

**TOWN OF COCHRANE**  
**Bylaw No. 04/2007**

**NUISANCE AND UNSIGHTLY PREMISES BYLAW**

Being a Bylaw to control nuisances, weeds, and untidy and unsightly premises within the Town of Cochrane.

**WHEREAS:** Pursuant to the provisions of the *Municipal Government Act*, Statutes of Alberta, RSA 2000 and amendments thereto, Council may pass a Bylaw for the purpose of controlling weeds, untidy and unsightly premises and nuisances within the Town of Cochrane;

**AND WHEREAS:** Council deems it necessary to pass a Bylaw to control nuisances, weeds, and untidy and unsightly premises within the Town of Cochrane;

**AND WHEREAS:** Council has reviewed and adopted the recommendations of the Noise and Nuisance Bylaw Review Task Force and has deemed it necessary to rescind and replace Bylaw No. 8/85;

**NOW THEREFORE:** The Municipal Council of the Town of Cochrane, in the Province of Alberta, duly assembled enacts as follows:

**1. TITLE**

This Bylaw may be cited as the “Nuisance and Unsightly Premises Bylaw.”

**2. DEFINITIONS**

2.1 In this Bylaw, unless the context otherwise requires:

- a) “**building material**” means material or debris which may result from the construction, renovation or demolition of any building or other structure and includes, but is not limited to, wood, gypsum board, roofing, vinyl siding, metal, packaging material and containers of building material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced

- during such construction, renovation or demolition of any building or other structure;
- b) **“carry on”** means to carry on, continue, operate, perform, keep, hold, occupy, or use a thing, object or practice;
  - c) **“Chief Administrative Officer”** means a Municipal official in the responsible role of Chief Administrative Officer, and includes anyone designated and authorized to act on his behalf;
  - d) **“Community Peace Officer”** means a person so designated, and includes any inspector designated by Council or the Chief Administrative Officer, to perform the duties of peace officer with respect to the enforcement of this Bylaw;
  - e) **“control”** in reference to weeds means:
    - i. Cut, mow or carry out measures designed to inhibit propagation of the weed, or
    - ii. Destroy the weed if specified by a Community Peace Officer or Weed Inspector employed the Town of Cochrane, or
    - iii. Carry out other measures as prescribed by a Community Peace Officer or Weed Inspector employed by the Town of Cochrane;
  - f) **“Council”** means the Council of the Town of Cochrane;
  - g) **“Court”** means the Provincial Court of Alberta;
  - h) **“garbage”** means any household or commercial rubbish including, but not limited to, boxes, cartons, bottles, cans, containers, packaging, wrapping material, waste paper, cardboard, food, discarded clothing or fabric and discarded household items;
  - (i) **“highway”** is as defined in the *Traffic Safety Act*;
  - (j) **“including”** when introducing a list of items, does not limit the meaning of the words to those items or to items of a similar kind;
  - (k) **“Notice”** means a notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw;
  - (l) **“owner”** means:
    - i. a person who is registered under the *Land Titles Act* as the owner of a parcel of land, or

- ii. a person who is recorded as the owner of a property on the tax assessment roll of the Municipal District, or
  - iii. a person who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof; or
  - iv. a person holding himself out as the person having the powers and authority of ownership of a property or premise or who for the time being exercises the powers and authority of ownerships; or
  - v. a person controlling a property or premise under construction, or
  - vi. a person who is the occupant of a property or premise pursuant to a rental or lease agreement, license or permit;
- (m) **“person”** means an individual or any business entity including a firm, partnership, association, corporation, company or society;
- (n) **“premise”** means any land situated in whole or in part within the Town including the external surfaces of all buildings and land immediately adjacent to any building or buildings and includes any land or buildings owned or leased by the Town;
- (o) **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;
- (p) **“residential building”** means a structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, apartment building, hospital, lodging house, hotel, motel, mobile home, tent, trailer, motor home, camper or recreational vehicle of any type;
- (q) **“residential development”** means any land that is the site of one or more residential buildings, including farms, ranches, and other land that is used for purely agricultural purposes;
- (r) **“Town”** means the Town of Cochrane, a municipal corporation in the Province of Alberta, and where the

context so requires means the area of land within the corporate boundaries thereof;

