



CITY OF EDMONTON

BYLAW 14600

COMMUNITY STANDARDS BYLAW

(CONSOLIDATED ON MAY 3, 2021)

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Whereas, pursuant to section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances, including unsightly property;
- (c) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the following:
 - (i) the creation of offences;
 - (ii) for each offence, imposing a fine not exceeding \$10,000 or imprisonment for not more than one year, or both;
 - (iii) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
 - (iv) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
 - (v) providing for inspections to determine if bylaws are being complied with; and
 - (vi) remedying contraventions of bylaws; and

And Whereas pursuant to section 66(2) of the *Safety Codes Act* a Council may make bylaws respecting the following matters:

- (a) Minimum maintenance standards for buildings and structures; and
- (b) Unsightly or derelict buildings or structures; and

And Whereas pursuant to the *Agricultural Pests Act* and the *Weed Control Act*, a Council may pass certain bylaws and appoint Inspectors;

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

- | | | |
|--------------------|---|---|
| PURPOSE | 1 | The purpose of this bylaw is to regulate the conduct and activities of people on privately owned property and immediately adjacent areas in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the City. |
| DEFINITIONS | 2 | In this bylaw, unless the context otherwise requires: <ul style="list-style-type: none"> (a) “boulevard” means that part of a highway that: |

- (i) is not a roadway; and
- (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (b) **“City”** means the City of Edmonton;
- (c) **“City Manager”** means the chief administrative officer of the City or his delegate;
- (d) **“highway”** the same meaning as in the *Traffic Safety Act*;
- (e) **“motor vehicle”** has the same meaning as in the *Traffic Safety Act*;
- (f) **“municipal tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (g) **“occupy”** or **“occupies”** means residing on or to be in apparent possession or control of property;
- (h) **“own”** or **“owns”** means:
 - (i) in the case of land, to be registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or
 - (ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;
- (i) **“person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (j) **“property”** means a parcel of land including any buildings;
- (k) **“sidewalk”** means that part of the highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or unpaved; and
- (k.1) **“vehicle”** has the same meaning as in the *Traffic Safety Act*;
- (l) **“violation ticket”** has the same meaning as in the

Provincial Offences Procedure Act;

- (m) **“waste”** means any material that is set out for collection and includes, but is not limited to, waste generated from residential properties.
- (n) **“Wildlife”** means non-domesticated animals, or an animal that is wild by nature and living in its natural habitat, but does not include feral cats and birds.
(S.2, Bylaw 19553, February 22, 2021)

**RULES FOR
INTEPRETATION**

- 3 The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II - PROPERTY MAINTENANCE**DEFINITIONS**

- 4 In this Part,
 - (a) **“building”** includes a any part of a building placed in, on, or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land.
 - (a.1) **“graffiti”** means words, letters, symbols, marks, figures, drawings, inscriptions, writings, or stickers that are applied, etched, sprayed, painted, drawn, stained, scribbled, or scratched on a surface without the consent of the owner, and for greater certainty does not include anything authorized by law.
(S.2, Bylaw 19690, May 3, 2021)
 - (b) **“structure”** includes any item or improvement placed in, on, or over land whether or not it is affixed to the land, some examples of which include:
 - (i) fence, wall, or barricade;
 - (ii) concrete pad, slab, or base;
 - (iii) pole, erection, sign, or post;
 - (iv) mailbox, courier, or customer drop box;
 - (v) waste bin or storage container; or
 - (vi) satallite dish, utility box, or appliance.
 - (c) **“collection date”** means the date prescribed by the City

Manager.

- 4.1 For the purposes of this Part, a person who owns or occupies land deemed to have set out waste, waste containers, bags, or bins for collection.
- HIGHWAY OCCUPANCY**
- 5 For the purposes of this Part, 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.
- LAND**
- 6 (1) A person shall not cause or permit a nuisance to exist on land they own or occupy.
- (2) For the purpose of greater certainty a nuisance, in respect of land, means 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) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
 - (a.1) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;
 - (a.2) any loose building or construction materials, any accumulation of construction-related garbage or refuse, or any untidy work or storage areas on the land;

(S.2, Bylaw 17678, June 28, 2016)
 - (b) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
 - (b.1) any vehicle displaying graffiti that is visible from any surrounding property;
 - (c) smelly or messy compost heaps;
 - (d) unkempt grass or weeds higher than 10 centimetres;
 - (e) production of excessive dust, dirt or smoke;
 - (f) production of any generally offensive odours;
 - (g) any tree, shrub, other type of vegetation or any structure:

- (i) that interferes or could interfere with any public work or utility;
 - (ii) that obstructs any sidewalk adjacent to the land; or
 - (iii) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land; and
- (g.1) any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and
- (h) any construction project or activity not completed within five years of the date the building permit for the project or activity was issued by the City or, within five years of starting construction.

