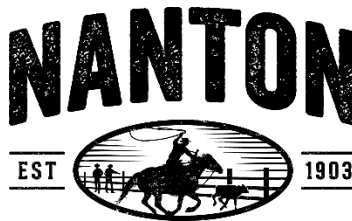




COMMUNITY BYLAW 1299/18

UNOFFICIAL CONSOLIDATED BYLAW (INCORPORATING ADOPTED AMENDMENTS)



JULY 12th 2023
TOWN OF NANTON

Amendments Table		
Bylaw Number/Year	Reason	Section(s)
1373/23	Excessive Protective Elements regulation introduced	Addition to Section 2 definitions Insertion of Section 16 (prohibition, exemptions) Schedule A amended to insert offence and penalty.
Amended or new content is highlighted in yellow.		
Other notes:		

Further direction to staff: if it is determined that the present bylaw (as amended) should be repealed and/or replaced by Council, this consolidated bylaw is typically the starting point for drafting or re-drafting.

The Chief Administrative Officer certifies that this is the correct unofficial consolidated bylaw on the following date:

July 12th 2023





BYLAW

Bylaw Number: 1299 / 18

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA TO MITIGATE NOISE, NUISANCES AND UNSIGHTLY PREMISES.

WHEREAS, Section 7(a) of the Municipal Government Act of the Province of Alberta provides that a Council may pass bylaws for the safety, health and welfare of people and the protection of people and property, and

WHEREAS, Section 7(b) of the Municipal Government Act of the Province of Alberta provides that a Council may pass bylaws respecting people, activities and things in, on or near a public place or a place open to the public, and

WHEREAS, Section 7(c) of the Municipal Government Act of the Province of Alberta provides that a Council may pass bylaws respecting nuisances, including unsightly property, and

WHEREAS, Council deems it proper and expedient to enact a bylaw respecting the mitigation of noise, nuisances and unsightly premises to encourage a sense of community respect and ensure quiet enjoyment of property for the residents of Nanton;

NOW THEREFORE, the Council of the Municipality of the Town of Nanton in the Province of Alberta duly assembled enacts the following Bylaw, to be cited as the "**Community Bylaw**":

1. POWERS AND INTERPRETATION:

- 1.1 This Bylaw shall be administered and enforced by the Chief Administrative Officer, Bylaw Enforcement Officer or any designated officer or employee of the Town of Nanton otherwise delegated the authority of administration and enforcement of this Bylaw.
- 1.2 In this Bylaw, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time, and referred to throughout this Bylaw as the Act, shall have precedence of hierarchy in the matters of this Bylaw. For matters concerning the enforcement of this Bylaw, the provisions of Division 4, Enforcement of Municipal Law of the Act shall be the primary authority.

2. DEFINITIONS:

Act means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any subsequent amendments to the Act.

Approved means acceptable to the Appeal Board or Chief Administrative Officer, or the CAO designate.



Board means the Appeal Board as formed or approved by the Council of the Town of Nanton to review a remedial order appeal, as per the terms of this bylaw, in accordance with Section 8 (d) of the Act.

Building has the meaning defined in the Act and includes anything constructed or placed on, in over or under land, but does not include a highway or road or a bridge that forms part of a highway or road.

CAO is the Chief Administrative Officer which is the person appointed to this position by the Council of the Town of Nanton or a person designated to act on the CAO's behalf.

Construction means the temporary process of demolishing or building any structure, or repairing or improving a building or premises that already exists, including landscaping, home repair, property improvement and any work in connection with that process.

Council means the Municipal Council of the Town of Nanton.

Dangerous Condition means the condition of any property, premises, structure or improvement or any part thereof, which is likely or probably hazardous or dangerous to public health and safety and shall include without limiting the generality of the foregoing:

- A refrigerator, ice box or freezer, which is not being used for the storage of perishable goods and is equipped or fitted with a door that cannot be opened from the inside;
- An excavation or hole that is not safeguarded to prevent persons from falling into such excavation or hole.

