



**MUNICIPAL POLICY REVIEW COMMITTEE  
AGENDA  
COUNCIL CHAMBER  
Thursday, May 28, 2020**

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1. **ORDER** – 1:30 p.m.
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**  
- January 30, 2020 Municipal Policy Review Committee Meeting √
4. **POLICY REVIEW**
  - a) **1:30 p.m. Agricultural Services**
    - i) AP-06 Local Food Policy √ A. Van Beers
  - b) **1:45 p.m. Public Works & Engineering**
    - i) MS-01 Property Access Approach Policy √ G. Broadbent  
R. Spila
    - ii) MS-02 Access Road Policy and Rescind MS-03 Access Road  
Construction – County Road Network Policy √ R. Spila
  - c) **2:15 p.m. Enforcement Services**
    - i) Bylaw Revised - Community Standards √ C. Nelson
5. **NEXT MEETING DATE** – June 25, 2020
6. **ADJOURNMENT**

√ Attachment Provided

**MINUTES OF THE LEDUC COUNTY MUNICIPAL POLICY REVIEW COMMITTEE MEETING  
HELD ON THURSDAY, JANUARY 30, 2020 IN THE COUNCIL CHAMBER OF THE COUNTY  
CENTRE BUILDING, NISKU, ALBERTA.**

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**Order and Roll Call**

The meeting was called to order at 1:30 p.m., Thursday, January 30, 2020 with the following in attendance:

- Chair Kelly Vandenberghe
- Committee Member (Mayor) Tanni Doblanko
- Committee Member Kelly-Lynn Lewis
- Rick Thomas, Deputy County Manager
- Renee Klimosko, General Manager of Financial & Corporate Services
- Joyce Gavan, Recording Secretary
- Natasha Wice, Director of Finance

**Agenda Adoption**

**MP01-20** Committee Member Lewis – that the agenda for the January 30, 2020 Municipal Policy Review Committee meeting be adopted as circulated.

Carried

**Previous Minutes – October 24, 2019 Municipal Policy Review Committee Meeting**

**MP02-20** Committee Member Doblanko – that the minutes of the October 24, 2019 Municipal Policy Review Committee meeting be confirmed as circulated.

Carried

**Messrs. Van Beers and deMilliano**

Aaron Van Beers, Manager of Agricultural Services, and Brendan deMilliano, Agricultural Foreman, entered the council chamber at 1:34 p.m.

**Policy Review - Financial Management Policy FM-01 and Signing Authority Policy FS-05**

Natasha Wice, Director of Finance, presented the proposed policies FM-01 Financial Management and FS-05 Signing Authority for review as well as rescinding the following policies:

- FS-01 Banking
- FS-02 Account Receivables and Payables
- FS-03 Tangible Capital Assets

**Mr. Coleman**

Duane Coleman, County Manager, entered the council chamber at 1:42 p.m.

**Messrs. Nelson, Miller and Richards**

Clarence Nelson, Director of Enforcement Services; Matthew Miller, Planner/Engineering Technologist and Colin Richards, Lead of Development Services entered the council chamber at 1:53 p.m.

**MP03-20** Committee Member Doblanko – that the Municipal Policy Review Committee:

- 1) refers back to administration for implementation of recommended changes to the following policies, as presented, and brings back to Leduc County Council for approval:
  - Financial Management Policy FM-01

- Signing Authority Policy FS-01

Carried

**MP04-20** Committee Member Lewis – that the Municipal Policy Review Committee brings back to Leduc County council for rescinding of the following policies:

- Banking Policy FS-01
- Accounts Receivables and Payable Policy FS-02
- Tangible Capital Asset Policy FS-03

Carried

Mrs. Wice

Mrs. Wice exited the council chamber at 2:00 p.m.

### **Policy Review – Agricultural Services**

Aaron Van Beers, Manager of Agricultural Services, and Brendan deMilliano, Agricultural Foreman, presented the following proposed policies for recommendation to council of approval:

- Horticultural Services AP-04
- Sustainable Agriculture AP-05
- Fenceline Spraying VM-03

**MP05-20** Committee Member Doblanko – that the Municipal Policy Review Committee refers back to administration for implementation of recommended changes to the Horticultural Services Policy AP-04, as presented, and brings back to Leduc County Council for approval.

Carried

**MP06-20** Committee Member Lewis – that the Municipal Policy Review Committee refers back to administration for implementation of recommended changes to the Sustainable Agriculture Policy AP-05, as presented, and brings back to Leduc County Council for approval.

Carried

Mr. Downey

Dean Downey, Manager of Utilities, entered the council chamber at 2:10 p.m.

**MP07-20** Committee Member Doblanko – that the Municipal Policy Review Committee refers back to administration for implementation of recommended changes to the Fenceline Spraying Policy VM-03, as presented, and brings back to Leduc County Council for approval.

Carried

Messrs. Van Beers and deMilliano

Messrs. Van Beers and deMilliano exited the council chamber at 2:12 p.m.

### **Policy Review – Communal Wastewater Treatment Systems Pilot Project Management Policy UT-03**

Dean Downey, Manager of Utilities, presented the Communal Wastewater Treatment Systems Pilot Project Management Policy UT-03 for recommendation to council of approval:

**MP08-20** Chair Vandenberghe – that the Municipal Policy Review Committee refers back to administration for implementation of recommended changes, as presented, to the Communal Wastewater Treatment Systems Pilot Project Management Policy UT-03 and brings back to Leduc County Council for approval.

Carried

Mr. Downey

Mr. Downey exited the council chamber at 2:23 p.m.

**Policy Review – Membership Policy CM-02**

Duane Coleman, County Manager, presented the proposed recommendation to council to rescind Membership Policy CM-02.

**MP09-20** Committee Member Doblanko – that the Municipal Policy Review Committee refers back to administration for referral to Leduc County Council to rescind Membership Policy CM-02.

Carried

**Communal Standards Bylaw and Animal Control Bylaw Regulations**

Clarence Nelson, Director of Enforcement Services, provided an update and requests direction on how to proceed regarding the development of a municipal bylaw dealing with property concerns.

Committee Member Lewis

Committee Member Lewis exited the council chamber at 2:42 p.m. for personal reasons.

