

MUNICIPALITY OF JASPER
BYLAW #046

BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROHIBITING, ELIMINATING OR ABATING OF NUISANCE WITHIN THE TOWN OF JASPER.

WHEREAS pursuant to the provisions of the Agreement for the Establishment of Local Government in Jasper dated June 13th, 2001 and the Agreement for the Provision of Interim Municipal Services and Functions between the Municipality of Jasper and Her Majesty the Queen in Right of Canada dated 1 April 2002, the Council of the Municipality of Jasper has authority for the control of nuisance within the Town of Jasper;

NOW THEREFORE, the Council of the Municipality of Jasper in the Province of Alberta, duly assembled, enacts:

1. CITATION

1.1 This Bylaw may be cited as the “Jasper Nuisance Bylaw”.

2. DEFINITIONS

2.1 In this Bylaw:

2.1.1 *"Ash" or "Ashes"* shall mean the solid residue left when combustible material is thoroughly burned or is oxidized by chemical means;

2.1.2 *"Bylaw Enforcement Officer"* shall mean a person appointed by the Municipal Manager as a Bylaw Enforcement Officer pursuant to the provisions of the Jasper Municipal Enforcement Officer Bylaw;

2.1.3 *"Bulky Waste"* shall mean large items of refuse including appliances, furniture, automobiles and automobile parts, large containers, and tree cuttings exceeding 1m in length;

2.1.4 *"Construction and Demolition Waste"* shall mean waste building materials and rubble resulting from construction, repair, remodelling or demolition activities and shall include tree stumps, earth, sand and stone.

2.1.5 *"Council"* shall mean the Council of the Municipality of Jasper;

2.1.6 *"Chief Bylaw Enforcement Officer"* shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;

2.1.7 *"Director of Environmental Services"* shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;

2.1.8 *"Fire Chief"* shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;

- 2.1.9 “*Garbage*” shall mean waste or debris from domestic, commercial or industrial activities; including but not limited to broken household dishes and utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and shall include Ash, Liquid Waste, Rubbish, Solid Waste and Yard Rubbish;
- 2.1.10 “*Jasper Community Land Use Plan 2001*” means the plan of that name approved by the Minister of Canadian Heritage in June, 2001, pursuant to the *Canada National Parks Act*.
- 2.1.11 “*Land Use District*” shall mean an area of the Town zoned for a particular land use by the provisions of the Jasper Community Land Use Plan 2001;
- 2.1.12 “*Leaseholder*” shall mean a grantee or a Person or other legal entity holding a valid lease or licence of occupation with the federal Crown for the use or occupation of land in Jasper National Park, and shall mean Canadian National Railway in respect of lots or land parcels held by Canadian National Railway, and shall mean Jasper National Park of Canada in respect of lots or land parcels held by the Crown;
- 2.1.10 “*Liquid Waste*” shall mean Garbage made up of waste materials or substances that have sufficient moisture or other liquid contents to be free flowing but that are not suitable for disposal through a sewer system;
- 2.1.13 “*Motor Vehicle*” shall mean Motor Vehicle as defined in the *Highway Traffic Act* (Alberta) as amended;
- 2.1.14 “*Municipal Manager*” shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;
- 2.1.15 “*Municipality*” shall mean the Municipality of Jasper in Jasper National Park in the Province of Alberta;
- 2.1.16 “*Nuisance*” shall mean any condition on or around land or premises that is untidy, unsightly, offensive, dangerous to health or which interferes with the use or enjoyment of other land or premises, and includes:
- 2.1.16.1 uncut non-native grasses or weeds on the Property that are longer than 15 cm.;
- 2.1.16.2 trees or shrubs that interfere with civic works or any public utilities;
- 2.1.16.3 dense or opaque dust emitted into the atmosphere;
- 2.1.16.4 smelly compost heaps;
- 2.1.16.5 the presence of wrecked or dismantled vehicles, or those that are unsightly and abandoned, unregistered or uninsured;
- 2.1.16.6 the presence, for periods longer than those in which an Owner may reasonably be expected to accomplish disposal, of Bulky Waste, Construction and Demolition Waste, Garbage, Rubbish, or Trade Waste.
- 2.1.17 “*Owner*” shall include a Leaseholder or a manager and any Person having authority over a business establishment;
- 2.1.18 “*Person*” shall mean an individual, society, partnership or corporation;

