

THE TOWN OF SWAN HILLS

By-Law No. 2012 - 05

PROVINCE OF ALBERTA

BEING A BYLAW FOR THE TOWN OF SWAN HILLS IN THE PROVINCE OF ALBERTA TO REGULATE NUISANCES, NOISE, PUBLIC SAFETY, PUBLIC BEHAVIOUR AND LIVEABILITY.

WHEREAS, the Municipal Government Act RSA. 2000 Chapter M-26 provides that Council may enact Bylaws respecting Nuisances, and may also pass Bylaws related to, unsightly, untidy, unsafe or dangerous property;

WHEREAS, the Municipal Government Act RSA. 2000 Chapter M-26 provides that Municipal Council of The Town of Swan Hills may also enact Bylaws respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS, the Municipal Government Act RSA. 2000 Chapter M-26 provides that Municipal Council of The Town of Swan Hills may also enact Bylaws respecting people, activities and things in, on, or near a Public Place or a place that is open to the public;

WHEREAS, the Municipal Government Act RSA. 2000 Chapter M-26 provides that Municipal Council may enact a Bylaw for the purpose of prohibiting, eliminating or abating noise;

WHEREAS, the Municipal Council of The Town of Swan Hills deems it desirable to establish a Bylaw to regulate such matters;

WHEREAS, the Municipal Council of The Town of Swan Hills deems it desirable for regulations which affect nuisances, noise, public safety, public behavior and neighbourhood livability to be located, as much as possible, in one Bylaw;

NOW THEREFORE under the authority, and pursuant to the provisions of the Municipal Government Act, and by virtue of all other enabling powers, the Municipal Council of The Town of Swan Hills, duly assembled, enacts as follows:

PART 1—TITLE AND DEFINITIONS

Section 1 - Title

1(1) This Bylaw may be cited as the "Community Standards Bylaw".

Section 2 - Definitions

- 2(1) **ACT** - means the Municipal Government Act RSA. 2000 Chapter M-26, as amended.
- 2(2) **CHIEF ADMINISTRATIVE OFFICER** - means the Chief Administrative Officer for The Town of Swan Hills.
- 2(3) **COMMUNITY EVENT** - means any celebration, event, activity or thing so designated by Resolution of Council, and to which this Bylaw shall not apply by reason of said designation.
- 2(4) **CONSTRUCTION EQUIPMENT** - means machinery or equipment typically utilized in the construction process and shall include but not be limited to a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack-hammer, pneumatic drill, tractor other than a tractor used in Farming Operations, bulldozer, front end loader, motor scraper, motor grader, or any other tool, device or machine of a noisy nature.
- 2(5) **CONSTRUCTION NOISE** - means Noise caused by Construction Equipment.
- 2(6) **COUNCIL** - means the Municipal Council of The Town of Swan Hills.
- 2(7) **DEFECATE** - mean to discharge waste matter from the bowels.
- 2(8) **DERELICT BUILDING** - means a building that is vacant, neglected, poorly maintained or unsuitable for occupancy, which includes a building:
- (a) that is in a ruinous or dilapidated condition;
 - (b) that is detrimental to the surrounding area or in an unsightly condition within the meaning of s. 546 of the Act;
 - (c) that is in such a state of disrepair as to be no longer suitable for human habitation or business purposes;
 - (d) that is potentially dangerous and an allurement to children;
 - (e) that constitutes a hazard to health or safety of the public;
 - (f) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure is not maintained;
 - (g) that is a fire hazard to itself or to the surrounding lands or buildings: or
 - (h) any building that is subject to a Town of Swan Hills development permit, or any building where renovations or construction of any kind has commenced is deemed to be a derelict building if the renovations or construction has been suspended for a period of more than 60 days, for the purposes of this by-law any derelict building is also deemed to be a Nuisance property.

2(9) **GRAFITTI** - means words, figures, letters or drawings scribbled, scratched, sprayed or applied by any other means on a surface without the consent of the Owner of the property or premises on which they are placed.

2(10) **HIGHWAY** - mean any thoroughfare, street, road, trail, avenue, parkway, viaduct, alley, square, ridge, causeway, trestle way, 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 or pedestrian purposes, and which includes;

- (a) A Sidewalk (including a boulevard portion thereof);
- (b) A ditch, where the ditch lies adjacent to or parallel with the roadway; and
- (c) Where a Highway right-of-way is contained between Property lines or between a Property line and one side of the roadway, all land between the Property line and the edge of the roadway, as the case may be, unless declared by the Lieutenant Governor in Council not to be a Highway.

2(11) **HOLIDAY** - means any day declared as such by Municipal, Provincial or Federal authority and includes Sundays.