**MP10-20** Committee Member Doblanko – that the Municipal Policy Review Committee refers back to administration the development of a municipal bylaw dealing with property concerns and brings back to a future council workshop.

Carried

Messrs. Nelson, Miller and Richards

Messrs. Nelson, Miller and Richards exited the council chamber at 2:56 p.m.

**Next Municipal Policy Meeting Date**

**MP11-20** Chair Vandenberghe – that the February 27, 2020 Municipal Policy Review Committee meeting be cancelled due to the attendance of members at the Farm to Market to Table conference.

Carried

The next Municipal Policy Review Committee meeting will be held on Thursday, March 26, 2020, commencing at 1:30 p.m.

**Adjournment**

**MP12-20** Committee Member Doblanko – that the Municipal Policy Review Committee meeting be adjourned.

The Municipal Policy Review Committee meeting adjourned at 2:57 p.m.

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Chair

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County Manager



## Recommendation to Municipal Policy Review Committee

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### REPORT NAME

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Policy Review – AP-06 Local Food

### RECOMMENDATION

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That the Municipal Policy Review Committee support the Local Food policy and refer it to council for approval.

### IMPLICATIONS

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Reason: Policy review

Authority (MGA/Bylaw/Policy): Leduc County Bylaw 34-17

Funding Required: Program budgeted for annually

Funding Source: Not applicable

### BACKGROUND

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- Strategic Priority 2 of the Strategic Plan: *Agricultural Innovation and Support for Local Food*, states “Leduc County encourages and supports agricultural innovation, the protection of agriculture land, agribusiness and local food initiatives.” To meet this priority, a local food coordinator was approved as a full-time Leduc County position. In August 2019, Sharon Faye filled that position and has been working to develop the Local Food program within Leduc County.
- A Local Food policy will outline council’s direction with respect to local food and through that, the role that the agricultural services department will take to support a local food initiative within the municipality.
- Administration has drafted a proposed policy for review by the Municipal Policy Review Committee seeking committee support and referral to Leduc County council for approval. This policy has been formatted according to the most recent municipal policy template.

### ATTACHMENTS

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- AP-06 Local Food Policy – proposed draft

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**Submitted by:** Aaron Van Beers, Manager of Agricultural Services  
**Date:** March 16, 2020

<b>Department:</b> <b>Agricultural Services</b>	<b>Section:</b> <b>AP-Agricultural Program Services</b>
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## **AP-06 Local Food**

### **Policy statement**

Leduc County encourages agribusiness and local food initiatives through the promotion and support of the development of agricultural networks and businesses and raising grower and consumer awareness of local food.

### **Definitions**

For the purposes of the Local Food policy, the following definitions will be established:

- *Council* means the duly elected council of Leduc County.
- *Administration* means the local food coordinator and agricultural services staff.
- *Local food* means food that is produced within the region where it is consumed and accompanied by a community social structure and supply chain.

### **Policy standards**

1. Develop networks, partnerships and business-to-business relationships to enhance local food activities in the region.
2. Support residents as a resource to develop and strengthen their capacities as local food producers and in the development of new business and other opportunities.
3. Promote community involvement in the development of a collaborative group to provide community-led direction for opportunities such as community gardens, local food suppers.

### **Policy authority**

The Local Food program aligns with Leduc County strategic plan priorities in relation to agricultural innovation and support for local food. The Local Food program will be operated and maintained through the annually approved agricultural services departmental budget.

### **Policy responsibilities**

1. Council responsibilities  
Council will:
  - Approve the Local Food policy.

Approved Date:	Motion No:	Page No.
		1 of 2

<b>Department:</b> <b>Agricultural Services</b>	<b>Section:</b> <b>AP-Agricultural Program Services</b>
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2. Administration responsibilities

Administration will:

- Review this policy to ensure that the policy complies with all current, relevant legislation and municipal policies and by-laws.
- Ensure that the Local Food program is budgeted for annually.
- Present workshops and information sessions on a range of topics including, but not limited to: non-traditional agriculture opportunities, local food initiatives, market opportunities
- Participate as a member of the organizing committee for the annual Farm to Market to Table conference.
- Engage residents, businesses, and organizations to develop strong networks and partnerships creating a greater awareness of resources available to local producers and agriculture businesses.

**Monitoring and updating**

1. This policy will be posted on Leduc County's website.
2. This policy will be review at least once every four (4) years.

Approved Date:	Motion No:	Page No.
		2 of 2



# Recommendation to Municipal Policy Review Committee

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## REPORT NAME

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MS-01 Property Access Approach policy

## RECOMMENDATION

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That the Municipal Policy Review Committee accepts the revised MS-01 Property Access Approach policy and refers it to Leduc County Council for approval.

## IMPLICATIONS

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Reason: Review by the Municipal Policy Review Committee

Authority (MGA/Bylaw/Policy): Municipal Government Act, RSA 2000, s.2

Funding Required: \$ 0

Funding Source: N/A

## BACKGROUND

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A review of the Property Access Approach policy (approved in 2002) has been undertaken to bring the document in line with the new requirements for policies. The 2002 policy, which is Attachment 1, contained a lot of procedural language which is contained in the current Access Approach Standards and will form part of the updated Municipal Development Standards.

Attachment 2 is the newer proposed policy which has had the procedural steps removed and outlines the rules and legislation that allows Leduc County to control how and where accesses may be constructed. The new policy points towards the Municipal Development Standards and the Access Approach Standards as the governing documents for when and how access approaches can be built. A procedure has also developed, which outlines the criteria that Leduc County administration follows when approving the construction of approaches.

The 2002 policy document was separated into policy and procedure documents and the only wording that was removed was the language that states that Leduc County will take payment and construction accesses. Leduc County no longer constructs access approaches at the request of landowners, we do not have the equipment nor staff available to do this work. All the options to pay Leduc County to complete this work has been removed from the policy and procedures with the exception of the construction of an access approach where there is no access approach to an unsubdivided quarter section of land.