(3) Repealed

- 6.1 A person shall not feed, attempt to feed, permit the feeding of, or deposit food for consumption by coyotes on land they own or occupy.
- 6.2 (1) A person shall not feed, attempt to feed, or deposit food on land they own or occupy for consumption by Wildlife, feral cats, or birds in a way that leads to a public safety risk, health risk or nuisance condition.
- (2) A person shall not use, place, or allow other wildlife attractants on land they own or occupy in a way that leads to a public safety risk, health risk or nuisance condition.
- (3) For the purpose of greater certainty a nuisance, in respect of Wildlife, feral cats or birds means:
- (a) excessive accumulation of accessible edible materials on the property, including but not limited to raw or cooked meat, harvested fruits, harvested vegetables, bird seed or suet;
 - (b) accumulation of rotten, spoiled or moldy food left openly accessible, or improperly contained;
 - (c) habituation, food conditioning, or increased presence of Wildlife to the area generally, or to the specific property due to the availability of food on the property;
 - (d) property damage to neighbouring properties, or parkland, by Wildlife due to availability of food on the property;

(S.3. Bylaw 19553, February 22, 2021)

- | | | |
|---------------------------------|-----|--|
| SIDEWALKS | 7 | A person shall maintain any sidewalk adjacent to land they own or occupy clear of all snow and ice. |
| ICICLES | 7.1 | A person shall maintain any roof or awning that extends over a highway from a building they own or occupy free of snow and ice. |
| BOULEVARDS | 8 | <p>A person shall maintain any boulevard adjacent to land they own or occupy by:</p> <ul style="list-style-type: none"> (a) keeping any grass on the boulevard cut to a reasonable length; and (b) removing any accumulation of fallen leaves or other debris. |
| BUILDINGS AND STRUCTURES | 9 | <p>(1) A person shall not cause or permit a nuisance to exist in respect of any building or structure on land they own or occupy.</p> <p>(2) For the purpose of greater certainty a nuisance, in respect of a building or structure, means a building or structure, or any portion thereof, showing 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:</p> <ul style="list-style-type: none"> (a) any damage to the building or structure; <ul style="list-style-type: none"> (a.1) any graffiti displayed on the building or structure that is visible from any surrounding property; (b) any rot or other deterioration within the building; and (c) any inappropriate infiltration of air, moisture or water into the building due to 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. |
| GRAFFITI | 9.1 | <p>No person shall place graffiti or cause graffiti to be placed on a building, structure, or vehicle if the graffiti is visible from any surrounding property.</p> <p>(S.3, Bylaw 19690, May 3, 2021)</p> |
| UNOCCUPIED BUILDINGS | 10 | <p>(1) If a building normally intended for human habitation 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:</p> <ul style="list-style-type: none"> (a) installed from the exterior and fitted within the frame of the opening in a watertight manner; |

- (b) of a thickness sufficient to prevent unauthorized entry into the building;
 - (c) secured in a manner sufficient to prevent unauthorized entry into the building; and
 - (d) coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.
- (2) If a building normally intended for human habitation is unoccupied then every walk and driveway on the property shall be maintained clear of all snow and ice by the person who owns the property.

WASTE BINS

- 11 (1) A person shall not place, cause or permit to be placed any waste bin on land they own or occupy unless the waste bin is:
- (a) equipped with a lid or cover capable of completely covering the waste bin; and
 - (b) kept closed or covered at all times except for actual loading or unloading of waste.
- (2) A person shall not place, cause or permit to be placed any roll off waste bin on land they own or occupy unless the roll off waste bin is:
- (a) kept closed or covered at all times except for actual loading or unloading of waste; and
 - (b) contains only material that will not emit odour and will not be blown out of the bin.

