

**TOWN OF NOBLEFORD  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 698**

**BEING A BYLAW OF THE TOWN OF NOBLEFORD, IN THE PROVINCE OF ALBERTA, RESPECTING COMMUNITY STANDARDS WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF NOBLEFORD.**

**WHEREAS**, SECTION 7, PART 2, DIVISION 1 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, AUTHORIZES A COUNCIL TO PASS BYLAWS FOR MUNICIPAL PURPOSES RESPECTING THE SAFETY, HEALTH, AND WELFARE OF PEOPLE AND THE PROTECTION OF PEOPLE AND PROPERTY;

**AND WHEREAS**, SECTION 7, PART 2, DIVISION 1 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, AUTHORIZES A COUNCIL TO PASS BYLAWS FOR MUNICIPAL PURPOSES RESPECTING NUISANCES, INCLUDING UNSIGHTLY PREMISES OR PROPERTY;

**AND WHEREAS**, PURSUANT TO SECTIONS 542, 543, 545, 546 (0.1), 546.1, 547, 549, AND 550 1 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, COUNCIL BELIEVES THE REGULATION THROUGH A COMMUNITY STANDARDS BYLAW WOULD BENEFIT THE COMMUNITY AS A WHOLE;

**NOW THEREFORE**, THE COUNCIL OF THE TOWN OF NOBLEFORD, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:

1. **TITLE**

- 1.1. This Bylaw may be cited as the "Community Standards Bylaw".

2. **DEFINITIONS**

For the purpose of this bylaw, the following definitions shall apply:

- 2.1. **"Boulevard"** means that part of a Highway in an urban area that:
- a. Is not a roadway and
  - b. Is that part of the Sidewalk that is not specially adapted to the use of or ordinarily used by pedestrians.
- 2.2. **"Cannabis"** has the meaning given to it in the *Cannabis Act*.
- 2.3. **"Chief Administrative Office (CAO)"** means the Chief Administrative Officer of the Town or their delegate.
- 2.4. **"Council"** means the Town of Nobleford Council.
- 2.5. **"Enforcement Office"** means Bylaw Enforcement Officers, Peace Officers, members of the Royal Canadian Mounted Police (RCMP), or other designated officer.
- 2.6. **"Good Repair"** means a condition where something is free from:
- a. Broken, damaged, missing, detached, or fallen parts,
  - b. Rot or other physical deterioration,
  - c. Openings which are not secured against trespassers, and
  - d. Openings which are not secured against the infiltration of air or precipitation.
- 2.7. **"Graffiti"** means words, letters, symbols, marks, figures, drawings, inscriptions, writings, or stickers that are applied, etched, sprayed, painted, drawn, stained, scribbled or scratched on a surface without consent of the Property Owner.

- 2.8. **“Highway”** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of Vehicles and includes:
- a. A Sidewalk, including a Boulevard adjacent to 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 roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a Highway.
- 2.9. **“Holiday”** means any statutory holiday as defined in *The Interpretation Act*.
- 2.10. **“Land Use Bylaw”** means the Town of Nobleford Land Use Bylaw and amendments.
- 2.11. **“Loiter”** means to linger or hang around in a Public Place or business where one has no particular purpose.
- 2.12. **“Municipal Government Act”** means the *Municipal Government Act, R.S.A. 2000 C. M-26* as amended.
- 2.13. **“Nighttime”** means the period beginning at 10:00 P.M. and ending the following day at:
- a. 7:00 A.M. if the following day is a Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday;
  - b. 8:00 A.M. if the following day is a Sunday or any holiday.
- 2.14. **“Nuisance”** means any use of, or activity upon, any Property which is offensive to any reasonable Person, or has or may have a detrimental impact upon any Person or Property in the neighbourhood.
- 2.15. **“Noise”** means any sound, especially which is likely to unreasonably annoy or disturb Persons, or to injure, endanger or detract from the comfort, health, peace or safety of Persons;
- 2.16. **“Motor Vehicle”** means:
- a. A Vehicle propelled by any power other than muscular power, or
  - b. A moped,
- But does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a Motor Vehicle that runs only on rails.
- 2.17. **“Occupant”** means residing on or to be in apparent possession or control of Premises or Property.
- 2.18. **“Owner”** means a Person:
- a. Who is registered under the *Land Titles Act* as the Owner of a Parcel of land;
  - b. Who is recorded as the Owner of a Premises or Property on the tax assessment roll of the Town of Nobleford.
  - c. Who has purchased or otherwise acquired a Parcel of land, whether purchased or otherwise acquired the land directly from the Owner or from another purchaser and has not yet become the registered Owner thereof;
- 2.19. **“Person”** means any individual firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative.
- 2.20. **“Premises”** means the external surfaces of all buildings and the whole or part of any parcel of real Property, including the land immediately adjacent to any building or buildings.

