



## TOWN OF MANNING, ALBERTA

### BY-LAW 897-22

A BYLAW OF THE TOWN OF MANNING IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROHIBITING CERTAIN ACTIVITIES IN ORDER TO PREVENT AND COMPEL THE ABATEMENT OF NOISE NUISANCES, LITTERING, UNSIGHTLY PREMISES AND PUBLIC DISTURBANCES.

**WHEREAS** the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides that a municipality may pass a Bylaw for municipal purposes of the safety, health, and welfare of people, and the activities in, on or near public places as well as the protection of people, public and property, and;

**WHEREAS** the Council of the Town of Manning, in the Province of Alberta, deems it appropriate to establish a Bylaw regulating certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises and disturbances to the public,

**NOW THEREFORE** the Council of the Town of Manning, in the Province of Alberta, duly assembled, hereby enacts as follows:

#### PART 1 - SHORT TITLE

1. This Bylaw may be cited as the "Community Standards Bylaw".

#### PART 2 - SCOPE AND INTERPRETATION

2. Where the provisions of this Bylaw conflict with the provision of any other Bylaw in force in the Town the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
3. Where the provisions of this Bylaw conflict with any Act, the provisions of the provincial standard shall prevail.
4. In the interpretation and application of the provisions of this Bylaw, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
5. The Council of the Town deems standing water, litter, loose rubbish and other waste and unkempt yards a nuisance that could create a health and safety hazard for the public.

#### PART 3 - DEFINITIONS

6. In this Bylaw, unless context otherwise requires, the following definitions shall apply:
  - (a) "Contractor" means a person or persons or corporation hired for or by a person or corporation for the purposes of but not limited to constructing or renovating buildings and other structures, providing services such as lawn

cutting, maintenance and other landscaping.

- (b) "Council" means the Council of the Town of Manning, elected pursuant to the Local Authorities Election Act, Revised Statutes of Alberta.
- (c) "Debris" means waste material such as building or construction material, or refuse arising from building construction or development.
- (d) "Designated Officer" means the Chief Administrative Officer, Acting Chief Administrative Officer, or any other designate or delegate of the Chief Administrative Officer designated or delegated to perform the duties of the Designated Officer.
- (e) "Development Authority" means any person, department or corporation designated by the Town of Manning to provide administration, enforcement or action under the Land Use Bylaw of Manning.
- (f) "Disturbance" means actions, behaviours or conduct that is likely to cause a reasonable person to fear for their safety or deprive that person of their peaceful enjoyment of the place they are located.
- (g) "Developer" means a person or persons or corporation that provides services for another person, persons or corporation, or for themselves, related to land or the structure development for the purpose of resale.
- (h) "Emergency or Extraordinary situation" means any situation encountered by a Peace Officer which the Peace Officer verily believes there may be immediate risk to public safety, persons inside a Residential Building, or immediate risk for damage against private or public property, or other similar situationally specific circumstances.
- (i) "Graffiti" means the defacement or disfigurement of any property or object, through the performance of any of the following acts:
  - (a) the application of any substance, including paint, ink, stain or whitewash to any surface; or
  - (b) the affixing of any substance, including paper, fabric or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
  - (c) the marking, scratching, etching or other alteration or disfigurement of any surface.
- (j) "Highway" as defined by the Traffic Safety Act of Alberta.
- (k) "Holiday" means any statutory holiday as defined in THE INTERPRETATION ACT.
- (l) "Nuisance" means anything that causes annoyance, offence, trouble, or injury.
- (m) "Noxious Weeds" means any restricted, noxious, or nuisance weed listed in the Alberta "Weed Control Act Weed Designation Regulation".
- (n) "Order" means any formal direction given under this Bylaw, a Stop Order, Clean Up Order, Fire Smart Order, or any order issued in accordance with the *Municipal Government Act of Alberta*.
- (o) "Owner" means any person who is registered under the Land Titles Act as the owner of the land.
- (p) "Peace Officer" means any Police Officer Employed or contracted by the

police service of jurisdiction, or Peace Officer appointed under the Peace Officer Act of Alberta or Bylaw Enforcement Officer appointed by the Town of Manning for the purposes of this Bylaw.

