

## Community Standards Bylaw Policy Review

The City is developing a Community Standards Bylaw (CSB). The CSB will serve to regulate and enable activities that pertain to the safety, health, and welfare of residents on private and public property.

To inform a policy discussion on each of the topics, information has been assembled in the template below on what the current local context is, what other comparator municipalities have done, Administration's recommendations concerning minimum standards, as well as potential financial and operational implications.

**TOPIC NAME:** Nuisance/Unsightly Property AND Refrigerators, Freezers, and Other Appliances (including maintenance of business properties, utility boxes, and pet waste on public property)

### 1. CURRENT SPRUCE GROVE BYLAWS

[Spruce Grove Nuisance, Unsightly and Untidy Property Bylaw](#) contains provisions that are focused on accumulation, debris, and property with serious disregard for maintenance, and/or posing a safety issue.

"Refuse" shall mean junked articles including but not limited to solid wastes, including broken dishes, tins, glass, rags, clothing, paper, cardboard, food containers, grass cuttings, shrubbery and tree prunings, weeds and garden waste, abandoned vehicles, tires, residential furnishings, household appliances, animal feces or garbage bags. ([Spruce Grove Nuisance Unsightly and Untidy Properties Bylaw](#), s. 1.13)

"Untidy" or "Unsightly" property shall mean:

- a) A property that, because of its condition, or the accumulation of refuse, is detrimental to the use and enjoyment of the surrounding area or neighbouring properties;
- b) In respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep or repair, or that in the opinion of a designated officer, is dangerous to public safety; or
- c) In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep or if in the opinion of a designated officer, an excavation hole is dangerous to public safety or property. ([COSG Nuisance Unsightly and Untidy Properties Bylaw](#), s. 1.14)

[Spruce Grove Land Use Bylaw](#), s.52A indicates that "no storage or activity may be undertaken that would, in the opinion of the Development Officer constitutes a danger or annoyance to persons on the site, on a public property or on a site in the vicinity to it."

## 2. SPRUCE GROVE CONTEXT

The City received 204 complaints on nuisance/unsightly properties in 2022. These 204 complaints were made on 268 properties (sometimes a complainant filed a complaint on multiple properties). Of these complaints, compliance was achieved in 86 per cent of cases through discussion/education, 8 per cent through a ticket to the owner, and 6 per cent through a third-party contractor (charged on tax roll).

The accumulation of appliances in yards is not a significant concern in the City.

## 3. OTHER JURISDICTIONS

### Edmonton

- Section 6 of [Edmonton CSB](#) outlines what is considered a nuisance.
- Property maintenance is generally addressed in [Edmonton CSB](#), ss. 4 - 12

#### *Appliances*

- 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.
  - 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
- [\(Edmonton CSB, 12\(1\)\(2\)\)](#)

### Beaumont

Property Maintenance and Nuisance is generally addressed in [Beaumont CSB](#), ss. 23 - 45.

#### *Nuisance*

23(b) “Nuisance” means any use of or activity on land which unreasonably interferes with a Person’s use and enjoyment of Property or demonstrates a disregard for the general maintenance and upkeep of Property to produce a material annoyance, inconvenience, or discomfort to other Persons, whether it is detrimental to the surrounding area, some examples of which include, but are not limited to, the following:

- (i) 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;

- (ii) loose litter, garbage, construction debris or refuse whether located in a storage area, collection area or elsewhere on the land;
- (iii) damaged, dismantled or derelict vehicles or Motor Vehicles, whether insured or registered, or not;
- (iv) smelly or messy compost heaps;
- (v) grass or weeds higher than 20 centimeters;
- (vi) production of excessive dust, dirt or smoke;
- (vii) production of any generally offensive odours;
- (viii) any open structure or container placed in, on or over land which exposes any surrounding area to automotive fluids, including but not limited to, engine oil, brake fluid or antifreeze;
- (ix) use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
- (x) any tree, shrub, other type of vegetation or any structure:
  - (1) that obstructs any Sidewalk adjacent to the land;
  - (2) that encroaches onto or covers any Sidewalk;
  - (3) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land or access to the land; or
  - (4) that has any rot or other deterioration;
  - (5) the failure to destroy prohibited weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
  - (6) any publicly accessible excavation, ditch, drain or standing water that could pose a danger to the public; any construction project or activity not completed within five (5) years of the date the building permit for the project or activity was issued by the City or, if no permit was issued or required, within five (5) years of starting the construction project or activity; and
  - (7) any conditions likely to attract wild animals, pests, other vermin, or domestic animals not associated with the subject Property.

24 “Unsightly” or “Untidy” means:

- (a) A Property that, because of its condition or the accumulation of refuse, debris, materials, or other items, is detrimental to the use and enjoyment of the surrounding area or neighboring properties;
- (b) In respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep, or repair, or which constitutes a Nuisance;

(c) In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep, or which constitutes a Nuisance; or

(d) In an unsightly condition within the meaning of s. 546 of the MGA.

