

BYLAW NO. 3383/2007

Being a bylaw of the City of Red Deer, in the Province of Alberta, to prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises and public disturbances;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 This Bylaw shall be called the "Community Standards Bylaw".
- 2 In this Bylaw, the following definitions shall apply:

"Bullying" means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever.

"Inspections and Licensing Manager" means the person acting in the position of Inspections and Licensing Manager for the City of Red Deer or a person designated to act on the Manager's behalf.

¹**"Graffiti"** means the defacement or disfigurement of any property or object, through the performance of any of the following acts:

- (i) the application of any substance, including paint, ink, stain or whitewash to any surface; or
- (ii) 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; or
- (iii) the marking, scratching, etching or other alteration or disfigurement of any surface.

"Minor" means an individual under 18 years of age.

²**"Panhandling"** means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or 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 solicitation of charitable donations.

"Public Place" means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.

¹ 3383/A-2008

² 3383/A-2011

“**Youth**” means an individual 12 to 17 years of age;

“**Social Planning Manager**” means the person acting in the position of Social Planning Manager for the City of Red Deer or a person designated to act on the Manager’s behalf.

Part 1 – Noise

- 3 (1) No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
 - (2) No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person.
 - (3) No person shall yell, scream, or swear in any public place.
 - (4) In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
 - a) type, volume and duration of the sound;
 - b) time of day and day of the week;
 - c) nature and use of the surrounding area.
 - (5) No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment such that it annoys or disturbs any person outside the boundary of the drinking establishment. Section 3 (4) of this Bylaw applies to this provision.
- 4 (1) Where an area is designated by signs or other means as being a Hospital District, no person shall:
 - (a) carry on any noise-making activity in the area unless it cannot be carried on in some other area; or
 - (b) make or continue any noise or loud sound within the area.
- 5 No person may activate or apply engine retarder brakes in the City of Red Deer except City of Red Deer Emergency Services Vehicles in the course of responding to an emergency situation or to train drivers in the use of retarder brakes.

Industrial/Construction Noise

- 6 ¹(1) Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
- (a) is a permitted use; or
 - (b) is an approved discretionary use; or
 - (c) is a non-conforming, but not illegal, use as defined in the *Municipal Government Act*.
- (2) In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.
- 7 With the exception of the activities referred to in section 6 herein, unless permission from the Development Authority is first obtained, no person shall use, operate or allow to be used or operated any tools, machinery or equipment so as to create a noise, or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.

Exceptions

- 8 These provisions do not apply to work carried on by The City, or by a contractor carrying out the instructions of The City.
- 9 These provisions do not apply to contractors carrying out snow removal from commercial or industrial site which are not adjacent to residential districts.
- 10 In the case of snow removal from commercial or industrial sites located adjacent to residential districts, and where in the reasonable opinion of the Development Authority it is necessary to do so to ensure the peace and quiet of residents, the Development Authority may require noise abatement practices including one or both of the following conditions:
- (a) a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.
 - (b) a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of residents.

¹ 3383/A-2011

Part 2 – Nuisance, Unsightly Premises, Graffiti

- 11 “Nuisance” for the purpose of this bylaw includes any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes the following:
- (a) the failure to cut grass, weeds, shrubs, trees or other landscaping features incidental to a landscaped area;
 - (b) the failure to maintain grass, weeds, shrubs, trees or other landscaping features incidental to an approved landscaped area in a commercial, industrial, institutional, government or multifamily development;
 - (c)¹ the failure to destroy prohibited weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
 - (d) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk roadway clearance;
 - (e) the accumulation of any material that creates unpleasant odours, any material that attracts pests or any animal remains, parts of animal remains or animal feces;
 - (f) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;
 - (g) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of 6 minutes in any one hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by Council;
 - (h) the generation of excessive dust and permitting such dust to escape from the property;
 - (i) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;

¹ 3383/A-2010

- (j) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
- (k) the storage or accumulation of dilapidated or derelict vehicles or the storage of unregistered vehicles in excess of two vehicles on any residential or commercial site except vehicles that are stored in an approved accessory or temporary building;
- (l) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
- (m) the failure to fence or secure an excavation, drain, ditch or other depression so that it does not become a danger to public safety;
- (n) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition;
- (o) Burning anything other than dry untreated clean wood in a residential wood fireplace.

12 No person being the owner, agent of the owner, lessee or occupier of any property within the City shall permit such property, or the activities upon such property to be or remain a nuisance or safety hazard.

Graffiti

- 13¹ (1)²
- (a) No person shall place graffiti or cause it to be placed on any property.
 - (b) Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view.
 - (c) A property owner who breaches the provisions of Section 13(b) where, following the issuance of and failure to comply with an Order under section 545 of the Municipal Government Act, shall liable to payment of a penalty as prescribed in Schedule "A".
 - (d) In prosecuting for an offence under this Part, the consent of the property owner of any premises to place graffiti shall not be a defense under this bylaw.