- (s) **“Unsightly Premise”** means any property or part of it which is characterized by visual evidence of a lack of general maintenance and upkeep by the excessive accumulation on the premises of:
  - i. garbage, animal or human excrement, sewage, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, petroleum products, hazardous materials, disassembled equipment or machinery, broken household chattels or goods, or
  - ii. the whole or any part of any vehicle or vehicles which are not registered with the Motor Vehicle Registry for the current year and which are inoperative by reason of disrepair, removed parts or missing equipment, or
  - iii. equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances, or
  - iv. animal material, ashes, building material, garbage and yard material as defined in this Bylaw, or
  - v. any other form of scrap, litter, trash or waste of any kind;
- (t) **“vehicle”** has the same meaning as defined in the *Traffic Safety Act*;
- (u) **“yard material”** means waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities and includes grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds.

### **3. GENERAL PROHIBITION**

- 3.1 No owner of a property or premise shall cause, allow or permit the premise to become or to continue to be an unsightly premise as defined in this Bylaw.
- 3.2 Whether or not a particular premise is “characterized by visual evidence of a lack of general maintenance” as a result of the “excessive accumulation” of the materials listed in section 2.1(s) of this Bylaw are questions of fact to be

determined by a Court hearing a prosecution pursuant to the provisions of this Bylaw.

3.3 When making the determination during a trial as to whether a particular premise constitutes an “unsightly premise” 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; and
- b) The location and permitted use of the premise and whether or not the premise is located within a Residential Development; and
- c) The period of time the premise has been in the state complained of; and
- d) Whether or not the premise 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 premise which the Court deems are relevant to the said determination.

#### **4. WEEDS, GRASS, TREES, PESTS AND SMOKE**

4.1 Every occupant or owner of any property or premise within the Town shall:

- a) Eradicate or control all weeds and grass on a premise, and on any boulevard which abuts or adjoins the premise, including up to the center of lanes or alleys at the rear or side of the premise;
- b) Prune or remove any and all trees that, due to a 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 him 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 premise 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 him, to prevent such grass from growing to such a height as to be untidy or 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 untidy or unsightly, having regard to the height of the grass on adjacent or surrounding property.

4.2 No occupant or owner of any property or premise shall:

- a) Allow dandelions or noxious weeds (as defined in the *Noxious Weed Act*) to grow on occupied or unoccupied premises;
- b) Suffer or permit trees growing on private property to interfere or endanger the lines, poles, conduits, pipes, 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 plant life within the Town to go unchecked;
- d) Allow or cause an opaque or dense smoke or dust to be emitted to the atmosphere from any lands, buildings or premises within the Town of Cochrane;

## 5. **CONSTRUCTION SITES**

- 5.1 An owner of a property or premise under construction shall ensure that building materials and waste materials on the premise are removed or contained and secured in such a manner that prevents such material from being blown off or scattered from the property.
- 5.2 An owner of a property or premise under construction shall ensure that waste building material on the premise is removed or secured within a reasonable time by means of appropriate containers.

## 6. **EXEMPTIONS & EXCEPTIONS**

- 6.1 The provisions of this Bylaw shall not be interpreted to prevent bona fide and permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to a premise.
- 6.2 The owner of a premise that carries on or permits the carrying on of any activities referred to in section 6.1 of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the premise.
- 6.3 Whether or not an owner has taken “all reasonable steps” to minimize the duration and visual impact of any resulting untidiness or unsightliness of a premise, as referred to in section 6.2 of this Bylaw, is a question of fact to be determined by the Court hearing a prosecution pursuant to the provisions of this Bylaw.

## **7. DUTY OF OWNER – RIGHT OF ENTRY FOR INSPECTION**

- 7.1 No person being the owner, agent of the owner, lessee or occupier of any lands, buildings or premises within the Town shall permit any building, structure, or erection of any kind whatsoever, or any excavation, depression, drain ditch, watercourse, pond, surface water, refuse or other matter or thing upon any private land, street or road, or in or about any premises, buildings or structures of which said person is the owner, agent of the owner, lessee, or occupier to be or to remain a nuisance, or to be or to remain untidy or unsightly, or to be or to remain dangerous to public safety or health.
- 7.2 The Chief Administrative Officer 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 or the Council to carry out any inspection and remedial work on a premise 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.
- 7.3 A Community Peace Officer, when investigating an alleged contravention of this Bylaw, is hereby authorized to enter

upon any lands, buildings or premises, other than a dwelling house, to inspect for conditions that may constitute a nuisance, or otherwise contravene the provisions of this Bylaw. A Community Peace Officer may thereafter issue a verbal or written order to the owner or occupant thereof to remedy any condition(s) of the subject premise or property that have been found to be in contravention of this Bylaw.