Development Permit means a document issued by the Town, authorizing a development pursuant to the Town of Nanton Land Use Bylaw, and includes plans and conditions of approval.

Dwelling Unit means habitable space used or intended to be used by one or more persons which contains cooking, eating, living, sleeping and sanitary facilities and is accessed by a separate locked entrance or serviced by one or more separate utility connections or accounts, or both.

Excessive Protective Elements means protective elements that are excessive and includes but is not limited to:

- a) Visual surveillance equipment, including video cameras, 'night vision' systems, surveillance drone equipment or electronic listening devices, installed on Land or Premises capable of permitting either stationary or scanned viewing or listening, by an operator or viewer or listener of that equipment, beyond the perimeter of Land owned, leased or occupied by the Owner or Occupant.
- b) Floodlighting and/or alarm equipment, including motion sensor-based technology, installed on Land or Premises, which unreasonably generates light or sound beyond the perimeter of Land owned, leased or occupied by the Owner or Occupant.

Fence means a vertical barrier which is used to prevent or restrict passage, to provide visual screening, sound attenuation, protection from dust or other elements, or to mark a boundary.

Good Repair means maintaining the condition of an object or Structure such that it does not become untidy, unsightly or dangerous and such that the object or Structure can continue to be used in the means that it was originally intended.



Graffiti means the illicit placement of one or more letters, symbols, figures, etchings, scratches, drawings, inscriptions, stickers, stains, or other markings or things however affixed on the surface of any Premises, Structure or other property.

Highway means any thoroughfare, street, via duct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:

- Sidewalk (including a boulevard portion thereof);
- where a ditch lies adjacent to and parallel with the roadway, the ditch; and
- where a Highway right-of-way is contained between fences or between a fence and on one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be, but;
- does not include a place declared by the Lieutenant Governor in Council not to be a Highway.

Inoperative Motor Vehicle means a vehicle, other than a vehicle that displays a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the Highway Traffic Act.

Land means the land around and appurtenant (secondary or attached) to the whole or any part of the Premises and used or intended to be used, or capable of being used in connection with the Dwelling Unit or Building and includes those portions of public lanes or streets normally maintained by Owners or Occupants of the adjacent Premises.

Land Use Bylaw means the Land Use Bylaw of the Town of Nanton, as amended from time to time.

Maintain means the work of keeping something in proper working order so that it performs its intended function, or keeping something in good repair or reasonable condition.

Motorized Garden Tool means any tool used for horticulture or lawn maintenance that is powered by an electric or internal combustion engine of any kind.

Municipal Tag means a form of notice alleging an offence issued pursuant to the authority of this Bylaw, which may or may not state a fine, as per the provisions of this Bylaw.

Noise means any sound that is reasonably likely to disturb the peace of others.

Non-residential means the use or occupancy of a Building or Land or part thereof for any purpose other than Residential.

Nuisance means any use of or activity upon any property which is offensive to any person, or has or may have a detrimental effect or impact upon any person or other property in the neighborhood.

Occupant means any Person who resides, leases or carries on any kind of business in a Residential or Non-residential Premises with or without a License of Occupation granted by the owner of said Premises.

Owner means:

- a) a person who is registered under the *Land Titles Act* as the owner of a parcel of land; or
- b) a person who is recorded as the owner of a property on the tax assessment roll of the Town of Nanton; or



- c) a person who has purchased or otherwise acquired a parcel of land, whether that person has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof; or
- d) a person holding himself out as the person having the powers and authority of ownership of a property or premises or who for the time being exercises the powers and authority of ownership; or
- e) a person in possession or control of a property or premises under construction; or
- f) a person who is the occupant of a property or premises pursuant to a written or verbal rental or lease agreement, license or permit.

Pathway means any multiple-use path whether of asphalt, concrete, shale or gravel surface, which is not a Highway.

Peace Officer means a member of the Royal Canadian Mounted Police, a Peace Officer, a Community Peace Officer or a Bylaw Enforcement Officer for the Town.

Person means an individual or any business entity including a firm, partnership, association, corporation, company or society.

