



**BYLAW NO. 1574-19**  
**BEING A BYLAW OF THE**  
**TOWN OF PINCHER CREEK**  
**FOR THE PURPOSE OF THE PREVENTION AND**  
**CONTROL OF NUISANCES AND REGULATING**  
**UNTIDY AND UNSIGHTLY PREMISES**

**WHEREAS**, under the authority of the Municipal Government of Alberta, being Chapter M-26 of the Revised Statutes of Alberta, R.S.A. 2000 and amendments thereto, the Council of a municipality may pass bylaws for the preventing of nuisances generally and regulating untidy and unsightly private and public premises.

**AND WHEREAS**, the Council deems it expedient to pass a bylaw pursuant to Chapter M-26 of the Municipal Government Act, Revised Statutes of Alberta and amendments thereto,

**NOW, THEREFORE**, THE COUNCIL OF THE TOWN OF PINCHER CREEK ENACTS AS FOLLOWS:

**PART 1-Title and Definitions**

**Section 1: Title**

1.1 This bylaw may be cited as the “**Nuisance Bylaw.**”

**Section 2: Definitions**

- 2.1 “**ACT**” means the Municipal Government Act, R.S.A. 2000, c M-26.1 as amended
- 2.2 “**BOULEVARD**” means that portion of a street which lies between the roadway and the front property line of the land abutting said street
- 2.3 “**BYLAW ENFORCEMENT OFFICER**” means a person authorized by Council to carry out The provisions of this bylaw or the Municipal Administrator (CAO) of the Town of Pincher Creek or a member of the Royal Canadian Mounted Police.
- 2.4 “**COUNCIL**” means the Council of the Town of Pincher Creek
- 2.5 “**LITTER**” means
- a. any solid or liquid material or product or combination of solid or liquid material or liquid materials of product, including but not limited to;
  - b. any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement or sewage of the whole or a part of an animal carcass, or
  - c. the whole or part of any article, raw or processed material, motor vehicle or other machinery that is disposed of.
- 2.6 “**CHIEF ADMINISTRATIVE OFFICER (CAO)**” means a person appointed under the Municipal Government Act by the Town of Pincher Creek Council.

- 2.7 “**NUISANCE**” means any act or deed, or omission, or thing, which is, or could be reasonably expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and/or his property, of anything troublesome or bothersome to other people for which complaints are received.
- 2.8 “**OCCUPANT**” means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.
- 2.9 “**ORDER**” means an order as described in Section 545 and 546 of the Municipal Governments Act.
- 2.10 “**OWNER**” means a person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon
- 2.11 “**PEST**” means any animal, bird, reptile or insect which causes or could reasonably be expected to cause an annoyance or damage or injury to any person, or animal or plant.
- 2.12 “**PROPERTY**” means;
- (a) a parcel of land
  - (b) an improvement
  - (c) a parcel of land and the improvement to it.
- 2.12 “**RUBBISH**” means and included any paper product, or fabric, or wood, or plastic, or glass, or metal and/or any matter or substance of any kind which has apparently been discarded, or abandoned, or in any way disposed of.
- 2.13 “**TOWN**” means the Town of Pincher Creek.
- 2.14 “**UNTIDY**” or “**UNSIGHTLY**” means any property or part of it on which there is litter, rubbish or debris of any kind which causes the property or any part of it to look untidy or unsightly.
- 2.15 “**WILDLIFE**” means any animal that is not domestic and is feral, such as birds, reptiles, insects, feral cats and dogs, skunks, raccoons, or deer.
- 2.16 “**WILDLIFE ATTRACTANT**” means any substance that could be reasonably expected to attract wildlife.

## **PART 2- Regulations**

### **Section 3: Regulations**

- 3 Every owner, lessee, tenant or agent of the owner of any real property within the Town of Pincher Creek, or if such property is unoccupied, the owner thereof shall ensure that:
- 3.1 No person being the owner, agent, of the owner, lessee or occupant of land or premises, shall permit that land or premises or boulevard adjacent to property to be or remain untidy or unsightly.
- 3.2 No person being the owner, lessee, tenant or agent of the owner of any land or premises with the Town shall permit any building structure or erection of any kind whatsoever, or any excavating, depression, drain or ditch, watercourse, pond, surface water, refuse or other matter or thing upon private land, street or road in or about any building or structure of which such person is the owner, lessee, tenant or agent of the owner, to be or to remain a nuisance and/or dangerous to the public safety or health.

