

BYLAW NO. 63-2013

A BYLAW OF THE CITY OF LLOYDMINSTER IN  
THE PROVINCES OF ALBERTA AND  
SASKATCHEWAN TO PROVIDE FOR THE  
ESTABLISHMENT OF A COMMUNITY  
STANDARDS BYLAW

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a Bylaw to deal with: the safety, health and welfare of people and the protection of people and property; people, activities and things in or near a public place or place that is open to the public, and; nuisances, including unsightly property, activities or things that affect the amenity of a neighbourhood;

AND WHEREAS pursuant to ss. 15(1) of the Lloydminster Charter the City has a general power to pass bylaws for any municipal purposes that it considers expedient in relationship to: the peace, order and good government of the City; the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public, and; nuisances, including unsightly property, activities or things that affect the amenity of a neighbourhood;

AND WHEREAS, pursuant to ss. 15(2) of the Lloydminster Charter, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Lloydminster Charter or any other enactment;

AND WHEREAS pursuant to ss. 512(f) of the Lloydminster Charter, if the City has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, the City may add to the tax roll of a parcel of land unpaid expenses and costs incurred by the City for removing the snow and ice in respect of the parcel;

AND WHEREAS Part 13, Division 4 of the Lloydminster Charter provides authority to the City with respect to the enforcement of municipal law;

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in the Lloydminster Charter, enacts as follows:

1. **Short Title**

- 1) This Bylaw shall be cited as the Community Standards Bylaw.

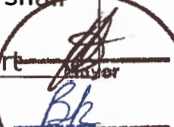
2. **Definitions**

In this bylaw, the following definitions shall apply:

<b>a) Back Alley</b>	That type of public highway intended primarily to give vehicles access to the rear or side of a Property.
<b>b) Boulevard</b>	Any part of a roadway that is: i) not generally used for vehicular

  
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		<p>traffic; and</p> <p>ii) is that part of the roadway that is not especially adapted to the use of or ordinarily used by pedestrians.</p>
<b>c) Bylaw Enforcement Officer</b>		Any Person appointed by the Council of the City of Lloydminster to enforce the provisions of the Lloydminster Charter, another enactment that the City is authorized to enforce, or a bylaw.
<b>d) Charter</b>		Refers to the Lloydminster Charter.
<b>e) City</b>		The Municipal Corporation of the City of Lloydminster, and includes the geographical area within the boundaries of the City of Lloydminster where the context requires.
<b>f) City Manager</b>		The person appointed by Council as the administrative head of the City pursuant to the Lloydminster Charter.
<b>g) Council</b>		The Mayor and Councillors of the City of Lloydminster Municipal Council.
<b>h) Derelict Vehicle</b>		Any motor vehicle that is dilapidated, partially or completely dismantled, or not capable of operating under its own power.
<b>i) Designated Officer</b>		Any Person who has been appointed a Bylaw Enforcement Officer, or any member of the RCMP, or a City of Lloydminster Building Inspector or Development Officer.
<b>j) Graffiti</b>		<p>Defacement or disfigurement of any Property, building or object accomplished through any of the following actions:</p> <ul style="list-style-type: none"> <li>i. the unauthorized application of any substance, including but not limited to paint, ink, stain or whitewash to any surface; OR</li> <li>ii. affixing any substance, including but not limited to paper, fabric or plastic by any form of adhesive material that does not remove cleanly when pulled away from the surface; OR</li> <li>iii. the marking, scratching, etching or any other disfigurement of any surface.</li> </ul>
<b>k) Loitering</b>		Without limiting its ordinary meaning, shall include loafing, wandering, standing, remaining idle either alone or in concert

  
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		with others.
<b>l) Motor Vehicle</b>		A vehicle propelled by any power other than muscular power including a moped, but does not include a bicycle, power bicycle, an aircraft, or a Motor Vehicle that runs only on rails.
<b>m) Noise</b>		Any sound that is reasonably likely to disturb the peace of others.
<b>n) Notice of Violation</b>		A ticket or similar document issued by the City alleging a bylaw offence, and providing a Person with the opportunity to pay an amount to the City in lieu of prosecution for the offence.
<b>o) Occupant</b>		Includes <ul style="list-style-type: none"> <li>i. a Person residing on or in apparent possession or control of a Property; OR</li> <li>ii. a Person entitled to the possession or control of a Property, if there is no Person residing on the Property or in apparent possession or control of the Property.</li> </ul>
<b>p) Order</b>		Any written notice or letter that requires the remedy of a contravention of the Lloydminster Charter, another enactment that the City is authorized to enforce, or a bylaw, or the remedy of dangers or unsightly Property, in accordance with Part 13, Division 4 of the Charter.
<b>q) Owner</b>		<ul style="list-style-type: none"> <li>i. In respect of land, the Person or group of Persons who is registered pursuant to the <i>Land Titles Act</i>, R.S.A. 2000, c. L-4 or <i>The Land Titles Act</i>, S.S., 2000, c. L-5.1 as the Owner of the land; and</li> <li>ii. In respect of Property other than land, a Person in lawful possession of it or who has the right to exercise control over it or be the registered Owner of it.</li> </ul>
<b>r) Person</b>		Any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
<b>s) Property</b>		A parcel of land including any improvements.
<b>t) Public Place</b>		Any place, whether publically or privately