- 2.21. **“Property”** means in the case of land, a parcel of land including any buildings.
- 2.22. **“Public Building”** means an enclosed or substantially enclosed building or structure to which the public is customarily admitted or invited.
- 2.23. **“Public Place”** means
- a. any place within the Town of Nobleford to which the public may have either expressed or implied access.
  - b. Any motor vehicle located in a Public Place or in any place to public view.
- 2.24. **“Recreational Vehicle”** means a Vehicle or Trailer that provides temporary accommodation for recreation or travel purposes and includes any motor home, travel Trailer, fifth wheel Trailer, tent Trailer, any camper van, bus or truck converted for use as a recreation Vehicle, campers mounted on a truck or any similar Vehicle, but does not include small utility Trailers, off-road Vehicles or watercraft and Trailers to transport them, unless they are being used as a dwelling unit, in which case they will be considered Recreational Vehicles for the purposes of this bylaw;
- 2.25. **“Residential District”** means a district as described as such in the Land Use Bylaw.
- 2.26. **“Sidewalk”** means that part of a Highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a Highway between:
- a. The curb line, or
  - b. Where there is no curb line, the edge of the roadway,
- And the adjacent Property line, whether or not it is paved or improved.
- 2.27. **“Smoke”** or **“Smoking”** means to inhale, exhale, burn or have control over a lighted cigarette, cigar, pipe, hooka pipe, or other lighted or electronic smoking instrument designed to burn or heat tobacco or any other weed or substance for the purpose of inhaling or tasting of its smoke or emissions.
- 2.28. **“Structure”** means any Structure, including but not limited to a Building, fence, retaining wall, scaffolding, shed, accessory Building or other similar types of construction.
- 2.29. **“Town”** means the Town of Nobleford.
- 2.30. **“Trailer”** means an unpowered Vehicle able to be towed by a powered Vehicle.
- 2.31. **“Unsightly”** means:
- a. A Property that, because of its condition or the accumulation of refuse, debris, materials, or other items, 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, serious disregard for general maintenance, upkeep, or repair, or which constitutes a Nuisance;
  - c. In respect to land, includes land that shows signs of a serious disregard for general maintenance or upkeep, or which constitutes a Nuisance; or
  - d. In an Unsightly condition within the meaning of Section 546 of the Act.
- 2.32. **“Vehicle”** means the same as in the *Traffic Safety Act, R.S.A. 2000, C t-6* as amended.
- 2.33. **“Violation Tag”** means a tag or similar document issued by the Town pursuant to the *Municipal Government Act, R.S.A. 2000, c. m-26* as amended.
- 2.34. **“Violation Ticket”** means a ticket issued pursuant to Part II and/or Part III of the *Provincial Offences Procedures Act, R.S.A. 2000* as amended.

### 3. **NOISE**

#### 3.1. General

3.1.1. Except to the extent permitted by this Bylaw, no Person shall cause or permit any other Person to:

- a. Cause a Noise within the Town;
- b. Operate or permit another Person to operate within the Town, a Motor Vehicle which causes Noise; or
- c. Operate or permit any other Person to operate within the Town, an Off-Highway Vehicle which causes Noise.

3.1.2. Where an activity which is not specifically prohibited or restricted by any legislation of Canada or the Province of Alberta or by this Bylaw involves making a sound, which:

- a. Is or may be or may become; or
- b. Creates or produces or may create or produce a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a Person engaged in that activity shall do so in a manner creating as little Noise as practicable under the circumstances.

3.1.3. An Enforcement Officer may direct any Person who has caused or made a Noise, or any Person who owns or controls Property from which Noise has originated, to abate, or eliminate the Noise. Such a directive may be either verbal or written.

#### 3.2. Motor Vehicle Noise

3.2.1. The failure of a Person to comply within the Town with the following provisions of the Traffic Safety Acts, RSA 2000 c. T-6 as amended and regulations thereof constitutes a violation of this Bylaw in addition to and not in substitution for the offence under the Traffic Safety Acts, RSA 2000 c. T-6 as amended:

- a. The prohibition against the use of Signaling Devices on Motor Vehicles, motorcycles, or bicycles so as to make more Noise than is reasonably necessary for the purpose of giving notice or warning to other Persons on the Highway, as set out in subsection (2) of Section 83 of the Use of Highway and Rules of the Road Regulation;
- b. The restrictions on the type or use of mufflers and similar equipment on Motor Vehicles, as set out in Section 61(1) of the Vehicle Equipment Regulation;
- c. The prohibition against equipping a Vehicle other than those specified with a siren, as set out in Section 74 of the Vehicle Equipment Regulation.

3.2.2. A Person who operates a Motor Vehicle in a Residential District at any time in such a way as to cause Noise is guilty of an offence under this Bylaw in addition to and not in substitution for any offence of which the Person may be guilty under Section 13(1)(g)(iii) of the Traffic Safety Acts, RSA 2000 c. T-6 as amended.

3.2.3. No Person may activate or apply engine retarder brakes in the Town.

3.2.4. Where a Motor Vehicle is equipped with a siren under Section 74 of the Vehicle Equipment Regulation 322-2002 of the Traffic Safety Acts, RSA 2000 c. T-6 as amended, the driver thereof shall only use the siren when the Vehicle is proceeding in response to an emergency call.