Premises includes the external surface of all Buildings and the whole or part of any parcel of real property, including the lands immediately adjacent to any Building or Buildings.

Property means the parcel of land and improvement, or a parcel of land and the improvements to it. Property, **in respect to this Bylaw**, shall also include the adjacent boulevard, and the land directly behind the rear of the property from property line to the mid-point of the laneway or one (1) meter beyond rear property line if abutting a Municipal or Public Reserve area.

Provincial Offences Procedure Act means the Provincial Offences Procedure Act, RSA 2000, c.P-34, and the regulations thereof, as amended or replaced from time to time.

Provincial Ticket or Violation Ticket has the same meaning as in the *Provincial Offences Procedures Act*, R.S.A. 2000, as amended or replaced from time to time.

Public Place means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.

Reasonable means an objective standard determined under the circumstances of a situation or condition (i.e. reasonable standard of a property means a property which is in a neat and tidy condition), in keeping with the standard of maintenance common to the neighbourhood, whether or not the property is maintained with the use of natural landscaping features.

Recreational Vehicle means a vehicle or trailer that is designed, constructed and equipped, either temporarily or permanently, as an accommodation for travel, vacation, or recreational use and includes a travel trailer, motorized homes, slide-in campers, chassis-mounted campers, boats, all-terrain vehicles, snowmobiles and tent trailers, whether licensed or unlicensed.

Refuse means any discarded or abandoned organic or inorganic material and without restricting the generality of the foregoing, includes rubbish or garbage, ashes and all forms of grass, tree and hedge cuttings and clippings, broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other materials, all trees, shrubs, stumps, scrap lumber, scrap metal, large boxes and crates, oil drums, and similar unwieldy materials, discarded furniture and fixtures, including but not limited to tables, mattresses, water heating tanks, stoves, furnaces, fences, gates and other discarded fixtures.



Residential or residence means a room or a suite of rooms which form a Dwelling unit that is exclusively used for human habitation purposes and includes houses, duplexes, townhouses, condominiums, and apartments, and means a vacant lot that is contained within a Residential Development.

Screening means a fence, wall, berm or hedge used to visually separate areas or functions that detract from the street or neighbouring land uses.

Sidewalk means:

- that part of a Highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a Highway between the curb line thereof (or the edge of the roadway where there is no curb line) and the adjacent property line, whether or not paved or improved; and
- a Pathway that is adjacent to a Highway that fronts and/or flanks a Premises.

Standards means the standards as set out in this Bylaw.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, which, among other things, includes buildings, walls, fences, billboards and poster panels, (and includes any Building, utility box, retaining wall, scaffolding, Receptacle, mobile home, shed or portable shack).

Town is the corporation of the municipality of the Town of Nanton.

Unightly Condition means the condition of any property, premises, structure or improvement, or any part thereof, which is detrimental to the surrounding area, due to its condition, as characterized by visual evidence of a lack of general maintenance, repair and upkeep.

Untidy means items or accumulations (e.g. possessions, clutter, refuse) not arranged or stored neatly or in order.

Vehicle means 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 (as defined by the Alberta Traffic Safety Act).

Weeds are defined within the Alberta *Weed Control Act and Regulation* and includes those described as prohibited noxious weeds and noxious weeds.

3. NOISE:

3.1 No person shall cause or permit any noise that annoys or disturbs the peace of any other person.

3.2 In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:

- (a) type, volume and duration of the sound;
- (b) time of day and day of the week;
- (c) nature and use of the surrounding area;
- (d) if the noise is excessive, unnecessary, or unusual;