- 7.4 In the event that any person fails or neglects or refuses to remedy any condition which has been found to be in contravention of this Bylaw, after having been ordered to remedy such condition, Council may cause such work to be done as is considered necessary to remedy such condition and charge the cost of such work to the owner or occupant, and in default of payment:
- a) Recover the cost as a debt due to the municipality, or
  - b) Charge the cost against the land concerned as taxes due and owing in respect of that land and to recover the cost as such.

## **8. ENFORCEMENT**

- 8.1 Where a Community Peace Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, the Community Peace 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, or
  - b) Swearing out an Information and Complaint against the person.
- 8.2 Where a Community Peace Officer issues a person a Violation Ticket in accordance with section 8.1(a) of this Bylaw, the officer may either:
- a) Allow the person to pay the specified penalty as provided for in sections 10.1 and 10.2 of this Bylaw by indicating such specified penalty on the Violation Ticket; or
  - b) Require a Court appearance of the person where the Community Peace Officer believes that such appearance

is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

- 8.3 Notwithstanding any other provision of this Bylaw, a Community Peace Officer, upon receiving and reviewing a nuisance or unsightly premise complaint, shall assess the nuisance complained of in accordance with the Enforcement Guidelines, hereunto annexed to this Bylaw as Appendix “A”. The investigating officer shall then recommend or take whatever actions are considered appropriate to address the complaint, in all of the circumstances.
- 8.4 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premise or nuisance as provided by the Municipal Government Act, or any other law of the Province of Alberta.

## **9. GENERAL PENALTY PROVISION**

- 9.1 Any person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of TEN THOUSAND DOLLARS (\$10,000.00) or in default of payment of the fine to imprisonment for a period not exceeding one (1) year, or to both fine and imprisonment in such amounts.

## **10. MINIMUM AND SPECIFIED PENALTIES**

- 10.1 The specified penalty for a violation of any provision of this Bylaw is a fine in the amount of FIVE HUNDRED DOLLARS (\$500.00), and the minimum fine allowable for any such violation is THREE HUNDRED DOLLARS (\$300.00).
- 10.2 Notwithstanding section 10.1 of this Bylaw, if a person violates the same provision of this Bylaw twice (or more) within a one-year period, the minimum penalty allowable for the second (and subsequent) violation(s) shall be a fine in the amount of FIVE HUNDRED DOLLARS (\$500.00).

## **11. GENERAL**

- 11.1 It is the intention of the Council of the Town that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.
- 11.2 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.
- 11.3 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.
- 11.4 Appendix “A”, the “Enforcement Guidelines Respecting the Nuisance and Unsightly Premises Bylaw”, may from time to time, be amended by a resolution of Council.
- 11.5 This Bylaw shall come into effect upon third reading, and Bylaw 8/85 of the Town is hereby repealed upon this Bylaw coming into effect.

Read a first February 26, 2007  
Read a second time February 26, 2007  
Read a third time February 26, 2007

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Mayor

\_\_\_\_\_  
Municipal Clerk

## **APPENDIX “A”**

### **TOWN OF COCHRANE**

#### **Enforcement Guidelines Respecting the Nuisance and Unsightly Premises Bylaw**

(As adopted from the recommendations of the  
Noise & Nuisance Bylaw Review Task Force - 2006)

#### **Intent of the Bylaw – Promoting desirable “Community Living” Standards**

The main goal of this Nuisance and Unsightly Premises Bylaw is to protect members of the greater Cochrane community (including the Town itself) from unwanted and unwarranted nuisances, whether they are unwanted airborne nuisances or visual nuisances. The Town of Cochrane intends to promote “Community Living” Standards that reflect the belief that members of the Cochrane community should be able to reasonably enjoy their health and well-being where they live and work. As well, the natural environment in the Town should also be protected from damage.