¹ 3383/A-2008

² 3383/A-2010

- (2)¹ the provisions of Section 13 (1) shall not apply to any temporary art or advertising on City property approved by The City for a Special Event.”

Construction Waste

- 14 (a) Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.
- (b) No loose construction material is to be stored or accumulated on a construction site unless it is not capable of being blown around the construction area.

Repair of Motor Vehicles

- 15 (1) No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district.
- (2) This prohibition shall not apply to routine maintenance work done on any vehicles owned, operated and registered in the name of the owner or occupant of premises, provided that:
- (a) the work is done in a garage that is capable of having the doors and windows closed;
 - (b) the activity does not create a nuisance or noise complaints from neighbourhood;
 - (c) there is no escape of offensive, annoying or noxious odors, fumes or smoke from the site;
 - (d) vehicle fluids oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
 - (e) all discarded vehicle parts and materials are properly stored and disposed of from the site;
 - (f) no power washing of motor or power train is performed on the site;
 - (g) all building and fire code regulations are met.

¹ 3383/A-2010

Nuisance Enforcement

- 16 (1) The Inspections & Licensing Manager may, after giving reasonable notice to the owner or occupier of the premises, enter upon the said premises and carry out an inspection.
- (2) Upon completion of the inspection, the Inspections & Licensing Manager may direct the owner or occupant of the property to:
- (a) cease the activity which causes the nuisance;
 - (b) change the way in which such person is carrying out any activity;
 - (c) direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including:
 - (i) the removal of any thing or matter from the property, which constitutes the nuisance; and
 - (ii) the construction or installation of a garbage bin or enclosure or the repair of an existing garbage enclosure;
 - (iii) enter into a cleanliness agreement in a form to the satisfaction of the Inspections & Licensing Manager.
 - (d) specify the time within which such person must comply with the directions contained in the notice; and
 - (e) notify the owner or occupant that, if compliance with the notice is not effected within a specified time, the municipality will take the actions or measures specified in the notice to abate the nuisance, at the expense of the owner or occupier;
 - (f) offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the City to keep the premises clean, tidy and free of nuisances.
- (3) Any person who refuses to allow an inspection of the premises under Section 16(1) is guilty of an offence.
- (4) Any person who fails to comply with a direction made under Section 16(2) is guilty of an offence.

- 17 No person shall cause or permit or undertake any activity upon any City property which is a nuisance.

Littering

- 18 (1) No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any City property, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course:
- (a) a cardboard or wooden box, carton, container, or receptacle of any kind;
 - (b) a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
 - (c) paper of any kind, whether or not containing written or printed matter thereon;
 - (d) any human, animal or vegetable matter or waste;
 - (e) any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
 - (f) scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts therefrom;
 - (g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;
 - (h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
- (2) A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection (1) upon any street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course shall forthwith remove it.

Spitting/Urinating

- 19 (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.

- (2) No person shall spit at any person or on any public or private property that they do not own.

Flyers on Vehicles

- 20 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon or into any motor vehicle, which is parked on any street, lane, parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.

Authority to Remove

- 21 The Inspections & Licensing Manager may authorize any City employee, or other person, to remove and put in storage or destroy anything placed upon City property in contravention of this bylaw.

Part 3 – Fighting, Loitering, Panhandling, Assembly of Persons,

Fighting/Loitering

- 22 No person shall participate in a fight or any physical confrontation in any public place or any place to which the public is allowed access.
- 23 No person shall be a member of an assembly of three or more persons in any public place or any place to which the public is allowed access where a peace officer has reasonable grounds to believe the assembly will disturb the peace of the neighbourhood, and any such person shall disperse as requested by a peace officer.
- 24 No person shall loiter and thereby obstruct any other person in any public place.

Bullying

- 25 (1) (a) No person shall bully any person in any public place.

- (b) No person shall participate in or encourage by verbal or public means in the bullying of any person in any public place.
- (c) Any person who contravenes sections 25(1)(a) or 25(1)(b) is guilty of an offence.

Panhandling

¹26

No person shall engage in Panhandling:

- (a) between the hours of 5:00 p.m. and 8:00 a.m.;
- (b) while intoxicated or under the influence of illegal substances;
- (c) as a member of a group of two or more persons;
- (d) within 10 metres of the entrance to:
 - (i) a financial institution;
 - (ii) an automated teller machine or bank deposit slot;
 - (iii) a liquor store; or
 - (iv) a bus stop or transit terminal
- (e) in a manner which obstructs or impedes the convenient passage of pedestrians or vehicles on a street, sidewalk or within a public place;
- (f) in such a manner as to threaten, insult, or harass other users of the street;
- (g) from any person who is an occupant of a motor vehicle; or
- (h) from any person who has already refused or declined the solicitation.

¹ 3383/A-2011

¹Part 4 – Curfew

27 In this Part the following words shall have the following meanings:

“**Child**” means a person who is under 16 years of age;

“**Curfew Period**” means the period of time between 12:00 a.m. and 6:00 a.m. in the same day;

“**Parent or Guardian**” means the parent, guardian or foster parent of a child and shall include any other person 18 years of age or over having the care and control of a child.

