;
- 2.7. “Emergency” means an unforeseen combination of circumstances or the resulting event that requires immediate action. This includes but is not limited to a fire, natural disaster, a motor vehicle collision, or any situation beyond the control of anyone, and requiring immediate action to prevent injury or death;
- 2.8. “Excessive” means significantly more than a reasonable person would deem necessary, normal, or desirable. To be deemed excessive, the quality or item must exist to an extent that a reasonable person would find unnecessary, detrimental, or offensive.
- 2.9. “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;
- 2.10. “Graffiti” means the defacement or disfiguring of any property or object, through the performance of any of the following acts:
  - a. The application of any substance, including paint, ink, stain or whitewash to any surface;

- b. The affixing of any substance, including paper, fabric, or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface;
  - c. The marking, scratching, etching or other alteration or disfigurement of any surface;
  - d. Temporary art or advertising on property by the Owner of the property is not Graffiti.
- 2.11. “Heavy Equipment” means machinery such as backhoes, graders, dump trucks etc. used for snow clearing purposes; (b. 468.1, 2022-07-11)
- 2.12. “Hobby” means an activity done regularly in one’s leisure time for pleasure and not for the primary purpose of business;
- 2.13. “Licensed Establishment” means any business, organization, or individual that holds a liquor license issued by the Alberta Gaming Liquor and Cannabis Commission;
- 2.14. “Litter” means any solid or liquid material or product, or combinations of materials including but not limited to:
- a. any rubbish, garbage, paper, packages, containers, bottles, cans, manure, metal, human or animal excrement, or the whole or part of an animal carcass or offal, coal, wood, gravel, earth, sawdust, glass, or like material, plastic, nails, scraps of metal, expended tobacco products; or
  - b. the whole or part of any article, raw or processed material, or a dismantlement or in-operative Motor Vehicle or other machinery;
- 2.15. “Loiter” means to linger or hang around in a Public Place or business where one has no particular purpose;
- 2.16. “Minor” means an individual less than 18 years of age;
- 2.17. “Motor Vehicle” means a
- a. vehicle propelled by any power other than muscular power, or
  - b. moped,
- but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;
- 2.18. “Municipal Ticket” means a form prescribed by the CAO allowing for voluntary payment to the City for a fine amount established by this bylaw.
- 2.19. “Night Time” means the period beginning at 10:00 pm to 7:00 am, seven days a week.
- 2.20. “Nuisance” means any use of, or activity upon, any property which is offensive to any reasonable person, or has or may have a detrimental impact upon any person or property in the neighbourhood;
- 2.21. “Occupant” means any person occupying any property, or having control over the condition of any property and the activities conducted on the property whether they are the Owner or lessee of such property or whether such person resides or conducts business there;
- 2.22. “Owner” means a person who:
- a. In the case of land, is 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, is in lawful possession, or has the right to exercise control over it, or is the registered owner of it;