2(12) **HOUSING PREMISE or HOUSING PREMISES** - means any structure that is used or intended to be used wholly or partly for accommodation purposes and includes:

- (a) an apartment building;
- (b) a dormitory;
- (c) a private dwelling;
- (d) a hotel or motel;
- (e) a lodging house;
- (f) a mobile home, trailer or modular structure;
- (g) a rooming house.
- (h) a townhouse
- (i) a camper trailer

2(13) **JUNKED VEHICLE** - means a Vehicle that:

- (a) Is in a wrecked, partly wrecked, dismantled, partly dismantled, inoperative, unregistered uninsured or in an abandoned condition;
- (b) Is determined to be not roadworthy, and is not located in a building or on a Property such that is concealed from view
- (c) Notwithstanding Section 2(14) (a) and (b); vehicles that form part of a business enterprise which deals with such vehicles in the ordinary course of its business, and the business is appropriately licensed, is in possession of all required permits and licenses which allow for this use in such a manner, and is in full compliance with all the terms and conditions of any required permit and licenses, shall be exempt from this section so long as no public safety risk is presented.

2(14) **LITTER** - means refuse, garbage or waste located on any private or Public Land within The Town of Swan Hills, which is not contained in a garbage receptacle authorized by Bylaw, or the throwing, placing, leaving or depositing of Litter, as the context may require.

2(15) **LOITER** - means to linger aimlessly in or about a place, or remain in an area for no obvious reason

2(16) **MOTOR VEHICLE or VEHICLE** - means Motor Vehicle and Vehicle as defined in the Traffic Safety Act, RSA, 2000, c. T-6.

2(17) **MUNICIPAL VIOLATION TICKET** – means a document that is a Municipal Violation Ticket issued on behalf of the Town of Swan Hills pursuant to the Municipal Government Act, R.S.A. 2000, c-M-26

2(18) **NOISE** - means any sound which in the opinion of the Peace Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, enjoyment, repose, health, peace or safety of persons within The Town of Swan Hills.

2(19) **NUISANCE** - for the purpose of this Bylaw, means any use of or activity upon any Property which in the opinion of a Peace Officer or other Designated Officer is dangerous to health, or has or may have a detrimental impact upon any Person other Property in the neighborhood, or which creates an unreasonable interference with the use or enjoyment of other Property, and without limiting the generality of the foregoing, includes the posting or exhibiting of posters, sign, billboards, placards, writings or pictures upon any fence or wall on any Property, where the same are accumulated and become in dilapidated and unsightly condition whether or not their posting or exhibiting is permitted by this or any other Bylaw, and also includes an unsightly or dangerous structure, excavation or hole within the meaning of s. 546 of the Act.

2(20) **OCCUPANT** - means a person occupying a property, or a person who has rented, leased or has permission to use the Property.

- 2(21) **OCCUPANT OF LAND** - includes the Owner of any lot or parcel of land within The Town of Swan Hills whether or not a dwelling place is present on the land. For the purposes of this Bylaw the "Occupant of Land" shall also be deemed to be the Occupant of that portion of any Highway within the Town and subject to the direction, management and control of the Town and which adjoins his or her land and lies between the boundary of his or her land and the middle line of the Highway.
- 2(22) **OWNER** - means a Person who is a registered Owner of a Property or who has any other ownership interest in a Property.
- 2(23) **PANHANDLING** - means the personal, verbal and direct solicitation by a Person of gratuitous donations of money, foods or goods of any kind from any member of the public, but does not include a solicitation allowed or authorized pursuant to the Charitable Fund Raising Act, RSA 2000, c. C-9, as amended.
- 2(24) **PEACE OFFICER** - means any sworn member of the Royal Canadian Mounted Police, a Community Peace Officer appointed under the Peace Officer Act of Alberta or a By-law Enforcement Officer employed by the Town of Swan Hills.
- 2(25) **PERMIT** - means a written Permit issued by the Chief Administrative Officer and or his/her designate pursuant to s. 8 of the Bylaw.
- 2(26) **PERSON** - includes a corporation or other form of body corporate or other legal construct, and their successors or assigns, and individuals and their heirs, executors, administrators, other legal representatives or assigns.
- 2(27) **PROPERTY** - includes any lands, buildings, housing premise or premises located within The Town of Swan Hills.
- 2(28) **PUBLIC HEALTH ACT** - means the *Public Health Act* of Alberta, as amended, or any successor legislation;
- 2(29) **PUBLIC LANDS** - means all lands under the Ownership and control of Her Majesty the Queen in the right of Canada, Her Majesty the Queen in the right of Alberta, or The Town of Swan Hills, or any combination thereof.
- 2(30) **PUBLIC PLACE** - means any place within the Town of Swan Hills to which the public may have either express or implied access.
- 2(31) **QUIET TIME** - means the time or times designated by s. 8(1) of this Bylaw.