  
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	owned, to which members of the public have access as a right or by express or implied invitation, whether on payment of any fee or not.
<b>u) Sidewalk</b>	That portion of a roadway set aside primarily for the use of pedestrians.
<b>v) Sound Level</b>	The sound pressure measured in decibels using the "A" weighted network of a Sound Level Meter with fast response.
<b>w) Spit</b>	To eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth.
<b>x) Street</b>	That portion of every roadway, public road, avenue, alley, public drive, or Public Place in the City, intended for the use of vehicles.
<b>y) Summary Offence Ticket</b>	As defined by the <i>Summary Offences Procedure Act, S.S., 1990-01, c. S-63.1.</i>
<b>z) Violation Ticket</b>	As defined by the <i>Provincial Offences Procedure Act, R.S.A. 2000, c. C-34.</i>

**3. Unightly Premises and Dangers to Public Safety**

- 1) The Owner or Occupant of a Property shall not permit unsightly premises or a danger to public safety on the Property.
- 2) For the purposes of this Bylaw, unsightly premises or a danger to public safety means a condition that, in the opinion of the Designated Officer, indicates a serious disregard for general maintenance or upkeep, a disregard for the standards contained in this Bylaw, or a danger to public safety or Property. Examples of unsightly premises or danger to public safety include but are not limited to the following:
  - a. failure to cut or maintain grass, weeds, shrubs, trees or other landscaping to an acceptable standard;
  - b. failure to destroy prohibited weeds, control noxious weeds or prevent the spread of nuisance weeds;
  - c. the growth of trees or shrubs in a manner that interferes with or endangers visibility of Street signage or Sidewalk clearance;
  - d. the accumulation of any material that creates unpleasant odors, any material that attracts pests, or any animal remains or animal feces;
  - e. the storage or accumulation of dilapidated or Derelict Vehicles;
  - f. the external storage of more than one intact, operable unregistered Motor Vehicle;
  - g. the storage or accumulation of garbage, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture and/or appliances, machinery parts, or other similar materials or items;



- h. the failure to maintain a building, structure or improvement, including a fence, so that it deteriorates, becomes unsightly or becomes a safety hazard;
- i. the existence of an excavation or hole or structure that is, in the opinion of the Designated Officer, unsafe; or
- j. failure to fence or secure any excavation, drain, ditch or any other depression so as to prevent it from being a danger to public safety.

#### **4. Noise**

- 1) No Person shall cause or permit any noise within the limits of the City that is, in the opinion of the Designated Officer, unusual or unnecessary or likely to annoy or disturb the peace of any other Person.
- 2) No Person shall permit Property that they own, occupy, or control to be used so that noise from the Property is, in the opinion of the Designated Officer, unusual or unnecessary or likely to annoy or disturb the peace of any other Person.
- 3) No Person shall, in the opinion of the Designated Officer, yell, scream, or swear in any Public Place.
- 4) No Person shall, in the opinion of the Designated Officer, operate a Motor Vehicle in a manner that is likely to annoy or disturb the peace of any other Person in the vicinity of that Motor Vehicle.
- 5) 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; and
  - d. any other relevant factor.
- 6) The provisions of this part do not apply to:
  - a. emergency vehicles;
  - b. construction in residential developments during the hours of 6:00 am to 10:00 pm;
  - c. work on a City Street or a public utility carried out by the City, the Owner or operator of the utility, or its contractors;
  - d. the activities of the Lloydminster Exhibition Association during the period of the annual exhibition; or
  - e. special events authorized by the City of Lloydminster.