REFRIGERATORS AND FREEZERS

- 12 (1) A person shall not place, cause or permit to be placed a refrigerator, freezer or other similar appliance on land they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- (2) Without limiting the generality of subsection (1) measures considered to be effective may include:
- (a) the complete removal of the door for the appliance;
 - (b) the removal of the door handle mechanism if this prevents opening and closing of the door;
 - (c) the removal of the door hinges;
 - (d) locking the appliance; or
 - (e) otherwise wrapping or containing the appliance so that the

interior is inaccessible.

- | | | |
|--------------------------------|------|--|
| WASTE DISPOSAL | 12.1 | A person shall not place, cause or permit to be placed any litter, garbage, waste, refuse or any other waste material upon the privately owned property of another person. |
| WASTE COLLECTION | 12.2 | A person shall not set out waste for collection at any front yard or curbside collection location before 4:00 p.m. on the day before the collection date. |
| | 12.3 | A person shall not leave waste containers at any front yard or curbside collection location later than noon of the date after the collection date. |
| WASTE CONTAINER STORAGE | 12.4 | A person shall not store waste containers in the front yard or at any location other than a location between the line established by the front wall of the residence and the rear property line. |
| PUBLIC WASTE CONTAINER | 12.5 | A person shall not place waste intended for residential collection or waste generated from a non-residential property in a public waste container. |

PART III - NOISE CONTROL

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|--------------------|----|---|
| DEFINITIONS | 13 | In this Part: |
| | | (a) “dB(A)” means the sound pressure measured in decibels using the “A” weighted scale of a sound level meter; |
| | | (b) “decibel” means a unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to approximately 130 for the average pain level; |
| | | (c) “holiday” means January 1 st , Alberta Family Day, Good Friday, Victoria Day, July 1 st , the first Monday in August, Labour Day, Thanksgiving Day, November 11 th , and December 25 th of every year; |
| | | (c.1) “motor cycle” has the same meaning as in the <i>Traffic Safety Act</i> , as amended; |
| | | (d) “noise” means any sound that is reasonably likely to |

disturb the peace of others;

- (e) **“sound level meter”** means a Quest Technologies/3M 2100 Sound Level Meter, or any other device used to measure sound pressure which meets the National Standards Institute S 1.4-1983 (R2006), or the International Electro-Technical Council Standard No. 123 or the British Standard No. 3539 Part 1, or the U.S.A. Standard S.14-1961.

- PROHIBITED NOISE** 14 (1) A person shall not cause or permit any noise that disturbs the peace of another individual.
- (2) A person shall not cause or permit property they own or occupy to be used so that noise from the property disturbs the peace of any other individual.
- (3) A person may be found guilty of a contravention of this section whether or not the decibel level:
- (a) is measured; or
- (b) if measured, exceeds any limit prescribed by this bylaw.

- CRITERIA** 15 In determining if a sound is reasonably likely to disturb the peace of others the following criteria may be considered:
- (a) type, volume, and duration of the sound;
- (b) time of day and day of week;
- (c) nature and use of the surrounding area;
- (d) decibel level, if measured; and
- (e) any other relevant factor.

- CONSTRUCTION ACTIVITY** 16 A person shall not cause or permit any construction activity on property they own or occupy
- (a) before 7 a.m. or after 9 p.m. on any day other than Sunday or a holiday;
- (b) before 9 a.m. or after 7 p.m. on any Sunday or holiday; or
- (c) at any time contrary to a written notice issued by the City Manager pursuant to section 16.1.

(S.3, Bylaw 17678, June 28, 2016)

**RESTRICTED
HOURS OF
CONSTRUCTION
NOTICE**

- 16.1 (1) Subject to subsection (2), the City Manager may, by written notice, direct that a person may not cause or permit any construction activity on property they own or occupy during the time specified in the written notice.
- (2) Prior to issuing a written notice pursuant to subsection (1), the City Manager must consider:
- (a) the proximity of the construction activity to adjacent properties;
 - (b) the nature of the construction activity occurring on the property;
 - (c) the nature and use of adjacent properties;
 - (d) the number and nature of previous complaints regarding the construction activity occurring on the property received by the City Manager;
 - (e) the intended schedule for completion of the construction activity occurring on the property, including the potential impact of restricted hours on the completion of the construction activity; and
 - (f) any other factor reasonably related to the construction activity occurring on the property.
- (3) A written notice issued by the City Manager pursuant to this section may:
- (a) prohibit any construction activity on a property during specified times; or
 - (b) prohibit certain types of construction activity on a property during specified times.