3.2.5. Section 3.2 does not apply to the use of a siren on a Motor Vehicle operated by a member of the Royal Canadian Mounted Police or the Town of Nobleford Bylaw Enforcement.

### 3.3. Commercial and Industrial Noise

3.3.1. Nothing in this Bylaw shall prevent the continual operation of carrying on of a commercial or industrial activity where the activity is one which:

- a. Is permitted use; or
- b. Is an approved discretionary use; or
- c. Is a non-confirming, but not illegal, use as defined in the Municipal Government Act, RSA 2000, c M-26.

3.3.2. In the operation of carrying on of a commercial or industrial activity, the Person operating or carrying on that activity shall make no more than is necessary in the normal method of performing or carrying on that activity.

3.3.3. No Person shall operate an outdoor speaker system on a parcel where a Property line of the parcel is within 150 meters of a Residential District during the Nighttime.

### 3.4. Domestic Noise

3.4.1. A Person must not operate:

- a. A motorized garden or lawn tool;
- b. A power tool outside any building or Structure; or
- c. Any other appliance causing noise

In a Residential District during the Nighttime. Snow-clearing devices shall be permitted to operate between the hours of 5:00 A.M. and 11:00 P.M. everyday, for the sole purpose of clearing snow.

### 3.5. Construction Noise

3.5.1. Unless a permit has been obtained pursuant to section 3.6 of this Bylaw, no Person shall cause construction Noise during the Nighttime unless the construction is conducted on land designated as Urban Reserve or Industrial District in the Town's Land Use Bylaw.

### 3.6. Permits and Non-Application of the Bylaw

3.6.1. The CAO may, upon written request, issue permission in writing to a Person for the purpose of suspending the provisions of this Bylaw, and the written permission shall specify the dates and hours during which Noise may occur (the "Permit").

3.6.2. The CAO may refuse to issue a Permit, or impose any term or condition upon a Permit.

3.6.3. In deciding whether to issue a permit, the CAO may consider the following:

- a. The length of time the Noise will persist;
- b. The nature of the activity which will cause the Noise; and
- c. The amount of disturbance which will be caused to surrounding areas.

3.6.4. The applicants for a Permit may appeal either:

- a. The refusal or an issuance of a Permit; or
- b. A condition(s) of the Permit;

To Council within thirty (3) days of the receipt of the refusal, or the receipt of the issuance of the Permit.

#### 4. **PUBLIC BEHAVIOUR**

##### 4.1. Littering

4.1.1. A Person shall not leave any garbage, litter or other refuse in a Public Place except in a receptacle designed and intended for such use.

##### 4.2. Spitting/Human Waste

4.2.1. No Person shall urinate or deposit human waste in any Public Place or in view of a Public Place, other than in the toilet of a public washroom.

4.2.2. No Person shall spit on or in any Public Place.

##### 4.3. Fighting

4.3.1. No Person shall participate in a fight or similar physical confrontation in any Public Place or any place to which the public reasonably has access with the exception of an organized sporting event.

##### 4.4. Smoking and Electronic Smoking Devices

4.4.1. No Person shall smoke, carry or possess a lit cigarette, cigar or pipe, or burn tobacco or any other substance, in any manner, or use an electronic smoking device in a Public Place or a Town Vehicle.

4.4.2. No Person shall smoke, carry or possess a lit cigarette, cigar or pipe, or burn tobacco or any other substance, in any manner or use an electronic smoking device in, on or within 5 meters of a:

- a. Playground
- b. Spray park
- c. Skate park
- d. Sports field
- e. Entrance or exit of a Public Building

4.4.3. No Person shall Smoke or consume Cannabis in any Public Place, including but not limited to:

- a. Any Public Building;
- b. Park;
- c. Playground;
- d. Walking Trail, Roadway or Sidewalk

##### 4.5. Public Offences

4.5.1. No Person shall without lawful excuse, the proof of which lies on them, trespass by Loitering or prowling at night on public or private Property.

4.5.2. No Person shall stand on or put their feet on the top of a surface of any table, bench, planter, sculpture or other fixture in a Public Place.

4.5.3. No Person shall cause vandalism to public or private Property by removing, destroying, mutilating, defacing, or climbing on any building or Structure, fixture or chattel, and without foregoing, any monument, vase, fountain, wall, fence, wire, netting, Vehicle, tool, gate, seat, bench, exhibit, or ornament therein, tamper with or in any way damage.

#### 5. **PROPERTY MAINTENANCE**

## 5.1. General

5.1.1. For the purpose of this Section, all terms referred to and not defined in this Bylaw are as defined in the Land Use Bylaw.

5.1.2. For the purpose of this Section, a Person who owns or occupies land shall be considered to occupy that portion of any Highway between the Property line and the center line of the Highway.

