

Bylaw 3669/2021

Being a bylaw of the City of Red Deer, in the Province of Alberta, to regulate nuisances, public disturbances and neighbourhood liveability issues.

Whereas the Municipal Government Act (MGA) authorizes a municipality to pass bylaws respecting the safety, health, and welfare of people and protection of people and Property;

Whereas the MGA authorizes a municipality to pass bylaws respecting Nuisances, including unsightly Property;

Whereas the MGA authorizes a municipality to pass bylaws and impose fees and penalties regarding the contravention of bylaws;

And whereas it is desirable for regulations which affect neighbourhood livability to be located, as much as possible, in one bylaw;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Short Title

1 This Bylaw shall be called the “Community Standards Bylaw”.

Definitions

2 In this Bylaw, the following definitions shall apply:

- (a) **“Bully or Bullying”** means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever;
- (b) **“Charity Collection Site”** means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods and which contains a receptacle or bin for the collection of donated goods;
- (c) **“Graffiti”** means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed, drawn or attached on or to the surface of any Property, other than a vehicle;
- (d) **“Municipal Tag”** means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (e) **“Nuisance”** includes any activity or condition which:
 - (i) unreasonably interferes with the use and enjoyment of any highway, park or other public area;
 - (ii) unreasonably interferes with the use and enjoyment of private property;

(iii) causes injury to the health, comfort or convenience of an occupier of land; or

(iv) contravenes the Nuisance prohibition provisions of Part 2 of this bylaw;

and without limiting the generality of the foregoing includes unreasonable noise, littering, unreasonable odour, fighting, the accumulation of water or other liquids on a Property, or the presence of an unsanitary conditions on a Property.

- (f) **“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;
- (g) **“Peace Officer”** includes a Bylaw Enforcement Officer, a Community Peace Officer and a member of the Royal Canadian Mounted Police;
- (h) **“Pest”** means any animal, bird, reptile, or insect which causes, or could reasonably be expected to cause annoyance, damage, or injury to any Person, animal or plant;
- (i) **“Property”** means, in the case of land, a parcel of land including any buildings or, in other cases, personal property;
- (j) **“Public Place”** means any place, whether publicly or privately owned, where a person is habitually allowed to go without needing special permission; and
- (k) **“Unoccupied”** means any building which is unoccupied by the owner or any tenant or occupier lawfully entitled to occupy the building for a continuous period of 30 days within a consecutive 45 day period, but does not include unoccupied properties that are inspected with reasonable frequency inside and outside for signs of damage, vandalism or unauthorized entry.

PART I – NOISE

- 3** No person shall make or cause to be made or continued any noise which would disturb or annoy a reasonable person.
- 4** No person shall permit Property that they own or occupy to be used so that noise emanates from the Property which would disturb or annoy a reasonable person.
- 5** In determining what constitutes noise likely to disturb or annoy a reasonable person, consideration may be given to:
 - (a) the type, volume and duration of the sound;
 - (b) the time of day and day of the week;

(c) the nature and use of the surrounding area; and

(d) any other relevant factor.

- 6** No person may activate or apply engine retarder brakes in the City of Red Deer except in an emergency.

Industrial/Construction Noise

- 7** 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.

- 8** 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.

- 9** 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 10:00 p.m. - 7:00 a.m.

Exceptions

- 10** Sections 8 and 9 do not apply to work carried on by the City, or by a contractor carrying out the instructions of the City.

- 11** Sections 8 and 9 do not apply to private contractors carrying out snow removal from commercial or industrial sites which are not adjacent to residential districts.

- 12** 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.

PART 2 – NUISANCE AND PROPERTY MAINTENANCE

Nuisance Prohibition

- 13** No person shall cause or permit a Nuisance on Property they own or occupy.

- 14** A person who causes a Nuisance, or permits Property he or she owns or occupies to be used so as to cause a Nuisance, shall abate the Nuisance and cause to be abated the activity which causes the Nuisance.
- 15** For greater certainty, a Nuisance in respect of land, includes land or any portion thereof, 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:
- (a) unkempt grass or tall weeds;
 - (b) dead or partially dead shrubs or trees;
 - (c) 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 a sidewalk, or a public work or utility or impair visibility required for safe traffic flow at any intersection adjacent to the land;
 - (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 generation of excessive dust and permitting such dust to escape from the Property;
 - (g) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - (h) the failure to control or eliminate insect or Pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
 - (i) unsightly lands or buildings, including but not limited to those with:
 - (i) the presence of discarded or dilapidated furniture, household appliances, loose garbage, packaging material, scrap metal, scrap lumber, tires, machinery parts, equipment or commercial appliances;
 - (ii) the outside storage of dilapidated or derelict vehicles or the storage of more than two unregistered vehicles on any residential or commercial site;
 - (iii) the failure to maintain any structure in a reasonable state of repair such that it shows significant physical deterioration, a serious disregard for general maintenance or upkeep or otherwise is detrimental to the surrounding area.
 - (j) an unfenced excavation, drain, ditch or other depression that could pose a danger to public safety;

(k) 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.