- 2.23. "Panhandling" means to ask for a gratuitous donation of money, food or goods of any kind, whether by spoken, printed word, or bodily gesture but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the collection of charitable donations;
- 2.24. "Parent or Guardian" means the parent, guardian or foster parent of a Minor and includes any other person over 18 years of age having care and control of a Minor;
- 2.25. "Peace Officer" means any Lacombe Police Service member, RCMP member, Community Peace Officer or Bylaw Enforcement Officer;
- 2.26. "Prohibited Noxious Weed" means a plant designated in accordance with the regulations as a prohibited noxious weed and includes the plant's seeds as found in the Province of Alberta Weed Control Act, Weed Control Regulations;
- 2.27. "Public Place" means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access;
- 2.28. "Salvage" means a Motor Vehicle that can be rebuilt and will be inspected prior to registration;
- 2.29. "Surplus" means more than what is needed or used.
- 2.30. "Trailer" means an unpowered vehicle able to be towed by a powered vehicle;
- 2.31. "Unightly Premise" means any premise or part thereof that clearly shows signs of neglect, or which otherwise exhibits a significant lack of general maintenance, clean-up, or upkeep, and includes, but is not limited to:
- a. Any land upon which there is an excessive, unusual, or unreasonable accumulation of:
    - (i) animal waste, yard material, building material, garbage, human excrement, sewage, hazardous materials, piles of soil, clay or rubble, petroleum products, metal, plastics, fabrics, used containers, paper products, or any other form of scrap, litter, trash, junk, or waste of any kind;
    - (ii) parts of disassembled Motor Vehicles (including tires/wheels), appliances, machinery, equipment, or power tools;
    - (iii) surplus, disused, damaged or stored household or commercial materials;  
or
    - (iv) surplus, disused, damaged or stored Motor Vehicles, trailers, motorcycles, bicycles and recreational vehicles, including any such items that are inoperative by reason of disrepair, removed or missing parts, age, damage, or which are otherwise not in a legally roadworthy or functioning condition; and
  - b. Any building, structure, or other improvement that exhibits significant physical deterioration, including buildings and structures that suffer from:
    - (i) broken (or missing) windows, siding, shingles, shutters, eaves, roofing or finishing materials; or
    - (ii) clearly visible exterior or structural deterioration, damage or decay, including significant fading, chipping or peeling of painted surfaces;
- 2.32. "Violation Ticket" means a Violation Ticket as defined in the Provincial Offenses Procedure Act;

### **3. LIGHT POLLUTION**

- 3.1. Lighting fixtures should be mounted no higher than 4.0m above grade. Fixtures may be mounted above the prescribed height limits provided they are for the purpose of lighting an outdoor deck or patio or are considered accent lighting and do not exceed the height of the roof.
- 3.2. All onsite lighting, including lighting on the exterior of a building, shall be located, oriented and baffled so as to not create unnecessary glare or light trespass on adjacent properties. Onsite lighting should ensure that:
  - a. all outdoor lighting, with the exception of patio lighting, is attached to a control that automatically extinguishes all outdoor lighting by day using a switching device such as a photo-electric switch, programmable lighting controller or equivalent;
  - b. all light sources provide effective glare control and shielding;
  - c. bulbs/lamps are not visible from adjacent roadways or sidewalks or create glare for motorists, or interfere with the visibility of traffic signs or signals; and
  - d. lighting used for enhancing landscaping or other site design features have a baffled lamp and do not create glare or unnecessary light trespass onto adjacent properties.
- 3.3. Seasonal light displays that are not within the parameters of Sections 3.1 or 3.2 may be permitted in the City with written permission from the CAO.

#### **4. PROPERTY MAINTENANCE**

- 4.1. No person, being the Owner, agent, lessee or Occupant of any premises within the City, shall permit that land or premises to be or remain a Nuisance, or to be or remain an Unsightly Premise.
- 4.2. On any property privately owned, leased or occupied, all Occupants shall:
  - a. Be responsible to prevent nuisances from developing on any boulevard or laneway that abuts or flanks the Occupant's privately owned property.
  - b. Cut the grass and weeds before it exceeds eight (8) inches in length; (b. 468.1, 2022-07-11)
  - c. destroy, control and prevent the spread or scattering of Prohibited Noxious Weeds or fungus that may be destructive or injurious to gardens, lawns, trees, or shrubs;
  - d. remove all dead plants, grass or brush which may constitute a fire hazard;
  - e. prune any overhanging trees in alleyways to the height of 4 meters (13 ft) from the ground. Prune any trees overhanging sidewalks to a height of 2.4 meters (8 ft) from the ground. All shrubs or bushes adjacent to public sidewalks must be trimmed to be a minimum of 15 cm (6 inches) away from a public sidewalk so as to not impede pedestrian traffic. 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, pipes, sewer, fire hydrants or any other works of the City or any other public utility; (b. 468.1, 2022-07-11)
  - f. remove any accumulations of dirt, stone, Dilapidated 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;
  - g. remove any accumulations of rubbish or garbage;
  - h. prevent the generation and escape of excessive dust;

