



## TOWN OF HINTON BYLAW #1185-1

### BYLAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA TO REGULATE FOR THE SAFETY, HEALTH, WELFARE, AND PROTECTION OF PEOPLE AND PROPERTY

**WHEREAS** the *Municipal Government Act*, Chapter M-26, R.S.A. 2000 and amendments thereto, provides for a municipality to regulate for the safety, health, welfare and protection of people and property; and

**AND WHEREAS** the Council of the Town of Hinton deems it necessary to implement and enforce such regulations and controls;

**NOW THEREFORE** the Municipal Council of the Town of Hinton, in session duly assembled, hereby enacts as follows:

#### **Part 1: Interpretation**

##### **1. TITLE**

1.1 This Bylaw may be referred to as the *Nuisance Bylaw*.

##### **2. DEFINITIONS**

2.1 "Construction" means erecting, building, reconstructing, altering, repairing, and demolishing any building, structure, or thing within the corporate limits of the Town.

2.2 "Council" means the municipal Council of the Town of Hinton.

2.3 "Direct Action" means action(s) taken by the Town on a Property using employees or an agent or contractor to physically remediate any state, condition, or thing that is or could reasonably be expected to be a Nuisance, for example, by removing Refuse, towing unregistered Vehicles, covering Graffiti, draining noxious liquids, filling excavations, demolishing structures, and extinguishing fires.

2.4 "Disturb" means to substantially disrupt, diminish, prevent, or interfere with a Person(s) quiet, peaceful, restful, and comfortable enjoyment of their Property or surrounding area with a Nuisance.

2.5 "Excessive Noise" means any vocalization, music, clamour, mechanical noises and other sound of activities and movement occurring in, at, or on a

Property which by its type, volume, duration, or time of occurrence Disturbs other Person(s), and specifically includes noise that at a different duration, place, volume, time of the day or day of the week, or if reduced by mitigation standards (e.g., a muffler), is not Excessive.

- 2.6 “Graffiti” means words, figures, letters, or drawings scribed, scratched, etched, painted, or sprayed anywhere on an exterior surface of a premise with or without the consent of the Owner or Occupier.
- 2.7 “Highway” means any thoroughfare, street, road, trail, avenue, parkway, viaduct, lane, alley, bridge, causeway, trestle, or other place or any part of another place to which the public is ordinarily entitled, invited, or permitted to use for the passage of Person(s) and Vehicles, or the parking of Vehicles; includes the entire right of way whether:
  - i. a sidewalk
  - ii. a boulevard
  - iii. a ditch, or
  - iv. undeveloped land between fences or between a fence and a Highway.
- 2.8 “MGA” means the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended.
- 2.9 “Nuisance” means Excessive Noise, Refuse, Graffiti, noxious liquids, smoke, and odour; damage; Unsightly conditions or things; and work or activity on a Property which is or could reasonably be expected to be Disturbing, annoying, troublesome, detrimental, destructive, hazardous, unsanitary, offensive, or injurious to other Person(s), Property, or the surrounding area.
- 2.10 “Occupier” means Person(s) having legal right to occupy a Property conferred on them by the Owner or his or her legal representatives, such as a tenant or lessee, and Person(s) occupying a Property without legal right.
- 2.11 “Order” means a written direction to remedy a Nuisance issued by the Town and/or a Designated Officer to an Owner, Occupier, or other Person(s).
- 2.12 “Owner” means Person(s) having the powers, authority, and responsibilities of Ownership of a Property who is or are a registered holder of the Property under the *Land Titles Act*, and their legal representatives for the Property.
- 2.13 “Peace Officer” means a Designated Officer of the Town, a Bylaw Enforcement Officer, a Community Peace Officer, and a member of the R.C.M.P. or another police agency with jurisdiction.

2.14 “Person(s)” means an individual, a group of individuals, or an entity having natural Person(s) powers under Canadian law, such as a company, corporation, partnership, firm, government, association, or society, and any authorized agent of the foregoing.

2.15 “Property” means land, buildings, structures, vegetation, Vehicles, chattel, personal property, premises including structures used as a dwelling, and any combination or assembly thereof as the context may convey.

2.16 “Refuse” means discarded, rejected, disused, broken, and decomposed matter or debris; and rubbish, waste, litter, garbage, and trash and specifically includes Prohibited Waste as defined in the Town *Refuse Bylaw* as amended from time to time.

2.17 “Seasoned Firewood” means wood pellets and untreated, un-milled wood that has been air-dried for a minimum of six (6) months spanning at least one summer month and has a moisture content of 25% or less.

2.18 “Town” means the municipal corporation of the Town of Hinton and its elected officials, authorized employees, and agents, individually and collectively.