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**Submitted by:** Rae-Lynne Spila, Senior Municipal Engineer

**Reviewed by:**

**Date:** May 21, 2020





# Recommendation to Municipal Policy Review Committee

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## ATTACHMENTS

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1. MS-01 Property Access Approach – September 16, 2002
2. DRAFT MS-01 Property Access Approach – March 2020

**Department:**  
Public Works & Engineering

**Section:**  
MS - Municipal Standards and  
Engineering

## MS-01 Property Access Approach(es)

### A. Unsubdivided Quarter Sections

1. Where there is no access approach to an unsubdivided quarter section of land used or proposed for agricultural or residential use, and where there is an existing municipal roadway adjacent to the land, the County will, upon request of the landowner, construct one access approach to the land to normal County standards at the requested location, subject to the location being considered safe and practical for that purpose by the County.
2. Where the first (main) approach does not meet the desired standard, the County will undertake to upgrade the subject approach on a request basis and as time permits.  
Should the landowner desire the approach to be relocated within a reasonable distance then:
  - (i) the landowner will supply culvert material (if required) and gravel if the work is to be performed by the landowner, or,
  - (ii) the County may, upon request, undertake the construction subject to availability and scheduling of equipment, and upon prepayment of \$1,000 (minimum cost of a standard dry approach) plus the actual cost of culvert material and,
  - (iii) the existing approach must be removed.
3. The County may grant approval for a landowner to construct at his own cost an additional access approach in accordance with County standards. The County may, upon request, undertake the construction of the approach subject to:
  - (i) Availability and scheduling of County equipment, and,
  - (ii) Prepayment of \$1,000 (minimum cost of a standard dry approach) plus the actual cost of any culvert material.
4. Notwithstanding Clause A.3. that where a natural land separation occurs, a second access approach may be considered / approved for installation.

### B. Subdivided Parcels

1. Access approach(es) for any subdivided parcel will be constructed at the sole cost of the landowner / developer in accordance with County standards.
2. For parcels having an area of 10 acres or less, the County will allow only one access approach per parcel. The County may grant approval to the landowner to construct one additional access approach at his own cost where the parcel might be severed by topographical features of a nature that the County considers impractical to traverse.
3. For any parcel having an area greater than 10 acres, the County may grant approval for the landowner to construct at his own cost one additional access approach to the parcel. The County may, upon request, undertake the construction of the approach subject to:
  - i) Availability and scheduling of County equipment, and,
  - (ii) Prepayment of \$1,000 (minimum cost of a standard dry approach) plus the actual cost of any culvert material required.

Approved Date:	Motion No:	Page No.
September 16, 2002	PWC 407-02	1 of 3

**Department:**  
Public Works & Engineering

**Section:**  
MS - Municipal Standards and  
Engineering

## MS-01 Property Access Approach(es)

4. Where a parcel exists adjacent to an internal subdivision road and also borders on an external grid road, the access approach (es) will only be permitted to the internal subdivision road.

### C. Other Criteria / Conditions

1. The approval of any landowner request for permission to construct an additional access approach will only be considered and granted where there is an acceptably demonstrated operational need to facilitate use of the lands to be accessed.
2. Approval for construction of an access approach(es) will only be granted where the County considers the requested location practical and safe.
3. Any request for permission to construct a new access approach to replace an existing access approach will be approved by the County subject to:
  - (i) the location and standard of the new access approach being acceptable to the County,
  - (ii) the existing access approach not already being an additional access approach in contravention of this policy, and,
  - (iii) the existing access approach being acceptably removed in conjunction with the construction of the new access approach, all to be carried out by the landowner at his own cost.
4. For those additional property access approaches that exist and are considered to be in contravention of the provisions of this policy, the Municipal Committee / Council may direct the removal of any access approach where:
  - (i) the access approach is considered to create a hazard to the travelling public, or,
  - (ii) the access approach is considered to create a negative impact to the maintenance of the public roadway or roadway drainage, or,
  - (iii) there is not considered to be an acceptably demonstrated operational need for the access approach to reasonably facilitate use and enjoyment of the lands accessed.  
In such cases removal of the access approach will be carried out by the County at the landowner's cost.
5. Any landowner who undertakes the construction of a property access approach without prior approval, or contrary to the provisions of any approval that might have been granted, may be directed to remove the access approach at his own cost and will be subject to prosecution under the Public Highways Development Act if the directions so given are not complied with.
6. After a requested access approach is approved and acceptably completed, it is considered to be a municipal improvement within the road allowance, and all ongoing repair and maintenance is carried out by the County at its sole discretion.
7. If a width is desired that exceeds the County standard, and if that width is approved by the County, then the landowner will be responsible for the additional cost of \$200 per metre for each metre exceeding 8.0 metres.

Approved Date:	Motion No:	Page No.
September 16, 2002	PWC 407-02	2 of 3

**Department:**  
Public Works & Engineering

**Section:**  
MS - Municipal Standards and  
Engineering

## MS-01 Property Access Approach(es)

### D. Paved Roadways

1. Where a property approach is located off a paved roadway, it must be paved to the standard acceptable to the County.
2. If it is a residential approach, the pavement for the approach must extend from the shoulder of the paved road to the property line (right-of-way boundary), and,
3. If it is a field approach, the pavement for the approach is to extend from the shoulder of the paved road to approximately one-half of the distance to the property line (right-of-way boundary).

Motion No. 260-96

Approved Date:	Motion No:	Page No.
September 16, 2002	PWC 407-02	3 of 3

<b>Department:</b> <b>Public Works &amp; Engineering</b>	<b>Section:</b> <b>MS- Municipal Standards and Engineering</b>
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## **MS-01 Property Access Approach**

### **Policy statement**

Leduc County will approve construction of access approaches that meet the criteria established by administration in accordance with the municipal development standards.

### **Definitions**

For the purposes of policy development the following definitions will be established:

- *Access approach* means the ability to enter private property from a public road by way of a road.
- *Administration* means the staff of Leduc County under the direction of the county manager.
- *Council* means the duly elected council of Leduc County.
- *County manager* means the chief administrative officer.
- *Landowner* means the person who is responsible for a property who:
  - is the legal owner of it
  - has lawful possession of it, or
  - has the right to exercise control over it.
- *Municipal Development Standards* means the current County standards which provide guidance for the design and construction of municipal infrastructure and are updated annually.

