



COMMUNITY BYLAW 1433/26





BYLAW

Bylaw Number: 1433/26

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 a Peace Officer, Bylaw Enforcement Officer, the CAO, 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.

Attractant means any food, food waste, compost, garbage, animal feed, fallen fruit or other substance that could reasonably attract wildlife, rodents or other Pests.

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.

Camping means to stay between the hours of 10:00 p.m. and 08:00 a.m. in a tent, Vehicle or other form of shelter, or under the open sky, whether or not on a temporary basis, on any Town Land unless prior approval has been granted.

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) 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;
- b) 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 a Building or portion thereof consisting of one or more rooms which is intended to be used as a permanent residence for one or more individuals, containing cooking, sleeping and sanitary facilities only for that unit.

Exterior Surface means the exterior portion of a Building or Structure, including exterior walls, foundations, roofs, doors, windows, stairs, porches, balconies, canopies, Fences and attached fixtures.

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 a condition in which a Building, Structure or other improvement is structurally sound, weather-resistant, safe, capable of being used for its intended purpose and maintained in accordance with the exterior maintenance Standards established by this Bylaw.

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, road, trail, avenue, parkway, driveway, viaduct, 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;

- a) a Sidewalk, including the boulevard portion of the Sidewalk,
- b) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
- c) if a Highway right of way is contained between Fences or between a Fence and one side of the Highway, all the Land between the Fence and the edge of the Highway, as the case may be; but does not include a place declared by regulation not to be a Highway.

Inoperative Motor Vehicle means a Motor Vehicle that:

- a) cannot be moved under its own power;
- b) is partially dismantled, wrecked, substantially damaged or undergoing repair that prevents its lawful operation;
- c) is missing a major component required for its operation; or
- d) is otherwise incapable of being legally and safely operated on a Highway.

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.

Loitering means to linger, hang about, travel indolently, and includes to rest and to stand, sit or recline without a purpose relating to the Property, and shall include obstructing any Person while Loitering.

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.

Naturalized Landscaping means a deliberately planted and Maintained area containing native plants, ornamental grasses, flowering plants or other vegetation that is managed to prevent the growth or spread of Weeds and does not create a safety hazard, obstruct visibility or encroach onto neighbouring Property or a Highway.

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 a condition, activity or use of Property that unreasonably interferes with the use, enjoyment, safety or comfort of another Property or of a Public Place, having regard to the nature, duration, frequency, intensity and surrounding circumstances of the condition or activity.

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.

Panhandling means: to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations.

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.

Pest means any animal, insect or other organism, including rodents, that may cause damage to Property, create an unsafe or unsanitary condition, or negatively affect the use or enjoyment of neighbouring Property, but does not include a domestic animal.

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.

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

Public View means visible from a Highway, Sidewalk, Pathway, park, other Public Place or an adjoining Property at ground level.

Reasonable means an objective standard determined by considering the nature, severity, duration, frequency and location of the condition or activity, its effect on neighbouring Properties or the public, and the ordinary standard of maintenance expected for comparable Properties.

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 solid Fence, wall, Building, hedge or combination thereof that substantially blocks stored materials, equipment, Vehicles or activities from Public View and is Maintained in Good Repair.

Sidewalk means:

- a) 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
- b) a Pathway that is adjacent to a Highway that fronts and/or flanks a Premises.

Standards means the Standards 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.

Trailer means a Vehicle or other wheeled conveyance designed to be pulled or towed by another Vehicle rather than powered by its own engine.

Unightly Condition means a condition of Property that is Visible to the Public, shows a substantial or ongoing lack of maintenance, repair, organization or upkeep, and may be detrimental to the surrounding area. Indicators include the accumulation, storage, placement, condition or appearance of waste, debris, Refuse, discarded materials, appliances, furniture, machinery, Vehicles, construction materials, uncontrolled vegetation or other objects or materials that are visibly Untidy, neglected or inconsistent with the Reasonable maintenance of the Property, having regard to the surrounding neighbourhood and applicable municipal Standards.

Untidy means a condition in which materials, equipment, possessions, Refuse or other items are visible to the public and are accumulated, scattered, disorganized or stored outside a Building without orderly arrangement or adequate Screening.

