



BYLAW #1101
A BYLAW OF THE TOWN OF HINTON
IN THE PROVINCE OF ALBERTA TO REGULATE SAFETY,
HEALTH, WELFARE AND PROTECTION OF PEOPLE AND PROPERTY
IN THE TOWN OF HINTON

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

AND WHEREAS it is deemed necessary to implement and enforce regulations and controls regarding such;

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

1. That this Bylaw be cited as the "Nuisance Bylaw".

DEFINITIONS

2. In this Bylaw, unless the context otherwise states:
 - a) "Construction" shall mean erecting, constructing, re-constructing, altering, repairing, and the demolition of any building, structure or thing or the operation of motorized equipment within the corporate limits of Hinton, Alberta;
 - b) "Council" means the Municipal Council of Hinton, Alberta;
 - c) "Direction" shall mean a written direction to remedy a nuisance from a designated officer to an Owner, tenant or agent;
 - d) "Graffiti" shall mean words, figures, letters or drawings scribed, scratched, applied to or sprayed on a surface without the consent of the owner of the premises on which they are placed.
 - e) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - (i) a sidewalk, including a boulevard adjacent to the sidewalk;
 - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be.
 - f) "Noise" shall mean any loud outcry, clamour, shouting or movement or sound that is loud, harsh or undesirable;
 - g) "Nuisance" shall mean any act or deed, practice or thing which is or could reasonably be considered to be annoying, troublesome, destructive, harmful, inconvenient, unsanitary, unsightly, unsafe or injurious to a person or property;
 - h) "Owner" shall mean a person having the powers and authority of ownership over a property and is the registered owner of the property under the Land Titles Act;
 - i) "Peace Officer" shall mean a Designated Officer, a Bylaw officer, a Community Peace Officer or R.C.M.P. officer;
 - j) "Person" shall mean a company, corporation, owner, partnership, firm, association, society or party;
 - k) "Property" shall mean lands or buildings, premises or structures and shall include a dwelling;
 - l) "Refuse" shall mean rejected or worthless matter or debris, rubbish or trash and shall include prohibited waste as defined in the Town Refuse Bylaw as amended from time to time;

- m) "Town" shall mean the Town, City or Municipality of Hinton, Alberta;
- n) "Wood Burning Appliance" shall mean a fireplace, fireplace insert, wood stove, heater, burner, boiler, furnace, masonry heater, pellet stove or similar device;
- o) "Outdoor Recreational Fire" shall mean an outdoor fire as prescribed in the Town of Hinton Fire Bylaw as amended from time to time;
- p) "Permitted Outdoor Fire" shall mean an outdoor fire not considered an outdoor recreational fire and authorized by permit through the Hinton Fire Department as regulated by the Town of Hinton Fire Bylaw as amended from time to time;
- q) "Seasoned Firewood" shall mean untreated wood that has been air dried for a minimum of six (6) months including summer months and has a moisture content of 25% or less and shall include wood pellets.
- r) "Vehicle" shall mean a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid. For the purposes of this bylaw "Vehicle" shall include any Off highway Vehicle as defined by the Traffic Safety Act of Alberta which may be amended from time to time.
- s) "Violation Tag" shall mean a tag or similar documents issued by the Town pursuant to the *Municipal Government Act*.
- t) "Violation Ticket" shall mean a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act* and the regulations thereunder.

SEVERABILITY

- 3. It is declared notwithstanding that any section or sections of this Bylaw or parts thereof, may be found by any court to be bad or illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this Bylaw are independent of one another and enacted as such.

GRAFFITI

- 4. Within the Municipality of Hinton in the Province of Alberta, no person shall create or apply Graffiti.
- 5. Every owner or occupier of a Premise shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise permanently blocked from public view.
- 6. In a prosecution for an offence under this section, if the defendant seeks to rely on the Graffiti being made with the consent of the owner of the Premises, the onus of proving the owner's consent rests with the Person relying on consent.

VEHICLE STORAGE

- 7. The owner, agent, lessee or occupier of a residential property may park a maximum of three (3) un-registered vehicles on such property, one (1) of which may be parked in a driveway, the remaining two (2) un-registered vehicles must be obstructed from view from any public property or other private property by a method of screening approved by the Town of Hinton. An un-registered vehicle stored on a property in accordance with this section shall not become dilapidated, unusable, unsightly or in any way create a nuisance or hazard.

