

**BY-LAW #2258/01
OF
THE CITY OF CAMROSE
PROVINCE OF ALBERTA**

A BY-LAW OF THE CITY OF CAMROSE IN THE PROVINCE OF ALBERTA RESPECTING NUISANCES.

WHEREAS the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta 1994 and amendments thereto authorizes a Council to Pass by-laws respecting nuisances;

AND WHEREAS it is deemed expedient by the Council of the City of Camrose to pass a by-law to provide for the abatement of nuisances within the City of Camrose.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF CAMROSE, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This by-law may be cited as **“The Nuisance Abatement”** By-Law.
2. In this By-Law:
 - (1) **“Boulevard”** means that portion of a street that lies between the roadway and the front property line of land abutting said street.
 - (2) **“City”** means the City of Camrose.
 - (3) **“Council”** means the Council of the City of Camrose.
 - (4) **“Electronic Device”** means any device or mechanism which is operated by the application of electric current, and without restricting the generality of the foregoing, includes any radio receiver, radio transmitter, record or tape player or device which reproduces recorded sound, television set, amplifier and loud speaker system, public address system, alarm, and siren.
 - (5) **“Enforcement Officer”** means a By-Law Enforcement Officer, or a Peace Officer, or any person authorized by Council to enforce the provisions of this by-law.
 - (6) **”Lessee”** means any person, including his agent or any member of his family, who rents, or occupies property owned by another person or persons.
 - (7) **“Noise”** means any sound which is, or is considered to be, sharp or piercing; or shrill, or explosive; or unnecessarily loud; or persistent and/or annoying, but shall not include a sound intended to warn persons of danger or of an emergency.
 - (8) **“Nuisance”** means any act or deed, or omission, or thing, which is, or could reasonably be expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and/or his property, but does not include any noise or inconvenience which results from commercial or municipal activities, reasonably conducted, which provide service to the community such as snow clearing or construction activities.
 - (9) **“Occupant”** means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.
 - (10) **“Owner”** means a person having title to, or legal possession of any property, or who possesses property under a purchase agreement.
 - (11) **“Property”** means anything owned by any person, whether in whole or in part, and also includes real property.
 - (12) **“Real Property”** means any land and/or buildings whether occupied or not.
 - (13) **“Street”** means any road or lane or alley and includes all land up to the property line on each side of such road, lane or alley.
 - (14) **“Weeds”** means any plant that is designated in the Weed Control Act of Alberta as “restricted”, “noxious”, or “nuisance” and shall also include any fungus which may be destructive or injurious to gardens or lawns or trees or shrubs.

3. **Regulations:**

- (1) Every occupant or owner of any real property within the City or if such property is unoccupied the owner thereof shall:
 - (a) Eradicate or control any weeds growing on such property to prevent propagation and the spreading from such plants or weeds of any seeds, or roots, or rhizomes, or spores, to the property of other persons.
 - (b) Prune or remove any tree on such property, which interferes with any public utility or public works.
 - (c) Remove or prune any shrub or tree owned by him which is, or could be, a nuisance to any person using any publicly owned or maintained sidewalk or street.
 - (d) Prevent stagnant water from remaining on any such property and becoming a breeding place for mosquitoes or other pests.
 - (e) Cut or mow the grass on any boulevard or street, situate on City owned land adjoining, or abutting or adjacent to property owned or occupied by him, to prevent such grass from growing to such a height as to be a nuisance.
 - (f) Cut the grass on such property before said grass reaches such a height as to be a nuisance.
 - (2) Every Enforcement Officer is hereby authorized to enter any lands or buildings or premises other than a dwelling house to inspect for conditions that may constitute a nuisance, or contravene or fail to comply with the provisions of this by-law and such Enforcement Officer may order the owner or occupant thereof to remedy any condition which is deemed to be in contravention of this by-law.
 - (3)
 - (a) In the event that any person fails or neglects or refuses to remedy any condition which is deemed to be in contravention of this by-law, after having been ordered by remedy such condition, **the Enforcement Officer** may cause such work to be done as is considered necessary to remedy such condition and charge the cost of such work to the owner or occupant. **The Council may**, in default of payment:
 - (i) recover the cost as a debt due to the municipality, or
 - (ii) charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such;
 - (b) Any person authorized in writing by Council to carry on any work under this by-law shall have the right to enter any property other than a dwelling house to carry on such work.
4. (1) No person shall, within the City:
- (a) cause any noise which may be a nuisance, or
 - (b) except as authorized by the Solicitor General of the Province of Alberta, discharge any firearm unless permission in writing is first obtained from the Chief of Police, or any person authorized by him, or
 - (c) between the hours of 11 o'clock in the afternoon of one day and 7 o'clock in the forenoon of the next day, operate any engine or motor powered machine used for gardening, or landscaping or on lawns, or
 - (d) operate any electronic device in such manner as to be a nuisance.
- (2) No occupant of any property within the City shall make, or cause to be made or allow another person within or upon such property to make, or cause to be made, any noise which may be a nuisance, and upon complaint by any person of such noise, an enforcement officer may in addition to issuing any warning, or voluntary penalty ticket, or laying any information with respect to an alleged breach of this by-law, order the occupant and any other person found therein to forthwith cease causing such noise and refrain from continuing said noise.