#### **5. Graffiti**

- 1) No Person shall place Graffiti, or cause or permit Graffiti to be placed, on any Property, notwithstanding the consent of the Owner or Occupant of the Property.
- 2) Every Owner and Occupant of a Property shall, within such reasonable time as determined and directed by a Designated Officer, remove, cover, or otherwise permanently conceal from public view, any Graffiti placed on the Property.
- 3) The provisions of subsections (1) and (2) shall not apply to any temporary art or advertising on City Property that has been approved by the City for a special event.



## **6. Littering**

- 1) No Person shall place, deposit or throw upon any Property owned or under the control of the City, or any Public Place or body of water:
  - a. any type of cardboard or wooden box, carton, container or receptacle;
  - b. any paper, wrapper, envelope or covering of any kind, whether paper or not, from any food or confectionary;
  - c. paper of any kind, whether or not it contains written or printed matter;
  - d. any human, animal or vegetable matter or waste;
  - e. any glass, pottery, nails, needles, tacks, barbed wire or other breakable or sharp objects;
  - f. scrap metal, scrap lumber, tires, dismantled or dilapidated Motor Vehicles or parts therefrom;
  - g. any Motor Vehicle or any part of any Motor Vehicle which may in any way obstruct any highway, Street, lane, Back Alley or other Public Place, or;
  - h. tobacco product debris, gum, dirt, filth or rubbish of any kind whether similar or not to the foregoing.
- 2) Any Person who has placed, deposited, thrown or caused to be placed, deposited or thrown any matter referred to in subsections (1)(a) to (h) upon any surface referred to in subsection (1) shall immediately remove it.

## **7. Conduct in Public Places**

- 1) No Person shall urinate or defecate in or on a Public Place or in public on any private Property, other than a public washroom.
- 2) No Person shall Spit in or on any Property owned or under the control of the City, or in or on any Public Place, or in public on a private Property.
- 3) No Person shall loiter in a Public Place in such a manner as to:
  - a. Obstruct any Street or sidewalk or any Public Place or building by hindering or impeding the free and uninterrupted passage of vehicles, traffic or pedestrians; or
  - b. Commit upon or enter upon any Street, sidewalk, or any other Public Place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of Property or with any business lawfully conducted by anyone or upon or facing or fronting upon such Street, or sidewalk or any other Public Place or building, all of which prevents the free uninterrupted ingress, egress and regress, therein or thereon.
  - c. No person shall loiter on or near any monument located in the City.
- 4) No Person shall utter profanities or obscenities to a Designated Officer who is engaged in the lawful performance of their duties.
- 5) No Person shall participate in a fight or other physical confrontation in any Public Place.
  - a. Notwithstanding Section 7-5 of this bylaw, the following activities would be exempt from the provisions of this bylaw and would not constitute an offense under this bylaw:
    - i) Any event that is governed by the provisions of Bylaw2-2010;
    - ii) Any amateur event that includes contact between contestants employing a range of fighting techniques including striking, kicking or grappling using feet, hands, arms, elbows, legs that is sanctioned by a provincial or national organization, commission or authority that is empowered to regulate these types of activities.





## **8. Streets, Sidewalks and Public Areas**

- 1) The Owner or Occupant of any Property situated along municipal Streets shall be responsible for removal of snow, ice, dirt, debris, or other material from the Sidewalk within seventy-two (72) hours after the snow, ice, dirt or debris is deposited thereon by any means whatsoever.
  - a. Notwithstanding Section 8-1 the City of Lloydminster will clean city maintained sidewalks and walking trails in accordance with City policy.
- 2) The Owner or Occupant of any Property shall not place snow, ice, dirt, debris or other material onto the Street, any Public Place, or on private Property other than their own, within the City.
- 3) Notwithstanding subsection (2) no Person shall be guilty of an offence under this Bylaw where the City has requested the Owners or Occupants of a Property to move snow, ice, and dirt from the Sidewalk to the Street for the purposes of Street cleaning or sweeping operations undertaken by the City.
- 4) If any Occupant or Owner fails to comply with the provisions of this section of the Bylaw, the City may carry out or contract for the removal of snow, ice, dirt, debris or other material with all costs and expenses involved being charged to the Owner or Occupant of the said Property, and any unpaid costs or expenses being added to the tax roll of the Property to be recovered in like manner as and with other taxes pursuant to the Charter.
- 5) No Person who is carrying on construction or alteration shall deposit on any Street, Back Alley, lane or Public Place any earth, gravel, refuse, surplus materials, containers or any other type of material unless he has obtained a permit from the City.
  - a. The permit shall be in a form approved by the City Manager or his designate.
  - b. The City Manager, or his designate, will receive and review applications for permits under this section of this bylaw. The City Manager, or his designate, shall have the sole authority to approve or deny any application.
  - c. Every Person who applies for a permit under this bylaw shall provide all information as requested in the permit application.
  - d. Every Person who acquires a permit from the City shall be deemed to have entered into a contract with the City and shall be legally bound to comply with all terms and conditions as outlined on the permit.
  - e. Every Person who fails to comply with the terms and conditions of the permit or who fails to obtain a permit shall be liable for any costs, expenses and charges that may be incurred by the City to remedy any condition that such Person or permit holder has failed to comply with.
  - f. Every Person who fails to comply with the conditions of a permit issued under this bylaw or who fails to obtain a permit is guilty of an offence.