NUISANCES

- 8. A designated officer or Peace Officer may by written order:
 - a) require the owner, agent, lessee or occupier to remedy in such manner as directed, any conditions on his land that constitutes a Nuisance or that contravenes or fails to comply with

- this Bylaw;
- b) direct the owner, agent, lessee or occupier to remove any litter or structure, any wrecked, dilapidated, un-registered motor vehicles or parts there from causing or contributing to untidy or unsightly premises;
 - c) require the owner, agent, lessee or occupier to prevent the untidy or unsightly premises from being viewed from any highway, street, road, avenue, driveway, lane, alley or other public place by a method of screening approved by the Town.
 - d) require the owner, agent, lessee or occupier to provide for the eradication of noxious weeds or plants and the cutting of grass on private property and boulevards fronting or flanking private property;
 - e) require the demolition and removal of any building or structure erected or placed upon property without lawful authority, permit or license to do so;
 - f) require the demolition and removal of any building or structure which may have become dangerous or unsightly;
 - g) require the owner, agent, lessee or occupier of land to undertake the removal of snow, ice, sand, dirt or debris from sidewalks or boulevards fronting or flanking a property owned or occupied by him, which must occur within forty eight (48) hours from the time the snow has stopped falling;
 - h) prohibit the owner, agent, lessee or occupier of land from placing, depositing or causing to be placed or deposited any snow or ice which has fallen on private property onto a highway or any other public lands or public places without expressed permission from the Town Manager or his delegate;
9. A person served with an order under section 8 of this Bylaw may request Council to review the order as per section 547(1) of the *Municipal Government Act*. A person affected by the decision of a Council under Section 547 may appeal to the Court of Queen's Bench of Alberta within 30 days as per Section 548(1) of the *Municipal Government Act*.
10. Failure to comply with an order issued under section 8 of this Bylaw shall be considered an offence and subject to penalty outlined in Schedule "A" to this Bylaw, without limitation to any rights or remedies of the Town under section 11 of this Bylaw.
11. In the event of a failure to comply with an order issued under section 8 of this Bylaw, the Town may take whatever action or measures are necessary to remedy the contravention, or to eliminate the danger or deal with the unsightly condition of the lands, as the case may be. The expenses and costs of such action or measures taken by the Town shall be an amount owing to the Town by the person receiving the Order, and such costs which are unpaid may be charged against the property concerned as a special lien in favour of the Town to be recovered in like manner as property taxes.

NOISE

12. No person shall engage in construction of any kind outside of the following stated hours:
- a) Monday to Saturday: allowable construction hours are 7:00 a.m. to 10:00 p.m.
 - b) Sunday: allowable construction hours are 10:00 a.m. to 7:00 p.m.
13. No person shall:
- a) make or cause, or permit to be made or cause, any noise in or on public or private property which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any

- b) person or persons in the neighbourhood or vicinity;
 being the owner, tenant or occupier of a property allow or permit such property to be used so that noise or sound that occurs thereon or therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity;
- c) play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production of amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;
- d) operate any outdoor public address system in the Town without first having obtained a permit therefore;
- e) own, keep or harbour any animal or bird, which unduly disturbs the peace, quiet, rest or tranquillity of the surrounding neighbourhood or vicinity;
- f) by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person;
- g) indulge in the use of Engine Retarder Brakes when operating a vehicle within the corporate limits of Hinton;
- h) No person shall operate a snow vehicle, motorboat or motorcycle or any motorized vehicle that makes or causes excessive noise;
- i) Notwithstanding any provisions of this Bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

NUISANCE SMOKE

- 14. No person shall:
 - a) In connection to an outdoor recreational fire or permitted outdoor fire permit the spread and emission to the atmosphere smoke which is opaque, dense or of an odour which disturbs the comfort, enjoyment or wellbeing of any person or persons in the neighbourhood or vicinity for more than five (5) minutes in succession;
 - b) in connection to a fire which is burning within a wood burning appliance permit the spread and emission to the atmosphere smoke which is opaque, dense or of an odour which disturbs the comfort, enjoyment or wellbeing of any person or persons in the neighbourhood or vicinity for more than five (5) minutes in succession;
 - c) burn within a outdoor recreational fire or wood burning appliance any fuel other than seasoned fire wood. Burning such fuels as wet or unseasoned fire wood, treated wood, plastic products, rubber products, waste oil, paints, solvents, coal, glossy papers, particle board or any household or commercial garbage or refuse is strictly prohibited;
 - d) burn within a permitted outdoor fire any fuel not permitted within the guidelines and requirements of the fire permit as obtained from the Fire Chief or his designate.
- 15. At any time a Peace Officer, the Fire Chief or his designate may order a fire found to be a nuisance or found in any way to be causing a hazard to public safety or wellbeing to be extinguished immediately.
- 16. Wood burning appliances shall meet at a minimum the Canadian Standards Association Performance Testing of Solid-Fuel Burning Heating Appliances CAN/CSA-B4 15.1 standard as amended from time to time. Proof of such shall be provided to any Peace Officer upon request.