### **Policy standards**

1. Upon request of a landowner, Leduc County will:
  - a. Construct one access approach to the land, where there is no access approach to an unsubdivided quarter section of land used or proposed to be used for agricultural or residential use, and where there is an existing municipal roadway adjacent to the land.
  - b. Where 1.a. is not met, grant approval for a landowner to construct or upgrade at his own cost an access approach in accordance with municipal development standards.
2. The access approach location must be reviewed and approved by administration prior to construction.
3. The access approach must be inspected and approved after construction by administration.
4. If an access approach is constructed without prior approval, Leduc County may require it be removed at the landowner cost.

### **Policy authority**

1. Legislative implications:
  - Municipal Government Act, RSA 2000

Approved Date:	Motion No:	Page No.
		1 of 2

<b>Department:</b> <b>Public Works &amp; Engineering</b>	<b>Section:</b> <b>MS- Municipal Standards and Engineering</b>
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2. Municipal standards & requirements:
  - Municipal Development Standards
  - Access Approach Standards

### **Policy responsibilities**

1. Council responsibilities

Council will:

- approve the Property Access Approach Policy.

2. Administration responsibilities

Administration will:

- review the policy to ensure that the policy complies with all current, relevant legislation and municipal policies.
- implement policy and procedures as required.
- maintain, update and adhere to this policy.
- maintain, update and adhere to the Municipal Development Standards, Access Approach Standards and Property Access Approach Procedure.

### **Monitoring and updating**

1. This policy will be posted on Leduc County's website.
2. This policy will be review at least once every four (4) years.

Approved Date:	Motion No:	Page No.
		2 of 2



# Recommendation to Municipal Policy Review Committee

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## REPORT NAME

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MS-02 Access Road Policy and  
Rescind MS-03 Access Road Construction – County Road Network Policy

## RECOMMENDATION

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That the Municipal Policy Review Committee:

- 1) accepts the revised MS-02 Access Road Construction policy
- 2) accepts the rescinding of MS-03 Access Road Construction – County Road Network policy, and
- 3) that administration brings back a recommendation to Leduc County Council for approval.

## IMPLICATIONS

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Reason: Review by the Municipal Policy Review Committee

Authority (MGA/Bylaw/Policy): Municipal Government Act, RSA 2000, s.2

Funding Required: \$ 0

Funding Source: N/A

## BACKGROUND

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A review of the MS-02 and MS-03 policies (approved in 2008) has been undertaken to bring these documents in line with the new requirements for policies. The 2008 policies, which are Attachments 1 and 2, are almost identical in that they both are about having roads built in Leduc County road right-of-way. MS-02 has procedural steps wrote into the policy and MS-03 is more focused on the policy. Both of these policies have been combined to into the draft MS-02 which is Attachment 3.

The draft policy has had the procedural steps removed and outlines the rules and legislation that Leduc County follows when considering the construction of roads. A draft procedure has also been developed, which outlines the criteria that Leduc County administration follows when approving the construction of roads.

The 2008 policy documents were combined into one policy and one procedure document which still includes all of the original wording plus some additional information to ensure there is clarity in the process.

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**Submitted by:** Rae-Lynne Spila, Senior Municipal Engineer

**Reviewed by:**

**Date:** May 21, 2020



# Recommendation to Municipal Policy Review Committee

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## ATTACHMENTS

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1. MS-02 Access Road Construction – April 23, 2008
2. MS-03 Access Road Construction – County Road Network – April 23, 2008
3. DRAFT MS-02 Access Road Construction – March 2020



<b>Department:</b> <b>Public Works &amp; Engineering</b>	<b>Section:</b> <b>MS - Municipal Standards and Engineering</b>
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## **MS-02 Access Road Construction**

### **Policy Statement**

Where future road construction may take place on a County owned right-of-way, the County may allow a party requesting an access road, to construct the road themselves at their own expense. Upon completion of the road, and after the required maintenance period, the County will assume ownership of the road, provided the road was constructed and maintained in a manner acceptable to the County.

### **Policy Intent**

To establish a policy that addresses the request for access road construction by any party (with the exception of the County), where the proposed access road is in a County owned right-of-way, and where a future County road may be constructed.

### **Service Level Standards**

1. The road is to be designed to current County Roadway Standards for that particular class of road.
2. The maintenance period will be for 2 years from the date of Construction Completion Certificate issuance.
3. After the 2-year maintenance period, a Final Acceptance Certificate will be granted to the developers of the road after an inspection is completed by the County and any deficiencies corrected.

### **Monitoring & Updating**

The Policy should be reviewed every 3 years.

Approved Date:	Motion No:	Page No.
April 23, 2008	PWC 52-08	1 of 1

<b>Department:</b> <b>Public Works &amp; Engineering</b>	<b>Section:</b> <b>MS - Municipal Standards and Engineering</b>
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## **MS-03 Access Road Construction – County Road Network**

### **Policy Statement**

Where a party requests an access road that would be on a County owned right-of-way and where this road would provide an additional and immediate benefit to the County, the County may consider an alternative way in which this road is built other than where the requesting party is responsible for the full cost of construction and maintenance.

### **Policy Intent**

To establish a policy that addresses the request for access road construction by any party (with the exception of the County), where the proposed access road is in a County owned right-of-way and where this road will provide an additional and immediate benefit to the County if constructed.

### **Service Level Standards**

1. The County will evaluate the road request based upon:
  - i) its identification in the Capital Priority Plan
  - ii) if it can be shown that this road will improve safety in the County
  - iii) if it can be shown that this road will provide an economic benefit to the County if constructed
  - iv) if it will solve other problems within the County
2. Alternative ways will be options provided to the PWC by the Department of Public Works

### **Monitoring & Updating**

This Policy should be reviewed every 3 years.

Approved Date:	Motion No:	Page No.
April 23, 2008	PWC 52-08	1 of 1

<b>Department:</b> <b>Public Works &amp; Engineering</b>	<b>Section:</b> <b>MS- Municipal Standards and Engineering</b>
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## **MS-02 Access Road Construction**

### **Policy statement**

Leduc County may approve construction of an access road by a third party, within county rights of way or road allowances, to provide access to a parcel of land, constructed to requirements of the Municipal Development Standards.