- 3.3 Every person who is an owner, lessee, tenant or agent of the owner of land or premise shall eradicate dandelions and noxious weeds and plants from the property occupied by him and from the boulevard which abuts or flanks a property occupied by him.
- 3.4 Every person who is an owner, lessee, tenant or agent of the owner of land or premises shall remove from property occupied by him any dead grass or bush or rubbish which may be untidy or unsightly and which may harbour pests or wildlife.
- 3.5 Council may direct the owner, agent of the owner, lessee or occupier of any property to take such measures as the CAO and/or Bylaw Enforcement Officer in their discretion deems necessary for the prevention or abatement of a nuisance or for the remedying or any untidy or unsightly condition on any premises.
- 3.6 The owner of residential properties in the Town of Pincher Creek shall ensure the neat and orderly storage of unregistered and non-operational vehicles is limited to no more than two (2) vehicles on any one property.
- 3.7 The owner of residential properties in the Town of Pincher Creek shall ensure the neat and orderly storage of, or disposal or dilapidated furniture or household appliances, scrap metal, scrap lumber, tires and motor vehicle parts.

#### **Section 4: Control of Litter**

- 4.1 No person shall place, deposit, throw or cause to be placed, deposited or thrown any litter upon any street, land, sidewalk, parking lot, park or other public place or water course; or on property not their own; except in a receptacle provided for such purpose
- 4.2 All private or general contractors shall ensure the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance, and shall secure all manner of debris to prevent it from blowing onto any other private or public property.
- 4.3 A person who has placed, deposited or thrown or caused to be placed or thrown any litter upon any street, land, sidewalk, parking place, park or other public place or water course or on any property not their own shall forthwith remove it.
- 4.4 If any person fails to remove any litter or any materials or objects referred to in this section or any other obstruction deposited by them, off and from the highways or street, lanes, alley's and byways, property not their own or public places of the Town, the Bylaw Enforcement Officer shall cause such removal to be done at the expense of such person, and the expense of so doing shall be recoverable from such person in any court of competent jurisdiction.

#### **NO DUST IN THE AIR**

#### **Section 5: Dust in the Air**

- 5.1 No person being the owner, agent of the owner, lessee or occupant of land or premises shall cause or permit any opaque or dense dust to be emitted into the atmosphere from any operations on the premises from that land or premises.

**Section 6: Posters on Walls**

- 6.1 No person shall post or exhibit, or cause, permit or allow to be posted or exhibited on any wall or fencepost or elsewhere on or adjacent to a highway or public place, any placard, playbill, poster, writing or picture, without the prior written permission of the CAO or designate.
- 6.2 The Bylaw Enforcement Officer is hereby authorized to remove and destroy any such placard, playbill, poster, writing or picture erected or maintained without such permission.

**Section 7: Piling, Storing Materials or Equipment**

- 7.1 No Person shall place, pile or store any material or equipment on Town Property without first applying for and obtaining a permit for such purpose from the Town. The Council is hereby authorized to make provisions and regulations for the granting of such permits and to set the charges and terms in respect thereof.
- 7.2 Any person placing or causing to be placed, any dirt, gravel, concrete, equipment or any such obstruction on Town property without a permit shall remove or cause the removal thereof within twenty-four (24) hours after being notified to do so. Council may authorize the removal of the obstruction and completion of any necessary repairs, and charge the cost thereof to the person causing the obstruction

**Section 8: Pest and Wildlife Controls**

- 8.1 No person shall permit the proliferation of any pest that is likely to spread disease, be destructive or dangerous or otherwise become a nuisance.
- 8.2 No person shall feed, attempt to feed or permit the feeding of wildlife and must not feed other animals in a manner that is likely to attract wildlife.
- 8.3 No person shall accumulate, place or permit the placement of wildlife attractants.

**Section 9: Control of Trees and Shrubs**

- 9.1 Every owner, agent, lessee or occupier of a premises shall ensure that branches, stems or trunks of trees or shrubs, whether on private property or otherwise shall not in anyway interfere with or endanger the lines, poles, conduit pipes, sewers or other works of an utility serving or owned by the Town of Pincher Creek: the Council for the Town of Pincher Creek, CAO, Director of Operations or the Bylaw Enforcement Officer may direct the owner, agent, lessee or occupier of the property on which such tree or shrub stands to remove or prune the tree or shrub, or to take such other steps as the Council, CAO, Director of Operations of the Bylaw Enforcement Officer deems necessary to alleviate the interference with or danger to such works.
- 9.2 Every owner, agent, lessee or occupier of premises shall ensure that their tree branches and shrubs overhanging or encroaching a public sidewalk, road, lane or alley shall be pruned or trimmed to height of at least twelve (12) feet above said public sidewalk, road, lane or alley.

- 9.3 Every person who is an owner, agent, lessee or occupier of premises shall be responsible for the trimming, maintenance and removal of trees and shrubs;
- (a) On the said premises.
  - (b) on the Boulevard which abuts or flanks the said premises.
  - (c) and on any lane or alley which abuts or flanks the said premises.
- 9.4 Maintenance of a tree on property owned by the Town of Pincher Creek that, in the opinion of the Director of Operations or a Town appointed arborist, is required to mitigate an exigent situation, will be the responsibly of the Town.
- 9.5 No person or owner of a parcel of land shall permit fruit from a tree or bush, or otherwise located on a parcel of land, to accumulate on the tree, bush or ground such that it attracts wildlife.