## **9. Maintenance of Boulevards and Back Alleys**

- 1) The Owner or Occupant of a Property within the City is responsible to maintain:
  - a. the Boulevard that is adjacent to his/her Property; and
  - b. the Property adjacent to the Back Alley that is abutting his/her Property to ensure that the Property does not constitute an unsightly premises or danger to public safety.



**10. Authority to Remove**

- 1) Any Designated Officer may authorize any City employee or other Person to remove and put in storage or destroy any item placed on any Property owned or under the control of the City, or on any Public Place or body of water, in contravention of this Bylaw.

**11. Inspection of Property**

- 1) The Designated Officer may, after giving reasonable notice to the Owner or Occupant of the Property, enter a Property and carry out an inspection for the purposes of ensuring compliance with this Bylaw.
- 2) Any Person who refuses to allow the Designated Officer to enter a Property to carry out the inspection is guilty of an offence under this Bylaw.

**12. Issuance of Orders**

- 1) If a Designated Officer:
  - a. forms the opinion that a structure, excavation or hole is dangerous to public safety; or if Property, because of its unsightly condition, is detrimental to the surrounding area; or
  - b. becomes aware of a contravention of this Bylawthe Designated Officer may issue an Order pursuant to ss. 503 or 504 of the Charter.
- 2) The Order shall be in a form and with the content required by the Charter.

**13. Service of Order**

- 1) An Order issued by the Designated Officer shall be deemed to have been duly served on the Person or Persons to whom it is addressed by:
  - a. personally delivering the Order to the Person or Persons to whom it is addressed; or
  - b. leaving the Order with a Person apparently over the age of eighteen (18) years at the residence of the Person or Persons to whom the Order is addressed; or
  - c. by sending the Order by registered mail to the last known postal address of the Person or Persons to whom it is addressed; or
  - d. posting the Order in a conspicuous place on the Property referred to in the Order where the Designated Officer has reason to believe the Person or Persons to whom the Order is addressed is evading service.

**14. Review of an Order by Council**

- 1) A Person who receives an Order pursuant to ss. 503 or 504 of the Charter may, by written notice, request that Council review the Order within such time as provided for in ss. 506 of the Charter.
- 2) A request pursuant to subsection (1) shall be submitted to  
Office of the City Clerk  
City Hall  
4420 50 Avenue  
Lloydminster, AB T9V 0W2
- 3) After reviewing the Order, Council may confirm, vary, substitute, or cancel the Order.





**15. Appeal**

- 1) Any Person affected by a decision of Council under ss. 506 of the Charter shall have such rights of appeal as provided for and in accordance with ss. 507 of the Charter.

**16. Costs to Remedy Situation**

- 1) The City may, in accordance with ss. 508 and 509 of the Charter, take whatever actions or measures are necessary to remedy or prevent the re-occurrence of a contravention of this Bylaw, the Charter, or any other enactment that the City is authorized to enforce, or to eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of Property.
- 2) The expenses and costs of an action or measure taken by the City under subsection (1) are an amount owing to the City and Council may add the amount owing to a tax roll in accordance with ss. 512 through 514 of the Charter.

**17. Obstruction**

- 1) No Person shall obstruct, hinder or otherwise interfere with a Designated Officer who is engaged in the lawful performance of their duties.