2.19 “Unsightly” has the same meaning as in the MGA s. 541(s) and includes other things, actions, and conditions on a Property which are or could reasonably be expected to be repugnant to or have a deleterious influence on Person(s) or Properties in the vicinity.

2.20 “Vehicle” means a device in, on, or by which Person(s) or things may be transported or drawn on a Highway and includes combinations of Vehicles and Off-Highway Vehicle as defined by the *Traffic Safety Act* as amended from time to time but excludes mobility aids and non-motorized cycles.

2.21 “Violation Tag” means a municipal notice in a prescribed form or similar document issued by a Peace Officer pursuant to the MGA.

2.22 “Violation Ticket” means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act* and associated regulations.

## **Part 2: Application**

### **3. GENERAL**

- 3.1 No Person(s) may cause or allow a Nuisance on, at, or in any Property in the Town.
- 3.2 Notwithstanding s. 3.1, in an emergency, any Person(s) may perform actions necessary for the preservation or protection of life, health, or property that are or may cause a Nuisance, provided the Person(s) can demonstrate afterward, to the satisfaction of the Town in its sole discretion, that there was an emergency.
- 3.3 No Person(s) may cause, allow, or apply Graffiti to any Property in the Town.
- 3.4 Owners and Occupiers of Property are responsible to remove, paint over, or otherwise permanently block from public view any Graffiti found on their Property within a period specified by the Town in writing.

### **4. VEHICLE AND PARTS STORAGE**

- 4.1 No Person(s) may park, or allow or cause to be parked, more than three (3) unregistered Vehicles on a residential Property.
- 4.2 A maximum of one (1) unregistered Vehicle may be parked on a residential Property while visible to Person(s) at or on another Property if parked in a space designed for parking, such as a driveway or on-site parking space.
- 4.3 Other unregistered Vehicles stored on the same Property within the limit prescribed by s. 4.1 must be screened from view in a manner acceptable to the Town in its sole discretion.
- 4.4 Person(s) storing unregistered Vehicles on a residential Property in accordance with this Bylaw must ensure the Vehicle(s) do not become dilapidated, derelict, unusable, or in any other way a Nuisance.
- 4.5 No Person(s) may store detached Vehicle parts on a residential Property unless the parts are covered to the satisfaction of the Town in its sole discretion.

### **5. TOWN PROPERTY**

- 5.1 No Person(s) may cause or permit to be caused any damage to Town Owned or Occupied Property, including but not limited to the land, the natural

and cultivated vegetation (trees, grass, shrubs, plants), and the natural and constructed amenities (rocks, benches, sand, fences, sidewalks, trails, receptacles, equipment, shelters, signs) whether permanent or temporary.

5.2 No Person(s) may cause, permit, or allow any Nuisance on, at, in, or from any Town Owned or Occupied Property.

## **6. GROUNDS AND BOULEVARDS**

6.1 Owners and Occupiers must maintain the grounds of their Property and the sidewalk and boulevard fronting or flanking their Property at minimum by:

- 6.1.1 Removing noxious weeds and cutting grass at least twice per growing season.
- 6.1.2 Removing snow and ice from sidewalks within forty-eight (48) hours of the cessation of snowfall.
- 6.1.3 Removing sand, dirt, Refuse, and debris as necessary to avoid Unsightly conditions or safety hazards.
- 6.1.4 Refraining from depositing or causing to be deposited any snow, ice, sand, dirt, Refuse, or debris from their Property onto a Highway, sidewalk, or boulevard without expressed permission from a Designated Officer of the Town.

## **7. EXCESSIVE NOISE**

7.1 No Person(s) may:

- 7.1.1 Engage in Construction of any kind outside of the following permitted hours:
  - i. Monday to Saturday inclusive, 7:00 a.m. to 10:00 p.m.
  - ii. Sunday, 10:00 a.m. to 7:00 p.m.
- 7.1.2 Engage in the use of municipally owned courts located adjacent to Gerard Redmond Community Catholic School outside of the following permitted hours:
  - i. Monday to Sunday inclusive, 8:30 a.m. to 9:00 p.m.
- 7.1.3 Make, cause, permit, or allow to be made, Excessive Noise in or on any Property which Disturbs or tends to Disturb Person(s) on another

Property or in the surrounding area.

- 7.1.4 Being the Owner or Occupier of a Property, allow or permit the Property to be used in a manner that generates Excessive Noise.
- 7.1.5 Operate any amplified public address or music system outdoors anywhere in the Town without first having obtained a permit for the use.
- 7.1.6 Keep, harbour, or allow any animal or bird to be kept or harboured on a Property which by Excessive Noise, odour, or safety risk to Person(s) in the the surrounding area, or any other cause, is a Nuisance.
- 7.1.7 Use engine retarder brakes at any time while operating a Vehicle within the corporate limits of the Town.
- 7.1.8 Operate a snow machine, motorboat, motorcycle, or any other motorized Vehicle within the corporate limits of the Town in a manner that constitutes a Nuisance.