### **Definitions**

For the purposes of policy development the following definitions will be established:

- *Administration* means the staff of Leduc County under the direction of the county manager.
- *Council* means the duly elected council of Leduc County.
- *County manager* means the chief administrative officer.
- *Capital plan* means the plan approved by the council that outlines the capital expenditures for Leduc County.
- *Road allowances* means the lands between parcels reserved for the construction of municipal roads.
- *Municipal development standards* means the current county standards which provide guidance for the design and construction of municipal infrastructure and are updated annually.
- *County rights of way* means the legal plan of survey that has been filed or registered at the Land Titles office that defines the boundary of right-of-way limits for the purposes of identifying municipal roads.
- *Construction completion certificate* means the signed and dated document issued by Leduc County for the accepted completion of municipal improvements, or a portion thereof.
- *Final acceptance certificate* is a signed and dated document issued by Leduc County upon final acceptance of the work, with the purpose of transferring full responsibility of the municipal improvement to the county.

### **Policy standards**

1. Leduc County administration will evaluate the road request and provide a recommendation to Council or a committee of Council.
2. If the construction of the road by the municipality is not approved, the third party may construct or upgrade the road, at their own expense, in accordance with the municipal development standards.
3. A development agreement will be entered into with the third party to address securities, the construction completion certificate, final acceptance certificate and warranty process, in addition to potential cost recoveries.

### **Policy authority**

Approved Date:	Motion No:	Page No.
		1 of 2

<b>Department:</b> <b>Public Works &amp; Engineering</b>	<b>Section:</b> <b>MS- Municipal Standards and Engineering</b>
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1. Legislative implications:
  - Municipal Government Act, RSA 2000
2. Municipal Standards & Requirements
  - Municipal Development Standards

### **Policy responsibilities**

#### 1. Council responsibilities

Council will:

- Approve all municipal policies.
- Review administration recommendations and approve the requests for construction of roadways on county rights of way road allowances.

#### 2. Administration responsibilities

Administration will:

- Review road construction requests and prepare reports & recommendations to Council and/or committees of Council for approval of construction requests.
- Evaluate the priority of construction according to the capital plan (if applicable).
- Maintain, update and adhere to this policy.

### **Monitoring and updating**

1. This policy will be posted on Leduc County's website.
2. This policy will be review at least once every four (4) years.

Approved Date:	Motion No:	Page No.
		2 of 2



# Recommendation to Municipal Policy Review Committee

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## REPORT NAME

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Community Standards Bylaw – Revised Draft

## RECOMMENDATION

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That the Municipal Policy Review Committee review the revised draft Community Standards Bylaw and provide administration with direction on how to proceed regarding its development.

### Options (if applicable):

*Provide administration with additional direction.*

## IMPLICATIONS

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Reason: At the October 16, 2019 Protective Services Committee meeting, the committee approved Motion #67-19 from Committee Member Kelly Vandenberghe – that the Protective Services Committee direct Administration to bring forward the Community Standards Bylaw, revise it to include country residential, hamlets and subdivisions and present it to the Municipal Policy Review Committee.

Authority (MGA/Bylaw/Policy): *Municipal Government Act of Alberta*

Funding Required: \$ 0.00

Funding Source: N/A

## BACKGROUND

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### Current Leduc County Concerns:

The last time this type of bylaw was proposed, administration and council received a tremendous amount of feedback from property owners particularly from rural (agricultural) land owners, resulting in the bylaw being defeated.

Since that time there continues to be ongoing public concerns. From 2010 – 2018 enforcement services received 122 property complaints. Of those complaints 29% were related to agricultural lands, 63% were related to locality/hamlet/country residential lands, 8% were related to commercial lands.

In 2019, Leduc County enforcement services received 20 complaints involving unsightly lands. Nine properties were zoned agricultural, 10 were zoned locality/hamlet/country residential, and 1 property was zoned commercial.

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**Submitted by:** Clarence Nelson, Director, Enforcement Services

**Reviewed by:** Rick Thomas, Deputy County Manager

**Date:** May 21, 2020



## Recommendation to Municipal Policy Review Committee

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### Moving Forward in Leduc County:

Leduc County administration recommends not limiting the regulations to specific zoning. Rather the bylaw should provide exceptions for certain activities on lands and explain Leduc County's position on the overall purpose of the bylaw and associated policies on how the bylaw is administered. For example, derelict buildings and building maintenance would not apply for agricultural zoned properties.

### Bylaws and Policies Working Together:

The draft bylaw prepared by Leduc County administration regulating unsightly and unsafe properties includes a clear explanation of the intent of the bylaw. Policies on how bylaws are investigated and enforced also work well to promote desirable "community living" standards, which is the goal of all municipal bylaws.

## **ATTACHMENTS**

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Revised draft Community Standards Bylaw

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**Submitted by:** Clarence Nelson, Director, Enforcement Services  
**Reviewed by:** Rick Thomas, Deputy County Manager  
**Date:** May 21, 2020

## COMMUNITY STANDARDS

BYLAW NO. \_\_-20

LEDUC COUNTY

### A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING UNSIGHTLY PREMISES IN ORDER TO PROMOTE SAFE, ENJOYABLE AND RESONABLE USE OF PROPERTIES WITHIN LEDUC COUNTY BY ESTABLISHING A COMMUNITY STANDARDS BYLAW

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#### WHEREAS

pursuant to section 7 of the *Municipal Government Act*, the council of Leduc County may pass bylaws for municipal purposes regulating unsightly premises;

unsightly premises are a detriment to surrounding properties and the immediate neighborhood general;

council deems it advisable to pass a bylaw to regulate unsightly **and unsafe** premises;

the purpose of this bylaw is to prevent the existence and proliferation of unsightly premises and to provide a mechanism for the remediation of a property which has become an unsightly premises;

#### NOW THEREFORE,

be it resolved that the council of Leduc County, duly assembled, hereby enacts as follows:

#### **PART 1 – SHORT TITLE**

1.1 This bylaw may be cited as the “Community Standards Bylaw”.

#### **PART 2 – INTENT, INTERPRETATION AND APPLICATION**

2.1 Intent and the main goal this bylaw is compliance before enforcement. To educate and promote “Community Living” standards that reflect the expectations of Leduc County citizens who should be able to reasonably enjoy their health and well-being where they live and work.

2.2 The provisions of this bylaw shall not be interpreted to prevent bona fide agricultural, farming, commercial, and/or industrial operations as identified under the Land Use Bylaw.