- i. shut off all existing gas, electrical, water, sewer or other services to the site of a vacant 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.
  - 4.3. No person shall store any Dilapidated Vehicles on their property in a residential district with the exception that such vehicle is in process of being Salvaged as a Hobby.
  - 4.4. No Person may conduct any repair work on a Motor Vehicle or Dilapidated Vehicle, including mechanical repairs, auto body work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a Motor Vehicle or Dilapidated Vehicle, on any Premises in a residential district unless:
    - a. the activity does not create a Nuisance or noise complaints from the neighbourhood;
    - b. there is no escape of offensive, annoying, or noxious odours, fumes or smoke from the premises;
    - c. vehicle fluids, oil, gasoline products or other hazardous material are properly disposed of and not swept or washed off the Occupant or Owner's property or down storm or sanitary sewers;
    - d. all discarded automobile parts and materials are properly stored and disposed of from the premises; and
    - e. the activity is routine maintenance work done on any Motor Vehicle or Dilapidated Vehicle owned, operated, and registered in the name of the Owner or Occupant of the premises, provided that all building and fire code regulations are met.
    - f. No Owner or Occupant of a premise shall allow the accumulation of automobile parts on the premises unless they are contained in a Structure which has been approved by the City.
    - g. No Owner or Occupant of a premise shall allow more than one Dilapidated Vehicle to remain on the premises, and any such Dilapidated Vehicle must be contained within a structure which has been approved by the City or other device acceptable to the City which prevents it being seen from any neighbouring property or public area.
  - 4.5. No owner or occupant of a premise shall park any motor vehicle, recreation vehicle, or trailer on the Front Yard, as defined by the Land Use Bylaw, as of their property except where there is a properly constructed and surfaced driveway. (b. 468.1, 2022-07-11)

## **5. NOISE**

- 5.1. No person shall yell, scream, or swear excessively in any public place.
- 5.2. No Owner, operator or person in charge of a AGLC Licensed Establishment shall permit any noise to emanate from the Licensed Establishment in a manner that offends or disturbs any reasonable person outside the boundary of the premises.
- 5.3. No person shall within the City make, or cause to be made, or permit any noise that is likely to offend or disturb any other reasonable person.
- 5.4. 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 offend or disturb any other reasonable person, unless permission to do so has first been obtained from the CAO.

- 5.5. In determining what constitutes noise that is likely to offend 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.
- 5.6. No person shall use, operate or allow to be used any snow or leaf blowers, tools, machinery, or equipment so as to create a noise, or disturbance during Night Time, 10:00 pm to 7:00 am.
- 5.7. Sections 5 does not apply to:
- a. work carried on by the City, or by a contractor carrying out the instructions of the City; and
  - b. contractors using heavy equipment carrying on snow removal from commercial, industrial or institutional sites. (b. 468.1, 2022-07-11)

## **6. GARAGE SALES**

- 6.1. No Occupant shall hold or permit more than a total of six days of Garage Sales from the same property in any calendar year.
- 6.2. For the purposes of calculating the number of Garages Sales held or permitted at a property under Section 6.1, 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 6.7.
- 6.3. The limitation in Section 6.1 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.
- 6.4. No Occupant shall hold or permit a Garage Sale to be held for more than three consecutive days.
- 6.5. 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.
- 6.6. Garage sales shall not take place during Night Time hours, 10:00 pm to 7:00 am. Personal property and signage shall not be displayed in or on the property during Night Time hours, 10:00 pm to 7:00 am. Items for sale are to be removed out of sight at the end of each day during the Garage Sale.
- 6.7. Garage Sale signs are not permitted on public property other than on the Garage Sale bulletin boards located at 5214 51 Avenue and at 5429 53 Street. Further signage regulations can be found in the Land Use Bylaw 400.
- 6.8. Any contravention of section 6 shall be considered to be a Nuisance.