17. Smoke created by any fire burning within the limits of the Town shall not be considered a nuisance during a thirty (30) minute period following the starting or re-fuelling of the appliance or fire. This exemption will only be permitted once during a four (4) hour period.

DAMAGE TO TOWN PROPERTY

18. No person shall cause or permit to be caused damage in any manner to Town property. Including but not limited to trees, shrubs, gardens, benches, sidewalks, roads, pathways, garbage receptacles, signs whether permanent or temporary, vehicles, playground equipment, bus shelters, and any other property owned or leased by the Town.

AUTHORITY TO ENTER PREMISES

19. A peace officer may enter a premises, other than a dwelling house for the purpose of inspections and enforcement in accordance with Section 542(1) of the Municipal Government Act.

PENALTIES

20. Any person who contravenes any part or fails to comply with any notice issued pursuant to this Bylaw is guilty of an offence and liable to a fine or penalty on summary conviction, to a penalty not exceeding Two Thousand Five Hundred (\$2,500.00) Dollars, exclusive of costs and in case of non-payment of the penalty and costs of such breach, to punishment by imprisonment for any period not exceeding six (6) months.
21. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, who neglects to do or refrain from doing anything required to be done by any of the provisions of this Bylaw may be charged with an offence and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.

VIOLATION NOTICES AND TICKETS

22. Any Peace Officer may enforce the provisions of this Bylaw and may issue a Violation Tag or Violation Ticket to any Person found to have committed a breach of the Bylaw. The Violation Tag or Violation Ticket shall state the alleged offence, Bylaw Number and voluntary payment option in the amount as found in Schedule "A".
23. An Violation Tag or Violation Ticket may be issued by personally serving it upon the offender, by leaving it at the residence of the offender with a person who appears to be 18 years of age or older, by leaving it at the residence of the offender posted in a conspicuous place or by sending it by ordinary mail to the address of the offender.
24. The issuance of a Violation Tag is an initial alternative to a Violation Ticket. If a Violation Tag is issued and payment is not made within Thirty (30) days, an additional sum of \$10.00 shall be added to the appropriate fine indicated on the Violation Tag. After the time limit for payment of the Violation Tag, the Peace Officer may allow a further period of grace within the appropriate fine and the additional \$10.00 may be accepted.
25. If a cheque is given in payment for a Violation Tag, which results in non-sufficient funds, the offense for which the cheque was issued for shall remain in effect. In such cases, the Town may apply a penalty fee on NSF cheques received by the Town.

26. After the time limit for payment of a Violation Tag has passed a Peace Officer may serve upon the offender a Violation Ticket. Notwithstanding the foregoing, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Person the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
27. The imposition of a fine either by issuance of a Violation Tag, Violation Ticket or Summary Conviction in court shall not relieve any Person so fined of any costs incurred in having work performed by the Town where authorized by this bylaw, and nothing in this Bylaw shall limit any rights or remedies of the Town pursuant to the Municipal Government Act.

Bylaw #1087 and amendments thereto are hereby repealed.

This Bylaw shall come into effect on the date of the final passing thereof.

READ A FIRST TIME THIS 6th DAY OF OCTOBER, 2015.

READ A SECOND TIME THIS 6th DAY OF OCTOBER, 2015.

READ A THIRD TIME THIS _____.

MAYOR

DIRECTOR OF CORPORATE SERVICES

SCHEDULE "A"

For an offence under Sections 4, 5, 7, 13, 14, 17 and 18 the following penalties shall apply:

1st Offence \$250.00

2nd Offence within a twelve (12) month period \$500.00

3rd and subsequent Offences with in a Twelve (12) month period \$750.00

For an offence under Sections 8 and 12 the following penalties shall apply:

1st Offence \$150.00

2nd Offence with in a Twelve (12) month period \$250.00

3rd and subsequent Offences with in a Twelve (12) month period \$500.00