## 5.2. Maintenance of Buildings, Structures and Fences

5.2.1. No Owner or Occupier of a Premises shall allow a Structure to remain in an Unsightly condition.

5.2.2. Every Owner or Occupier of a Premises shall ensure structures are maintained in Good Repair to prevent hazards.

5.2.3. All buildings and Structures shall be maintained to prevent the entry of pests.

5.2.4. All yards, buildings, and Structures shall be kept free of infestations of pests.

5.2.5. Any condition liable to cause the presence of pests shall be removed from yards, buildings, or Structures and when yards, buildings or Structures are infested, all measures shall be taken to destroy the pests immediately, and preventative measures undertaken to prevent the reappearance of such pests.

5.2.6. No Owner or Occupier of a Property shall allow an accessory building, Structure, fence, trees or hedges on a Property to become a safety hazard.

5.2.7. No Owner or Occupier of a Property shall allow an accessory building, Structure, fence, trees, hedges, or shrubs on the Property to interfere or obstruct Sidewalks and/or roadways.

5.2.8. No Owner or Occupier of a corner lot shall erect, build, or place a fence, wall, tree, shrub, sign or other objects at an intersection of a Highway that may impede the visibility or cause a safety hazard for pedestrians or vehicular traffic.

## 5.3. Unsightly Properties

5.3.1. No Owner of a Premises or Property shall cause, allow or permit the Premises or Property to become or continue to be an Unsightly Premises or Property as defined by this bylaw.

5.3.2. Whether or not a particular Premises or Property is “characterized by visual evidence of a lack of general maintenance” or as a result of the “excessive accumulation” of materials listed in Part of this bylaw are a question of fact to be determined by a court hearing a prosecution pursuant to the provisions of this bylaw.

5.3.3. When making the determination as to whether a particular Premises or Property constitutes as “Unsightly” the Court’s considerations shall include any admissible evidence as to:

- a. The general condition and state of tidiness of the neighbouring or surrounding Premises or properties; and
- b. The location and permitted use of the Premises or Property and whether or not the Premises or Property is located within a Residential Development; and
- c. The period of time the Premises or Property has been in the state complained of; and
- d. Whether or not the Premises or Property is undergoing construction or renovation, and the period of time that such activity has been ongoing; and

- e. Any other circumstances or factors relating to the Premises or Property which the court deems are relevant to the said determination.

#### 5.4. Nuisance and Obligations of Owners

- 5.4.1. A Person shall not cause, permit or fail to prevent a Nuisance to exist on a Premises or Property that they own or occupy.
- 5.4.2. For the purpose of greater certainty, a Nuisance, with respect of premise or Property, means land that shows signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:
  - 1. Excessive accumulation of materials including but not limited to Building Materials, appliances, household goods, boxes, tires, Vehicle parts, garbage or refuse, whether of any apparent value or not;
  - 2. Damaged, dismantled or derelict Vehicles, whether insured or registered or not;
  - 3. Loose litter, garbage or refuse in the area used for the storage of such materials or in the area used for the placement of such materials for collection;
  - 4. Excessive or messy food compost heaps at the discretion of the Enforcement Officer
  - 5. Unkept grass or weed higher than 15 cm;
  - 6. An excavation, hole or general untidy and Unsightly condition of the Premises or Property;
  - 7. Production of excessive dust, dirt or smoke;

#### 5.5. Unoccupied Buildings

- 5.5.1. If a Building is unoccupied or condemned, then any door or window opening in the Building must be covered with a solid piece of wood or other suitable material and secured in a manner sufficient to prevent unauthorized entry into the Building.

#### 5.6. Construction

- 5.6.1. An Owner of a Premises or Property under construction, renovation or demolition shall ensure that building materials and waste building materials on the Premises are contained and secured in such a manner that prevents such material from being blown off or scattered throughout or from the Property.
- 5.6.2. An Owner of a Premises or Property under construction or renovation shall ensure that waste building materials and other refuse are removed from the Property, or collected and securely contained in appropriate waste bins or containers, on a daily basis.

#### 5.7. Sidewalks (Snow Removal)

- 5.7.1. The Owner or Occupant of a Premises or Property adjacent to a Sidewalk or Pathway that runs in front of the Property or along the side of the Property where:
  - a. Such Sidewalk or pathway runs parallel to and directly adjacent to a Street, or
  - b. Such Sidewalk or pathway runs parallel to and adjacent to a Street, where the pathway or Sidewalk and street are separated only by a grassed or otherwise covered Boulevard.

Shall remove ice and snow from that portion of the Sidewalk or pathway adjacent to the parcel so that the Sidewalk or pathway is cleared to the bare surface, within 48 hours after the ice or snow has been deposited.



- 5.7.2. Where the Owner or Occupant of a Premises or Property has not complied with Section 5.7, The Town may remove the ice and snow, and the Owner of the Premises or Property is liable for such removal costs.
- 5.7.3. Where the Owner or Occupant fails to pay the expenses and costs of removal referred to in Section 5.7.2, such costs may be added to the tax roll of the parcel.
- 5.7.4. A Person who removes snow or ice from public or private Sidewalks and/or public or private driveways shall not deposit said snow or ice upon any street or Highway and shall not impede storm sewer runoff or block access to any storm sewer grate, fire hydrant, curb cut or wheelchair ramp.
- 5.7.5. In the event of a large accumulation of snow, the Town may cause a street or lane to be cleared of Vehicles for the purposes of snow removal. If, after posting or signing said streets or lanes, Vehicles blocking snow removal equipment may be towed and impounded at the registered Owner's expense.