- 2.1.19 “*Residential District*” shall mean an area or district so designated or described in the Jasper Townsite Zoning Regulations to the *Canada National Parks Act* as amended;
- 2.1.20 “*Rubbish*” shall mean combustible materials including paper, rags, cartons, boxes, wood excelsior, bedding, rubber, leather and plastics and non-combustible materials including metal objects and containers, ceramics, metal foils and glass;
- 2.1.11 “*Solid Waste*” shall mean the useless, unwanted or discarded solid waste materials resulting from normal human activities including semi-liquid or wet wastes with insufficient liquid content to be free flowing;
- 2.1.21 “*Trade Waste*” shall mean petroleum products, scrap metal, tires, machinery, vehicles and parts thereof;
- 2.1.22 “*Town*” shall mean the Town of Jasper as defined in the Agreement for the Establishment of Local Government in Jasper dated June 13th, 2001;
- 2.1.23 “*Untidy*” and “*Unightly*” shall mean any matter or thing determined by Council to be untidy or unsightly so as to constitute failure to conform to external, generally accepted community standards; and
- 2.1.23.1 in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and
- 2.1.23.2 in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.
- 2.1.24 “*Yard Rubbish*” shall mean prunings, grass clippings, weeds, leaves and general garden wastes, other than Solid Wastes;
- 2.1.25 Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice versa; and
- 2.1.26 Words importing the singular shall include the plural or vice versa whenever the context so requires.

3. NUISANCE

- 3.1 No Person shall cause shall cause or allow to be caused in the Town any Nuisance, and any Person who causes or allows to be caused in the Town any Nuisance shall be deemed guilty of an offence and liable upon conviction to a fine as provided in Schedule ‘A’ attached hereto.
- 3.2 No Person being the Owner, agent, lessee, grantee, or occupier of any land or premises within the Town, shall permit such land or premises to be or to remain a Nuisance and any Owner, agent, lessee, grantee, or occupier so permitting shall be deemed guilty of an offence and liable upon conviction to a fine as provided in Schedule ‘A’ attached hereto.
- 3.3 No Person being the Owner, agent, lessee, grantee, or occupier of any land or premises within the Town, shall permit such land or premises or any building, structure, or erection of any kind whatsoever, or any excavation, depression, drain, ditch, water-course, pond, surface or other feature whether natural or constructed upon such land or premises to be or to remain a Nuisance dangerous to the public safety or health and any Owner, agent, lessee, grantee, or occupier so permitting shall be deemed guilty of an offence and liable upon conviction to a fine as provided in Schedule ‘A’ attached hereto.

- 3.4 In any case where the Director of Environmental Services, the Fire Chief, the Chief By-law Enforcement Officer, or the Medical Officer of Health reports land or premises as being a Nuisance dangerous to the public safety or health, Council may, in its discretion, declare by Resolution that the same is a Nuisance and direct that it be removed, pulled down, filled up, abated, or otherwise dealt with by the Owner, agent, lessee, or occupier concerned.

4. UNTIDY AND UNSIGHTLY PREMISES

- 4.1 No Person being the Owner, agent, lessee, grantee, or occupier of any land or premises within the Town, shall permit such land or premises to be or to remain Untidy and Unsightly and any Owner, agent, lessee, grantee, or occupier so permitting shall be deemed guilty of an offence and liable upon conviction to a fine as provided in Schedule 'A' attached hereto.