- (e) any other relevant factor.
- 3.3 No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person between the hours of 11:00 p.m. any day of the week and 6:00 a.m. the next day, excepting Sundays, which shall be to 9:00 a.m. without the direct written permission of the CAO.
- 3.4 No owner or manager or other person in charge of premises where liquor is served to the public shall permit any noise to emanate from such premises such that it annoys or disturbs any person outside the boundary of the premises. Section 3.2 of this Bylaw applies to this provision.
- 3.5 Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
- (a) is a permitted use; or
- (b) is an approved discretionary use.
- 3.6 In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.
- 3.7 No person shall cause or permit any construction noise on property that they own or control so that the noise from the property annoys or disturbs the peace of any other person between the hours of 9:00 p.m. any day of the week and 7:00 a.m. the next day, excepting Sundays, which shall be to 9:00 a.m.
- 3.8 Unless permission from the Town Development Authority or Chief Administrative Officer is first obtained, no person shall use, operate or allow to be used or operated any machinery or equipment so as to create a noise, or disturbance which may be heard in a residential building between the hours of 9:00 p.m. and 7:00 a.m. the next day, except Sundays which shall be to 9:00 a.m.
- 3.9 The provisions in Section 3.7 and 3.8 do not apply to work carried out by the Town, or by a contractor carrying out the instructions of the Town.
- 3.10 Nothing in this Section prohibits the use of motorized garden tools or grass cutting devices on a golf course between the hours of 6:00 am to 9:00 am any day of the week.

4. UNSIGHTLY / UNTIDY PROPERTY AND NUISANCE:

- 4.1 No person being an owner, agent of the owner, lessee or occupier of any property within the Town shall permit such property, or the activities upon such property to be or remain, unsightly, untidy, a nuisance or a safety hazard, by doing, or neglecting to do, without limiting the generality of the foregoing, the following:
- allowing grass, weeds, shrubs, trees or other organic or natural landscaping features to grow and propagate uncontrolled or excessively on the premises;
 - failure to cut, mow and maintain the grass on any boulevard, situated on Town owned land adjoining, abutting or adjacent to the premises owned or occupied by the owner, to prevent such grass from growing to such a height as to be unsightly, having regard to the height of the grass on adjacent or surrounding premises;

- failure to protect lands by suitable ground cover to prevent erosion of the soil;
- as per the provisions of the Alberta Weed Control Act, failure to “control a noxious weed and destroy a prohibited noxious weed”, that is on land the person owns or occupies and on any boulevard which abuts or adjoins the premises, including up to the center of lanes or alleys at the rear or side of the premises;
- failure to manage the growth of trees or shrubs or other vegetation upon such property or premises to ensure that the growth does not cause any obstruction, interfere with or endanger any visibility of streets or sidewalks, including signage for same, lines, poles conduits, pipes, sewers or other works of the Town, or otherwise present a safety hazard for pedestrians or traffic;
- allow any infectious blight or disease of trees or other vegetation located on the property to go uncontrolled or unchecked, including insect pests;
- preventing stagnant water from accumulating or remaining on the premises so as to avoid it becoming a potential breeding place for mosquitoes or other pests;
- engaging in any activity that is likely to allow excessive smoke, dust or other airborne matter, that may disturb any other Person, to escape the Premises, without taking reasonable precaution to ensure the smoke, dust or other airborne matter does not escape the Premises;
- Use any chemical, compound, product or substance for any purpose whatsoever without regard to the manufacturer’s recommendations for use and safety precautions, or Provincial Regulations, that results in adverse effects to the environment or another person;
- excessive storage or accumulation or the failure to dispose of all forms of garbage, including but not limited to animal material, building material, papers, packages, containers, bottles, cans, sewage, yard material, dirt, soil, gravel, rocks, sod, petroleum products, hazardous recyclables, substances and wastes as defined in the *Environmental Protection and Enhancement Act* (Alberta), tires, boxes, scrap materials including metals and lumber, dilapidated furniture, appliances, machinery, machinery parts, or other similar materials or items;
- allow or permit significant deterioration of improvements or portions of improvements, or the failure to maintain any structure in Good Repair, including accessory buildings, structures or fences such that the structure deteriorates, becomes unsightly or becomes a health or safety hazard;
- the failure to fence or secure an excavation, culvert, ditch or other depression so that it does not become a danger to public safety;
- the storage or accumulation of construction waste, other than waste placed in an appropriate waste container and covered as to prevent the material from being blown off the property;
- the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition;
- drawing, painting or writing of any signs or messages upon public or private property, except with the prior permission of the owner of the property;