- 2(32) **REFUSE** - includes any item specifically referred to as Refuse in this Bylaw, junked or disposed of articles including but not limited to garbage, trash, solid wastes, woods, metals, tires, broken dishes, tins, glass, rags, cast-off clothing, waste paper, cardboard, food containers, food wrappers, grass cuttings, shrubbery and tree pruning's, weeds and garden waste, junked vehicles, vehicle parts, residential furnishings, household appliances, waste from building construction remodeling and repair, newspapers, magazines, packaging materials, animal feces, dead animal carcasses, garbage bags and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics
- 2(33) **SIDEWALK** - means that portion of a Highway between the curb lines, or the lateral lines of a roadway, and the adjacent Property lines, intended for the use of pedestrians with the exception of the areas chosen by The Town of Swan Hills to be designated winter snow storage areas.
- 2(34) **SPIT** - means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth.
- 2(35) **TOWN** – means the Town of Swan Hills
- 2(36) **URINATE** - means to discharge urine from the body.
- 2(37) **UNSAFE PROPERTY** - means a property which, in the opinion of a Peace Officer, is:
- (a) dangerous to public safety; or
 - (b) has the potential to cause harm to a person or animal, or
 - (b) dangerous to property.
- 2(38) **UNSIGHTLY PROPERTY or UNTIDY PROPERTY** - means:
- (a) A Property that because of its condition or the accumulation of Refuse is detrimental to the use and enjoyment of the surrounding area or neighbouring properties,
 - (b) In respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, disregard for general maintenance, upkeep or repair, or which constitute a Nuisance;
 - (c) In respect of land, includes land that shows signs of disregard for general maintenance or upkeep, or which constitutes a Nuisance;
 - (d) Unsightly Property within the meaning of s. 546 of the Act.
- 2(39) **VIOLATION TICKET** – means a violation ticket issued pursuant to the Provincial Offences Procedures Act, R.S.A

PART TWO – PROPERTY NUISANCES AND SAFETY

Section 3 - Untidy, Unsightly, Unsafe and Nuisance Premises

- 3(1) No Owner or Occupant of any Property shall allow the Property which they own or occupy to be or to become Unsafe, Unsightly, Untidy or a Nuisance.
- 3(2) No Owner or Occupant of any land shall have or allow a Derelict Building to remain on a property or premises at any time.
- 3(3) No Person shall have, permit or allow a Junked Vehicle to remain in or on any land in a residential area, for more than fourteen (14) successive days.
- 3(4) No Owner or Occupant of a Property shall have or allow in or on the Property, the accumulation of:
 - (a) Any material that creates unpleasant odour;
 - (b) Any material likely to attract animals, pests or wildlife; and
 - (c) Animal remains, parts of animal remains or animal feces.
- 3(5) No Owner or Occupant of a Property shall have or allow the open or exposed storage on the Property of any industrial fluid, including engine oil, brake fluid or anti-freeze.
- 3(6) No Owner or Occupant of a property shall have or allow the following to accumulate on the Property such that the accumulation is visible to a Person viewing from outside the Property:
 - (a) loose garbage and bagged garbage;
 - (b) bottles, cans, boxes or packaging materials;
 - (c) household furniture or other household goods;
 - (d) automobile parts;
 - (e) parts of or disassembled machinery, equipment or appliances; and
 - (f) yard waste, including grass, tree hedge cuttings, leaves and Refuse
- 3(7) No Owner or Occupant of a Property shall allow a discarded refrigerator or freezer to remain on the Property without first ensuring that the hinges and latches, or lid or doors of the unit have been removed.

3(8) Notwithstanding section 3(7), it shall not be an offence for an Owner or Occupant of a Property to have or allow a functioning refrigerator or freezer on the Property if:

- (a) the refrigerator or freezer is not visible to a Person viewing from outside the Property; and;
- (b) the refrigerator or freezer remains locked at all times with a padlock or similar locking device.

3(9) No Owner or Occupant of a Property shall have or allow any discarded appliance to remain on the Property such that the appliance is visible to a Person from outside the Property.

3(10) The Owner and/or Occupant of all private property shall:

- (a) Cut the grass on said Property as well on any boulevard which abuts, flanks, or adjoins the Property. This includes lanes or alleys at the rear of the premises or Property;
- (b) Eradicate dandelion and/or noxious weeds;
- (c) Remove from premises any dead grass, brush, rubbish, or anything else which is considered Untidy or Unsightly;
- (d) Remove or prune trees, or cause to be removed or pruned, that in any way interfere with or endanger the lines, poles, conduits, pipes, sewer, or other works of the Municipality or a Public Utility;
 - (i) Where circumstances mentioned in Section 3(10)(d) present a dangerous condition to any person, the owner and/or occupant shall, within a reasonable amount of time, contact the proper authority and cause the condition to be remedied
- (e) Repair, paint, and generally maintain or remove unmaintained or derelict fences and other similar structures on the Property;
- (f) Repair, paint, and generally maintain private recreation areas such as the play space in mobile home parks and multiple family developments; and
- (g) Ensure that Graffiti placed on their Property is removed, painted over, or otherwise permanently blocked from public view.