2.3 This bylaw only applies to **hamlets, subdivisions, and localities** outlined by Schedule “B” of this bylaw and has no force or effect in any other areas of Leduc County.

#### **PART 3 – DEFINITIONS**

3.1 In this bylaw:

(1) “Building Material” means materials or debris which may result from the construction, renovation or demolition of any building or other structure and includes, but is not limited to wood, gypsum board, roofing, vinyl siding, metal, plastic, packing materials and containers of building materials, gravel, concrete and asphalt, any earth, rocks and vegetation displaced.

(2) “Centre Line” means, in an urban area, that part of a highway that:

(a) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway;

## COMMUNITY STANDARDS BYLAW

### BYLAW NO. \_\_-20

#### Page 2

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- (b) in the case of a highway designated by traffic control devices;
  - i. as an offset centre highway;
  - ii. or as a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times, the line dividing the lanes for traffic moving in opposite directions;
  - iii. or in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions.
- (3) “Council” means the municipal council of Leduc County;
- (4) “County” means the municipal corporation of Leduc County;
- (5) “County Manager” means the Chief Administrative Officer for the County, or his or her delegate;
- (6) “Designated Officer” means a person authorized by council to act pursuant to Section 542 of the Municipal Government Act, but not limited to perform inspections and any other action required to enforce the provisions of this bylaw. For the purpose of this bylaw, the designate officer is a peace officer.
- (7) “Farming Operations” means the raising, production and sale of agricultural products and includes;
  - (a) horticulture, aviculture, apiculture, and aquaculture;
  - (b) the production of horses, cattle, bison, sheep, swine, goats, fur-bearing animals raised in captivity, domestic cervids within the meaning of *the Livestock Industry Diversification Act*, and domestic camelids, and;
  - (c) the planting, growing and sale of sod.
- (8) “Garbage” means any household or commercial rubbish including but not limited to, boxes, cartons, bottles, cans, containers, packaging, wrapping materials, waste paper, cardboard, food, discarded clothing, fabric and discarded household items.
- (9) “Highway” has the same meaning as in the *Traffic Safety Act*.
- (10) “Land Use Bylaw” means Leduc County’s Land Use Bylaw as amended.
- (11) “Motor Vehicle” has the same meaning as in the *Traffic Safety Act*.
- (12) “Municipal Tag” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the County.
- (13) “Nuisance” means any use or activity on land which demonstrates a disregard for the general maintenance and upkeep of property so as to produce a material annoyance, inconvenience or discomfort to other persons, whether or not it is detrimental to the surrounding area. See additional details and examples listed in Section 4.3 (b) of this bylaw.
- (14) “Occupy” or “Occupies” means residing on or to be in apparent possession or control of property.
- (15) “Order” means an order written pursuant to Section 545 and Section 546 of the *Municipal Government Act*.



# COMMUNITY STANDARDS BYLAW

## BYLAW NO. \_\_-20

### Page 3

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- (16) “Own” or “Owns” means:
- (a) 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
  - (b) 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.
- (17) “Peace Officer” means:
- (a) a member of the Royal Canadian Mounted Police (RCMP); or
  - (b) community peace officer; or
  - (c) bylaw enforcement officer.
- (18) “Person” means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- (19) “Property” means a parcel of land including any buildings.
- (20) “Public Place” means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not.
- (21) “Structure” means any building constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.
- (22) “Unsafe” means a condition that is able or likely to cause harm, damage or loss by virtue of the lack of preventative measures or protection from danger to the public.
- (23) “Violation Ticket” has the same meaning as in the *Provincial Offences Procedure Act*.

#### **PART 4 – PROPERTY MAINTENANCE**

The intent of Part 4 is to deal with complaints from citizens of nuisance conditions, while limiting exposure to community nuisance levels that are considered to be within the normal range of sensitivity to such nuisance. It may not therefore, be possible to resolve all issues to the satisfaction of those individuals with sensitivities beyond this normal range. Each complaint will be investigated independently on its own merits.

Intent of this Section 4.4 and 4.5 is to exclude and exempt authorized activities.

- 4.1 In this Part, “building” includes a structure and any part of a building or structure 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.
- 4.2 For the purpose of Part 4, 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.
- 4.3 (a) A person shall not cause or permit a nuisance to exist on land they own or occupy.
- (b) For the purpose of greater certainty a nuisance, in respect of land, means land 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 but are not limited to:

# COMMUNITY STANDARDS BYLAW

## BYLAW NO. \_\_-20

### Page 4

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- (i) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, petroleum products, hazardous materials, disassembled equipment or machinery, garbage or refuse, whether of any apparent value or not;
  - (ii) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
  - (iii) any accessible excavation, ditch, drain or standing water that could pose a danger to the public.
- 4.4 The provisions of Part 4 of this bylaw shall not be interpreted to prevent bona fide and agricultural, farming, commercial, and/or industrial operations as identified under the Land Use Bylaw.
- 4.5 This bylaw applies to **hamlets, subdivisions, and localities** outlined by Schedule “B” of this bylaw within Leduc County and has no force or effect in any other areas of Leduc County.

### PART 5 – DERELICT/VACANT PROPERTIES

The intent of Part 5 is to prevent unauthorized entry into vacant residential buildings when openings exist.

- 5.1 If a building normally intended for human habitation is unoccupied then any door or window opening in the building must be covered with a solid piece of wood but only if the wood is secured in a manner sufficient to prevent unauthorized entry into the building.
- 5.2 This bylaw applies to **hamlets, subdivisions, and localities** outlined by Schedule “B” of this bylaw within Leduc County and has no force or effect in any other areas of Leduc County.

### PART 6 – CONSTRUCTION SITE

The intent of Part 6 is to have a reasonably clean, safe work area that does not affect the adjacent land owners within reason.

- 6.1 A person of a property or premise under construction shall ensure that building materials and waste materials on the premise are removed or contained and secured in such a manner that prevents such material from being blown off or scattered from the property.
- 6.2 A person of a property or premise under construction shall ensure that waste building material on the premise is removed or secured within a reasonable time by means of appropriate containers.
- 6.3 A person of a property or premise under construction shall ensure no hazardous materials shall be deposited in any garbage container or into the storm sewer or sanitary sewer system. No material, including but not limited to excess concrete, gravel or clay, shall be washed down the storm sewer, dumped onto adjacent lots, public land or highway.
- 6.4 A person of a property or premise under construction shall ensure construction materials, excavated materials and refuse shall not be placed or stored on public land or highway.
- 6.5 This bylaw applies to **hamlets, subdivisions, and localities** outlined by Schedule “B” of this bylaw within Leduc County and has no force or effect in any other areas of Leduc County.