### **PART 3- Enforcement**

#### **Section 10: Authority to Enter and Enforce**

- 10.1 A Bylaw Enforcement Officer may, for the purpose of ensuring that the provisions of this bylaw are being complied with to enter in or upon the property, in accordance with Section 542 of the *Municipal Government Act*, to carry out an inspection, enforcement of other action required or authorized by this bylaw, the *Municipal Government Act*, or other statutes.
- 10.2 The Bylaw Enforcement Officer may declare that any property or premises within the Town is in contravention of this Bylaw.
- 10.3 The Bylaw Enforcement Officer may direct the owner, agent or the owner, lessee or occupier of any property to take such measures as the Bylaw Enforcement Officer at his discretion deems necessary for the prevention or abatement of a nuisance or for the remedying of any untidy or unsightly condition on any premises or to ensure that the provisions of this bylaw are complied with, and may;
- (a) Issue a warning notice by mail to the owner, agent, lessee or occupier of the land or premises in question advising them of the condition and directing that the condition be rectified within fourteen (14) days.
  - (b) Issue a written order in accordance with Section 545 or 546 of the *Municipal Government Act*.
- 10.4 Should any property owner, agent, lessee or occupier fail, neglect or refuse to remedy the condition as directed in the said Order, the Town of Pincher Creek may cause the work to be performed as deemed necessary to remedy the condition and charge the all cost of such work to the owner, agent, lessee or occupier, and in default of payment, relative to;
- (a) Dealing with the unsightly condition of a property in accordance with Section 550 of the Act, and;
  - (b) Collect any unpaid costs and expenses of the actions or measures taken by the Town in accordance with the Act, which includes adding unpaid costs and expenses to the tax roll of the property.

- 10.5 Any person who enters property to remedy a condition as directed by the CAO or the Bylaw Enforcement Officer shall be deemed to have the authorization of Council and shall not incur any liability, therefrom.

**Section 11: Penalties**

- 11.1 Any Person who breaches a provision of this bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine of not less than \$200.00 and not more than \$500.00.
- 11.2 Notwithstanding the foregoing, a person charged with an offence under this Bylaw may make a voluntary payment at the Town office at any time up to fourteen (14) days after the date the offence ticket is issued and in such case, prosecution for the offence will not proceed.
- 11.3 Voluntary payment shall be \$75.00.
- 11.4 Where an alleged offender has made payment under this bylaw and is prosecuted under a summons issued for the offence in respect of which such payment has been made, such payment will be refunded.
- 11.5 If an alleged offender does not pay the penalty amount, then such person may, by summons, be required to appear in Court and shall be liable on summary conviction to pay a minimum fine equal to the penalty amount plus Court costs.

**Section 12: Appeal Provisions**

- 12.1 A person who considers themselves aggrieved by an order issued pursuant to Section 545 of the Act may request that Council review the Order by filing a written request for review pursuant to and in accordance with, Section 546 of the Act.
- 12.2 An appeal under this section shall be delivered in person or sent by registered mail to the CAO within fourteen (14) days of the date on which the direction was served on the owner, agent, lessee or occupier.
- 12.3 Council shall consider the appeal at its next regular meeting after the appeal has been received.
- 12.4 After considering the appeal, Council may confirm the order or if it is satisfied that the order is unreasonable, unjust or in any manner contrary to the intent and meaning of this bylaw, cancel, vary, substitute or modify the order.

**PART 4: Legal**

**Section 13: Severability**

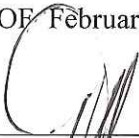
- 13.1 Should any section or part of this bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted has not been enacted as part of this bylaw.

**Section 14: Repeal**

14.1 That Bylaw #1574-11 and amendments thereto are hereby repealed.


14.2 This bylaw shall come into force and effect on the final date of passing thereof.

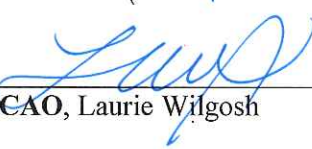
READ A FIRST TIME THIS 25<sup>th</sup> DAY OF February 2019, A.D.

  
\_\_\_\_\_  
Mayor, Don Anderberg


  
\_\_\_\_\_  
CAO, Laurie Wilgosh


READ A SECOND TIME THIS 6<sup>th</sup> DAY OF March 2019, A.D.

  
\_\_\_\_\_  
Mayor, Don Anderberg

  
\_\_\_\_\_  
CAO, Laurie Wilgosh

READ A THIRD TIME THIS 6<sup>th</sup> DAY OF March 2019, A.D.

  
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Mayor, Don Anderberg

  
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CAO, Laurie Wilgosh