## **8. BURNING**

8.1 No Person(s) conducting, allowing, or causing any burning on a Property may:

- 8.1.1 Cause the emission or spread of smoke which is opaque, dense, or odourous for longer than five (5) continuous minutes except one time on ignition or refuelling of the burn, for a maximum of 30 minutes in any four (4) hour period.
- 8.1.2 Burn any fuel other than Seasoned Firewood, and more specifically, may not burn wet or unseasoned firewood, treated wood, plastic, rubber, waste oil, paints, solvents, coal, glossy papers, particle board, or Refuse of any kind.
- 8.1.3 Where a permit has been issued by the Fire Chief of the Town or his or her designate, burn in any way except in compliance with that permit.

8.2 In addition to any enforcement by a Peace Officer for a Nuisance, the Fire Chief or his or her designate may, at their discretion, order a fire creating a Nuisance or a safety hazard to be extinguished immediately or extinguish it.

## **9. ENFORCEMENT**

9.1 Any Person(s) contravening any provision of this Bylaw by doing something

prohibited by it, or neglecting to do anything required by it, is deemed to have committed an offence and is liable to a fine as outlined in Schedule A of this Bylaw, imposed via a Municipal Tag or a Violation Ticket issued pursuant to the *Provincial Offences Procedure Act*, in addition to any other remedy the Town may undertake.

- 9.2 Each day that an offence continues constitutes a new and separate offence.
- 9.3 A Peace Officer and a Designated Officer are authorized to enter into any Property other than a dwelling, at any reasonable hour after giving reasonable notice to the Owner or Occupier, to inspect the Property's compliance with this Bylaw in accordance with s. 542(1) of the MGA.
- 9.4 Enforcement action(s) taken under this Bylaw does not limit the Town in any way from seeking remedy for Nuisances by other available measures such as those authorized by an Act or imposed by a court of competent jurisdiction.

#### 9.5 Orders

9.5.1 A Designated Officer of the Town or a Peace Officer may, by written Order, require the Owner or Occupier of a Property to rectify any Nuisances on or at that Property in accordance with this Bylaw, in a manner and by a specified date and time, including:

- i. Removing from the Property refuse, noxious fluids, and decomposing matter; unsafe structures; dilapidated, wrecked, and unregistered Vehicles or unscreened Vehicle parts; and anything that creates a Nuisance or an Unsightly condition.
- ii. Screening a Nuisance from a Highway, other Property, or other public place to the satisfaction of the Town in its sole discretion.
- iii. Demolishing a building or structure erected or placed on a Property without required authority, permit, or license, or non-compliant with the authority, permit, or license, and removing the debris.
- iv. Requiring a building, structure, hole, excavation, or other feature of a Property be secured against unpermitted access, accidental entry, and fire.

9.5.2 Orders will state:

- i. The name of the Person(s) responsible.
- ii. The date and location of the offence.
- iii. The Bylaw and section contravened.

- iv. The potential penalty established by this Bylaw for the offence.
- v. The potential penalty for failing to comply with the Order.
- vi. The prescribed period within which the Person(s) must rectify the offence.
- vii. That the Person(s) receiving the Order may request Council review it, and the timeline and method for requesting the review.
- viii. That failure to comply with an Order may result in Direct Enforcement at the Person(s)' expense.

9.5.3 Person(s) affected by the decision of Council following a review of an Order may appeal Council's decision to the Court of King's Bench of Alberta within 30 days as provided for by MGA s. 548(1).

9.5.4 Failure to comply with an Order for which the review period has expired or which has been confirmed, varied, or substituted by Council and the decision not appealed to the Court, is an offence separate and distinct from other Bylaw offences and subject to a penalty stipulated in Schedule A attached to and forming part of this Bylaw.

9.5.5 Imposition of a penalty for failure to comply with an Order does not exempt the Person(s) from the requirement to comply or limit the Town from using other remedies available to enforce this Bylaw.

## 9.6 Municipal Tag and Violation Ticket

9.6.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag or a Violation Ticket to any person they believe, on reasonable grounds, to have committed an offence.

9.6.2 The Municipal Tag or Violation Ticket may be issued to the Person(s):

- i. By hand delivery, or
- ii. By leaving it at the last known residence of the Person(s) with a Person on the premises apparently aged 18 or older.

9.6.3 In addition to service methods provided in s. 9.6.2, a Municipal Tag is deemed served if posted in a conspicuous place at the last known residence of the Person(s) or sent via registered mail to the Persons' last known mailing address.