# COMMUNITY STANDARDS BYLAW

## BYLAW NO. \_\_-20

### Page 5

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#### **PART 7 – NUISANCES ESCAPING PROPERTY**

The intent of Part 7 is to deal with complaints from citizens that affect adjacent land owners. Such cases shall be complaint based only.

- 7.1 No owner or occupier of a property shall allow a flow of water from a hose or similar device to be directed towards an adjacent property if it is likely that the water from the hose or similar device will enter the adjacent property.
- 7.2
  - (a) No owner or occupier of a property shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.
  - (b) An outdoor light shall not constitute a violation of subsection (1) if the owner or occupier of the property shields the light from shining directly at the living or sleeping areas of the adjacent dwelling house.
  - (c) Where an outdoor light is authorized or required pursuant to a Land Use Bylaw, a development permit or a similar approval under the Land Use Bylaw, development permit or similar approval shall take precedence over this bylaw, and the light shall not constitute a violation of subsection (1).
- 7.3 This bylaw applies to **hamlets, subdivisions, and localities** outlined by Schedule “B” of this bylaw within Leduc County and has no force or effect in any other areas of Leduc County.

#### **PART 8 – ENFORCEMENT**

- 8.1 A person who contravenes this bylaw is guilty of an offence.
- 8.2 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.
- 8.3 A peace officer, when investigating an alleged contravention of this bylaw, is hereby authorized to enter upon any lands, buildings or property, other than a dwelling house, to inspect for conditions the provisions of this bylaw. A peace officer may thereafter issue a verbal or written order to the owner or occupant thereof to remedy any condition(s) of the subject premise or property that have been found to be in contravention of this bylaw.
- 8.4 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.
- 8.5
  - (a) 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.
  - (b) 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.

## COMMUNITY STANDARDS BYLAW

### BYLAW NO. \_\_-20

#### Page 6

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- 8.6 (a) 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 the maximum penalty prescribed by the Municipal Government Act.
- (b) Without restricting the generality of subsection 8.6(1) the following fine amounts are established for use on municipal tags and violation ticket if a voluntary payment option is offered:
- (i) Where any peace officer believes that any person has committed a breach of any of the provisions of this bylaw as set out in Schedule "A" hereto he/she may serve upon such person a municipal tag as provided herein.
  - (ii) Double the fine amount in Schedule "A" for any subsequent offence.
- 8.7 (a) If the county manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the county manager may, by written order, require any person responsible for the contravention to remedy it.
- (b) The order may:
- (i) direct a person to stop doing something, or to change the way in which the person is doing it;
  - (ii) 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;
  - (iii) state a time within which the person must comply with the directions;
  - (iv) and state that if the person does not comply with the directions within a specified time, the county will take the action or measure.
- 8.8 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.
- 8.9 An order issued pursuant to this bylaw 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 listed on the tax roll of the County 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.
- 8.10 A person shall not obstruct or hinder a peace officer in the exercise or performance of the person's powers pursuant to this bylaw.

**COMMUNITY STANDARDS BYLAW**

**BYLAW NO. \_\_-20**

**Page 7**

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**PART 9 – GENERAL**

9.1 Without restricting any other power, duty or function granted by this bylaw the county 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 authorized;
- (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 designated officer or peace officer; and

This bylaw shall take effect on the date of the third reading.

Read a first time this \_\_ day of \_\_\_\_\_, 2020.

Read a second time this \_\_ day of \_\_\_\_\_, 2020.

Read a third time with the unanimous consent of council members present and finally passed this \_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNTY MANAGER