4.2 No person shall cause, permit or undertake any activity upon any Town property which is a nuisance.



5. MOTOR VEHICLE REPAIR

- 5.1 No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district.
- 5.2 This provision shall not apply to routine maintenance work done on any vehicles owned, operated and registered, in the name of the owner or occupant of premises, provided that:
- The work is done in an area which is suitably screened to the satisfaction of the CAO;
 - The activity does not create a nuisance or noise complaints from the neighbourhood;
 - There is no escape of offensive, annoying or noxious odours, fumes or smoke from the site;
 - Vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
 - All discarded vehicle parts and materials are properly stored in a defined and enclosed area which is visually screened and/or are disposed of from the site in a timely manner, to the satisfaction of the CAO;
 - No power washing of motor or power train is performed on the site;
 - All building and fire code regulations are met.
- 5.3 No person may permit more than one Inoperative Motor Vehicle on a residential premises, unless permission is granted, in writing, by the CAO. Such vehicle must be maintained, repaired or be otherwise operational.
- 5.4 An Inoperative Motor Vehicle is permitted on non-residential premises, provided the Land Use Bylaw permits such use on such premises, and the vehicle is located in a salvage yard and the like where an un-plated vehicle is an integral component of a legally operating business.

6. CONSTRUCTION SITES:

- 6.1 An owner of a property or premises under construction shall ensure that building materials and waste materials on the premises 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 An owner of a property or premises under construction shall ensure that waste building material on the premises is removed within a reasonable time by means of appropriate containers.
- 6.3 Nothing in this section shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential property if a lawful use requiring that material is conducted on the property and the materials are stored in a neat and orderly fashion.

7. GRAFFITI:

- 7.1 Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view, within 30 days of the placement of the graffiti.



- 7.2 In prosecuting an offence under 7.1, the consent of the property owner of any premises to place graffiti thereon shall not be a defence under this Bylaw.

8. ADDRESSING:

- 8.1 The owner or occupier of any Premises shall display the civic address number assigned to the property, pursuant the current Town of Nanton Street Numbering bylaw, at a location plainly visible from the street in front of the Premises to which the property is addressed.
- 8.2 The owner or occupier of a Premises that has access to a laneway, shall display the number assigned to the property, pursuant the current Town of Nanton Street Numbering bylaw, at a location plainly visible from the laneway.

9. ENFORCEMENT:

- 9.1 A Peace Officer, may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter onto or upon any Property, in accordance with Section 542 of the Municipal Government Act, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the MGA, or other statute.
- 9.2 When exercising authority to enter onto Property for inspection or enforcement under Section 9.1, a Peace Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the MGA.
- 9.3 Any Owner or Occupant who contravenes this Bylaw may be issued a written Order by a Peace Officer to remedy the contravention in any manner deemed necessary in the circumstance pursuant to Section 545 of the MGA, in the case of a Nuisance, or Section 546 of the MGA, in the case of a danger to public safety or Unightly Premises.
- 9.4 An Order issued by the Peace Officer as per Section 9.3, for any Nuisance, danger or unsightly premises, shall be in accordance with the provisions of Sections 545 and 546 of the MGA.
- 9.5 An Owner or Occupant or other person who receives a written Order under this Section may request a review of the Order by written notice within fourteen (14) days of the day on which the Order is received. Upon reviewing the Order, the Appeal Committee may confirm, vary, substitute or cancel the Order.
- 9.6 An Owner or Occupant or other person affected by the decision of Council under Section 9.5 of this Bylaw may appeal to the Court of Queen's Bench, as per the provisions of the MGA, Sections 547 and 548.
- 9.7 The expenses and costs of any action or measures taken by the Town under this Bylaw are an amount owing to the Town by the Owner, Occupant or any other Person in contravention of this Bylaw, as per Section 568 of the MGA.
- 9.8 If the Town sells all or part of a building, structure or improvement that has been removed under this Bylaw, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the Owner or Occupant if entitled to them.
- 9.9 The expenses and cost incurred by the Town in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll of the Property that is the subject of the enforcement proceedings under the Bylaw, as per Sections 552 and 553 of the MGA.