3(11) No Owner or occupant of property shall have or allow on the Property the accumulation of building materials, whether new or used, unless that Owner or Occupant can establish that a construction or renovation undertaking is being carried out on the Property and that;

- (a) the project has begun or the beginning of work is imminent;
- (b) the materials found on the Property relate to the project taking place on the Property in a quantity reasonable to complete the project;

- (c) the work on the project has not been suspended for a period in excess of sixty days; and
- (d) this section does not pertain to waste or Refuse generated from the project.

3(12) An Owner or Occupant of a Property shall ensure that all building materials referred to in section 3(11) that are stored on the Property are stacked or stored in an orderly manner.

3(13) Notwithstanding anything in Section 3(11), it shall not be an offence to store a small amount of neatly stacked materials on a Property for basic Property maintenance.

3(14) No Persons shall allow smoke from an open burning fire to become or remain a Nuisance to any other Person.

3(15) Every Owner of a Housing Premise within The Town of Swan Hills shall ensure that the Housing Premises are:

- (a) Structurally sound;
- (b) In safe condition;
- (c) In good repair;
- (d) Maintained in a waterproof, windproof and weatherproof condition; and
- (e) Properly equipped with a smoke detector on every level of the Housing Premises.

3(16) Every Owner of a Housing Premise within The Town of Swan Hills shall ensure that the Occupants of the Housing Premises are supplied with adequate:

- (a) sanitary facilities, including a sanitary drainage system or private sewage disposal system;
- (b) heating facilities that are capable of maintaining a habitable indoor temperature;
- (c) running hot and cold water that is safe for human consumption;
- (d) space for sleeping purposes.

3(17) Every Owner of a Housing Premise within The Town of Swan Hills shall ensure that the common areas of the Housing Premises, its fixtures and any furnishings provided by the owner are maintained in a clean, safe and sanitary condition.

3(18) Every Owner of a Housing Premise within the Town of Swan Hills shall ensure the Housing Premises facilities provided under s. 3(16) and 3(17) of this Bylaw are free from defects and maintained in proper operating condition.

3(19) Every Owner of a Housing Premises within The Town of Swan Hills shall maintain the Housing Premises in compliance with this Bylaw and the Public Health Act at all times.

- 3(20) No person shall occupy or permit the occupation of a Housing Premises in respect of which an order under the Public Health Act declaring a premise unfit for human habitation is in effect within The Town of Swan Hills.
- 3(21) No Person shall cause or permit any condition in a Housing Premises to become injurious or dangerous to the public health of its occupants.

Section 4 – Compliance Notice

- 4(1) Where any property in The Town of Swan Hills are observed or deemed by a Peace Officer or other designated officer to be Untidy, Unsightly, Unsafe or of a Nuisance condition, the Officer may issue a compliance notice, either verbally or in writing, or an Order under s. 546 of the Act to any Person who is under a duty imposed by this Bylaw, or the Act, to prevent such a condition, and require that the Person remedy the same, without restricting the generality of the foregoing:
- (a) In the case where the lands, premises or a Housing Premise are found to be unsafe, A Peace Officer or other designated officer may order that the lands, premises or Housing Premises be vacated and deemed uninhabitable until the unsafe condition is remedied;
 - (b) In the case where the lands, premises or a Housing Premises are found to be in an Untidy, Unsightly or a Nuisance a Peace Officer or other designated officer may order a cleanup of the lands or premises and may further direct that Owner to cause such to remain clean at all times;
 - (c) In the case where lands are found to have a Derelict Building thereon, A Peace Officer or other designated officer may order that the lands, premises or Housing Premises be boarded up to prevent access or until such time that the premises is found to be in a safe habitable condition;
 - (d) In the case where any lands, premises or Housing Premises are found to be a Derelict Building, or to be abandoned, Unsightly, Untidy, Unsafe or a Nuisance, A Peace Officer or other designated officer may seek an order of the court regarding all appropriate remedial actions including the construction of fences around the lands and/or removal or demolishing of any unsafe or Derelict Buildings.
- 4(2) A Peace Officer or other Designated Officer who issues a notice verbally or in writing must specify a deadline for compliance and may give any specific instruction to remedy the Nuisance.