(S.4, Bylaw 17678, June 28, 2016)

**GARBAGE
COLLECTION**

- 17 A person shall not collect, cause or permit the collection of garbage with a motor vehicle on or adjacent to any property zoned for residential use before 7 a.m. or after 10 p.m.

**ENGINE RETARDER
BRAKES**

- 18 A person shall not use engine retarder brakes to slow or stop a motor vehicle at any time.
- 18.1 A person shall not operate a motor cycle that is capable of:
- (a) emitting any sound exceeding 92 db(A), as measured at 50

centimetres from the exhaust outlet, while the engine is at idle; or

- (b) emitting any sound exceeding 96 db(a), as measured at 50 centimetres from the exhaust outlet, while the engine is at any speed greater than idle.

**DAYTIME DECIBEL
LIMIT –
RESIDENTIAL**

- 19 (1) A person shall not cause or permit any sound exceeding 65 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m.
- (2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 65 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m.
- (3) This section does not apply to sounds up to:
- (a) 70 dB(A) lasting a total period of time not exceeding two hours in any one day;
- (b) 75 dB(A) lasting a total period of time not exceeding one hour in any one day;
- (c) 80 dB(A) lasting a total period of time not exceeding 30 minutes in any one day; or
- (d) 85 dB(A) lasting a total period of time not exceeding 15 minutes in any one day.

**OVERNIGHT
DECIBEL LEVEL –
RESIDENTIAL**

- 20 (1) A person shall not cause or permit any sound exceeding 50 dB(A), as measured at the property line of a property zoned for use as residential, before 7 a.m. or after 10 p.m.
- (2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 50 dB(A), as measured at the property line of a property zoned for use as residential, before 7 a.m. or after 10 p.m.

**DAYTIME DECIBEL
LIMIT - NON-
RESIDENTIAL**

- 21 (1) A person shall not cause or permit any sound exceeding 75 dB(A), as measured at the property line of a property zoned for use other than residential, between 7 a.m. and 10 p.m.
- (2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 75 dB(A), as measured at the property line of a property zoned for use other than residential between 7 a.m. and 10 p.m.

- (3) This section does not apply to sounds up to:
- (a) 80 dB(A) lasting for a total period of time not exceeding two hours in any one day; or
 - (b) 85 dB(A) lasting for a total period of time not exceeding one hour in any one day.

**OVERNIGHT
DECIBEL LEVEL –
NON-RESIDENTIAL**

- 22 (1) A person shall not cause or permit any sound exceeding 60 dB(A), as measured at the property line of a property zoned for use other than residential, before 7 a.m. or after 10 p.m.
- (2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 60 dB(A), as measured at the property line of a property zoned for use other than residential, before 7 a.m. or after 10 p.m.

MOTOR VEHICLES

- 23 (1) If a motor vehicle is the cause of any sound that contravenes a provision of this bylaw the owner of that motor vehicle is liable for the contravention.
- (2) Subsection (1) does not apply if the owner, on a balance of probabilities, satisfies the court that, at the time the motor vehicle was involved in the contravention, the owner was not present in the motor vehicle and no other person was operating the motor vehicle with the owner's express or implied consent.

EXCEPTIONS

- 24 Nothing in this Part prohibits:
- (a) the City, its agents or employees, from managing the accumulation of snow and ice on highways and on City property; or
 - (b) situations where the City Manager has issued a permit allowing the production of certain sounds on whatever conditions the City Manager deems appropriate

PART IV - OUTDOOR FIRES

DEFINITIONS

- 25 In this Part:
- (a) “**fire**” includes any combustion whether or not flame is present or visible;
 - (b) “**fire ban**” means a period of time designated by the City Manager when, due to extremely dry or other unsafe

environmental conditions, outdoor fires are prohibited;

- (c) “**fire pit**” means a structure used for recreational fires that complies with section 27; and
- (d) “**fire place**” means a structure used for recreational fires that complies with section 28.

PROHIBITED FIRES 26 (1) A person shall not cause or permit an outdoor fire on land they own or occupy.