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).

Violation Ticket means a ticket issued pursuant to the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended or replaced from time to time, alleging that a Person has committed an offence under this Bylaw.

Weeds means Weeds as defined in the Alberta Weed Control Act and Regulation, including 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. unless a written exemption has been granted by the CAO or designate in accordance with Section 13.
- 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 a written exemption has been granted by the CAO or designate in accordance with Section 13, no Person shall use, operate or allow to be used or operated any machinery or equipment so as to create Noise or a 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 a.m. to 9:00 a.m. any day of the week.

4. UNSIGHTLY / UNTIDY PROPERTY AND NUISANCE:

- 4.1 No Owner or Occupant shall cause or permit a Property to remain in an Unsightly, Untidy, Nuisance or condition that presents a risk to health or safety, including by:
- a) failing to cut, mow or otherwise Maintain grass, Weeds or other vegetation on the Property where the vegetation has become substantially overgrown, produces or disperses seed, encroaches onto adjoining Property or public Land, obstructs visibility, interferes with pedestrian or Vehicle movement, or provides shelter for Pests;
 - b) failing to cut, mow and Maintain the grass on any boulevard, and 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;
 - c) failing to provide suitable ground cover or take other measures necessary to prevent soil erosion or the migration of soil, gravel or other material from the Property;
 - d) failing to control a noxious weed or destroy a prohibited noxious weed as required by the Weed Control Act, including on an adjoining boulevard and to the center of an adjoining lane or alley;
 - e) failing 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;
 - f) allowing any infectious blight or disease of trees or other vegetation located on the Property to go uncontrolled or unchecked, including insect Pests;
 - g) allowing stagnant water to accumulate or remain on the Premises so as to create a potential breeding place for mosquitoes or other Pests;
 - h) causing or permitting smoke, dust, odour, fumes or other airborne matter to escape from the Property in a concentration or for a duration that unreasonably interferes with another Person's use or enjoyment of Property;
 - i) using 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 result in adverse effects to the environment or another Person;

- j) allowing 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;
 - k) allowing or permitting 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;
 - l) failing to Fence or secure an excavation, culvert, ditch or other depression so that it does not become a danger to public safety;
 - m) allowing 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;
 - n) allowing 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;
 - o) 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 an activity on Town Property that creates a Nuisance, unsafe condition, Unsightly Condition or unreasonable interference with the public's use and enjoyment of that Property.
- 4.3 No Person shall cause, permit or undertake any Loitering, Panhandling, or Camping upon any Town Property.
- 4.4 Every Owner or Occupant shall Maintain the exterior of each Building and Structure on the Property in Good Repair, including by:
- a) keeping exterior walls, foundations and roofs structurally sound and weather-resistant;
 - b) repairing or replacing broken, missing, loose, rotted or substantially deteriorated siding, roofing, trim, stairs, railings, porches, balconies and other exterior components;
 - c) maintaining painted or otherwise finished surfaces so that peeling, flaking or substantially deteriorated finishes do not expose the underlying material to continued deterioration;
 - d) keeping windows, doors and other openings intact, properly fitted and capable of being securely closed;
 - e) replacing or securing broken windows and removing loose or broken glass;
 - f) maintaining eavestroughs, downspouts and drainage components so that water is not directed onto adjoining Property, a Sidewalk or other public area; and
 - g) keeping Fences, retaining walls and accessory Structures upright, stable and free of missing, broken or hazardous components.

- 4.5 No Owner or Occupant shall cause or permit any Residential, commercial or industrial Property to become or remain unsightly, Untidy, unsafe or in a condition that creates a Nuisance, or to be used for outdoor storage that is inconsistent with the approved use of the Property, the Land Use Bylaw or an applicable Development Permit, including, without limiting the generality of the foregoing:
- a) store materials, supplies, inventory, equipment, machinery or parts outdoors except where such storage is incidental to or forms part of the approved use of the Property, and where permitted, ensure such items are stored within a designated area in an orderly and stable manner;
 - b) use suitable racks, bins, containers or other storage systems where necessary to prevent materials from being scattered or accumulated across the Property;
 - c) provide and Maintain Screening where outdoor storage is visible from a Highway, Public Place or adjoining Residential Property;
 - d) keep required yards, access routes, emergency access areas, parking areas and landscaped areas free from outdoor storage;
 - e) prevent Noise, vibration, light, glare, smoke, dust, fumes and odour generated by the business from unreasonably interfering with the use or enjoyment of adjoining Property; and
 - f) materials or equipment used in the lawful operation of a business are not Refuse solely because they are used, salvaged or awaiting reuse. However, they must be stored in an orderly manner, within a designated storage area, and Screened as required by this Bylaw.