- (q) "Premises" means any property contained within the property lines as registered with Alberta Land Titles but excludes all residential buildings, sheds or garages unless otherwise specifically included.
- (r) "Public Place" means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.
- (s) "Residential Building" means a building which is constructed as a dwelling for human beings and includes a hotel or motel.
- (t) "Residential District" is as defined as in the Land Use Bylaw.
- (u) "Roadway" has the same meaning as in the *Traffic Safety Act*.
- (v) "Rubbish" means tin cans, broken dishes, glasses, rags, wastepaper, food containers, grass cuttings, shrubbery, manure, weeds, garden refuse, and any other such waste of a non-decomposing matter not included in any other definition in this Bylaw.
- (w) "Town" means the corporation of the Town of Manning or the area contained within the boundaries of the Town as the context requires.
- (x) "Unsightly" means a premises that has not been maintained in order to prevent its deterioration due to weather, rot or insects and not free from loose and broken materials.
- (y) "Untidy" means the land that is not protected by suitable ground cover which prevents erosion of the soil or devaluation of neighbouring property, and shall include grass, plants, and vegetation that is not trimmed.
- (ii) "Vehicle" includes automobile, motorcycle, van, truck, trailer, bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, streetcar and any other vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (jj) "Weekday" means any other day other than a Sunday or Holiday.

#### **PART 4 - NOISE**

7. No person shall make, cause, continue to cause, or allow to be made any loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the corporate boundaries of the Town of Manning.
8. No person shall allow property belonging to him or under his control to be used so that there occurs thereon or emanates there from any loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the corporate boundaries of the Town of Manning.
9. Any Peace Officer conducting an investigation pursuant to Section 8 and or Section 9 of this Bylaw shall exercise discretion and consider all factors including the hours specified in Section 10, the time of the year, day of the week, demographic and other factors as necessary to determine what unreasonable noise is.
10. No person shall operate a power mower, snow-clearing device, power tools or machinery or carry on construction activities such as hammering, sawing or labours which cause noise or disturbance in any area designated as a Residential District between the hours of:

- (a) 2200 hours and 0700 hours on weekdays or
- (b) 2300 hours and 0800 hours when the following day is a Saturday, Sunday or holiday.

#### EXEMPTION

11. Nothing in this part of the Bylaw shall apply to a work on a Town Street or Provincial highway or a public utility carried on by a;

- (a) Town department;
- (b) Public Utility
- (c) Contractor working for a Public Utility

#### PART 5 - YARD & PROPERTY MAINTENANCE (VEGETATION)

12. Any premise, residential or commercial, but not including Town land or properties permitted to have a natural state, within the Town of Manning shall maintain the following minimum standard regulations;

- (a) Grass and weeds shall be maintained at a maximum height of 18 centimeters (7 inches) for vacant parcels,
- (b) Grass and weeds shall be maintained at a maximum height of 10 centimeters (4 inches) for occupied parcels,
- (c) Noxious weeds shall be destroyed or controlled as directed by the Weed Control Act of Alberta
- (d) All clippings from lawns, shrubs, and trees are gathered in bundles, boxes or bags and placed beside the waste receptacles for garbage pickup. Clippings shall not be deposited loose in alleys or elsewhere in the Town.
- (e) Pine needle mulches shall be prohibited
- (f) Premises shall be free from excess accumulates such as;
  - i. Piles of dead leaves
  - ii. Dead pine needles
  - iii. Piles of dead grass trimmings
  - iv. Excess tree bark
  - v. Twigs
  - vi. Tree trimmings
  - vii. Rotted trees
  - viii. Dead Trees
  - ix. Chopped trees except where stacked as a controlled wood pile
- (g) Log piles shall be stacked a minimum of 3 meters from the residential dwelling, unless mitigation of risk has been undertaken to the satisfaction of the Town.
- (h) All occupants shall prune, remove or otherwise maintain trees and shrubs on their own property that interfere with or endanger the utility line, poles, public sidewalks or other related works on their property.
- (i) Excess log trimmings, bark and wood debris shall be removed from the yard.
- (j) All occupants shall be required to cut the grass on any boulevard which abuts flanks or adjoins the property they occupy. This includes lanes or alleys at the rear of the premises or property
- (k) Vegetation shall be trimmed and cleared from public sidewalk and access routes into the premise and dwelling.