16 For greater certainty, a Nuisance, in respect of a building or structure, includes a building or structure or any portion thereof, 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:

- (a) any damage to the building or structure;
- (b) any graffiti displayed on the building or structure that is visible from any surrounding Property;
- (c) any rot or other deterioration of the building; and
- (d) any peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building which allows Pests, or inappropriate infiltration of air, moisture or water into the building.

17 For greater certainty, a Nuisance, in respect of human behaviour, includes any activity which substantially and unreasonably interferes with another person's use and enjoyment of a highway, park or other public area or of land a person owns or occupies, or which causes injury to the health, comfort or convenience of an occupier of land, and without limiting the generality of the foregoing, includes an activity such as a noisy party, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, or fighting.

Unoccupied Buildings

18 An owner of an Unoccupied building must keep it reasonably secure against unauthorized entry or occupation, vandalism or other intentional damage.

19 If a building is Unoccupied, then any door or window opening in the building may 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;
- (d) painted or treated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

20 The Owner of an Unoccupied building where:

- (a) unauthorized entry or occupation has occurred; or
- (b) filth, refuse, garbage or other miscellaneous materials have been dumped or stored

shall within 5 days of receiving notice from the City Manager effect such repairs or take such action as may be required to secure the Property against such further unauthorized entry or occupation, dumping or storage and to protect the health and safety of the neighbourhood surrounding the Unoccupied building.

Accumulation of Materials

- 21** No owner or occupant shall allow the accumulation of yard material, animal remains, parts of animal remains, animal feces, any material that creates unpleasant odours or is likely to attract Pests on their Property.
- 22** No owner or occupant shall allow the open or exposed storage of any industrial fluid, including engine oil, brake fluid or antifreeze on their Property.
- 23** No owner or occupant shall allow loose debris, garbage, bottles, cans, boxes, packaging materials, household furniture, disassembled machinery, equipment and appliances and parts thereof or other household goods to accumulate on their Property such that the accumulation is visible to a Person viewing from outside the Property.

Maintenance of Grass

- 24** No person shall allow grass or other vegetation on land they own or occupy to exceed a height of fifteen (15) centimetres. This section shall not apply to golf courses, maintained xeriscaped areas, parks or natural areas under the direction and control of the City, or areas subject to naturalization efforts.

Graffiti

- 25** No person shall apply Graffiti on any Property, unless the Graffiti is not in public view and the person who owns or occupies the Property to which the Graffiti has been applied has consented to its application.
- 26** Every owner or occupier of Property shall ensure that Graffiti placed on their Property is removed, painted over, or otherwise blocked from public view.

Construction Waste

- 27** 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.
- 28** 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

- 29** No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district.
- 30** 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 the Property, 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 or sanitary 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.

Charity Collection Sites

- 31** No person shall dump or deposit household garbage or other litter at a Charity Collection Site.
- 32** No person shall scavenge from or disturb any material, bag or box in or at a Charity Collection Site, whether or not that material, bag or box is contained in a receptacle or resting upon the ground.

Nuisance Enforcement

- 33** The City Manager may, after giving reasonable notice to the owner or occupier of a Property, enter upon the Property and carry out an inspection.
- 34** The City Manager may direct the owner or occupant of the Property on which a Nuisance exists to:
- (a) stop doing something or to change the way in which a person is doing it;
 - (b) take any action or measure necessary to abate the Nuisance and if necessary, to prevent a re-occurrence;

- (c) state a time within which the person must comply with the direction;
- (d) state that if the person does not comply with the direction within the specified time, the City will take the action or measure.

- 35** Any Person who refuses to allow an inspection of Property under Section 33 is guilty of an offence.
- 36** Any person who fails to comply with a direction made under Section 34 is guilty of an offence.
- 37** No person shall cause any activity upon any City Property which is a Nuisance.