5. MOTOR VEHICLE REPAIR AND UNATTACHED TRAILERS

- 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 or work done on any Vehicles owned, operated and registered in the name of the Owner or Occupant of Premises, provided that:
- a) The work is done in an area which is suitably screened;
 - b) The activity does not create a Nuisance or Noise complaints from the neighbourhood;
 - c) There is no escape of offensive, annoying or noxious odours, fumes or smoke from the site;
 - d) 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;
 - e) 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 or designate;
 - f) No power washing of motor or power train is performed on the site; and
 - g) All Building and fire code regulations are met.
- 5.3 No Person shall permit more than one Inoperative Motor Vehicle on a Residential Property unless a written exemption has been granted by the CAO or designate in accordance with Section 13. Such Vehicle must be maintained or repaired.

- a) An Inoperative Motor Vehicle permitted under section 5.3 shall:
 - i. be owned by the Owner or Occupant of the Property;
 - ii. be located within a rear yard;
 - iii. be fully Screened from Public View;
 - iv. be stored on a stable surface;
 - v. not leak fuel, oil, coolant or another fluid;
 - vi. not create a safety hazard, fire hazard or Pest harbourage; and
 - vii. not be used to store Refuse or materials unrelated to the repair of that Vehicle.
 - b) An Inoperative Motor Vehicle shall not be stored on a front yard, boulevard, Highway, Sidewalk or public Property.
 - c) A fitted Vehicle cover does not, by itself, constitute Screening.
 - d) Nothing in this section permits Vehicle repair, storage or salvage as a home-based business unless authorized under the Land Use Bylaw.
 - e) This section does not apply to a Vehicle stored entirely within a fully enclosed Building.
- 5.4 On a commercial or industrial Property, no more than two inoperable motor Vehicles may be stored outdoors unless the storage of inoperable Vehicles is directly associated with a lawful business operating on the Property. Any inoperable motor Vehicle stored outdoors shall be located in a rear or interior side yard and screened from view from a Highway, Public Place, and adjoining Residential Property. This limitation does not apply to approved automotive repair, Vehicle sales, towing, salvage, recycling, or similar businesses where inoperable Vehicle storage is part of the approved use and complies with the Land Use Bylaw and applicable development permits.
- 5.5 No Person shall park or leave a Trailer on a Highway unless the Trailer is securely attached to a motor Vehicle capable of safely drawing it.
- 5.6 Section 5.5 does not apply where a Trailer has been temporarily detached because of an unexpected mechanical failure and cannot reasonably be removed immediately, provided that the Trailer is repaired or removed as soon as reasonably possible and no later than twelve (12) hours after being detached.
- 5.7 Notwithstanding section 5.6, a Peace Officer may, in accordance with section 77 of the Traffic Safety Act, cause a Trailer to be immediately removed and stored at a suitable location where it is parked or left in contravention of this Bylaw, obstructs or may obstruct traffic, interferes with visibility, lacks adequate reflective or warning devices, or otherwise creates a safety hazard.
- 5.8 All towing, removal and storage costs associated with a Trailer removed under section 5.7 are the responsibility of the Owner or Person responsible for the Trailer.

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 An Owner of a Property or Premises under Construction shall ensure that the Construction site is maintained in a safe and secure condition, including that:

- a) open excavations, trenches, holes and other hazardous areas are adequately Fenced, barricaded, covered or otherwise secured to prevent unauthorized access;
- b) appropriate warning signs are posted and maintained where a hazard may not be readily apparent;
- c) fencing, barricades, signs and other safety measures remain secure and visible for the duration of the hazard;
- d) Construction materials, equipment and debris are stored in a stable manner that does not create a danger to neighbouring Properties or the public; and
- e) public Sidewalks, streets, lanes and other access routes adjoining the Property are kept free from Construction materials, debris and hazards.