## 5.8. Weed and Vegetation Control

5.8.1. Every Occupant or Owner of any Property or Premises within the Town shall:

- a. Eradicate all noxious weeds and control all weeds and grass on a Premises, and on any Boulevard which abuts or adjoins the Premises, including up to the center of lanes or alleys at the rear or side of the Premises to ensure sightliness;
- b. Prune or remove any and all trees that, due to the deterioration of condition or for any other reason, interfere with any public utility or public works, and are a public safety hazard
- c. Remove or prune any shrub owned by them 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 Premises and becoming a breeding place for mosquitoes or other pests;
- e. Cut or mow the grass on any Boulevard or street, situated on Town owned land adjoining, or abutting or adjacent to Premises owned or occupied by them, 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;
- f. Remove from such Property any dead grass or brush or rubbish which may be untidy or Unsightly, or may harbor vermin or pests thereon;
- g. Cut the grass on such Property before said grass reaches such a height as to be Unsightly, having regard to the height of the grass on adjacent or surrounding Property.
- h. Not remove the grassed area on the Boulevard and install a gravel, concrete or asphalt driveway without approval from the Town.

5.8.2. No Occupant or Owner of any Property or Premises shall:

- a. Allow noxious weeds or prohibited noxious weeds (as defined in the Weed Control Regulation AR 19/210) to grow on occupied or unoccupied Premises.
- b. Suffer or permit trees growing on private Property to interfere or endanger the lines, poles, conduits, sewers or other works of the Town;
- c. Allow blight or disease of the trees or shrubs or vegetable or plant life liable to spread to other trees or shrubs or vegetables or plant life liable to spread to other trees or shrubs or plant life within the Town to go unchecked;

## 5.9. Refrigerators and Freezers and Appliances

5.9.1. A Person shall not place, cause or permit to be placed a refrigerator, freezer, washing machine or similar appliance on land they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.

5.9.2. Without limiting the generality of Section 5.9.1 measures considered to be effective may include:

- a. The complete removal of the door for the appliance;
- b. The removal of the door handle mechanism if this prevents the opening and closing of the door;
- c. The removal of door hinges;
- d. Locking the appliance; or
- e. Otherwise wrapping or containing the appliance so that the interior is inaccessible; and
- f. Not for longer than seven (7) days.

## 5.10. Graffiti

5.10.1. No Person shall create or apply Graffiti.

5.10.2. Every Owner or occupier of a Premises or Property shall ensure that any Graffiti placed on their Premises or Property is removed, painted over, or otherwise permanently blocked from public view within 14 days of receiving written Notice from an Enforcement Officer.

5.10.3. Notwithstanding Section 5.10.1 street painting, graphic art, street art, murals and other similar artwork on Buildings, specified areas and on Sidewalks may be allowed were sanctioned and authorized by the Municipality.

5.10.4. In a prosecution for this offence, if the defendant seeks to rely on the Graffiti being made with the consent of the Owner of the Premises or Property, the onus of proving the Owner's consent rests with the Person relying on consent.

## 6. VEHICLES

### 6.1. General:

6.1.1. "**Highway**" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of Vehicles and includes:

- a. A Sidewalk, including a Boulevard adjacent to 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 roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a Highway.

### 6.2. Vehicles (Including Off-Highway Vehicles)

6.2.1. No Owner or Occupier of a Property shall park or store a Motor Vehicle, Recreational Vehicle, Trailer or boat in the front yard of a Premises on any part of the Property except on a designated off-road parking area as prescribed in the Land Use Bylaw

6.2.2. No Owner or Occupier of a Residential Property shall allow the external storage of more than one (1) Motor Vehicle not bearing a license plate with subsisting registration.

- 6.2.3. No Owner or Occupier of a Residential Property shall allow the external storage of a Motor Vehicle which has all, or part of its outer Structure removed, or a Motor Vehicle or the parts thereof which is in a dilapidated or Unsightly condition.
- 6.2.4. No Person shall park, store, place or allow to be parked, stored, or placed, any Vehicle or Motor Vehicle on an alley or encroaching onto a Highway, Sidewalk or Public Utility Lot.
- 6.2.5. No Owner or Occupant of a Premises shall park or store a Motor Vehicle, Recreational Vehicle, Trailer or boat on a Boulevard or in the front yard of a Premises, wholly or partially on turf, lawn, dirt, or other non-hard surfaced areas.
- 6.2.6. No Person shall wash an off-Highway Vehicle, Recreational Vehicle, Trailer, or Motor Vehicle, upon a roadway or so near a Highway as to result in depositing mud or creating slush or ice upon a public Sidewalk or roadway.
- 6.2.7. No Person may conduct any repair work on any 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 Premises in a Residential District unless:
  - a. The activity does not create a Nuisance or Noise complaints from neighbours;
  - b. There is no escape of offensive, annoying or noxious odors, fumes or smoke from the Property;
  - c. 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;
  - d. All discarded Vehicle parts and materials are properly stored and disposed of from the Property;
  - e. No power washing of motor or powertrain is performed on the Property; and
  - f. All building and fire code regulations are met.