#### PART 6 - GRAFFITI

13. No person shall place any graffiti or cause it to be placed on any property.

14. Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view within seven (7) days.

15. A property owner, who breaches the provisions of Section 14, where,

following the issuance of and failure to comply with an Order under Section 545 of the *Municipal Government Act*, shall be liable to payment of a penalty as prescribed in Schedule "A".

16. In prosecution for an offence under this part, the consent of the property owner of any premises to place graffiti shall not be a defense under this bylaw.

#### **PART 7 - LITTERING**

17. (1) No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Town property, including any street, lane, sidewalk, boulevard, parking lot, park, or other public place or water course:
- (a) A cardboard or wooden box, carton, container, or receptacle of any kind;
  - (b) A paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
  - (c) Paper of any kind, whether or not containing written or printed matter thereon;
  - (d) Any human, animal or vegetable matter or waste;
  - (e) Any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
  - (f) Scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts there from;
  - (g) Any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;
  - (h) Dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
- (2) A person who has placed, deposited, or thrown or caused to be placed, deposited, or thrown anything or any matter mentioned in subsection (1) upon any street, lane, sidewalk, boulevard, parking lot, park, or other public place or water course shall forthwith remove it.
18. A Peace Officer may remove and put in storage or destroy anything placed upon Town property, in contravention of this Bylaw or used in commission of the offence of any section in this Bylaw

#### **PART 8 - SIGHTLY PREMISES**

19. A Peace Officer may consider this part as standards to conducting an unsightly or untidy premise investigation.
20. The Designated Officer may delegate any person employed or contracted by the Town of Manning to conduct inspections in accordance with this part and serve Clean Up Orders in accordance with Section 35 of this Bylaw.
21. Every owner of a property shall keep the vegetation in the yard clean and cleared-up pursuant to Section 12 of this Bylaw.
22. Any premise, dwelling or structure that has been damaged extensively by fire, neglect, deterioration, abandonment to an extent to which is would be unsafe or unhealthy to inhabit shall, upon order from a Peace Officer in accordance with Section 546.01 of the *Municipal Government Act* of Alberta have that premise removed or demolished in the time and manner specified in the order, subject to any conditions imposed.
23. No person shall permit the accumulation of wrecked, derelict or inoperable vehicles, or those that are unsightly and abandoned. Vehicles being repaired or restored must be kept in a garage, a carport, or in a completely screened space in the rear or side yard of the property.

24. No motor vehicle which is incapable of movement under its own power shall be stored in a residential district except:
  - (a) In an emergency;
  - (b) For one antique “project vehicle” – only one “project vehicle” shall be allowed and must be screened from public view;
  - (c) Derelict vehicles or parts shall not remain uncovered for more than 14 consecutive days.
  
25. Any fence constructed on, or located on a property, whether commercial or residential shall be;
  - (a) Maintained in good repair,
  - (b) Free from rotted material,
  - (c) Free from loose, hanging or significantly damaged boards,
  - (d) Maintained in an up-right position
  - (e) Not contain any sharp or protruding points that may harm pedestrians,
  - (f) In compliance with the Land Use Bylaw of the Town of Manning.
  
26. The owner or occupant may be required to construct a fence, wall, or screen, or similar structure to prevent the untidy or unsightly premises from being viewed from any highway or other public place at the discretion of the Development Authority.
  
27. (a) Contractors and Developers shall at all work sites have and use an adequate container designed to contain all construction debris and rubbish.  
 (b) Upon such container being filled it must be completely secured in such a manner so that no portion of the load can escape, blow, drop, or spill, or fall onto a highway or land adjacent thereto. It must then be transported away to an appropriate location designated for the disposal of such materials.