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 Occupant of any Premises shall display the civic address number assigned to the Property, pursuant to 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 Occupant of a Premises that has access to a laneway, shall display the number assigned to the Property, pursuant to the current Town of Nanton Street Numbering Bylaw, at a location plainly visible from the laneway.

9. ENFORCEMENT:

9.1 A Peace Officer may enter onto or upon any Property to inspect for compliance with this Bylaw in accordance with section 542 of the Municipal Government Act.

- a) The Peace Officer shall provide the Owner or Occupant with Reasonable notice before entering the Property, except where otherwise authorized by law.
- b) The Peace Officer may document the condition of the Property and any apparent contravention.

- 9.2 Except where immediate enforcement is warranted, a Peace Officer may use the following voluntary compliance process before issuing a remedial Order:
- a) provide the Owner or Occupant with written notice describing the apparent contravention and the action required to correct it;
 - b) allow seven (7) days from the date of the notice to correct the contravention;
 - c) reinspect the Property after the seven-day period; and
 - d) proceed with a remedial Order under section 9.5 if the contravention has not been corrected.
- 9.3 A Peace Officer may extend the voluntary compliance period where the nature of the work, weather, contractor availability or another relevant circumstance prevents compliance within seven (7) days.
- a) The extension must be granted in writing.
 - b) The extension must specify the new compliance date.
 - c) An extension shall not be granted where the condition creates an immediate risk to health, safety, Property or the environment.
- 9.4 A Peace Officer may proceed directly to a remedial Order without using the voluntary compliance process where:
- a) the contravention creates an immediate risk to health, safety, Property or the environment;
 - b) the Owner or Occupant has previously failed to correct the same or a similar contravention;
 - c) the Owner or Occupant refuses to cooperate.
- 9.5 A Peace Officer may issue a written Order under section 545 or 546 of the Municipal Government Act requiring a Person responsible for a contravention to remedy it.
- a) The Order shall identify the Property and the Person responsible for the contravention.
 - b) The Order shall describe the contravention and specify the action or measures required to correct it.
 - c) The Order shall require compliance within fourteen (14) days after it is received, unless a different period is warranted by the nature or severity of the contravention.
 - d) The Order shall state that the Town may undertake the required work at the expense of the Person if the Order is not complied with.
 - e) The Order shall explain the right to request Council's review of the Order.
 - f) The Order shall include any other information required by the Municipal Government Act.
- 9.6 A Peace Officer may extend the compliance deadline specified in an Order where the Person has demonstrated Reasonable efforts toward compliance and no immediate risk exists.
- a) The extension must be granted in writing before the existing compliance deadline expires.

- b) The extension must specify the new compliance date.
 - c) The extension must not be contrary to the Municipal Government Act.
- 9.7 A Person who receives an Order under section 545 or 546 of the Municipal Government Act may request that Council review the Order by delivering written notice to the Town within fourteen (14) days after receiving the Order.
- a) Council may confirm, vary, substitute or cancel the Order in accordance with section 547 of the Municipal Government Act.
 - b) A Person affected by Council's decision may appeal the decision to the Court of King's Bench within the time and on the grounds permitted by section 548 of the Municipal Government Act.
- 9.8 After the compliance deadline has passed, a Peace Officer may conduct a final inspection to determine whether the Order has been complied with.
- 9.9 If an Order has not been complied with, the Town may take the actions or measures necessary to remedy the contravention where:
- a) the Order stated that the Town could undertake the required work at the expense of the Person;
 - b) the compliance deadline has expired;
 - c) the period for requesting Council's review has expired; and
 - d) any review or appeal has been finally determined in a manner that permits the Town to proceed.
- 9.10 The Town may arrange for a contractor or other qualified Person to complete the actions or measures required to remedy the contravention.
- a) A Peace Officer or other Person authorized by the Town may enter the Property to undertake or supervise the remedial work where permitted by law.
 - b) No Person shall obstruct or interfere with anyone lawfully undertaking or supervising the remedial work.
- 9.11 All contractor charges, labour costs, equipment costs, disposal costs, administrative remediation fees and other expenses incurred by the Town are amounts owing to the Town by the Person responsible for the contravention.
- a) The administrative remediation fees established in Schedule "A" are payable in addition to the Town's actual remediation costs.
 - b) Unpaid amounts may be recovered as a civil debt or added to the tax roll of the Property where authorized by the Municipal Government Act.
- 9.12 If the Town sells all or part of a Building, Structure or improvement removed under this Bylaw, the proceeds shall be applied to the expenses and costs of removal, and any remaining proceeds shall be paid to the Person legally entitled to receive them.
- 9.13 The Town may register a caveat under the Land Titles Act against the Certificate of Title for a Property that is the subject of an Order where authorized by the Municipal Government Act.

