

MUNICIPAL DISTRICT OF BIGHORN NO. 8

BYLAW NO. 09/97

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8 in the Province of Alberta for the purpose of controlling nuisances, unsightly and unsafe premises, and noise within the Municipal District of Bighorn No. 8

WHEREAS Pursuant to the Municipal Government Act, Chapter M - 26.1, S.A. 1994 as amended, the Council may enact bylaws preventing and compelling the abatement of nuisances generally, regulating unsightly and unsafe premises, and for the safety, health and welfare of people and protection of people and property; and

WHEREAS the Council of the Municipal District of Bighorn No. 8 deems it advisable and in the public interest to enact such a bylaw;

NOW THEREFORE the Municipal Council of the Corporation of the Municipal District of Bighorn No. 8, duly assembled in Council, enacts as follows:

1. This bylaw shall be known as "The Municipal District of Bighorn No. 8 Nuisance Control Bylaw."
2. A nuisance is any condition on, around, or emanating from any lands that is untidy, unsightly, offensive, dangerous to health or which interferes with the use or enjoyment of other lands, and includes:
  - a) that which annoys and disturbs an owner of property in the municipality, rendering its ordinary use or occupation physically uncomfortable to the owner;
  - b) anything which is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or which obstructs the free passage or use of property in the customary manner;
  - c) anything which renders an area foul or dirty;
  - d) in hamlets, grasses or weeds on the property that are of such great length that they are uncharacteristic of those on adjoining properties or the neighbourhood in general;
  - e) trees or shrubs that interfere with civic works or any public utilities;

- f) dense or opaque smoke emitted into the atmosphere except where the amount of such smoke is otherwise regulated by the Provincial Government;
  - g) dense or opaque dust emitted into the atmosphere except where the amount of such dust is otherwise regulated by the Provincial Government;
  - h) smelly compost heaps;
  - i) wrecked or dismantled vehicles, or those that are unsightly and abandoned, unregistered or uninsured;
  - j) any material including garbage, building materials, tires, boxes, machines or machine parts; and
  - k) unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers, or distracts from the comfort, repose, health, peace or safety of the persons within the limits of the Municipal District.
3. Within this bylaw the word "owner" means an owner, agent of the owner, lessee, tenant, or occupier of land or premises within the Municipal District of Bighorn No. 8.
  4. Within this bylaw the word "Act" means the Municipal Government Act, Chapter M-26.1, S.A. 1994, as amended.
  5. No person being the owner of any land or premises within the MD of Bighorn shall permit the land or premises of which such person is the owner, or anything on the land or premises, to be or to remain a nuisance.
  6. No person being the owner of any land or premises within the MD of Bighorn shall permit the land or premises of which such person is the owner, or anything on the land or premises, to be or to remain in an untidy or unsightly condition.
  7. No person being the owner of land or premises within the MD of Bighorn shall permit any building or structure of any kind whatsoever, or any excavation, depression, drain ditch, water course, pond, surface water, refuse or other matter or thing upon any private lands, street or road, or in or about any building or structure of which such person is the owner, to be or remain a nuisance or danger to the public safety.

8. For the purposes of this bylaw, the MD of Bighorn Council shall, by resolution, appoint from time to time Inspectors who are hereby authorized in accordance with the Act to enter into any lands, buildings or other premises within the Municipal District to inspect for conditions which may constitute a nuisance or contravene or fail to comply with the provisions of Section 5, 6 and 7 of this bylaw.
9. In any case where an Inspector, as defined in Section 8 of this bylaw, is of the opinion that a condition exists contrary to the provisions of Sections 5, 6 or 7, the Inspector shall prepare a report and submit the report to Council, and then the Council in its discretion may declare by resolution that the matter is a nuisance or in breach of this bylaw and may require the owner to remedy, in such manner as the Council may direct, any condition on the land that constitutes a nuisance or that fails to comply with this bylaw.
10. In preparation of the nuisance report referred to in Section 9, the Inspector shall consider and include any written comments about the possible nuisance that may be received by the municipality from adjacent land owners, or owners of land near the subject property, and Council shall consider such comments when making any decision regarding the possible nuisance.
11. The owner of any land or premises within the MD of Bighorn:
  - a) who fails to remedy, in such a manner as Council may direct, any condition of his land that constitutes a nuisance, or
  - b) who contravenes or fails to comply with the provisions of this Bylaw within such period of time as directed by the Council shall be guilty of an offense against this Bylaw and liable upon summary conviction of a fine of not less than two hundred and fifty (\$ 250.00) dollars nor more than ten thousand (\$ 10,000.00) dollars.

READ A FIRST TIME the 08 day of APRIL, 1997.

[Signature]  
DEPUTY REEVE

[Signature]  
MUNICIPAL ADMINISTRATOR

READ A SECOND TIME the 13<sup>th</sup> day of May, 1997.

READ A THIRD TIME AND FINALLY PASSED the 13<sup>th</sup> day of  
May, 1997.

[Signature]  
DEPUTY REEVE

[Signature]  
MUNICIPAL ADMINISTRATOR