#### **PART 9 - ENFORCEMENT**

28. A Peace Officer who has reason to believe that a person has contravened any provision of this Bylaw may at the discretion of the Peace Officer:
  - (a) Issue a Town of Manning Violation Ticket or Order to that person in the form specified by the Town; or
  - (b) Commence a prosecution against that person in the form of a summons for the contravention;
  - (c) Issue a Part 3 Provincial Offence Notice allowing for the voluntary payment as set out in schedule “A”;
  - (d) Issue a municipal tag allowing for a voluntary payment amount as set out in schedule “A” in lieu of prosecution of the offence;
  - (e) Commence proceedings in accordance with authorities permitted under the *Municipal Government Act*.
  
29. (1) A Peace Officer may, for the purpose of performing their duties and exercising their powers under this Bylaw, enter onto any premises, including any shed, garage or temporary structure but excluding a residential dwelling at any time after giving reasonable notice.
  - (a) A person may refuse entry to a Peace Officer requesting a warrant or an order from the Court of Queens Bench, whichever is necessary for the Peace Officer to complete their duties as the case may be.
  - (b) Notwithstanding anything in Section 29(1), a Peace Officer may apply to a Court of Queens Bench or Provincial Court for an order or warrant to enter a residential building for the purposes of their duties under this Bylaw or any other enactment the Town is permitted to enforce.
  
30. No person shall hinder or obstruct a Peace Officer in the course of his or her duties in the enforcement of any Bylaw, Court Order, Municipal Government

Act Order or any other enactment the Peace Officer is permitted to investigate or enforce by;

- (a) Intentionally providing false or misleading information or statements.
  - (b) Failing to identify themselves to an extent satisfactory to a Peace Officer during an investigation.
  - (c) Physically interfering with or acting in an unreasonable manner that directly impedes the ability of a Peace Officer to execute duties.
31. Any person committing an offence listed in Section 30 may be detained by a Peace Officer until the duties are executed to an extent where that person's action will no longer hinder or obstruct the Peace Officer.
32. Any person who enters a property to remedy a condition in accordance with this Bylaw as requested by a Peace Officer or as directed by order of Council shall be deemed to have the authorization of Council and shall not incur any liability therefor.
33. No person shall hinder or obstruct a contractor or person providing assistance to a Peace Officer in the course of his or her duties in the enforcement of any Bylaw, Court Order, or Municipal Government Act Order by;
- (a) Intentionally providing false or misleading information or statements
  - (b) Failing to identify themselves to an extent satisfactory to a Peace Officer
  - (c) Physically interfering with or acting in an unreasonable manner that directly impedes the ability of a contractor or person providing assistance to a Peace Officer attempting to execute duties.
34. Any person committing an offence listed in Section 33 may be detained until the duties can be executed to an extent where that person's action will no longer hinder or obstruct the contractor or person providing assistance to a Peace Officer.
35. A Violation Ticket or Order shall be deemed to be sufficiently served:
- (a) If served personally on the accused, or
  - (b) Served personally to a person who is 18 years of age or older or appears to be 18 years of age or older that resides either permanently or temporarily at the residence.
  - (c) If mailed by ordinary mail to a registered owner of the residence or to the tenant of that residence.
  - (d) If affixed to what the Peace Officer reasonably believes to be the Primary Entrance to the residence.
36. Any Person is guilty of an offence who contravenes any provision of this Bylaw by:
- (a) Doing any act or thing which the person is prohibited from doing;
  - (b) Failing to do any act or thing the person is required to do; or
  - (c) Permitting any act or thing to be done in violation or contravention of any provision of this Bylaw.
37. Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not less than hundred dollars (\$100) but not exceeding two hundred dollars (\$200).

#### **PART 10 - PENALTIES**

38. Any person who contravenes any provision of this bylaw is guilty of an offence and shall be liable to payment of the penalty:

- (a) Specified in Schedule A hereto; or
- (b) For any offence for which there is no penalty specified in Schedule A, to a penalty of not less than \$100.00 and not more than \$1,000.00; and
- (c) In default of payment of any fine imposed, a Form 21 Warrant of Committal shall be issued to enforce a period of imprisonment not less than 7 days and not exceeding sixty (60) days or until such fines are paid.

39. If a violation ticket is issued in respect of an offence, the violation ticket may:

- (a) Specify the fine amount established by this bylaw for the offence; or
- (b) Summons a person to appear in court without the alternative of making a voluntary payment.