- 4(3) A Peace Officer or other Designated Officer may allow up to fifteen (15) days from the date of delivery of a notice for its compliance, or in extenuating circumstances such further or other period of time as may be appropriate.
- (a) A Peace Officer or other Designated Officer may allow for a reasonable extension of time beyond the initial fifteen (15) day order, if the person named in the compliance notice has made reasonable efforts to complete the required remedies and the person can show cause for the requirement of an extension.
- 4(4) A Peace Officer or other designated officer may also serve a Notice or Order by delivering it or sending it by ordinary or registered mail to the Owner of the Property, and may also;
- (a) Post it to the door of a building or in any other conspicuous place on the Property, and service is effective on the day of the posting; or
- (b) Deliver it in person or mail it to any Owner, Occupant or agent, and service is effective on receipt
- (c) In the circumstance where a Notice is sent via ordinary mail, service of the Notice is deemed to have occurred seven (7) days after the date the Notice was mailed.
- (d) In the circumstance where a Notice is sent via registered mail, service of the Notice is deemed to have occurred upon Canada Post receiving a signature and confirming delivery of the notice or, seven (7) days after the date the Notice was mailed.

Section 5 - Inspections

- 5(1) A Peace Officer is authorized to enter, at any reasonable time, any Property, Public Land, Housing Premises, Lands, or Buildings, to inspect for conditions that may constitute a Nuisance or Unsafe, Unsightly or Untidy Conditions or that contravene or fail to comply with the provisions of this Bylaw and such Peace Officer may order the Owner or Occupant thereof to remedy any condition which is deemed to be in contravention of this Bylaw.
- 5(2) No Person shall prohibit or interfere with a Peace Officer conducting an inspection authorized under s. 5(1).

Section 6 - Right of Review

- 6(1) An Owner who considers himself or herself aggrieved by a Notice issued under this By-law or an Order issued pursuant to s. 545 of the Act may request that The Town of Swan Hills review the order by filing a written request, attached hereto as Schedule "C" and forming part of this Bylaw, for review pursuant to, and in accordance with, s. 547 of the Act.
- 6(2) A request to review an order shall be accompanied by an administrative fee of:
 - (a) if a residential Property \$50.00; or
 - (b) if a business Property \$100.00
- 6(3) In the event that the Council of The Town of Swan Hills rules in favor of the Person requesting the review and determines that the Order will be cancelled, the administrative fee shall be fully refunded.
- 6(4) A request to review an Order shall be in writing and shall set out:
 - (a) The name and address of the appellant;
 - (b) A copy of the Order in respect of which the review is requested;
 - (c) The legal description of the land affected; and
 - (d) The grounds for the request.
- 6(5) A request to review an Order shall be delivered personally or sent double registered mail to the Chief Administrative Officer or Designate within seven (7) days of the date the notice is received.
- 6(6) The Municipal Council of The Town of Swan Hills shall review and determine orders as provided for by s. 547 of the Act.
- 6(7) The Chief Administrative Officer or Designate shall, send a copy Council's decision together with the written reasons, if any, to the appellant by registered mail.

PART THREE – PUBLIC NUISANCES

Section 7 - Prohibited Public Behaviors

- 7(1) No Person Shall,
- (a) Litter in or on a public place or private Property;
 - (b) Tip, damage, interfere with or remove trash from any public waste bin;
 - (c) Urinate in or on a Public Place or in public on any private Property;
 - (d) Defecate in or on a Public Place or in public on any private Property;
 - (e) Spit on any street, Sidewalk, pathway, trail or in or on any Public Place or in public on any private Property;
 - (f) Loiter in a Public Place and thereby obstruct or harass any other Person;
 - (g) Engage in Panhandling;
 - (h) Stand, Sleep or put their feet on the top of the surface of any table, bench, planter or sculpture placed in any Public Place;
 - (i) Use a privately owned waste receptacle unless the Person has the legal right to do so.
- 7(2) No Person shall create or apply Graffiti on any building or object within the Town of Swan Hills.
- 7(3) Everyone who, without lawful excuse, the proof of which lies on him, has in his possession any instrument suitable for the purpose of applying Graffiti under circumstances that give rise to a reasonable inference that the instrument has been used or is or was intended to be used for any such purpose, is guilty of an offence.
- 7(4) Any Owner who wishes to allow Graffiti to be placed on their premises must first obtain written approval from the Council prior to allowing the Graffiti to be placed on the premises.