- a) The Town shall discharge the caveat when the Order has been complied with or the Town has completed the actions or measures required by the Order.
- 9.14 An Order or other enforcement document may be served on an Owner, Occupant or other Person by:
- a) personally delivering it to the Person;
- b) leaving it at the Person's residence with an individual who appears to be at least eighteen (18) years of age;
- c) sending it by registered mail to the Person's last known address; or
- d) posting it in a conspicuous place on the Property where the Person appears to be evading service or no other method of service is reasonably available.
- 9.15 An Order sent by registered mail is deemed to have been received five (5) days after it 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. MUNICIPAL TAGS:

- 11.1 A Peace Officer or CAO is hereby authorized and empowered to issue a Municipal Tag to any Person whom they have reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 11.2 A Municipal Tag shall be served upon such a Person in the same manner as outlined in Section 9 of this Bylaw.
- 11.3 The Municipal Tag shall be in a form approved by the CAO 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 Municipal 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 Municipal Tags may be issued by the Peace Officer, provided that no more than one Municipal Tag shall be issued for each day that the contravention continues.

- 11.5 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Nanton the penalty specified on the Municipal 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 Municipal 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 that may annoy or disturb Persons that may be affected by such Noise.
- 13.2 Where a provision of this Bylaw expressly permits an exemption to be granted by the CAO or designate, a Person may submit a written request to the CAO or designate identifying the provision from which the exemption is requested, the reason for the request, the duration of the requested exemption and any other information required by the CAO or designate.
- 13.3 In considering a request for an exemption, the CAO or designate may consider public safety, potential impacts on neighbouring Properties or the public, the nature and duration of the activity, Reasonable alternatives, proposed mitigation measures and any other relevant circumstances.
- 13.4 The CAO or designate may approve, approve with conditions or refuse an exemption request and may establish the period during which an approved exemption remains in effect.
- 13.5 An exemption may only be granted where a provision of this Bylaw expressly authorizes the CAO or designate to grant an exemption.

- 13.6 The CAO or designate may revoke or amend an exemption where the conditions of the exemption are not being complied with, circumstances have changed, or the activity creates an unreasonable Nuisance or risk to health, safety, Property or the environment.

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 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 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.

15. EXCESSIVE PROTECTIVE ELEMENTS:

15.1 General Prohibition:

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

15.2 Exemptions:

- a) The following are exempt from Section 15.1:
- i. Financial institutions in commercially districted areas;
 - ii. Lands owned or occupied by the Federal or Provincial Government;
 - iii. Lands owned or occupied by the Town of Nanton or other municipal entities; and
 - iv. Land specifically exempted by the CAO or designate in accordance with this Section and Section 13.
- b) A Person requesting an exemption from Section 15.1 of this Bylaw shall provide the CAO or designate with the following:

- i. 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;
 - ii. 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;
 - iii. 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
 - iv. Any other information or documents as may be required by the CAO or designate.
- c) In determining whether to exempt any Land from Section 15.1 of this Bylaw, the CAO or designate may consider:
- i. the reason, necessity and rationale for the exemption(s) requested;
 - ii. the nature and extent of the specific exemption(s) requested;
 - iii. whether adjacent Land Owners or Occupants have consented to the exemption or any conditions that may be attached; and
 - iv. the views of local law enforcement.
- d) The CAO or designate may revoke an exemption under this section at any time, for any reason.
- e) 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.
- f) The CAO or designate's decision pursuant to Section 15 of this Bylaw shall be considered final.