40. If a violation ticket is issued with respect to an offence and that violation ticket specifies the fine amount established by this bylaw for the offence, a person may make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Court Office specified on the violation ticket.

41. No liability or action lies against a Peace Officer, for anything done in good faith with respect to the apprehension, custody or release of a person, service or execution of an Order, or remedial action taken against a property pursuant to this Bylaw.

42. The document attached hereto and marked Schedule 'A' shall form part of this Bylaw.

**PART 12 – APPEAL PROCEDURE**

43. Any person who receives a written notice/order to comply with a section pursuant to this Bylaw may, by written notice within 14 days after the date the order is received, request Council to review the order.

44. After reviewing the order, Council may confirm, change, substitute or cancel the order.

45. This Part does not apply to violation tags or violation tickets written by a Peace Officer.

46. If a person considers themselves aggrieved by a decision under this Bylaw that resulted in an Order under Section 545 of the *Municipal Government Act*, they may appeal the decision to the Court of Queen’s Bench pursuant to Section 548 of the *Municipal Government Act*.

**PART 11 - SEVERABILITY**

47. It is the intention of the Council of the Town of Manning that each provision of this Bylaw shall be deemed independent of all other provisions and it is further the intention of the Council of the Town of Manning that if any provisions of this Bylaw be declared invalid, all the other provisions shall remain valid and enforceable.

48. This Bylaw shall come into effect the date upon third and final reading. Upon the third and final reading of this Bylaw, Bylaws 669-96 and 879-20.

READ A FIRST TIME this \_\_\_\_ day of \_\_\_\_\_ 2022

PUBLIC HEARING HELD ON this \_\_\_\_ day of \_\_\_\_\_ 2022

READ A SECOND TIME this \_\_\_\_ day of \_\_\_\_\_ 2022

READ A THIRD AND FINAL TIME this \_\_\_\_ day of \_\_\_\_\_ 2022



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Robert McLeod  
Mayor

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April Doll  
Chief Administrative Officer

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**SCHEDULE "A"**

Part	Description	Specified Penalty	Second Offence within one year	Third Offence within one year
4	Cause a public nuisance or noise	100	200	300
5	Failure to cut grass	100	200	300
5	Failure to control noxious weed or plant	150	300	450
5	Failure to prune trees/shrubs	100	200	300
6	Placing Graffiti on a property	100	200	300
6	Failing to remove graffiti within 7 days	100	200	300
7	Litter	150	300	450
7	Failing to remove litters as directed	150	300	450
8	Having an unsightly property	150	300	450
8	Having an accumulation of derelict vehicles	100	200	300
8	Accumulation of rubbish, etc	150	300	450

Every person who violates a provision of this Bylaw for which no other penalty is provided under Schedule "A" is guilty of an offence and is punishable upon summary conviction to a fine not exceeding one thousand dollars (\$1000.00)

Should a property owner, agent, lessee or occupier fail, neglect, or refuse to remedy the condition as directed by the Bylaw Enforcement Officer, or Authorized Person, the Town of Manning may cause the work to be performed to remedy the condition and charge the costs of such work (a minimum charge of \$50.00) plus a \$30.00 Administration Fee as follows:

- i) To recover the same as a debt due to the Town of Manning
- ii) To charge the cost against the land and recover the cost as such

Schedule "B"



**Town Of Manning**

**NOTICE OF ENTRY**

**Date:**

**Name:**

**Address:**

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Pursuant to Section 542 of the *Municipal Government Act*, you are hereby notified that a Bylaw Enforcement Officer will be entering the property at **Legal / Residential Address:** \_\_\_\_\_ in Manning, Alberta

On \_\_\_\_\_ in order to conduct **Inspection or Remedial Action**

Pursuant to the Bylaw 897-22: **Unsightly Premises and Nuisance and the *Municipal Government Act* and Section 4 Inspection and Enforcement.**

All costs incurred by the Town as a result of any remedial action effected pursuant to orders issued under the *Municipal Government Act* will become the financial responsibility of the property owner and may be added to the tax roll of the property. If you require additional information regarding this matter, please contact the Bylaw Enforcement Officer at (780) 836-3606

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**Bylaw Enforcement Officer**

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