PART 3 – CHRONIC NUISANCE

Chronic Nuisance

- 38** Where a Property has been the subject of more than 8 complaints or enforcement actions by the City or the R.C.M.P. related to Nuisance within 6 months, or more than 4 complaints or enforcement actions by the City or the R.C.M.P. within a 48 hour period, the City Manager may designate the Property as a “Chronic Nuisance”.
- 39** Where the Property designated as a Chronic Nuisance is sold or transferred to a new Owner the designation shall be rescinded unless:
- (a) a person or persons in occupancy at the time of designation remain the same after the sale or transfer;
 - (b) the sale is to a corporation for which a person who owned or was in occupancy of the Property at the time of the designation is a director, officer or shareholder; or
 - (c) in the determination of the City Manager, the sale or transfer was done for the sole purpose of having the Chronic Nuisance designation rescinded and the conditions giving rise to the Chronic Nuisance designation have not been remediated.

Costs Imposition

- 40** Where a property is designated as a Chronic Nuisance, the City Manager may impose nuisance abatement fees, costs, or charges against one or more of the following:
- (a) a person who causes a Chronic Nuisance;
 - (b) the occupier of land from which a Chronic Nuisance emanates; and
 - (c) the owner of land from which a Chronic Nuisance emanates.

Cost Recovery

- 41** The City Manager may recover the costs imposed under Section 40 in accordance with:

- (a) section 7 (i) (iii) of the Municipal Government Act (MGA), as a penalty for an offence that is in addition to a fine or imprisonment;
- (b) sections 553, 553.1 or 553.2 of the Act, by adding the amount to the tax roll of any Property for which the person is the assessed person, if an order has been issued under section 545 or section 546, as applicable;
- (c) section 552 of the Act, as a debt due and recoverable in a court of competent jurisdiction;
or
- (d) in any other manner authorized by law.

Amount of Costs Recoverable

42 The costs recoverable by the City for Chronic Nuisance abatement under this Bylaw shall be determined and calculated in accordance with Schedule "B" to this Bylaw.

Appeal of Designation

43 Where the City Manager has designated a Property as a Chronic Nuisance, any of the persons described in section 40 (a) – (c) may appeal the designation to the Red Deer Appeal and Review Board by filing an appeal in accordance with the Appeal Boards Bylaw, as amended from time to time, within 14 days of receipt of the designation.

44 On hearing the appeal, the Board may revoke or confirm the designation.

PART 4 – DISRUPTIVE PUBLIC BEHAVIOURS

Littering

45 No person shall leave any garbage, litter or other refuse in a Public Place, except in a receptacle designed and intended for such use.

Spitting/Urinating

46 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 in a receptacle designed and intended for such use.

47 No person shall spit at any person or in any Public Place.

Flyers, Placards, Posters

48 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.

49 No person shall deposit any unsolicited written material, including a leaflet, flyer, pamphlet or other printed matter, at or on a Property that is a dwelling unit where a sign or notice is

posted which clearly indicates that such Flyers are not wanted. This section does not apply to election advertising materials or information produced and distributed by a federal, provincial or municipal government, or an agent or elected member of same.

50 A Peace Officer is authorized to remove and destroy anything placed, posted or otherwise maintained contrary to Section 25 or Section 48.

Fighting and Loitering

51 No person shall participate in a fight or any physical confrontation in any Public Place.

52 No person shall behave in an aggressive manner when loitering or assembling in groups of three or more in a Public Place. For the purpose of this section, a person shall be considered to be behaving in an aggressive manner if they;

- (a) obstruct or impede the passage of another person;
- (b) make physical contact with another person;
- (c) insult, threaten, disturb, coerce or intimidate another person;
- (d) loiter or assemble while intoxicated by alcohol, or under the influence of cannabis or illicit drugs.

Yelling and Screaming

53 No person shall yell or scream in any Public Place.

Bullying

54 No person shall Bully any person in any Public Place.

55 No person shall participate in or encourage by verbal or other means in the Bullying of any person in any Public Place.

Panhandling

56 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.

PART 5 – OFFENCES AND PENALTIES

57 Any person who breaches any section of this Bylaw is guilty of an offence and is liable on summary conviction to:

- (a) a fine in the amount specified in Schedule “A” hereto;
- (b) for any offence for which there is no penalty specified, to a penalty of not less than \$200 for the first offence, \$400 for the second offence, and \$600 for the third and subsequent offence, within a 12 month time period;

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

58 A person who is found guilty of an offence under Part 3 of this bylaw is liable to the imposition of a penalty in the amount specified in Schedule “B” hereto, in addition to a fine, so long as the penalty relates to a fee, cost, rate, toll or charge that is associated to the conduct that gives rise to the offence.