#### *Unsightly or Untidy Properties*

27 A Person shall not allow Property which they Own or Occupy to be or to become Unsightly or Untidy.

28 No Owner or occupant of a Property shall have or allow in or on the Property, the accumulation of:

(a) anything that creates an odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another individual; or

(b) any material likely to attract animals, pests, or wildlife; or

(c) animal remains, parts of animal remains, or animal feces.

29 A Person shall not have or allow the following to accumulate on Property which they Own or Occupy such that the accumulation is visible to a Person outside the Property:

(a) loose garbage or bagged garbage;

(b) bottles, cans, boxes, or packaging materials;

(c) household furniture or other household goods;

(d) automobile parts;

(e) parts of or disassembled machinery, equipment or appliances; or

(f) yard waste, including grass, tree and hedge cuttings, leaves and other refuse.

Beaumont lists the following in their CSB with respect to Buildings and Unoccupied Buildings ([Beaumont CSB](#), ss. 37-39):

#### *Buildings*

- A Person shall not cause or permit a Nuisance to exist in respect of any Building located on land they Own or Occupy.
- For greater certainty, a Nuisance in respect of a Building means a Building that shows signs of serious disregard for general maintenance and upkeep, whether it is detrimental to the surrounding area or not, some examples of which include, but are not limited to, the following:
  - a) damage to the Building;
  - b) a Building that is rotting or deteriorating; 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.

### *Unoccupied Buildings*

- 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:
  - (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.
- With respect to refrigerators, freezers or other appliances, Beaumont uses the same wording as Edmonton [Beaumont CSB](#), ss. 44-45

### **Strathcona County**

- Nuisance is addressed in s. 2(t), 15-19 in [Strathcona CSB](#)
- General building, yard, and fence maintenance begins at s. 34 in [Strathcona CSB](#)

### **St. Albert**

- Nuisance and property maintenance is addressed in [St. Albert CSB](#), ss. 5-7

## **4. ADMINISTRATION'S RECOMMENDATIONS**

During the January 16, 2023 Committee of the Whole meeting, members requested that the CSB address the condition of utility boxes, maintenance of business properties, and pet waste on private property.

### **Nuisance and Unsightly Properties, Maintenance of Business Properties, and Utility Boxes**

Minimum standards with respect to nuisance/unsightly properties are contained in existing City legislation, specifically Spruce Grove's Nuisance, Unsightly and Untidy Properties Bylaw, ss. 1.13-1.14 (above).

Administration recommends adapting the language that Beaumont uses in its CSB with respect to Buildings and Unoccupied Buildings in sections 37-38 and any items the Committee wishes to address in the sections on Nuisance, Unsightly or Untidy Properties ss. 23(b), 24 and 27-29 (above).

This more prescriptive bylaw language will allow for the City to address a wider range of nuisance and unsightly properties and act on "serious disregard for maintenance and upkeep" which covers a range of items including the following:

- Residential property
  - State of a fence (paint, missing board)
  - Exterior of house (paint condition, siding condition, missing siding)

- Drainage pipe (point to Surface Drainage Bylaw)
- Abandoned/junked vehicles
- Commercial property
  - Unsightly surface infrastructure (such as potholes and landscaping if there is a healthy and safety and/or property damage complaint)
  - Exterior of building
  - Signage maintenance
  - Fencing
  - Dumpsters - no waste outside the dumpster
  - Shopping carts
- Utility boxes
  - Rust, leaning, open doors

With respect to utility boxes, there are currently no municipally driven maintenance requirements specified in franchise agreements with Fortis and ATCO Gas. The Franchise agreements speak to their individual level of service provided. There are currently no maintenance agreements with other third-party companies such as Telus or Shaw. These companies likely have their own maintenance programs. If changes are desired, they could be affected by the CSB and/or specific maintenance agreements.

### **Pet Waste**

Administration recommends adapting Beaumont's CSB wording which indicates "No owner or occupant of a Property shall have or allow in or on the Property, the accumulation of .... animal feces" ([Beaumont CSB](#), s. 28c)

**Committee Question:** Is there a desire to add additional standards/examples and timing with respect to nuisance, unsightly properties, and pet waste?

### **Refrigerators, Freezers and Other Appliances**

The minimum standards are listed in [Spruce Grove Nuisances, Unsightly and Untidy Properties Bylaw](#), s. 1.13). The definition of refuse includes "household appliances."

Administration recommends adapting the same wording as Beaumont and Edmonton have in their CSBs (above) which indicates that refrigerators, freezers, or other appliances shall not be placed on land unless measures are taken to prevent the open and closing of that appliance. This wording is recommended to ensure safety measures are in place so a person or animal cannot get trapped inside.

**Committee Question:** Is there a desire to allow appliance accumulation, address time frame for aesthetics and safety issue (with proper storage and security practices), and how long are appliances permitted on residential property (to make allowances for transport)?

If there is a desire to add a time frame, Administration recommends 14 days.

## **5. FINANCIAL AND OPERATIONAL IMPLICATIONS**

Additional enforcement measures may be required depending on the direction of the Committee.