PART FOUR - NOISE ABATEMENT

Section 8 - Noise Prohibitions

- 8(1) For the purposes of s. 8(6), 8(7) and 8(8) of this By-law, Quiet Time within The Town of Swan Hills shall be between the hours of 11:00 PM and 07:00 AM on weekdays and between the hours of 11:00 PM and 09:00 AM on Holidays, including Sundays.
- 8(2) Except to the extent permitted by this Bylaw, no Person shall:
- (a) Disturb the peace and quiet of another person by causing or creating excessive Noise within The Town of Swan Hills at any time;
 - (b) Disturb the peace by causing or creating excessive Noise within The Town of Swan Hills during Quiet Time;
 - (c) Operate or permit any other person to operate within The Town of Swan Hills a Motor Vehicle that causes excessive Noise.
 - (d) Operate or permit any other Person to operate within The Town of Swan Hills of an Off-Highway Vehicle that causes excessive Noise.
- 8(3) No Owner shall allow Property they own to be used in such a way that there is excessive noise originating from the Property.
- 8(4) A Peace Officer may direct any Person who has caused or made Noise, or any person who owns Property from which Noise has originated, to abate or eliminate the Noise. Such a direction may be either verbal or written.
- 8(5) Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this Bylaw and which involved creating or making a sound which is or may become Noise, the Person engaging in such activity shall do so in such manner as to create as little sound or Noise as practicable under the circumstances.
- 8(6) No Person shall, during the Quiet Time, load or unload Motor Vehicles in any area designated as Residential pursuant to any Town Land Use Bylaw.
- 8(7) During Quiet Time, no Person shall, without the written approval of the Chief Administrative Officer or his/her designate carry on construction of any type which, without restricting the generality of the foregoing, involves hammering, sawing or the use of any Construction Equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried out.

- 8(8) No person shall, during the Quiet Time, operate a lawn mower, snow removal machine, chain saw, or any other motor driven machine in any area designated as Residential by any Town Land Use Bylaw.
- 8(9) No Person shall own, keep, or harbor any animal including dogs, cats, rabbits, or other domestic animal or bird which by its cries or sounds disturbs the peace, quiet, rest, or tranquility of the surrounding neighbourhood or the public at large.
- 8(10) No Person shall operate or allow to be operated any sound amplifying equipment from, or which may be heard in any Public Place without the written approval of the Chief Administrative Officer, who may impose conditions on such operations.
- 8(11) No Person shall operate Engine Retarder Brakes when driving within the Town of Swan Hills.
- 8(12) The Chief Administrative Officer and or their designate, may upon written request issue a permit, attached hereto as Schedule "B" and forming part of this By-law, to a Person for the purpose of temporarily exempting the Noise provisions of this Bylaw.
- 8(13) A Permit issued under this Bylaw shall:
- (a) Include the dates and hours during which Noise may occur;
 - (b) Name and Address of person or organization requesting exemption;
 - (c) Telephone number of person or organization requesting exemption;
 - (d) Include a fee of \$50.00 payable to The Town of Swan Hills;
 - (e) Be produced to a Peace officer upon demand.
- 8(14) Persons owning or controlling Construction Equipment, and persons owning or controlling land on which Construction Equipment is being operated shall be exempt from s. 8(2)(a) of this Bylaw if:
- (a) the Noise is generated pursuant to work done in the normal manner to the industry;
 - (b) the noise is generated during the hours authorized by this Bylaw; and
 - (c) all necessary federal, provincial and municipal Permits, licenses and approvals have been obtained and the work is not contrary to any federal, provincial or municipal laws or regulations.
- 8(15) Part 4 of this Bylaw does not apply:
- (a) to public works carried on by The Town of Swan Hills or its agents, contractors or employees acting within the scope of the Municipal Service, Agency, Contract, or Employment, as the case may be;

- (b) to the performance of work by any person on land zoned as Industrial pursuant to any Town of Swan Hills Land Use Bylaw, as amended, if the Noise is generated pursuant to work done in the normal manner to that industry;
- (c) to Community Events; or
- (d) Persons in possession of an approved exemption Permit.

Section 9 - Inspections

- 9(1) A Peace Officer may enter any land, building or Property to inspect for conditions that may constitute a contravention of Part 4 of this Bylaw.
- 9(2) No Person shall prohibit or interfere with a Peace Officer conducting an inspection authorized under this Bylaw.

PART 5 - SIDEWALKS

Section 10 - Snow Removal

- 10(1) The Occupant and/or Owner of any property situated along municipal streets shall be responsible for removal of snow, ice, dirt, debris or other material from the Sidewalk within twenty-four (24) hours (except Sundays) after the snow, ice or dirt is deposited thereon by any means whatsoever.
- 10(2) No Person shall place snow, ice, dirt, debris or other material onto the Highway, any Public Place, or on private Property other than their own, within The Town of Swan Hills.
- 10(3) If any Property situated along municipal streets in the Town of Swan Hills are found not to be in compliance with s. 10(1) of this Bylaw, a Peace Officer or other designated officer may issue an Order, or may issue a compliance notice verbally or by leaving a printed compliance notice in a conspicuous place on the Property.
- 10(4) If any Occupant and/or Owner fails to comply with this Bylaw, The Town of Swan Hills may carry out the removal of snow, ice, dirt, debris or other material or contract out the removal with all costs and expenses involved being charged to the Owner of the said property and any unpaid costs or expenses being added to the tax roll of the Property to be recovered in like manner as and with other taxes pursuant to the Act.