28 No Child shall be in a Public Place during the Curfew Period unless accompanied by a Parent or Guardian.

29 No Parent or Guardian shall cause or permit any Child who is in his or her custody, care or control to be in a Public Place during the Curfew Period unless that Child is accompanied by a Parent or Guardian.

30 Notwithstanding anything contained herein, it shall not be an offence under this bylaw for a Child to be in a Public Place during the Curfew Period while acting in the interests of an employer or voluntary organization or while returning home as soon as reasonably practical from an organized sporting or other event which has been supervised by an adult.

²Part 5 - Penalties

³31 (1) Any person who breaches any section of this Bylaw is guilty of an offence and liable to:

- a) payment of the penalty specified in Schedule “A” hereto; or
- b) for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more that \$10,000.00;

and in default of payment of any penalty, to imprisonment for up to 6 months.

¹ 3383/A-2011

² 3383/A-2011

³ 3383/A-2011

¹32 A Peace Officer, Inspections and Licensing Manager, or a Compliance Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer, Inspections and Licensing Manager, or a Compliance Officer has reasonable grounds to believe has contravened any provision of this bylaw.

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

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

³34 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 equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Court Office specified on the violation ticket.

Severability

⁴35 The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

⁵36 Bylaw No. 3326/2004, the Public Order Bylaw is hereby repealed.

¹ 3383/A-2011

² 3383/A-2011

³ 3383/A-2011

⁴ 3383/A-2011

⁵ 3383/A-2011

READ A FIRST TIME IN OPEN COUNCIL this 29th day of January 2007

READ A SECOND TIME IN OPEN COUNCIL this 12th day of February 2007

READ A THIRD TIME IN OPEN COUNCIL this 12th day of February 2007

AND SIGNED BY THE MAYOR AND CITY CLERK this 12th day of February 2007

“Lynne Mulder”

DEPUTY MAYOR

“Kelly Kloss”

CITY CLERK

Schedule "A"
Schedule of Fines

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Make noise	3(1)	\$250.00
a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		750.00
Permit Noise	3(2)	250.00
a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		750.00
Yelling, screaming or swearing	3(3)	150.00
a) second offence within 1 year		250.00
b) third and subsequent offences within 1 year		500.00
Drinking Establishment making noise	3(5)	2,000.00
b) second offence within 1 year		5,000.00
c) third and subsequent offences within 1 year		10,000.00
Noise in hospital district	4	150.00
a) second offence within 1 year		250.00
b) third and subsequent offences within 1 year		500.00
Activating engine retarder brakes	5	250.00
Industrial or construction noises	6 or 7	150.00
a) second offence within 1 year		300.00
b) third and subsequent offences within 1 year		600.00
Permitting a nuisance on Private Property	12	200.00
a) second offence within 1 year		400.00
b) third and subsequent offences within 1 year		600.00
¹ Placing Graffiti on property	13 ² (1)(a)	2,500.00
a) a second offence within 1 year		5,000.00
b) third and subsequent offences within 1 year		7,500.00
³ Failure to remove Graffiti	13 ⁴ (1)(b)	250.00

¹ 3383/A-2008

² Administration Correction

³ 3383/A-2008

⁴ Administration Correction

a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		1,000.00
¹ Failure to comply with Graffiti order	13 ² (1)(c)	250.00 for each day that the breach continues.
Failing to contain construction waste	14	250.00
a) second offence within 1 year		500.00
b) third and subsequent offences		1000.00
Automobile repairs in residential district	15(1)	250.00
a) second offence within 1 year		400.00
b) third and subsequent offences within 1 year		600.00
Refusing to allow the License and Inspections Manager access to carry out an inspection	16(3)	500.00
Failing to comply with order of License and Inspections Manager	16(4)	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences within 1 year		1,000.00
Nuisance upon City property	17	500.00
Depositing litter on City property	18(1)	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences within 1 year		1,000.00
Failing to remove litter	18(2)	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences within 1 year		1,000.00
Urinating or depositing human waste in a public place	19(1)	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences within 1 year		1,000.00
Spitting	19(2)	75.00
a) second and subsequent offences		150.00

¹ 3383/A-2008

² Administration Correction

Placing item on motor vehicle	20	250.00
Fighting in a public place	22	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences offence within 1 year		1,000.00
Being a member of an assembly and failing to disperse as requested by peace officer	23	250.00
a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		750.00
Loitering	24	250.00
a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		750.00
Bullying		
a) first offence by a youth*	25	125.00
b) second and subsequent offences by a youth		250.00
c) first offence by an adult*		500.00
d) second and subsequent offences by an adult		1,000.00
* The fine for the first offence may be waived if the offender successfully completes an anti-bullying educational program approved by the Social Planning Manager.		
Panhandling	26	75.00
a) second offence		200.00
b) third and subsequent offences		500.00
¹ Breach of Curfew	28 & 29	125.00
a) second offence within year		250.00
b) third and subsequent offence within year		500.00

¹ 3383/A-2011