EXCEPTIONS

- (2) This section does not apply to:
 - (a) cooking food using an appliance designed and intended for that purpose and fuelled only by:
 - (i) liquid petroleum gas;
 - (ii) natural gas;
 - (iii) dry, preservative free wood or wood products; or
 - (iv) charcoal;
 - (b) smudge fires for the purpose of repelling insects or preventing frost in an orchard or garden provided that
 - (i) the fire is contained within a non-combustible receptacle; and
 - (ii) the land on which the fire is located is at least 0.5 hectares in area;
 - (c) recreational fires fuelled only by dry, preservative free wood or wood products and fully contained within a fire pit or fire place; or
 - (d) an outdoor fire for which a permit has been issued by the City Manager.

FIRE PIT REQUIREMENTS

- 27 A fire pit must:
- (a) be located at least three metres from any building, property line, or combustible material;
 - (b) be fully enclosed on all sides and constructed entirely from brick, concrete block, heavy gauge metal, or other non-

combustible material; and

- (c) have an opening that is:
 - (i) no more than one metre across;
 - (ii) no more than 60 centimetres above the surrounding surface grade; and
 - (iii) covered with a non-combustible mesh screen with openings no greater than 1.25 centimetres across.

**FIRE PLACE
STANDARDS**

- 28 A fire place must:
- (a) be located at least one metre from any building, property line, or combustible material;
 - (b) be constructed entirely from brick, concrete block, heavy gauge metal, or other non-combustible material;
 - (c) have a base fire burning area that is at least 30 centimetres above the surrounding surface grade;
 - (d) have a fire burning area that is no more than 1.25 metres wide and between 40 centimetres and 60 centimetres deep;
 - (e) have a chimney that
 - (i) extends at least 2.5 metres above the base fire burning area; and
 - (ii) is covered with a non-combustible mesh screen with openings no greater than 1.25 centimetres across.

FIRE BAN

- 29 Notwithstanding anything in this Part, a person shall not cause or permit an outdoor fire on land they own or occupy while a fire ban is in effect.

NUISANCE FIRE

- 29.1 (1) Notwithstanding anything in this Part, a person shall not cause or permit an outdoor fire on land they own or occupy that is reasonably likely to disturb the peace of any other individual.
- (2) In determining if an outdoor fire is reasonably likely to disturb the peace of any other individual, the following criteria may be considered:
- (a) demonstrated impact of the outdoor fire on health or well-being of others;
 - (b) proximity of the outdoor fire to adjacent or affected

properties;

- (c) duration of the outdoor fire;
- (d) date and time of the outdoor fire;
- (e) nature and intended use of the surrounding area; and
- (f) weather and ambient conditions.

**NUISANCE FIRE
ORDER**

29.2 (1) If a person contravenes section 29.1, the City Manager may, by written notice, restrict that person from causing or permitting outdoor fires on land they own or occupy in the manner directed by the City Manager.

(2) A written notice may direct the person to:

- (a) limit the duration or frequency of outdoor fires on land they own or occupy;
- (b) only cause or permit outdoor fires on land they own or occupy at certain times;
- (c) modify or relocate a fire pit or fire place; or
- (d) undertake any other action reasonably required to ensure outdoor fires are not reasonably likely disturb the peace of others.

(3) A person shall not contravene a written notice issued pursuant to subsection (1).

(4) A person who receives a written notice pursuant to subsection (1) may appeal the notice by filing a notice of appeal within 14 days of the date of the notice pursuant to the Community Standards and Licence Appeal Committee Bylaw, Bylaw 15166.

OWNER LIABILITY

30 Where a person who owns land contravenes or fails to comply with any provision of this Part, the person is liable for the expenses and costs related to the City extinguishing any related fires on the land.