9.6.4 Municipal Tags and Violation Tickets must be in a form approved by the CAO and must state at minimum:

- i. The name of the Person(s) committing the offence.

- ii. The date and location of the offence.
- iii. The Bylaw and section contravened with a description of the offence and the specified penalty as set out in Schedule A.
- iv. The prescribed period within which the Person(s) may pay the penalty indicated on the Municipal Tag or Violation Ticket to avoid prosecution, if provided.

9.6.5 Where a Municipal Tag is issued pursuant to this Bylaw, the Person(s) receiving the Tag may avoid prosecution for the Offence by paying to the Town the specified penalty within the time prescribed.

9.6.6 If a Municipal Tag has been issued and the penalty is not paid within the prescribed time, a Peace Officer may issue a Violation Ticket for the same offence pursuant to the *Provincial Offences Procedure Act*.

9.6.7 Notwithstanding Section 9.6.6, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket to a Person(s) pursuant to the *Provincial Offences Procedure Act*.

9.6.8 If a Violation Ticket is issued in respect of an offence, the Violation Ticket must:

- i. Specify the penalty established by this Bylaw for the offence, which may be paid voluntarily within a prescribed period; or
- ii. Specify a date and place for the Person(s) to appear in Provincial Court without the option of making a voluntary payment.

9.6.9 Any Person(s) to whom a Violation Ticket has been issued with a voluntary payment option may pay the specified penalty by delivering the Ticket with payment to the Provincial Court noted on the Ticket on or before the initial appearance date indicated.

9.6.10 The payment of a fine does not relieve Person(s) of the requirement(s) to comply with this Bylaw, nor does it allow the Person(s) to avoid paying the costs of Direct Action by the Town to rectify the offence.

## 9.7 Eviction

9.7.1 Where a Peace Officer finds a Person(s) committing a Nuisance on, at, or from a Town Owned or Occupied Property, the Peace Officer may evict the Person(s) from the Property in addition to or instead of issuing a Municipal Tag or Violation Ticket.

## 9.8 Direct Action

- 9.8.1 If Person(s) to whom an Order is issued fails to comply with the Order within the time allotted, after reasonable notice to the Owner or Occupier, the Town may enter onto the Property at a reasonable hour and take the action(s) required by the Order to bring the Property into compliance, utilizing employees, contactors, or agents, and thereafter charge the costs of the action(s) to the Owner or the Occupier.
- 9.8.2 Costs invoiced to an Owner for Direct Action, if unpaid after December 31 in the year charged, may be converted to property taxes owing and be collected by the Town as such.
- 9.8.3 Costs invoiced to an Occupier for Direct Action, if unpaid within 30 days, may be recovered as a debt owing to the Town.

## **10. SEVERABILITY**

10.1 If any portion of this Bylaw is found by a court of competent jurisdiction to be invalid, such portion shall be severed from the Bylaw, and the remainder is to remain valid.

## **11. REPEALS AND COMING INTO FORCE**

11.1 Bylaw No. 1101 and all amendments thereto are hereby repealed upon the coming into force of this Bylaw.

11.2 Bylaw No. 947 and all amendments thereto are hereby repealed upon the coming into force of this Bylaw.

11.3 This Bylaw shall take effect on the final day of passing.

READ A FIRST TIME THIS 21ST DAY OF JANUARY 2025.

READ A SECOND TIME THIS 21ST DAY OF JANUARY 2025.

READ A THIRD TIME THIS 18TH DAY OF MARCH 2025.



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Mayor



\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE “A”**

Section and Descriptive Phrase	1 <sup>st</sup> Offence within a 12-Month Period	2 <sup>nd</sup> Offence within a 12-Month Period	3 <sup>rd</sup> and Subsequent Offence within a 12-Month Period
3.1 Cause or Allow Nuisance on Property			
3.3 Cause, Allow, or Apply Graffiti			
3.4 Fail to Remove Graffiti			
4.1 Store Excess Unregistered Vehicles on Property			
4.5 Store Uncovered Vehicle Parts on Property			
5.1 Damage Town Property			
5.2 Cause Nuisance At or On Town Property			
6.1 Fail to Maintain Property, Sidewalk, or Boulevard	\$100.00	\$250.00	\$300.00
7.1.1 Construction Outside Permitted Hours			
7.1.2 Excessive Noise Disturbing Person(s)			
7.1.4 Operate Amplified System without Permit			
7.1.5 Keep or Harbour Nuisance Animal			
7.1.6 Use Engine Retarder Brakes			
7.1.7 Cause Nuisance with Motorized Vehicle			
8.2.2 Conduct or Allow Burning with Nuisance Smoke			
8.2.2 Burn Prohibited Fuel			
9.6.4 Fail to Comply with Order			