This prohibition shall not apply to routine maintenance work done on any Vehicles owned, operated, and registered in the name of the Owner or Occupant of the Premises, provided that all building and fire code regulations are met.

### 6.3. Recreational Vehicle Storage and Parking

- 6.3.1. No Person shall park, store, place or allow to be parked, stored or placed, more than one (1) Recreational Vehicle on any Residential Property.
- 6.3.2. No Person shall park, store, place, or allow to be parked, stored, or placed, more than two (2) Non-Recreational Vehicle Trailers on any Residential Property.
- 6.3.3. No Owner or Occupant is permitted to angle park a Recreational Vehicle or Non-Recreational Vehicle Trailer in front yards.
- 6.3.4. No Person shall allow any portion of a Recreational Vehicle to overhang or extend onto the roadway, Property line or Sidewalk.
- 6.3.5. No Owner or Occupant of a principal dwelling in a Residential District shall allow a Recreational Vehicle to be used for living or sleeping accommodations. The placement of any Recreational Vehicle on a lot is for storage purposes only.
- 6.3.6. No Person shall occupy a Recreational Vehicle parked on a Highway.
- 6.3.7. No Person shall park any Trailer, whether designed for occupancy or load-carrying on any Highway unless such Trailer is attached to the Vehicle by which

it may be properly drawn and when so attached, the Trailer shall be part of the Vehicle and subject to any regulations pertaining to the Vehicle.

- 6.3.8. An Owner or Operator of a Recreational Vehicle must not park the Recreational Vehicle or Trailer on a Highway in the Town for longer than 12 hours, except in the area of the Highway immediately adjoining the Owner or operator's Premises. An Owner or operator of a Vehicle and Trailer or Recreational Vehicle shall not park the Vehicle and Trailer or Recreational Vehicle on a Highway for more than seventy-two (72) consecutive hours. An Owner or Operator of a Recreational Vehicle or Trailer parked on a Highway shall have it attached to their Motor Vehicle for the entire duration.
- 6.3.9. Recreational Vehicle parking on public Property shall be permitted at the following sites, all of which are limited to 72 hours within a 30-day period:
  - a. Nobleford Community Complex, off-street on public Property;
  - b. West side of the Community Complex and soccer/baseball diamond fields; and
  - c. East Kenex Park lot
- 6.3.10. During the 72-hour period, Recreational Vehicles may connect to one of the three 110-volt electrical power supply outlets on the east side of the Community Complex. No AC connection is permitted.
- 6.3.11. Persons wishing to park a Recreational Vehicle on public Property must first obtain a permit from the Town office and have it displayed in a visible area for the entire duration.
- 6.3.12. Priority use of the 110-volt electrical power supply outlets shall be granted to those renting the Community Complex.
- 6.3.13. The Town office shall accept donations from those parking Recreational Vehicles at the Community Complex.

## **7. COMPLIANCE NOTICES AND ORDERS**

### **7.1. Compliance Notices and Orders**

- 7.1.1. Where the Owner or Occupant of a Premises is found to be in non-compliance with any provision of Sections 5 and 6 of this Bylaw, and Enforcement Officer may issue and serve upon the Owner of the Premises a bylaw compliance notice containing the following:
  - a. The address and/or physical location where remedial action is required;
  - b. The condition or conditions that are not in compliance with this Bylaw;
  - c. The remedial action that is required;
  - d. The deadline for completion of the remedial action required. The deadline for completion of the remedial action must not be less than 14 days from the date of service of the Notice and must not be greater than 30 days from the date of service of the Notice.
- 7.1.2. An application for an extension of the deadline prescribed by a notice or order for the completion of the remedial action required must be applied for in writing to the Enforcement Officer within 7 days of receipt of the notice or order. This application must include the reasons why the deadline extension is required. Any deadline extension allowed may not extend more than 30 days past the deadline date on the notice or order.
- 7.1.3. Where a notice or order regarding the removal of weeds or the cutting of grass is issued and served pursuant to this Section, and the specified remedial action is not taken within forty-eight hours, the Town may take all reasonable

measures to remedy in a timely manner any or all conditions specified in the notice or order.

- 7.1.4. Where a notice has been previously issued to an Owner pursuant to Section 7 and another similar non-compliant conditions occurs within the same season, no further notice or order is required before action pursuant to this Section may be taken by the Town to remedy the condition.
- 7.1.5. Where measures are taken by the Town following a failure to comply with a Notice issued in relation to Section 7 of this Bylaw, all expenses and costs incurred including an administration fee, are a debt owing to the Town by the Owner of the subject Premises;
- 7.1.6. The Owner of a Premises who has been issued a remedial noticed shall fully comply with the notice within the initial or subsequent extended time allowed for the subject remedial measures to be completed.