PART V - WEED AND PEST CONTROL

DEFINITIONS

31 In this Part:

- (a) “**elm tree**” means any tree or part of a tree, whether dead

or alive, of the *Ulmus* genus; and

(b) “**Inspector**” means a bylaw enforcement officer appointed in accordance with the Enforcement Bylaw, Bylaw 16368;

(c) Repealed

(S. 15, Bylaw 18289, March 20, 2018)

HIGHWAY OCCUPANCY	32	For the purposes of the <i>Weed Control Act</i> and the <i>Agricultural Pests Act</i> , 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.
NOXIOUS WEEDS	33	Repealed
ELM TREE REMOVAL	34	A person shall not remove, cause or permit the removal of an elm tree unless the stump of the elm tree is: <ul style="list-style-type: none"> (a) removed to a depth of at least 10 centimetres below the surface of the soil; or (b) treated in a manner acceptable to an Inspector.
ELM TREE PRUNING	35	<p>(1) Unless otherwise ordered by an Inspector, and subject to subsection (2), a person who owns or occupies land shall keep every elm tree pruned so that the elm tree is free of wood that is dead or dying.</p> <p>(2) Unless otherwise ordered or permitted by an Inspector, a person shall not prune, cause or permit the pruning of an elm tree after March 31st and before October 1st in any year.</p>
BOULEVARD ELM TREES	36	Notwithstanding any other provision of this bylaw a person shall not: <ul style="list-style-type: none"> (a) remove or damage any elm tree on a boulevard; or (b) prune, cut, repair or perform any other work on any elm tree on a boulevard; <p>unless ordered or permitted to do so by the City Manager.</p>
ELM TREE TRANSPORTATION STORAGE USE AND SALE	37	<p>(1) A person shall not bring, cause or permit to be brought into the City an elm tree:</p> <ul style="list-style-type: none"> (a) suffering from Dutch elm disease caused by the fungus: <ul style="list-style-type: none"> (i) <i>Ophiostoma ulmi</i> (Buis.);

- (ii) *Ceratocystis ulmi* (Buis.); or
- (iii) *Ophiostoma novo-ulmi* (Brasier);
- or
- (b) carrying or infected by:
 - (i) the Native elm bark beetle (*Hylurgopinus rufipes*); or
 - (ii) the European elm bark beetle (*Scolytus multistriatus*).
- (2) Unless otherwise ordered or permitted by an Inspector, a person shall not cause or permit the transportation, storage, use or sale of an elm tree within the City.
- (3) In any order or permission pursuant to this section an Inspector must:
 - (a) describe the quantity, condition and type of elm trees that are the subject of the order or permission;
 - (b) describe the activity being permitted; and
 - (c) where applicable:
 - (i) describe the purpose, route and mode of transportation;
 - (ii) describe the storage location;
 - (iii) describe the use; or
 - (iv) describe the sale.

ELM TREE DISPOSAL

38 A person shall not dispose, cause or permit the disposal of an elm tree within the City unless the disposal is at a site authorized by the City Manager.

PART V.1 - EXCESSIVE IDLING

DEFINITIONS

38.1 In this Part “idle” or “idling” means the operation of the engine of a motor vehicle while the motor vehicle is not in motion.

NO IDLING

38.2 A person shall not cause, permit or allow a motor vehicle to idle

for more than five minutes total in any thirty minute period in any area identified as a no idling zone.

EXCEPTIONS

- 38.3 This Part does not apply to:
- (a) All motor vehicles when the outdoor temperature is less than zero degrees Celsius and only to allow safe vehicle operation and maintain clear windows;
 - (b) Motor vehicles licensed to provide for hire transportation services to the public;
 - (c) Vehicles transporting medically fragile people;
 - (d) Fire, police, medical services or other similar emergency motor vehicles while engaged in operational activities;
 - (e) Motor vehicles assisting in emergency activities;
 - (f) Motor vehicles in which the engine is used to operate auxiliary equipment that is essential to the basic function of the vehicle;
 - (g) Motor vehicles containing equipment that must be operated inside or in association with the vehicle;
 - (h) Motor vehicles idling in compliance with the manufacturer's written directions concerning proper vehicle performance and proper vehicle safety;
 - (i) Armoured motor vehicles in the course of being loaded or unloaded;
 - (j) Motor vehicles using heating or refrigeration systems powered by the vehicle engine for the welfare or preservation of perishable cargo;
 - (k) Motor vehicles in which proper ventilation system function is required to clear interior window surfaces of accumulated condensation, but only for the minimum period of time to allow safe visibility;
 - (l) Motor vehicles remaining motionless for brief periods of time, not to exceed three consecutive minutes, due to emergency, traffic conditions, weather conditions, a traffic control device or as directed by a peace officer;
 - (m) Motor vehicles idling where required for the purpose of

servicing or repairing the vehicle;

- (n) Motor vehicles engaged in a parade, race or other event authorized by the City; or
- (o) Motor vehicles operating solely on electric power or those idling without the use of an internal combustion engine.