59 Any person who, whether he or she is an owner/occupier of a property or a member of the public is guilty of an offence if he or she:

- (a) refuses to provide identification (name, address, and date of birth) and proof thereof to a Peace Officer upon request;
- (b) interferes with, or attempts to obstruct, a Peace Officer who is conducting an enforcement action within lawful authority; or
- (c) any person who provides false or misleading information to a Peace Officer.

Municipal Tag

60 A Municipal Tag may be issued to any Person where there are reasonable and probable grounds to believe the Person has contravened any provision of this bylaw.

61 If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:

- (a) the name of the Person;
- (b) the offence;
- (c) the fine amount;
- (d) that the fine amount shall be paid within 14 days of the issuance of the Municipal Tag; and
- (e) any other information as may be required.

Payment in Lieu of Prosecution

62 Where a Municipal Tag is issued in respect of an offence, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the fine specified within the time period indicated on the Municipal Tag.

Violation Ticket

63 If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the Provincial Offences Procedure Act.

64 Despite Section 63, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this bylaw.

65 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) impose the specified penalty established by this bylaw for the offence and permit a Person to make a voluntary payment; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

66 A Person who commits an offence and who wishes to plead guilty may:

- (a) if a Violation Ticket has issued in respect of the offence; and
- (b) if the Violation Ticket includes a specified penalty as established by this bylaw for the offence;

plead guilty to the offence by making 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.

PART 6 – GENERAL

Boulevards

67 For the purposes of this Bylaw, a person who owns or occupies land shall be considered to occupy that portion of any highway between the Property line and the centre line of the highway.

Powers of the City Manager

68 Without restricting any other power, duty or function granted by this bylaw, the City 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 areas where activities otherwise regulated, restricted or prohibited by this bylaw are permitted;
- (e) establish areas where activities otherwise permitted by this bylaw are prohibited;
- (f) establish forms for the purposes of this bylaw; and
- (g) delegate any powers, duties or functions under this bylaw to an employee of the City.

Severability

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

Repeal

70 Bylaw No. 3383/2007 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 12 day of April , 2021.

READ A SECOND TIME IN OPEN COUNCIL this 26 day of April , 2021.

READ A THIRD TIME IN OPEN COUNCIL this 26 day of April , 2021.

AND SIGNED BY THE MAYOR AND CITY CLERK this 26 day of April , 2021.

“Mayor Tara Veer”

“Samantha Rodwell”

MAYOR

DEPUTY CITY CLERK

**Schedule “A”
Schedule of Fines**

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	SPECIFIED PENALTY		
		1 st Offence	2 nd Offence	3 rd and Subsequent Offence
3	Make or cause noise	\$250	\$500	\$1,000
4	Permit or allow noise	\$250	\$500	\$1,000
6	Activating/applying engine retarder brakes	\$250	\$500	\$1,000
8, 9	Industrial or construction noise	\$150	\$300	\$600
13	Permitting a nuisance on private property	\$200	\$400	\$600
18	Unoccupied building not reasonably secure	\$250	\$500	\$1,000
20	No action to secure unoccupied building within 5 days	\$500	\$1,000	\$2,500
25	Placing graffiti on property	\$2,500	\$5,000	\$7,500
26	Failure to remove graffiti	\$150	\$300	\$600
27	Failure to contain construction waste	\$250	\$500	\$1,000
29	Automobile repair in residential district	\$250	\$500	\$1,000
32	Scavenge from or disturb materials at Charity Collection Site	\$150	\$300	\$600
35	Refusing to allow inspection	\$500	\$750	\$1,000
36	Failure to comply with direction from City Manager	\$500	\$750	\$1,000
46	Urinating or depositing human waste in a Public Place	\$250	\$500	\$750
47	Spitting	\$75	\$150	\$300
51	Fighting in a Public Place	\$500	\$750	\$1,000
52	Behaving in aggressive manner while loitering or assembling in groups of 3 or more	\$250	\$500	\$750
54, 55	Bullying – by youth	\$125	\$250	\$500
54, 55	Bullying – by adult	\$500	\$1,000	\$1,500
56	Panhandling	\$75	\$150	\$300

Schedule “B”

- 1 The costs referred to in Section 40 and 42 of this bylaw are determined in part by a flat fee for each separate attendance and time spent by individuals involved in the abatement of a nuisance and the amounts of individuals shall be determined as imposed under this schedule.

- 2 The rates per attendance are as follows:

Inspections & Licensing Department	\$250
RCMP	\$350
Emergency Services Department	\$350
Public Works Department	\$250
Contracted Services	Actual cost plus 15%