The basis for the review of complaints under this Bylaw is the belief that a given nuisance is a function of an unreasonable combination of duration, frequency and intensity of any given airborne or visual irritant. In general, if a reported nuisance scores “very” highly against any of these criteria, it could well be considered to be “unreasonable”, and enforcement would be required. In addition, if a nuisance is fairly frequent, fairly intense and fairly long-lasting, it too could be considered as being an unreasonable nuisance requiring enforcement action. The criteria have been set so as to not interfere with “reasonable” activities in the Town, but to discourage “unreasonable” activities (those that are gratuitous and unnecessary, and that are offensive to some).

Indeed, the ideas of “necessary” and “unnecessary” activities are important concepts that arise frequently in the Bylaws. Certain disturbances are “necessary” such as in the case of emergency responses, maintenance activities or industrial processes.

The Bylaw recognizes and accounts for the fact that sensitivity to intrusive nuisances varies greatly from individual to individual as does the willingness to formally voice concerns when disturbed by such nuisances. Residents have varying expectations of their environments as well as personal issues and attitudes that may develop around a nuisance issue. This Bylaw is intended to limit community nuisance exposures to levels that are considered to be within the normal range of sensitivity to such nuisances. It may not, therefore, be possible to resolve all issues to the satisfaction of those individuals with sensitivities beyond this normal range.

In addition to this primary goal of community protection, the Bylaw is also intended to accomplish this task with fairness and respect for all parties involved. The Bylaw can also serve as an educational medium, explaining why actions are taken in some circumstances and not in others. These Enforcement Guidelines also set out expectations of how nuisance complaints will be assessed and addressed by enforcement personnel. In addition, the Bylaw outlines the issues surrounding exceptions and exemptions to these Guidelines, such as in the case of seasonal community celebrations.

### **Expectations and Responsibilities of Community Members**

Community members always have the right to contact Bylaw Enforcement if they feel they are being negatively affected by a nuisance addressed by this Bylaw. Complainants and those that are the subject of complaints under this Bylaw can be private residents, individuals that are employed locally, local business owners and/or public organizations (such as the Town of Cochrane). All community members have a responsibility to be reasonable in their expectations of how the dispute may be resolved. This includes the expectation that they may be asked to first try and resolve a complaint through direct dialog between the involved parties. If this fails or is undesirable, they can expect that Bylaw Enforcement may attempt to mediate a satisfactory resolution. If this fails or is undesirable, they can expect that Bylaw Enforcement may take further enforcement action against the offending party, if the nuisance is found to exceed normally tolerated thresholds and, therefore, amounts to an “unnecessary” or “unreasonable” nuisance.

The Council of the Town of Cochrane encourages the promotion of the “Community Living” Standards, by which all community members are expected to try and show consideration and respect to their neighbours in order to prevent Bylaw complaints. This may include waiting to do something that might be considered offensive, until those that might be affected are not present. It may also mean notifying neighbours well in advance that something potentially bothersome may take place. These Guidelines are expected to be the starting point for all parties involved in a dispute.

### **Filing Complaints**

If a member of the Cochrane community files a Bylaw complaint with respect to airborne or visual nuisances, Bylaw Enforcement will assess the nuisance and report back to the complainant on how the complaint was assessed.

## **Nuisance Complaint Assessment**

### **The Scoring System**

If a nuisance complaint is received, it will be assessed using a 3-point scoring system against the three criteria of *duration*, *frequency* and *intensity*. Guidelines for what durations, frequencies and intensities result in what scores are provided on p.11 under “**Types of Nuisances.**”

If the total score across the three criteria exceeds a certain threshold, the complainant can expect remedial action to be taken and enforced. The threshold varies according to several conditions, including:

- i. the time of day,
- ii. the day of the week,
- iii. community zoning, and
- iv. the type of nuisance.

Time of day refers to the idea that thresholds for nuisances at night are generally lower than they are during the day. During the day, ambient conditions mask less intense nuisances, eliminating the need to have strict controls on them. However, at night, the same nuisances can be more apparent.