- 10(5) Snow Removal shall be done in accordance with the Town of Swan Hills Roadway Winter Maintenance Manual/Policy, as amended from time to time, which states; Red Zone first, yellow Zone Second and Green Zone third.
- 10(6) Freeman Drive and Pan Am Street shall be designated a snow route and a Full Time "no parking" zone, on one side of the street shall be designated and signed. All other Town Streets shall have a no parking sign placed at the end of each block and all streets shall be signed a minimum of twelve (12) hours before snow removal operations begin.
- 10(8) No person shall allow, or cause to be allowed, any vehicle to remain on the street after notice has been posted. Any vehicles that remain may be subject to a specified penalty on a per diem basis until such time the vehicle is removed from the street and/or the vehicle may be subject to removal (towed) from the street at the vehicle owner's expense.
- 10(8) In severe weather circumstances no parking signs may remain posted indefinitely in the Red Zone to facilitate faster clearing of the roadways.
- 10(9) An Employee of the Town of Swan Hills and any Peace Officer is exempt from Section 10 of this by-law while acting in the course of their normal duties.
- 10(10) If the Town of Swan Hills, in the course of its snow and ice control activities, places snow or ice onto a sidewalk, the owner or occupant of the adjacent property is exempt from Section 10(1) for a period of time such that the snow or ice is removed by the Town or a natural occurrence
- 10(11) Notwithstanding any provision of this bylaw, snow, ice or debris removed from a sidewalk may be placed on the boulevard adjacent to the sidewalk from which it was removed.

PART 6 - ENFORCEMENT

Section 11 - Penalties

- 11(1) Any Person who contravenes any provisions of this Bylaw is guilty of an offence and liable upon summary conviction;
- (a) For the first offence, to a specified penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw;
 - (b) For the second offence, to a specified penalty of two times the original penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw; or,
 - (c) For the third offence, to a specified penalty of three times the original penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw; or,

- (d) where no specific penalty is specified, a penalty to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the Act.
- 11(2) If the Owner or Occupant fails, neglects, or Refuses to remedy a Nuisance under s. 3 of this Bylaw within the specified time period as directed by a Peace Officer or other designated officer, the officer may:
- (a) Issue a Municipal Violation Ticket or Violation Ticket imposing a payment or fine on a daily basis as set out in Schedule "A" attached hereto and forming part of this Bylaw;
 - (b) Cause to be done any work necessary to remedy the condition.

Section 12 - Municipal Violation Ticket

- 12(1) A Peace Officer is hereby authorized and empowered to issue a Municipal Violation Ticket to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.
- 12(2) Where a Municipal Violation Ticket is issued pursuant to this Bylaw, the Person whom the Municipal Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay The Town of Swan Hills the penalty specified on the Municipal Violation Ticket.

Section 13 - Violation Ticket

- 13(1) If the penalty specified on the Municipal Violation Ticket is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.
- 13(2) Notwithstanding anything else in this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, as amended, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.

PART 6 - LEGAL

Section 14 - Liability

- 14(1) The Town of Swan Hills, any Peace Officer or any person who inspects any Property under this Bylaw or any Person who performs any work on behalf of the Town of Swan Hills to remedy a Nuisance is not liable for any damages caused by the inspection, the work or disposing of anything referred to in an Order or a Compliance Notice.

Section 15 - Severability

- 15(1) If at any time, any provision of this Bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

Section 16 Repeal

- 16(1) The Town of Swan Hills Bylaw No. 2007-05, 2003-02, 1984-15 and 2011-08 shall be repealed upon passage of this Bylaw.

Section 17 - Effective Date

17(1) This By-law shall come into effect upon passing of the third reading by the Council of the Town of Swan Hills.

**BY-LAW NO. 2012-05 IS HEREBY GIVEN FIRST READING THIS ____ DAY
OF _____, 2012**

**BY-LAW NO. 2012-05 IS HEREBY GIVEN SECOND READING THIS ____ DAY
OF _____, 2012**

**BY-LAW NO. 2012-05 IS HEREBY GIVEN THIRD READING AND PASSED THIS ____ DAY
OF _____, 2012**

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

The Town of Swan Hills Bylaw N0. 2012-05

<u>SPECIFIED PENALTIES</u>		
Sec.	Offence	First Offence Penalties
3(1)	Untidy Unsafe or Nuisance Property	\$300.00
3(2)	Derelict Building	\$300.00
3(3)	Having a Junked Vehicle in any part of a yard	\$300.00
3(4)	Having accumulation of material that creates unpleasant odour/attracts animals/animal remains/parts of animal remains/animal feces	\$300.00
3(5)	Having open/exposed storage of industrial fluid	\$300.00
3(6)	Having accumulation of Refuse on Property	\$300.00
3(7)	Fridge/freezer hinges/latches not removed	\$100.00
3(8)	Fridge/freezer on Property not properly locked	\$100.00
3(9)	Have improper appliance on Property	\$100.00
3(10)(a)	Failing to cut grass	\$200.00