16. EFFECTIVE DATE AND READINGS

- 16.1 This Bylaw repeals Bylaw No. 1299/18, Bylaw No. 1373/23, Bylaw No. 1405/25 and any amendments thereto.
- 16.2 Read a **first** time this ____ day of _____, 2026.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

16.3 Read a **second** time this ____ day of _____, 2026.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

16.4 Read a **third** time this ____ day of _____, 2026.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE A

Community Bylaw No. 1433/26 Specified Penalties – Municipal Tag

Offence	Section	First offence	Second offence within 24 months	Third and subsequent offences within 24 months
Cause or permit noise that annoys or disturbs another Person	3.1 and 3.3	\$250.00	\$500.00	\$1,000.00
Permit noise from premises where liquor is served	3.4	\$1,000.00	\$2,500.00	\$5,000.00
Cause or permit excessive industrial or construction noise	3.6 and 3.7	\$250.00	\$500.00	\$1,000.00
Operate or permit noise from machinery or equipment during prohibited hours	3.8	\$250.00	\$500.00	\$1,000.00
Cause or permit an Unsightly Condition, Untidy condition, nuisance or unsafe condition on Property	4.1	\$500.00	\$1,500.00	\$5,000.00
Cause or permit a nuisance, unsafe condition or Unsightly Condition on Town Property	4.2	\$500.00	\$1,500.00	\$5,000.00
Loiter, Panhandle or Camp on Town Property	4.3	\$250.00	\$500.00	\$1,000.00
Fail to maintain the exterior of a Building or Structure in Good Repair	4.4	\$500.00	\$1,500.00	\$5,000.00
Cause or permit improper outdoor storage or a nuisance on residential, commercial or industrial Property	4.5	\$500.00	\$1,500.00	\$5,000.00
Conduct motor vehicle repair in contravention of this Bylaw	5.1 and 5.2	\$250.00	\$500.00	\$1,000.00
Store an Inoperative Motor Vehicle on residential Property in contravention of this Bylaw	5.3	\$250.00	\$500.00	\$1,000.00
Store an Inoperative Motor Vehicle on commercial or industrial Property in contravention of this Bylaw	5.4	\$500.00	\$1,000.00	\$2,000.00
Park or leave an unattached Trailer on a Highway	5.5	\$150.00	\$300.00	\$600.00
Fail to repair or remove a Trailer within twelve hours following an unexpected mechanical failure	5.6	\$150.00	\$300.00	\$600.00
Leave a Trailer that obstructs traffic, interferes with visibility, lacks adequate warning devices or creates a safety hazard	5.7	\$250.00	\$500.00	\$1,000.00
Fail to contain, secure or remove construction materials or waste	6.1 and 6.2	\$250.00	\$500.00	\$1,000.00
Fail to maintain a construction site in a safe and secure condition	6.3	\$500.00	\$1,000.00	\$2,000.00
Fail to remove, cover or otherwise block graffiti from public view	7.1	\$250.00	\$500.00	\$1,000.00
Fail to display a civic address number	8.1 and 8.2	\$250.00	\$500.00	\$1,000.00

Obstruct or interfere with a Person lawfully undertaking or supervising remedial work	9.10(b)	\$500.00	\$1,000.00	\$2,000.00
Construct, affix, place or permit Excessive Protective Elements	15.1	\$250.00	\$500.00	\$1,000.00

Administrative Remediation Fees

Remedial action for the same Property within 24 months	Fee
First remedial action	\$50.00
Second remedial action	\$75.00
Third and each subsequent remedial action	\$100.00

NOTE: For the purposes of determining whether an offence is a second, third or subsequent offence, the applicable period is twenty-four (24) months.

Administrative remediation fees are payable in addition to all contractor charges, labour, equipment, disposal and other costs incurred by the Town.

The payment of a specified penalty or administrative remediation fee does not limit the Town from recovering its costs or taking any other enforcement action authorized by this Bylaw or an enactment.