Day of week refers to the idea that thresholds for nuisances on weekends can be lower than they are during weekdays, with respect to the time of day. Weekends are more commonly associated with rest and relaxation, and these Bylaws seek to encourage a reduced level of nuisance activity during these times of the week.

Community zoning refers to the idea that the Town of Cochrane is broken into residential, commercial and industrial zones. It is reasonable to assume that nuisance levels can and should be different in these different zones. Industrial zones can be expected to have higher thresholds than residential zones, for example. Likewise, commercial zones may qualify for higher thresholds of certain kinds of nuisances during business hours. This consideration strikes a reasonable compromise between business and residential community members.

Type of nuisance refers to airborne and visual nuisances. These are detailed and explained more fully below.

### **Types of Nuisances**

#### Airborne

For the purpose of the evaluation of complaints, airborne nuisances are divided into two classes:

- a) Particulate emissions, which include any airborne emissions of matter that can be demonstrated to accumulate. Examples include, but are not limited to dust, smoke, herbicides, snow, water, litter, garbage, fluids, pollen/seeds, grass and leaves;
- b) Noxious emissions, which include any other airborne emissions that generally cannot be shown to accumulate. Examples include, but are not limited to, offensive smells, fumes and gases. Sources may include, but are not limited to, composting, fires, idling vehicles, food preparation, garbage, fecal matter, industrial processes, and herbicides.

#### *Frequency*

- 1 - occurs once
- 2 - occurs regularly but infrequently e.g. weekly or monthly
- 3 - occurs regularly and frequently e.g. daily or several times a day

#### *Duration*

- 1 - the nuisance is only present for a matter of minutes when it occurs
- 2 - the nuisance is present for a matter of hours when it occurs
- 3 - the nuisance is present for a matter of days when it occurs

*Intensity*, for airborne nuisances, refers to how strong the noxious nuisance is in its offensiveness, or how much accumulation takes place in the case of particulates.

- 1 - Noticeable and mildly disagreeable for noxious emissions; light accumulation is evident, causing no damage and/or little inconvenience, for particulate emissions.
- 2 - Obvious and distracting for noxious emissions; moderate accumulation is evident, causing no damage but moderate inconvenience, for particulate emissions.
- 3 - Obvious to all and completely distracting for noxious emissions; heavy accumulation is evident, possibly causing damage and/or at least causing a major inconvenience, for particulate emissions.

#### Visual

For the purpose of the evaluation of complaints, visual nuisances can be considered to be:

Aesthetically distasteful, unsightly, and/or visually offensive properties or conditions which may reasonably be regarded as having an impact on the enjoyment of one's own property or property value and/or negatively impact community safety. Examples include, but are not limited to: unkempt yards, accumulations of garbage or refuse, out-of-place non-decorative items (e.g. refrigerators on the lawn) and collections of rusting vehicles.

#### *Frequency*

- 1 - occurs once
- 2 - occurs regularly but infrequently e.g. weekly or monthly

3 - occurs regularly and frequently e.g. daily or several times a day

#### *Duration*

- 1 - the nuisance is only present for a matter of a day or more when it occurs
- 2 - the nuisance is present for a matter of a week or more when it occurs
- 3 - the nuisance is present for a matter of a month or more when it occurs

*Intensity*, for visual nuisances, refers to how generally offensive the nuisance is, and to what impact it may have on property value and/or safety.

- 1 - Noticeable and mildly disagreeable to one/few people, presenting no clear impact on property value and/or safety.
- 2 - Obvious and distracting to some people, presenting a clear though minor impact on property value and/or public safety.
- 3 - Obvious to all and completely distracting for most people, presenting a major impact on surrounding property values and/or presenting a clear concern with respect to public safety.

#### **Jurisdiction**

At all times, where there may be overlap, relevant provincial and federal laws will supercede these Guidelines. For example, if toxic fumes are being discharged, such offences can and should be dealt with under provincial legislation e.g. the *Alberta Environmental Protection Enhancement Act*. Likewise, in many cases where safety is at risk, relevant provincial and federal laws will supercede any provisions in this Bylaw. Nevertheless, the Bylaw does allow the Town of Cochrane Bylaw Enforcement Officers to take various enforcement actions, if required, to assist other government agencies in relation to the remediation of dangerous nuisances.