## **7. EXCESSIVE IDLING**

- 7.1. A person who owns, occupies, or controls a Motor Vehicle must not at any time allow it to remain continuously running for longer than 20 minutes when it is stationary in a residential district.
- 7.2. All emergency and service vehicles will be exempt from 7.1.

## **8. LITTERING**

- 8.1. No person shall place, deposit, throw, or cause to be placed, deposited, or thrown any Litter, refuse, or other substance upon any street, lane, sidewalk, parking lot,

park, playground or other Public Place or on property not their own, except in a receptacle provided for such purposes.

- 8.2. A person who has placed, deposited, or thrown Litter, refuse, or other substance upon any street, lane, sidewalk, parking lot, park, playground or other Public Place or on property not their own, shall remove it upon direction of the property Owner, agent or lessee, or a Peace Officer.

## **9. GRAFFITI**

- 9.1. No person shall place Graffiti on any property;
- 9.2. Every property owner shall ensure that Graffiti placed on their property is removed or otherwise permanently blocked from public view within six months of being placed on the property;
- 9.3. In a prosecution for an offence under this Section, the consent of the property owner to place Graffiti on the property shall not be defense under this Bylaw;

## **10. PANHANDLING**

- 10.1. No person shall engage in Panhandling in any Public Place;

## **11. SPITTING/URINATING**

- 11.1. No Person shall urinate or deposit any human waste in any Public Place or in any place to which the public is allowed access, other than a public washroom;
- 11.2. No person shall spit at any person or on any public or private property that they do not own;

## **12. MINORS IN PUBLIC PLACES**

- 12.1. No Minor shall be in a Public Place during the Curfew Period, between Midnight and 6:00 a.m., unless accompanied by a Parent or Guardian.
- 12.2. No Parent or Guardian shall suffer, permit or allow any Minor who is in his or her custody, care or control, to be in a Public Place during the Curfew Period, Midnight and 6:00 a.m., unless that Minor is accompanied by a Parent or Guardian.
- 12.3. Sections 12.1 and 12.2 do not apply to a Minor in a Public Place during the Curfew Period, Midnight and 6:00 a.m., when:
  - a. the Minor is involved in an Emergency;
  - b. the Minor is in a Motor Vehicle traveling from one point to another without any detour;
  - c. on the sidewalk abutting the Minor's residence;
  - d. acting in the interests of an employer or voluntary organization or while directly returning home, without detour, as soon as reasonably practical, from an organized school or community event.

## **13. ENFORCEMENT AGAINST MINORS IN A PUBLIC PLACE**

- 13.1. Where a Minor is found to be in contravention of Section 12, a Peace Officer may:
  - a. advise the Minor to go directly to their home residence;
  - b. take the Minor to their residence and deliver the Minor into the care of the Minor's Parent or Guardian; or
  - c. contact the Minor's Parent or Guardian and request that the Parent or Guardian attend at a mutually agreed upon location, to receive the Minor into the care of the Parent or Guardian.

## **14. FIGHTING/LOITERING/ASSEMBLY OF PERSONS**

- 14.1. No person shall participate in a fight or any physical confrontation in any Public Place.
- 14.2. No person shall be a member of an assembly of three or more persons in any Public Place where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace, and any such person shall disperse as requested by a Peace Officer.
- 14.3. No person shall Loiter and thereby obstruct any other person in any Public Place.

## **15. BULLYING**

- 15.1. No person shall Bully any person in any Public Place or where interactions are neighbour to neighbour, or face to face.
- 15.2. No person shall participate in or encourage by verbal or public means in the Bullying of any person in any Public Place.

