

DISTRICT OF BARRIERE

BY-LAW NO. 134

A BY-LAW TO PREVENT, ABATE AND PROHIBIT NUISANCES

WHEREAS, pursuant to the *Community Charter*, Council may, by By-law, prevent, abate and prohibit nuisances and provide for the recovery of the cost of abatement of the nuisance from the person causing the nuisance or other persons described in the bylaw, including, without limitation, in relation to animals, deposit and accumulation of snow, dust, and any other matter that unreasonably interferes with the rights of other persons to use and enjoy private and public property.

Now therefore, the District of Barriere, in open meeting assembled, enacts as follows:

1. This by-law may be cited as “Nuisance Bylaw No. 134”.
2. DEFINITIONS AND INTERPRETATION
 - (a) Where a word is used in this by-law, but is not defined specifically or by context, it shall be interpreted by reference to the *Interpretation Act* and the *Community Charter*.
 - (b) In this by-law, unless the context otherwise requires:

“Animal” means an animal of any species;

“District” means the District of Barriere;

“Person” includes any individual, firm, company, association, society, corporation, group, or municipality;

“Property” means real property, and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof; and

“Street” includes all public streets, roads, ways, trails, lanes, bridges, trestles, and any other public way or right-of-way designed or intended for or used by the general public for the passage of vehicles,
 - (c) If a division, section, subsection, sentence, clause, or phrase of this by-law is for any reason held to be invalid by the decision of a court of competent jurisdiction, it shall be severed and such decision shall not affect the validity of the remaining portions of this by-law.
3. GENERAL REGULATION
 - (a) No person being the owner or occupier of any lands within the District shall cause, permit or suffer such lands to become a nuisance nor shall any such owner or occupier cause permit or suffer any building, structure or erection of any kind or any pond, excavation, pile or other matter or thing in or on such land to become a nuisance.
4. DUST CONTROL
 - (a) Every person being the owner or occupier of any lands ,
 - (i) shall apply water or another dust suppressant as needed to any unpaved parking or not landscaped property in order to prevent the emission of dust that is liable

to unreasonably interfere with the rights of other persons to use and enjoy private and public property.

5. SNOW REMOVAL FROM PRIVATE PROPERTY

- (a) No person shall,
 - (i) deposit snow removed from private property on to any right of way so that it impedes the visibility of vehicle or pedestrian traffic.
 - (ii) deposit snow on any highway or street.

6. ANIMALS

- (a) No person shall permit or allow any animal under their care or control to cause or create an unreasonable nuisance.

7. ENFORCEMENT

- (a) The District may issue a notice in writing, in addition to any other penalty provided herein and whether or not any prosecution under this bylaw has been commenced, to any person in contravention of any section of this bylaw requiring any owner or occupier of land to abate a nuisance occurring thereon in the manner and within the period of time described in the notice.
- (b) If a person fails to comply with the requirements set out in a notice issued under section 7(a) of this Bylaw, the District by its employees or authorized agent may, in addition to any other penalty provided herein and whether or not any prosecution under this bylaw has been commenced, enter upon the lands of such owner or occupier to abate the nuisance at the expense of the owner or occupier and the charges for so doing, if unpaid on the 31st day of December next following, shall be added to and form part of the taxes payable in respect of such real property as taxes in arrears.

8. OFFENCES AND PENALTIES

- (a) No person shall do any act, or permit any act or thing, to be done in contravention of this by-law.
- (b) Every person who violates any provision of this by-law, or who permits any act or thing to be done in contravention of this by-law, or who fails to do any act or thing required by this by-law, shall be deemed to have committed an offence against this bylaw, and:
 - (i) shall be subject to the enforcement set out under Section 7 of this bylaw; or
 - (ii) shall be liable to a fine set out in the District of Barriere *Bylaw Notice Enforcement Bylaw*; or
 - (iii) shall be liable, upon summary conviction, to the penalties provided under the Offence Act; or
 - (iv) Any combination of the above.
- (c) Each day that an offence against this by-law continues shall be deemed a separate and distinct offence.

- (d) Any penalty imposed pursuant to this by-law shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

READ FOR A FIRST TIME the **2nd** day of **May**, 2016.

READ FOR SECOND TIME the 16th day of May, 2016

READ FOR A THIRD TIME the 16th day of May, 2016

ADOPTED this 6th day of June, 2016.

Virginia Smith, MAYOR

Colleen Hannigan, CAO