**COMMUNITY STANDARDS BYLAW**

**BYLAW NO. \_-20**

**Page 8**

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**SCHEDULE "A"**

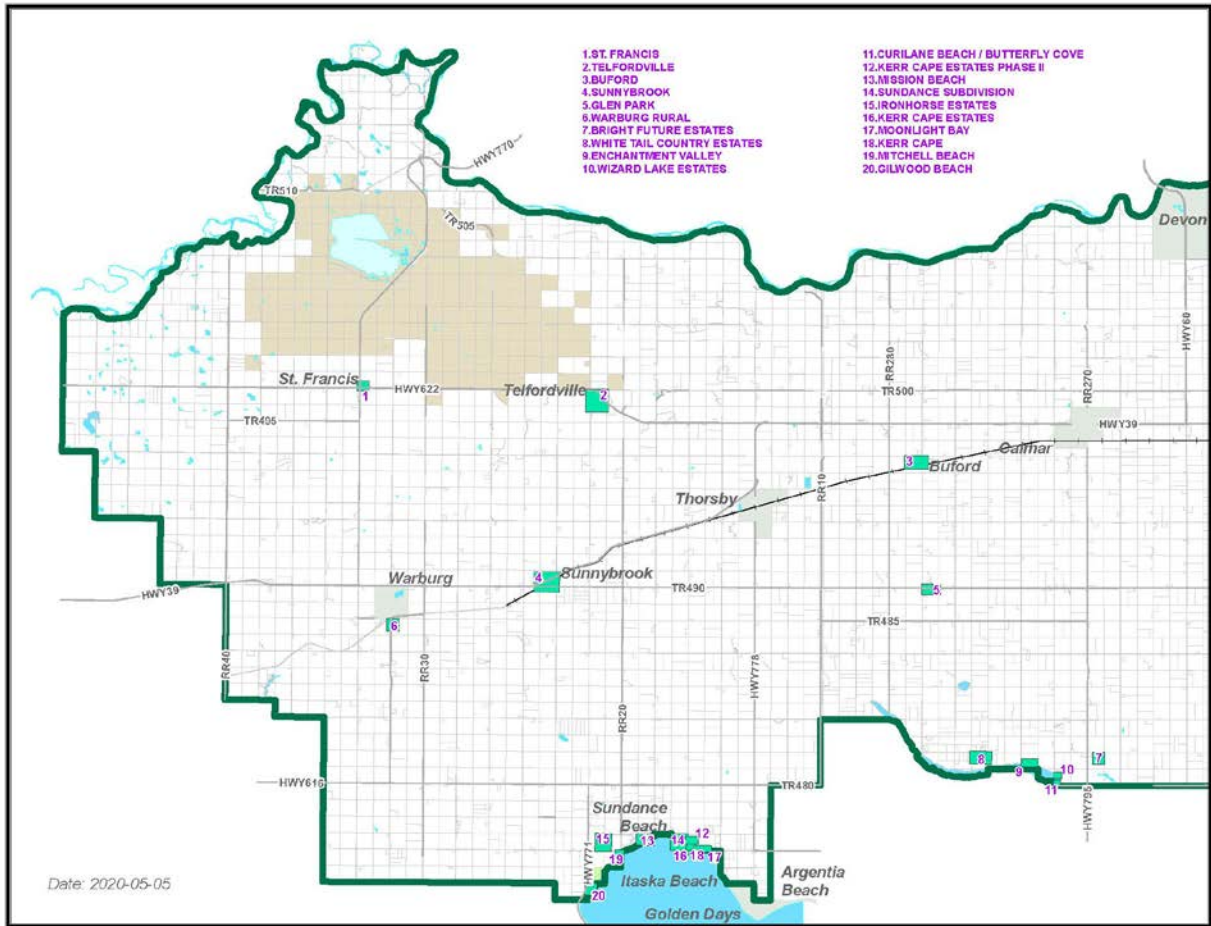
<b>SECTION</b>	<b>OFFENCE</b>	<b>PENALTY</b>
4.3	Cause or permit a nuisance on land	\$250
5.1	Fail to secure derelict/vacant residential property	\$250
6.1	Fail to secure building and waste materials	\$250
6.2	Fail to dispose of building and waste materials	\$250
6.3	Fail to dispose of materials and hazardous materials properly	\$250
6.4	Store or place materials on public land and/or highway	\$500
7.1	Direct water to adjacent property	\$250
7.2	Allow light to shine directly into the adjacent dwelling	\$250
8.10	Obstruction	\$500
All other section not listed above		\$250

# COMMUNITY STANDARDS BYLAW

BYLAW NO. \_-20

Page 9

## SCHEDULE "B" West County Map

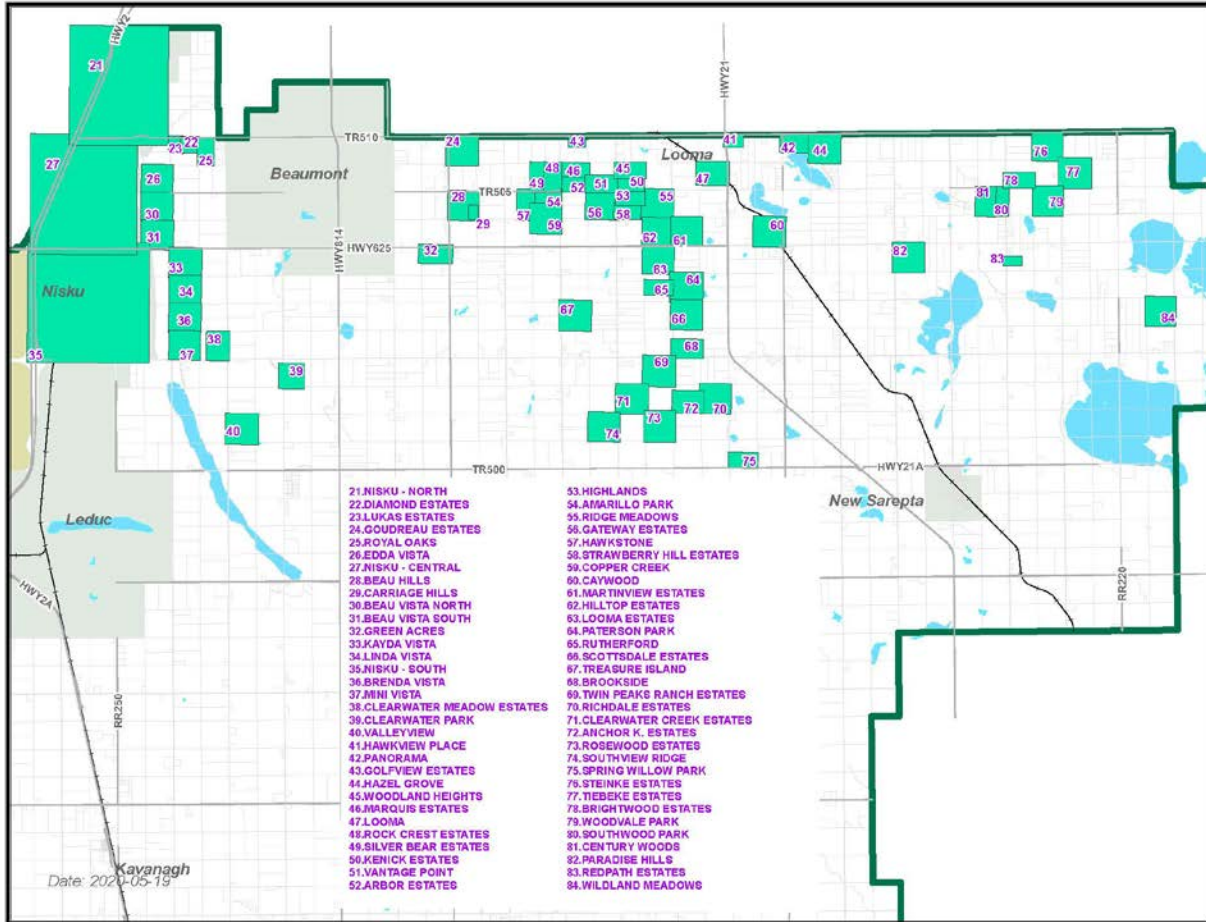


# COMMUNITY STANDARDS BYLAW

BYLAW NO. \_-20

Page 10

## SCHEDULE "B" North East County Map





COMMUNITY STANDARDS BYLAW

BYLAW NO. \_-20

Page 11

SCHEDULE "B"  
South East County Map