3(10)(b)	Failing to eradicate dandelion or noxious weeds	\$200.00
3(10)(c)	Failing to remove dead grass, brush, rubbish from premises	\$200.00
3(10)(d)	Failing to remove or prune trees that interfere/endanger lines/poles/conduits/pipes/sewers/other works of a municipality/other public utility	\$200.00
3(10)(e)	Failing to repair/paint/generally maintain/remove derelict fences/other construction	\$200.00
3(10)(f)	Failing to repair/paint/maintain private recreations areas	\$200.00
3(10)(g)	Failing to remove/paint over/permanently block Graffiti	\$300.00
3(11)	Having accumulation of building materials on property	\$200.00
3(12)	Failing to stack/store building materials/orderly manner	\$200.00
3(14)	Allowing smoke to be a Nuisance	\$200.00
3(15)	Failing to ensure a Housing Premises is structurally sound/in safe condition/good repair/ properly maintained/equipped with working smoke alarm	\$300.00
3(16)	Failing to ensure Housing Premises are supplied with adequate facilities	\$300.00
3(17)	Failing to ensure common area is safe	\$300.00

3(18)	Failing to ensure that facilities are in proper operating condition	\$300.00
3(19)	Failing to maintain Housing Premises in compliance with act	\$300.00
3(20)	Occupying/Permitting to occupy a premises unfit for habitation	\$300.00
3(21)	Causing/Permitting a condition to be injurious/dangerous to public health	\$300.00
5(2)	Prohibiting/Interfering with a Peace Officer conducting inspection	\$500.00
7(1) (a)	Littering	\$200.00
7(1) (b)	Tipping/damaging/interfering with/removal of trash from public waste bin	\$200.00
7(1) (c)	Urinating in public	\$300.00
7(1) (d)	Defecating in public	\$300.00
7(1) (e)	Spitting in public	\$100.00
7(1) (f)	Loitering in a Public Place	\$100.00
7(1) (g)	Engaging in Panhandling	\$100.00

7(1) (h)	Standing/placing feet on top of/or surface of/table/bench/planter or sculpture	\$100.00
7(1) (i)	Use a privately owned waste receptacle for personal waste	\$200.00
7(2)	Creating or apply unauthorized Graffiti	\$800.00
7(3)	Possessing instrument for the purpose of applying Graffiti	\$200.00
8(2) (a)	Disturbing the peace and quiet of a person	\$200.00
8(2) (b)	Disturbing the peace and quiet of a person – quiet hours	\$400.00
8(2) (c)	Motor Vehicle causing excessive Noise	\$200.00
8(2) (d)	Off Highway Vehicle causing excessive Noise	\$200.00
8(3)	Owner allowing excessive Noise	\$200.00
8(6)	Loading/Unloading Vehicles/residential area during quiet hours	\$100.00
8(7)	Engaging in construction during quiet hours	\$400.00
8(8)	Operating prohibited motor driven machine during quiet hours	\$200.00
8(9)	Having an animal that disturbs the peace	\$200.00

8(10)	Operating sound amplifying equipment that disturbs the peace	\$400.00
8(11)	Operating Engine retarder brake within Town limits	\$100.00
9(2)	Prohibiting/Interfering with a Peace Officer conducting Inspection	\$500.00
10(1)	Failing to remove snow/ice/dirt/debris/other material within 24 hours	\$200.00
10(2)	Unauthorized placing of snow/ice/dirt/debris/other material on a Highway/in a Public Place/on private property	\$200.00
10(8)	Unauthorized parking during snow clearing operations	\$100.00/Day
11(2)	Failing/neglecting/refusing to remedy a Nuisance	\$100.00/Day

SCHEDULE "B"

NOISE EXEMPTION PERMIT

The Town of Swan Hills Bylaw N0. 2012-05

APPLICANT NAME:	
APPLICANTS ADDRESS:	
APPLICANTS PHONE #:	
EMAIL (OPTIONAL):	
EVENT LOCATION:	

EVENT CONTACT PERSON:	
PHONE #:	
EVENT DATE:	
EXEMPTION TIMES:	
DESCRIPTION OF EVENT/REASON FOR EXEMPTION:	

This Permit is hereby:

APPROVED

DECLINED

SIGNED: _____

DATE: _____

CHIEF ADMINISTRATIVE OFFICER/DESIGNATE

Original: FILE

Copy: APPLICANT

The Town of Swan Hills Bylaw N0. 2012-05

Copy: APPLICANT