## 7.2. Compliance Notices and Orders Appeals

- 7.3. Any remedial notice issued pursuant to Section 7 of this Bylaw, excepting notices issued in relation to Weeds and Grass may be appealed to Council by delivering a written appeal to the Town office within 7 days of the Owner's receipt of the subject notice.
- 7.4. Upon receipt of a written appeal submitted pursuant to Section 7, Council will review the subject remedial notice, the enforcement file, the Bylaw, the written appeal and any materials provided therewith. Council may decide to uphold, vary, or revoke the subject remedial Notice, and will communicate such decision to the appellant in writing within 30 days of the receipt of the appeal, including, where applicable, the date by which the upheld or varied remedial Notice must be complied with.
- 7.5. Where remedial measures are taken pursuant to Section 7 of this Bylaw (weeds and grass) and cost recovery action is commenced by the Town, an appeal only as to the amount of the debt owing to the Town may be made to Council by delivering a written appeal to the Town office within 7 days of the Owner being notified of such cost recovery action.
- 7.6. Upon receipt of a written appeal submitted pursuant to Section 7, Council will review the subject remedial notice, the enforcement file, the bylaw, the costs of the remedial action taken by the Town, the written appeal and any other circumstances that are considered relevant to the subject appeal. Council may decide to uphold, vary, or cancel the subject debt owing to the Town and will communicate such decision to the appellant in writing within 10 days of the receipt of the appeal.

## 8. **ENFORCEMENT**

- 8.1. Where an Enforcement Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against such Person by:
  - a. Issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*;
  - b. Swearing out an information and Complaint against the Person; or
  - c. In lieu of prosecution, issuing the Person a Bylaw Violation Tag in a form as approved by the Chief Administrative Officer
- 8.2. Schedule A shall form part of this bylaw.
- 8.3. An Enforcement Officer may enter any land, building or Premises to inspect for conditions that may constitute a contravention of this Bylaw in accordance with Section 542 of the Municipal Government Act.

#### 8.4. Authorization to Inspect

8.4.1. The CAO and other duly appointed Town officials are charged with the responsibility and authority to enforce and carry out the provisions of this Bylaw. Any Person so authorized and/or contracted by the CAO to carry out any inspection and remedial work on a Premises or Property pursuant to the provisions of this Bylaw shall have the right to enter upon any such Property, other than a dwelling house, to carry out such inspections or work.

#### 8.5. Violation Tags

8.5.1. An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Enforcement Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.

8.5.2. A Violation Tag must be issued to such Person:

- a. Either Personally; or
- b. To the Guardian of a child; or
- c. By mailing a copy of such Violation Tag to the Person at his or her last known post office address.

8.5.3. The Violation Tag shall be in a form approved by the CAO and shall state:

- a. The name of the Person;
- b. The offence;
- c. The appropriate penalty for the offence as set out herein;
- d. The time in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
- e. Any other information as may be required by the CAO

8.5.4. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by an Enforcement Officer in respect of each day or part of day on which it continues.

8.5.5. Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Nobleford the penalty specified in the Violation Tag.

8.5.6. Nothing in this Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket.

#### 8.6. Violation Tickets

8.6.1. An Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to any Person who the Enforcement Officer believes has contravened any provisions of this Bylaw.

8.6.2. Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by an Enforcement Officer in respect of each day or part on which it continues.

#### 8.7. Severance

8.7.1. It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the bylaw shall remain in force and effect.

### 9. General

9.1. Bylaws 462, 570, and 571 are hereby repealed.

9.2. This Bylaw shall come into full force upon the date of the passing of the third and final reading.

READ a **first** time this 9<sup>th</sup> day of January, 2024.

  
\_\_\_\_\_  
**Mayor** – Joan Boeder

  
\_\_\_\_\_  
**Administrator** – Joseph Hutter


READ a **second** time this 13<sup>th</sup> day of February, 2024.

  
\_\_\_\_\_  
**Mayor** – Joan Boeder

  
\_\_\_\_\_  
**Administrator** – Joseph Hutter

READ a **third** time and finally PASSED this 13<sup>th</sup> day of February, 2024.