4. (3) Notwithstanding any other provision for penalties in this by-law, any person who:
- (a) contravenes the provisions of subsection (2) of section 4. herein is guilty of an offence and liable on summary conviction to a fine of not less than One Hundred and Fifty Dollars (\$150.00) or not more than Five Hundred Dollars (\$500.00), and in default of payment to be imprisoned for a term not exceeding thirty (30) days and/or,
 - (b) (i) disobeys an order under this Section; or
 - (ii) is an occupant who has received an order under this Section, and noise which may be a nuisance is made from the property in respect of which order has been made within 12 hours after the order has been made;

is guilty of an offence and is liable on summary conviction to a fine of not less than Three Hundred Dollars (\$300.00) or more than Five Hundred Dollars (\$500.00), and in default of payment to be imprisoned for a term not exceeding six (6) months.

- (4) In any proceeding under this section, the following persons shall be deemed to be the occupants of any property upon which it has been alleged that an offence has been committed:
- (a) any person who,
 - (i) resides therein, or
 - (ii) claims to reside therein, or
 - (iii) is a lessee with respect to such property, or
 - (iv) has title to such property, or
 - (v) possesses said property under a purchase agreement,
 - (b) provided, however, that such person was present at the time of the alleged offence, or permitted other persons to use said property.

5. (1) Notwithstanding any other provision in this by-law, the City Manager, the City Clerk or the Chief of Police or anyone appointed to act in his stead may, at their discretion, issue a permit to any person or organizations to operate an electronic device within the City.

- (2) Such permit shall specify:
- (a) the name of the person or organizations being granted the permit, and
 - (b) the type of electronic device being permitted, and
 - (c) the period of time for which the permit is valid, and
 - (d) the area or location where such device may be operated, and
 - (e) any other conditions pertinent to the use of such device, having regard to the public order and peace.
- (3) Any person who operates an electronic device and fails, or neglects, or refuses to comply with provisions of the permit granted is guilty of an offence.
- (4) Any Enforcement Officer may cancel or revoke a permit issued under this section if he has reasonable and probable grounds to believe and does believe that an offence under this by-law has been, or is about to be committed.

6. **Penalty**

- (1) Every person who violates any provision of this by-law for which no other provision for penalty has been made is guilty of an offence and liable on Summary Conviction:
- (a) for a first offence to a fine of not less than Fifty Dollars (\$50.00), or more than Two Hundred Dollars (\$200.00), and costs, and in default of payment to be imprisoned for a term not exceeding thirty (30) days, or
 - (b) for a second or subsequent offence to a fine of not less than One Hundred Dollars (\$100.00), or more than Five Hundred (\$500.00), and costs, and in default of payment to be imprisoned for a term not exceeding sixty (60) days.

7. (1) (a) Notwithstanding any other provisions for penalties in this by-law, an Enforcement Officer may, in lieu of laying an information in respect to the alleged breach, issue a voluntary penalty ticket and the accused may within ten (10) days of the issuance of such ticket pay to the City the same monetary penalty as the minimum fine that may be imposed under the provisions of this by-law.
 - (b) By paying such monetary penalty as prescribed in this section, an accused shall be deemed to be guilty of the offence for which such penalty was paid.
 - (c) In the event that the prescribed voluntary penalty is not paid within the time allotted herein, an Enforcement Officer may thereafter lay an information in respect to the offence for which the voluntary penalty ticket was issued.
8. By-Law #2144/99 is repealed.
9. This By-Law shall come into force and effect upon the date of the final passing thereof.

READ a FIRST time in COUNCIL this 26th day of February, A.D. 2001.

MAYOR

CITY CLERK.

READ a SECOND time and THIRD time in COUNCIL and FINALLY passed this 26th day of February, A.D. 2001.

MAYOR

CITY CLERK.