5. PROSECUTION

- 5.1 A notice or form commonly called an Offence Ticket having printed wording approved by the Municipal Manager, may be issued by a Bylaw Enforcement Officer or Peace Officer to any person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment to the Municipality of Jasper in the amount specified in this Bylaw or the regulations pursuant to the *Provincial Offences Procedure Act* (Alberta), as amended.
- 5.2 An Offence Ticket shall be deemed to be sufficiently served:
- 5.2.1 if served personally on the accused; or
 - 5.2.2 if mailed to the address of the Owner or person accused.
- 5.3 Notwithstanding any provisions herein, the Municipal Manager may issue a written order to an Owner, agent, lessee, grantee, or occupier of any land or premises within the Town or a responsible Person, directing that a Nuisance be abated.
- 5.4 A written order issued pursuant to Section 5.3 herein may be appealed to Council within ten (10) days of the date the order was received and upon appeal Council may confirm, vary, set aside or modify any order made under Section 5.3 herein.
- 5.5 The Owner, agent, lessee, or occupier of any land or premises within the Town who fails to remedy in such manner as the Municipal Manager orders pursuant to Section 5.3 herein or, in the event an order pursuant to Section 5.3 is appealed to Council, in a manner such as Council may direct pursuant to Section 5.4, any condition of his land that constitutes the Nuisance shall be deemed to show him guilty of an offence and liable upon conviction to a fine as provided in Schedule 'A' attached hereto.
- 5.6 In respect of an order issued pursuant to Section 5.3, where the Municipal Manager directs that an Owner, agent, lessee, occupier or other person shall do any matter or thing required to abate such Nuisance, then in default of it being done, the Owner, agent, lessee, occupier, or other person, or any or all of them shall be liable to prosecution, and it shall be no defence for any Owner, agent, lessee, occupier or other person so prosecuted to allege that any other person is responsible for such default.
- 5.7 In respect of an order issued pursuant to sections 5.3 or 5.4 herein, where the Municipal Manager directs that an Owner, agent, lessee, occupier or other person shall do any matter or thing required to abate a Nuisance and the Owner, agent, lessee or occupier fails, neglects, or refuses to remedy any condition directed to be remedied, then in default of it being done, the Municipality, its officers, agents or servants may abate the same to the satisfaction of the Municipal Manager and

charge the same to the Owner, agent, lessee, occupier or other person and collect the same in the same manner as municipal fees and taxes.

6. PENALTIES

- 6.1 Any person who contravenes this Bylaw is guilty of an offence.
- 6.2 Persons having contravened certain sections of this Bylaw shall be liable for the penalties set out in such section or set out in Schedule "A" hereto.

7. SEVERANCE

- 7.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

8. COMING INTO EFFECT

- 8.1 This Bylaw shall come into force and effect on the final day of passing thereof.
- 8.2 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

GIVEN FIRST READING THIS 16th DAY OF MARCH A.D., 2004

GIVEN SECOND READING THIS 6th DAY OF APRIL A.D., 2004

GIVEN THIRD AND FINAL READING THIS 15th DAY OF MARCH A.D., 2005

Mayor

Municipal Manager

Schedule "A"

Penalties

3. NUISANCE

3.1 Cause or allow any Nuisance in the Town.

First offence	\$50.00
Second offence within one (1) calendar year of any previous offence	\$100.00
Third or subsequent offence within one (1) calendar year of any previous offence	\$500.00

3.2 Permit land or premises to be or to remain a Nuisance.

First offence	\$100.00
Second offence within one (1) calendar year of any previous offence	\$400.00
Third or subsequent offence within one (1) calendar year of any previous offence	\$2000.00

3.3 Permit land or premises to be or remain a Nuisance dangerous to the public safety and health.

First offence	\$500.00
Second offence within one (1) calendar year of any previous offence	\$1000.00
Third or subsequent offence within one (1) calendar year of any previous offence	\$5000.00