  
\_\_\_\_\_  
**Mayor** – Joan Boeder

  
\_\_\_\_\_  
**Administrator** – Joseph Hutter

Schedule A

<b>Section</b>	<b>Description</b>	<b>First Offence</b>	<b>Second Offences Within One (1) Year)</b>	<b>Third and Subsequent Offences Within One (1) Year)</b>
3	Cause or permit unreasonable noise	\$250	\$500	\$1000
3.2.2	Operate a Motor Vehicle in a way to create unreasonable noise.	\$250	\$500	\$1000
3.2.3	Activate or use engine retarder brakes	\$250	\$500	\$1000
3.3.2	Create unnecessary commercial or industrial noise.	\$250	\$500	\$1000
3.3.3	Operate sound amplifying system in Residential District	\$250	\$500	\$1000
3.4.1	Permit outdoor maintenance equipment during nighttime	\$250	\$500	\$1000
3.5.1	Permit construction noise during nighttime	\$250	\$500	\$1000
4.1.1	Litter	\$250	\$500	\$1000
4.2.1	Urinate or Defecate in public place and not in proper receptacle	\$250	\$500	\$1000
4.2.2.	Spit in a public place	\$250	\$500	\$1000
4.3.1	Participate or engage in a fight in public	\$250	\$500	\$1000
4.4	Carry, possess or use a lit or electronic smoking device	\$250	\$500	\$1000
4.4.3	Consume Cannabis in a Public Place			
4.5.1	Loiter or trespass	\$250	\$500	\$1000
4.5.2	Cause a public nuisance	\$250	\$500	\$1000
4.5.3	Vandalize/Damage Municipal property	\$250	\$500	\$1000
5.2.1	Permit an unsightly structure on a property or premises	\$250	\$500	\$1000
5.2.2	Fail to maintain structures in Good Repair	\$250	\$500	\$1000
5.2.3	Fail to maintain structure or building to prevent the entry of pests	\$250	\$500	\$1000
5.2.4	Permit an infestation of pests on property or premises	\$250	\$500	\$1000
5.2.5	Permit the accumulation of material likely to attract pests or animals	\$250	\$500	\$1000
5.2.6	Fail to remove/prune tree/shrub that causes a public safety hazard	\$250	\$500	\$1000
5.2.7	Fail to remove/prune tree that interferes with sidewalk/street	\$250	\$500	\$1000
5.2.8	Plant tree/shrub/vegetation that interferes with an intersection/traffic flow	\$250	\$500	\$1000
5.3.1	Cause/permit a premises or property to be unsightly	\$250	\$500	\$1000
5.4	Cause/permit a nuisance to exist on a premises or property	\$250	\$500	\$1000
5.5.1	Fail to properly cover doors/windows of an unoccupied structure with solid material	\$250	\$500	\$1000
5.6.1	Fail to secure building materials or waste	\$250	\$500	\$1000
5.6.2	Fail to remove building material or waste	\$250	\$500	\$1000
5.7.1	Fail to remove snow and ice	\$250	\$500	\$1000
5.7.4	Deposit snow or ice upon a street or highway	\$250	\$500	\$1000
5.7.4	Deposit snow or ice where it impedes upon storm sewer runoff, fire hydrants or wheelchair ramps	\$250	\$500	\$1000



5.8	Permit noxious weeds to exist	\$250	\$500	\$1000
5.8	Have standing or stagnant water on property	\$250	\$500	\$1000
5.8	Grass, grasses and weeds exceed maximum height (length)	\$250	\$500	\$1000
5.8.1	Fail to destroy noxious weeds	\$250	\$500	\$1000
5.8.1	Fail to maintain vegetation	\$250	\$500	\$1000
5.9.1	Cause/permit appliance to be placed outside without preventing opening	\$250	\$500	\$1000
5.10.1	Create or apply graffiti	\$250	\$500	\$1000
5.10.2	Fail to remove graffiti within fourteen (14) days	\$250	\$500	\$1000
6.2.2	Storage of more than one (1) unregistered Motor Vehicle	\$250	\$500	\$1000
6.2.3	Storage of dilapidated or unsightly Motor Vehicle	\$250	\$500	\$1000
6.2.4	Permit any junked vehicles	\$250	\$500	\$1000
6.2.5	Permit a Recreational vehicle to extend onto the roadway or sidewalk	\$250	\$500	\$1000
6.2.6	Fail to park motor vehicle, recreation vehicle or trailer wholly on hard surface parking area	\$250	\$500	\$1000
6.2.7	Was an off-highway vehicle, recreational vehicle, trailer or motor vehicle near a highway as to deposit debris upon a highway.	\$250	\$500	\$1000
6.2.8	Repair a motor vehicle in a Residential District	\$250	\$500	\$1000
6.3.1	Storage of more than one (1) Recreational vehicle on Residential property	\$250	\$500	\$1000
6.3.2	Storage of more than two (2) trailers on residential property	\$250	\$500	\$1000
6.3.3	Improper storage of recreational vehicle or trailer	\$250	\$500	\$1000
6.3.4	Improper parking of recreational vehicle or trailer	\$250	\$500	\$1000
6.3.6	Permit the use of a recreational vehicle as a dwelling unit	\$250	\$500	\$1000
6.3.7	Occupy recreational vehicle parked on highway	\$250	\$500	\$1000
6.3.8	Unattached recreational vehicle or trailer	\$250	\$500	\$1000
6.3.9	Failure to move recreational vehicle or trailer in prescribed time	\$250	\$500	\$1000
6.3.9	Failure to attach recreational vehicle or trailer to motor vehicle	\$250	\$500	\$1000
6.3.12	Failure to obtain and/or display parking permit	\$250	\$500	\$1000
7.1	Fail to comply with a written order	\$250	\$500	\$1000
8	Obstruct or hinder Designate Officer or Enforcement Officer	\$250	\$500	\$1000
	Any Offence under this Bylaw for which a penalty is not otherwise provided	\$250	\$500	\$1000