- 9.10 The Town may register a caveat under the Land Titles Act in respect of an Order issued under this Bylaw against the Certificate of Title for the Property that is the subject of the Order, in accordance with Section 546 of the MGA.
- 9.11 An Order under this Bylaw may be served on an Owner or Occupant, and is deemed to have been served on the Owner or Occupant, when the Order has been:
- Personally delivered to the Owner or Occupant;
 - Left for the Owner or Occupant at his residence with a person on the premises who appears to be at least eighteen (18) years of age;
 - Sent via registered mail addressed to the last known postal address of the Owner or Occupant; or,
 - Posted in a conspicuous place on the Property referred to on the Order, when the CAO or Peace Officer has reason to believe:
 - That the Owner or Occupant to whom the Order is addressed is evading service; or
 - No other means of services available.
- 9.12 If an Order is sent via register mail as referred to in Section 9.11, then it is deemed to be received by the Owner or Occupant five (5) days after the Order was mailed.

10. PENALTIES:

- 10.1 Notwithstanding whether an Order has been issued as per this Bylaw, any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "A", herein.
- 10.2 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

11. VIOLATION TAGS:

- 11.1 A Peace Officer or CAO is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 11.2 A Violation Tag shall be served upon such a person in the same manner as outlined in Section 9 of this Bylaw
- 11.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- the name of the Owner and/or Occupant of the Property;
 - a description of the Property
 - the offence;
 - the appropriate penalty for the offence as specified in Schedule "A " of this Bylaw;
 - that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - any other information as may be required by the CAO.



- 11.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided that no more than one Violation Tag

shall be issued for each day that the contravention continues.

- 11.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Nanton the penalty specified on the Violation Tag.
- 11.6 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

12. VIOLATION TICKET:

- 12.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended or repealed and replaced from time to time.
- 12.2 Notwithstanding Section 11.1 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 12.3 Where there is a specified penalty listed for an offence in Schedule "A" of this Bylaw, the amount is the specified penalty for the offence.
- 12.4 Notwithstanding the specified or minimum penalties set out in Schedule "A" of this Bylaw:
- (a) if a Person is convicted twice of the same provision of this Bylaw within a twenty-four-month period, the minimum penalty for the second conviction shall be the amount of the specified penalty for a first offence; and
 - (b) if a Person is convicted three or more times of the same provision of this Bylaw within a twenty-four-month period, the minimum penalty for the third and subsequent convictions shall be double the amount of the specified penalty for such first offence.

13. EXEMPTIONS & EXCEPTIONS:

- 13.1 The provisions of this Bylaw shall not be interpreted to prevent bona fide and permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to, a premises, provided that all reasonable steps are taken to minimize the duration of any noise which may annoy or disturb persons that may be affected by such noise.
- 13.2 The owner of a premises that carries on or permits the carrying on of any activities referred to in Section 4.1 of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the premises.

14. MISCELLANEOUS:

- 14.1 Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, or other Bylaw, or any requirements of any lawful permit, order or license.
- 14.2 The levying and payment of any penalty or fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw.



- 14.3 Every provision of this Bylaw is independent of all other provisions and, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 14.4 The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources.
- 14.5 All Schedules attached to this Bylaw shall form part of this Bylaw.
- 14.6 The use of nouns and pronouns within this Bylaw are gender neutral and, accordingly, any reference to one gender includes the other. Also, words in the singular include the plural and conversely, words in the plural include the singular.
- 14.7 Upon coming into force of this Bylaw, the following Bylaws shall be repealed:
- Nuisance and Unsightly Premises Bylaw #1197/08,
 - Noise Control Bylaw #1126/03.

15. EFFECTIVE DATE AND READINGS (2018)

16. EXCESSIVE PROTECTIVE ELEMENTS:

16.1 General Prohibition:

No person shall construct, affix or place or permit the construction, affixing or placement of Excessive Protective Elements on Land or Premises.