**18. Offences and Penalties**

- 1) A Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction:
  - a. in the case of an individual, to a fine not less than \$300.00 and not exceeding \$10,000.00 and in the case of a continuing offence, to a further fine of not more than \$10,000.00 for each day during which the offence continues;
  - b. in the case of a corporation, to a fine not less than \$300.00 and not exceeding \$25,000.00 and in the case of a continuing offence, to a further fine of not more than \$25,000.00 for each day during which the offence continues.
- 2) In default of payment of a fine imposed under subsection (1) the Person convicted may be imprisoned for a term of not more than one year.
- 3) A Designated Officer may issue a Notice of Violation to any Person who the Designated Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 4) A Notice of Violation may be issued to such Person:
  - a. personally, or;
  - b. by mailing a copy to such Person at their last known address.
- 5) The Person to whom a Notice of Violation is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified in the Notice of Violation within the prescribed time.
- 6) If the penalty specified on a Notice of Violation has not been paid within the prescribed time, then a Designated Officer may issue a Violation Ticket or Summary Offence Ticket to any Person who the Designated Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 7) Notwithstanding subsection (6), a Designated Officer is hereby authorized and empowered to immediately issue a Violation Ticket or Summary Offence Ticket to any person who the Designated Officer has reasonable grounds to believe has

  
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contravened any provision of this Bylaw. Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a Violation Ticket or Summary Offence Ticket.

- 8) The Violation Ticket or Summary Offence Ticket may provide for payment of the specified penalty set out in Schedule "A" to this Bylaw for the offence and the recording of such payment by the Court shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
- 9) Subsection (8) shall not prevent a Designated Officer from issuing a Violation Ticket or Summary Office Ticket requiring a court appearance of the defendant.

**19. Severability**

- 1) The invalidity of any section of this Bylaw will not affect the validity of the remainder of the Bylaw.

**20. Number and Gender References**

- 1) 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.

The following bylaws and all amendments thereto are hereby repealed:

- Bylaw 46-1909, regarding the removal of snow and obstructions from Sidewalks.
- Bylaw 17-1978, regarding the cleaning of snow and ice from Sidewalks in certain areas of the City of Lloydminster.
- Bylaw 6-1980 and amending Bylaw 12-1999 entitled the Noise Bylaw.
- Bylaw 3-1983, entitled the Maintenance and Occupancy Bylaw.
- Bylaw 13-1999, entitled the Curb Fighting in Public or Other Places Bylaw.

INTRODUCED AND READ a first time this 25<sup>th</sup> day of November, 2013, A.D.

READ a second time this 16<sup>th</sup> day of December, 2013, A.D.

READ a third time this 16<sup>th</sup> day of December, 2013, A.D.



  
MAYOR

  
CITY CLERK

**Schedule A to  
Bylaw 63 - 2013**

**Schedule of Fines**

<b>Offence</b>	<b>Section</b>	<b>Fine</b>
<b>Noise</b>	4	\$300.00
a) second and all subsequent offences within 1 year		\$500.00
<b>Yelling, Screaming, Swearing</b>	4(3)	\$300.00
a) second and all subsequent offences within 1 year		\$500.00
<b>Operate a Motor Vehicle in a manner to cause unnecessary noise</b>	4(4)	\$300.00
a) second and all subsequent offences within 1 year		\$500.00
<b>Place or Cause or Permit to be Placed Graffiti on Property</b>	5(1)	\$1,000.00
a) second and all subsequent offences within 1 year		\$2,500.00
<b>Failure to Remove or Conceal Graffiti</b>	5(2)	\$300.00
a) second and all subsequent offences within 1 year		\$500.00
<b>Depositing Litter on City Property</b>	6(1)	\$300.00
a) second and all subsequent offences within 1 year		\$500.00
<b>Failing to remove litter</b>	6(2)	\$300.00
a) second and all subsequent offences within 1 year		\$500.00
<b>Urinating or defecating in a Public Place</b>	7(1)	\$500.00
a) second and all subsequent offences within 1 year		\$1,000.00
<b>Spitting</b>	7(2)	\$300.00
a) second and all subsequent offences within 1 year		\$500.00
<b>Loiter in Public Place</b>	7(3)	\$300.00
<b>Utter profanities to Designated Officer</b>	7(4)	\$300.00
<b>Fight or Physical Confrontation</b>	7(5)	\$300.00
<b>Failure to clean Sidewalk within 72 hours</b>	8(1)	\$300.00

  
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<b>Deposit snow or ice on Street or City-owned Property</b>	8(2)	\$300.00
a) second offence within 1 year		\$500.00
b) third and all subsequent offences within 1 year		\$2,500.00
<b>Deposit earth, gravel, refuse, etc. on Street without permit</b>	8(5)	\$300.00
a) second offence within 1 year		\$500.00
b) third and all subsequent offences within 1 year		\$2,500.00
<b>Refusing to allow Designated Officer access to carry out an inspection</b>	11(2)	\$1,000.00
<b>Obstruct, hinder or interfere with a Designated Officer</b>	17(1)	\$300.00