#### **Permits, Licenses, Exceptions and Exemptions**

There are many reasonable cases where the Town will issue permits or licenses for exceptions or exemptions to this Bylaw, to facilitate the operation of community festivals, industrial processes and emergency equipment.

Where compliance with the requirements of the noise and nuisance regulations is not considered desirable or possible, those responsible for construction projects, certain operations or special events, may make application to the Town for a temporary exemption or permit. It must be accompanied by a detailed explanation of why the permit is necessary and what measures will be taken to control nuisance issues. In issuing an exemption permit, should one be granted, Town staff may impose any requirements and/or conditions felt necessary to control and/or minimize the disturbance from the exempted activities.

Similarly, but with a generally longer time frame, businesses can apply for an ongoing exemption from specific terms of this Bylaw when they apply for a business license from

the Town. As with permits, the request for exemption must be accompanied by a detailed explanation of why the exemption is necessary and what measures will be taken to control nuisance issues. In issuing an exemption, should one be granted, Town staff may impose any requirements and/or conditions felt necessary to control and/or minimize the disturbance from the exempted activities.

As for exceptions, there are some reasonable cases where it is not in the Town's best interest that this Bylaw applies during specific and recurrent situations and conditions. The following list itemizes some examples of common activities or situations where some of the terms of this Bylaw would not apply, by exception:

- a) The operation of a snow clearing device powered by an engine for the purpose of removal of snow and ice from streets, parking lots and sidewalks during "daytime" hours;
- b) Police, fire or other emergency personnel vehicles and equipment being operated in relation to an emergency;
- c) Vehicles and equipment used to make emergency repairs to public utilities and services;
- d) Any person performing work of an emergency nature for the preservation or protection of life, health, or property, with the onus being on the person performing the work to show that the work was of an emergency nature;
- e) Transit buses operated by a public authority;
- f) Events held under authority of a Special Event Permit issued by the Town;
- g) Operation of farm vehicles during planting and harvesting;
- h) Operation of Town equipment for street or other maintenance.

### **Responding to Complaints**

If a given nuisance complained of is assessed an overall rating that does not meet the enforcement threshold for the given conditions (community zoning area, type of nuisance), the complainant will be encouraged to discuss the matter with the other party in hopes of resolving the matter amicably and to prevent future escalation. Formal or informal mediation may also be offered by Bylaw Enforcement in order to educate the parties and hopefully resolve the matter. However, as the rating of the nuisance was below the enforcement threshold, Bylaw Enforcement would not be in a position to insist that the party emitting the nuisance change his behaviour. Nevertheless, in accordance with these Guidelines, Bylaw Enforcement will encourage the party being complained of to do what he can to help reduce the impact on the complainant. The complainant will also be encouraged to take reasonable actions to reduce the impact of the nuisance on himself.

If, however, the nuisance complained of is assessed an overall rating by Bylaw Enforcement that does meet or exceed the enforcement threshold for the given conditions, the complainant will have a basis for expecting enforcement action to be taken. The party emitting the nuisance will be expected to remediate the nuisance, and

to bring his activities into compliance with the subject Bylaw. The complainant will sometimes be encouraged to discuss the matter with the offending party in hopes of resolving the matter without Bylaw Enforcement intervention. If this is rejected or if it fails, Bylaw Enforcement may offer formal or informal mediation to attempt to resolve the dispute, and may attempt encouraging the parties to resolve the matter through compromise. However, as the rating of the nuisance exceeded the enforcement threshold, Bylaw Enforcement would also have to consider whether enforcement and/or punitive action should be taken pursuant to the provisions of the subject Bylaw immediately, at some future time (ie: after a warning has been ignored), or at all.

It should also be noted that under this system, the assessment of a nuisance may fall below the enforcement threshold at the time of the initial complaint. However, if the nuisance is not eliminated within a reasonable length of time, its nuisance assessment may well increase over time to eventually exceed the enforcement threshold. These Guidelines are generally intended to encourage community members to be good neighbours at the outset of nuisance-related complaints/disputes, and to make bona fide attempts to acceptably resolve these matters between the parties. These Guidelines are to allow the party emitting a nuisance a reasonable period of time to rectify the situation to the satisfaction of the complaining party before requiring enforcement and/or punitive measures to be taken by Bylaw Enforcement personnel.