## **16. ENFORCEMENT**

- 16.1. Any person who breaches any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a mandatory penalty in the amount specified in Schedule "A".
- 16.2. For any offence for which there is no penalty specified, a penalty of not less than \$200 and not more than \$10,000 shall be levied.
- 16.3. Any person who commits a second or subsequent offence under this Bylaw within 12 months of committing a first offence under this Bylaw, is subject to an increased fine as set out in Schedule "A".
- 16.4. For an offence that continues, each contravention constitutes a separate offence for each day or part of day on which it continues. Any person guilty of such an offence is liable to a fine in an amount not less than that established by Schedule "A" of this Bylaw for each such offence.
- 16.5. A Peace Officer who has reasonable grounds to believe that a person has contravened any provision of this Bylaw, may issue and serve upon the person:
  - a. A Municipal Ticket allowing payment of the specified penalty as set out in Schedule "A" of this Bylaw to the City. Such payment will be accepted by the City in lieu of prosecution for the offence. Should payment of the specified penalty not be made to the City within the time specified on the Municipal Ticket, a Violation Ticket may be issued and served upon the person; or
  - b. A Violation Ticket, allowing a voluntary payment of the specified penalty as set out in Schedule "A" of this Bylaw, or requiring a person to appear in court without the alternative of making a voluntary payment.
- 16.6. Nothing in Section 16 prevents a Peace Officer from issuing a Violation Ticket without having first issued a Municipal Ticket.

## **17. EFFECTIVE DATE**

- 17.1. This bylaw shall come into force and effect when it receives third reading and is duly signed.

## **18. SEVERABILITY**

- 18.1. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

## **19. REPEAL OF BYLAW 326 AND BYLAW 372**



# CONSOLIDATION COPY

- 19.1. Bylaw 326 – Nuisance Bylaw, 326.1, 326.2, 326.3, 326.4, and any amendments thereto, are hereby repealed.
- 19.2. Bylaw 372 – Community Standards Bylaw, and any amendments thereto, are hereby repealed.

INTRODUCED AND GIVEN FIRST READING THIS 11<sup>th</sup> day of March, 2019.

GIVEN SECOND READING THIS 13<sup>th</sup> day of May, 2019.

GIVEN THIRD AND FINAL READING THIS 10<sup>th</sup> day of June, 2019.

Original Signed

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Mayor

Original Signed

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Chief Administrative Officer

## City of Lacombe Bylaw 468 Schedule A

### FINES AND OFFENCES

Description	Section	Fine Amount – 1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence and Subsequent Offences
Light Pollution	3.1	\$100	\$250	\$500
Allowing to permit a Nuisance or Unsightly Premise	4.1	\$100	\$250	\$500
Failure to maintain a property	4.2	\$100	\$250	\$500
Storing a mv, rv, or trailer a on front lawn	4.5	\$150	\$250	\$500
Noise Violations	5.1, 5.3 – 5.7	\$150	\$250	\$500
Noise Violations – Licensed Establishment	5.2	\$500	\$1,000	\$2,000
Garage Sale Violations	6.8	\$100	\$250	\$500
Excessive Idling	7.1	\$100	\$200	\$500
Littering	8.1	\$150	\$250	\$500
Placing Graffiti on property	9.1	\$1,000	\$2,000	\$5,000
Failure to remove Graffiti	9.2	\$250	\$500	\$1,000
Panhandling	10.1	\$75	\$200	\$300
Urinating/Depositing Human Waste	11.1	\$150	\$500	\$1,000
Spitting	11.2	\$75	\$150	\$300
Parent or Guardian allowing Minors in Public past Curfew, between Midnight and 6:00 a.m.	12	\$100	\$200	\$500
Fighting in Public	14.1	\$500	\$750	\$1,000
Failing to Disperse when instructed by a Peace Officer	14.2	\$250	\$500	\$750
Loitering	14.3	\$250	\$500	\$750
Bullying	15.1, 15.2	\$125	\$250	\$500

(b. 468.1, 2022-07-11)