PROOF OF EXCEPTION

38.4 The burden of proving that an exception applies in a particular case is on the person alleging such exception on a balance of probabilities.

PROSECUTIONS

38.5 (1) In the absence of evidence to the contrary, if a motor vehicle is involved in an offence referred to in this Part the registered owner of that vehicle is deemed to be a person causing, permitting or allowing the idling of the vehicle.

- (2) In any prosecution for an offence under this Part evidence by a person of audible engine noise or visual observation of exhaust coming from a motor vehicle shall be considered *prima facie* evidence of engine operation.

PART V.2 – ODOURS AND EMISSIONS

EXCESSIVE ODOURS AND EMISSIONS

38.6 (1) A person shall not engage in any activity that creates odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another individual.

- (2) A person shall not cause or permit property they own or occupy to be used so that any odour, emission, vapour, dust or other airborne matter from the property is reasonably likely to disturb another individual.
- (3) In determining if any odour, emission, smoke, vapour, dust or other airborne matter is reasonably likely to disturb another individual, the following criteria may be considered, but is not limited to:
 - (a) the type, frequency, intensity or duration of the odour, emission, smoke, vapour, dust or other airborne matter;
 - (b) the time of day and day of the week;
 - (c) the weather and ambient conditions;

- (d) the proximity to neighbouring properties;
- (e) the nature and use of the surrounding area; and
- (f) the effects of the odour, emission, smoke, vapour, dust or other airborne matter.
(S.2, Bylaw 18854, June 4, 2019)

PROSECUTIONS

- 38.7 (1) A person may be found guilty of a contravention of section 38.6 whether or not the air quality, particulate level, or odour is measured.
- (2) In the absence of evidence to the contrary, if the source of the odour, emission, smoke, vapour, dust or other airborne matter is originating from private property or from an activity taking place on private property, the person registered pursuant to the *Land Titles Act* RSA 2000, c L-4, as the owner of the private property is deemed to be the person causing, permitting or engaging in the activity that is creating the odour, emission, smoke, vapour, dust or airborne matter.
(S.3, Bylaw 18854, June 4, 2019)

PART VI - ENFORCEMENT

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| OFFENCE | 39 | A person who contravenes this bylaw is guilty of an offence. |
| CONTINUING OFFENCE | 40 | In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day. |
| VICARIOUS LIABILITY | 41 | For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship. |
| CORPORATIONS AND PARTNERSHIPS | 42 | (1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the |

corporation has been prosecuted for the offence.

- (2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

- 43 (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
- (a) \$250.00 for any offence for which a fine is not otherwise established in this section;
 - (b) Repealed
 - (c) \$100.00 for any offence under sections 7, 8, 12.2, 12.3, and 12.4.;
 - (d) Repealed
 - (e) \$500.00 for any offence under sections 6.2, 16, 20, and 22; and
(S.5, Bylaw 17678, June 28, 2016)
(S.4, Bylaw 19553, February 22, 2021)
 - (e.1) \$1,000.00 for any offence under:
 - (i) section 6(1) where the nuisance relates to the examples listed in section 6(2)(a.2);
 - (ii) Section 9.1; and
 - (iii) section 12.1 where the litter, garbage, waste, refuse or other waste material is any of the following:
 - (A) materials generated in the course of construction, demolition, or renovation; or
 - (B) individual items that are larger than 1 metre in any dimension or items that weigh more than 20 kilograms; or

(C) materials generated by or discarded as refuse from a non-residential property; or

(D) yard waste, including grass clippings, leaves, branches, trees, garden matter, soil, sod or dirt; and

(S.2, Bylaw 19362, September 21, 2020)

(S.4, Bylaw 19690, May 3, 2021)

(f) double these fine amounts for any subsequent offence.