16.2 Exemptions:

16.2.1 The following are exempt from Section 16.1:

- a) Financial institutions in Commercially districted areas;
- b) Lands owned or occupied by the Federal or Provincial Government;
- c) Lands owned or occupied by the Town of Nanton or other municipal entities; and
- d) Land specifically exempted from this Section 16.1 of this Bylaw.

16.2.2 A person requesting an exemption from Section 16.1 of this Bylaw shall provide to the Chief Administrative Officer the following:

- a) Proof of ownership of the Land and where the person requesting the exemption is not the owner, authorization from the owner to request the exemption;



- b) Complete details of the location of the Land, including municipal address, legal description, the existing use and nature of the use (residential, commercial, industrial or farm), and a scaled drawing showing the Land and all structures on the Property;
- c) A detailed explanation shall be included of the exemption(s) requested and the rationale for requesting such an exemption(s). This should include details of the proposed application of Excessive Protective Elements along with an explanation of how that application of the Excessive Protective Elements is rationally connected to the purpose for which the exemption is being sought and the impact on the use and enjoyment of neighbouring Property; and
- d) Any other information or documents as may be required by the Chief Administrative Officer.

16.2.3 In determining whether to exempt any Land from Section 16.1 of this Bylaw, the Chief Administrative Officer may consider:

- a) the reason, necessity and rationale for the exemption(s) requested;
- b) the nature and extent of the specific exemption(s) requested;
- c) whether adjacent Land owners or Occupants have consented to the exemption or any conditions that may be attached; and
- d) the views of local law enforcement.

16.2.4 The Chief Administrative Officer may revoke an exemption under this section at any time, for any reason.

16.2.5 An exemption granted under this Bylaw is personal, not assignable, does not run with the Land, and immediately expires upon the sale of the Land or any change in occupancy or corporate control of the tenancy or ownership of the Land.

16.2.6 The Chief Administrative Officer's decision pursuant to Section 16 of this Bylaw shall be considered final.

SCHEDULE A

Community Bylaw # 1299 / 18 Specified Penalties

<u>Offence</u>	<u>Section</u>	<u>Penalty</u>
Cause or Permit noise	3.1 & 3.3	\$250.00
a) second offence within 1 year		\$500.00
b) third and subsequent offences within 1 year		\$1,000.00
Noise from premises where liquor is served	3.4	\$1,000.00
a) second offence within 1 year		\$2,500.00
b) third and subsequent offences within 1 year		\$5,000.00
Industrial or construction noise	3.6 & 3.7	\$250.00
a) second offence within 1 year		\$500.00
b) third and subsequent offences within 1 year		\$1,000.00
Operate or allow noise from Machinery	3.8	\$250.00
a) second offence within 1 year		\$500.00
b) third and subsequent offences within 1 year		\$1,000.00
Permit a nuisance on private property or permit unsightly property	4.1	\$500.00
a) second offence within 1 year		\$1,500.00
b) third and subsequent offences within 1 year		\$5,000.00
Nuisance on Town property	4.2	\$500.00
a) second offence within 1 year		\$1,500.00
b) third and subsequent offences within 1 year		\$5,000.00
Motor Vehicle repair in contravention of bylaw	5.1 & 5.2	\$250.00
a) second offence within 1 year		\$500.00
b) third and subsequent offences within 1 year		\$1,000.00
Failure to contain, secure or remove construction materials	6.1 & 6.2	\$250.00
c) Second offence within 1 year		\$500.00
d) Third and subsequent offences within 1 year		\$1,000.00
Failure to remove graffiti on property	7.1	\$250.00
Failure to display civic address number	8.1 & 8.2	\$250.00
Excessive Protective Elements	16.1	\$250.00
a) Second offence within 1 year		\$500.00
b) Third and subsequent offences within 1 year		\$1,000.00

NOTE: No penalty or other fine for nuisance or unsightly property shall limit the Town from seeking compensation for costs incurred as per Section 9.7 of this Bylaw.