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| MUNICIPAL TAG | 44 | If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence. |
| PAYMENT IN LIEU OF PROSECUTION | 45 | A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence. |
| VIOLATION TICKET | 46 | If a violation ticket is issued in respect of an offence, the violation ticket may: <ul style="list-style-type: none"> (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. |
| VOLUNTARY PAYMENT | 47 | A person who commits an offence may: <ul style="list-style-type: none"> (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; <p style="margin-left: 40px;">make a voluntary payment equal to the specified fine.</p> |
| ORDER TO COMPLY | 48 | <p>(1) If the City Manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it.</p> <p>(2) The order may:</p> <ul style="list-style-type: none"> (a) direct a person to stop doing something, or to change the way in which the person is doing it; (b) direct a person to take any action or measures necessary to |

remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention;

- (c) state a time within which the person must comply with the directions;
 - (d) state that if the person does not comply with the directions within a specified time, the City will take the action or measure.
- (3) A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- (4) An order issued pursuant to this section may be served:
- (a) in the case of an individual:
 - (i) by delivering it personally to the individual;
 - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - (iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;
 - (b) in the case of a corporation:
 - (i) by delivering personally to any director or officer of the corporation;
 - (ii) by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
 - (iii) by mail addressed to the registered office of the corporation.

OBSTRUCTION

49

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

PART VII - GENERAL

POWERS OF THE CITY MANAGER

- 50 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 investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;
 - (e) establish areas where activities restricted by this bylaw are permitted;
 - (f) establish forms for the purposes of this bylaw;
 - (g) issue permits with such terms and conditions as are deemed appropriate;
 - (h) establish the criteria to be met for a permit pursuant to this bylaw;
 - (i) delegate any powers, duties or functions under this bylaw to an employee of the City; and
 - (j) *deleted*
 - (k) designate periods of time when a fire ban is in effect.

(S.16, Bylaw 18289, March 20, 2018)

PERMITS

- 51 (1) A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
- (2) A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.
- (3) If any term or condition of a permit issued pursuant to this bylaw is

contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the City Manager may immediately cancel the permit.

- PROOF OF PERMIT** 52 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.
- OWNER LIABLE** 52.1 (1) In this section “owner” includes any person registered as an owner at the Motor Vehicle Registry.
- (2) If litter, garbage, waste, refuse or other waste material is disposed of on the privately owned property of another person from a vehicle and it cannot be determined who is the operator of the vehicle transporting the litter, garbage, waste, refuse or other waste material, the owner of the vehicle is deemed to be the person who disposed of the litter, garbage, waste, refuse or other waste material unless the owner proves to the satisfaction of a court that at the time of the offence the vehicle was not being operated or parked or left by the owner or by any other person with the owner’s consent, express or implied.
(S.3, Bylaw 19362, September 21, 2020)
- CERTIFIED COPY OF RECORD** 53 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- CERTIFICATES** 53.1 A certificate that purports to be issued by the manufacturer or calibrator of a device to verify, certify or otherwise declare the device’s calibration or conformity with standards shall be admitted in evidence as prima facie proof of the facts stated in that certificate.
- NUMBER AND GENDER REFERENCES** 54 All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

PART VIII - TRANSITIONAL

- REPEALS** 55 The following bylaws are repealed:
- (a) Bylaw 5535, the Control of Fireblight Bylaw;

- (b) Bylaw 5825, the Public Health Bylaw;
- (c) Bylaw 6046, the Weed Control Bylaw;
- (d) Bylaw 7255, the Noise Bylaw;
- (e) Bylaw 10406, the Nuisance Bylaw;
- (f) Bylaw 10874, the Open Air Fire Bylaw;
- (g) Bylaw 11468, the Dutch Elm Disease Bylaw; and
- (h) Bylaw 12972, the Minimum Maintenance Standards Bylaw.

EFFECTIVE DATE	56	This bylaw takes effect beginning on April 1, 2008.
ANNEXATION IMPLEMENTATION	57	The City Manager may approve exemptions or modifications to this bylaw, including the power to waive fees, where such exemptions or modifications are consistent with inter-municipal negotiations resulting in Order in Council 359/2018. (S.6, Bylaw 18666, January 22, 2019)

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 and Bylaw 16620 Section 16, and printed under the City Manager's authority)

Bylaw 14600, passed by Council May 22, 2007,

Amendments:

- Bylaw 17678, June 28, 2016
- Bylaw 18092, July 11, 2017
- Bylaw 18289, March 20, 2018
- Bylaw 18666, January 22, 2019
- Bylaw 19362, September 21, 2020
- Bylaw 19553, February 22, 2021
- Bylaw 19690, May 3, 2021