

Bylaw No. 6
Town of Mulgrave

Nuisance By-law

BE IT ENACTED by the Council of the Town of Mulgrave, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as amended, as follows:

PART ONE: GENERAL PROVISIONS

Title

1.1 This By-Law is entitled the "*Nuisance By-Law*".

Definitions

1.2 In this By-Law:

- (a) "owner" has the same meaning as in the Municipal Government Act;
- (b) "solid waste" means solid waste as defined in the Town of Mulgrave Collection of Solid Waste and Recyclable Materials By-law;

1.3 The provisions of this By-Law proscribing or regulating conduct are in addition to the provisions of any other by-law directed at activities which may constitute a nuisance.

1.4 Any person who contravenes any provision of this by-law is guilty of a summary offence and liable to a fine of one hundred dollars (\$100.00) and, in default of payment thereof, to imprisonment for a period not exceeding ninety (90) days.

PART TWO: LITTER AND SPILLAGE

2.1 In this Part:

- (a) "mobile canteen" means a vehicle used for the sale of food, drink or confectionary;
- (b) "truck spillage" means solids or liquids spilled, dumped, dropped, fallen or blown from any commercial or non-commercial truck, including a pick-up truck; and
- (c) "truck dust" means dust or particles spilled, dumped or blown from any commercial or non-commercial truck, including a pick-up truck, in a quantity sufficient to be visible either when the dust or particles are suspended in the air or when they land on the surface of the ground, but excludes dust or particles created solely by the wheels of a truck rolling on the surface of a road.

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2.2 No person shall:

- (a) litter on public or private property within the Town of Mulgrave by throwing, depositing, dropping, dumping or spilling waste material, including solid waste, thereon, but nothing in this section precludes the orderly storage of solid waste for collection and lawful disposal; or
- (b) allow truck spillage or truck dust to be created or deposited within the Town of Mulgrave.

2.3 Every owner of a property, mobile canteen or stand upon or from which a business or organization sells food, drink or confectionary in the Town of Mulgrave shall:

- (a) provide adequate waste disposal bins or containers for the use of the customers, and shall periodically empty the containers, so that any customer may conveniently deposit waste in available containers within twenty [20] meters of any location at which seating has been provided for the consumption of such food, drink or confectionary or, if no seating is provided for that purpose, within twenty [20] meters of any counter or other place where the food, drink or confectionary is, or may be, handed to the customer; and
- (b) maintain all streets, sidewalks and public lands located within one-hundred fifty [150] meters of the premises, free of litter generated from the product sold by the enterprise.

2.4 Every owner of a property upon or from which any retail enterprise operates in whole or in part from the ground level of premises abutting a public sidewalk or road shall keep the sidewalk and gutter in front of the premises free of litter. Litter shall not be swept from the sidewalks into the abutting gutter or street.

2.5 In addition to any other remedy for non-compliance by an owner with the provisions of this Part, the Town of Mulgrave may:

- (a) suspend or revoke any vending permits issued by the Town to the owner,
- (b) clean up the litter and recover the cost of doing so from the owner.

PART THREE: SMOKE AND DUST

3.1 In this Part:

- (a) “dust” means gas-borne and air-borne particles larger than 10 microns in mean diameter;
- (b) “dust-separating equipment” means an apparatus or device for separating solid matter from the gas medium in which it is carried;
- (c) “fly-ash” means fine solid particles, consisting mostly of incombustible material, that are entrained in and carried by the gaseous products of combustion;

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(d) “fuel-burning equipment” means a furnace, incinerator, refuse-burning equipment, boiler, chimney, flu, stack or any other device, apparatus, mechanism or structure used on or in connection with the process of burning fuel or other combustible material, and includes a coal-burning steam shovel but does not include an internal combustion engine or a vehicle;

(e) “fumes” means gases or vapors that are of such character as to create an unclean, destructive, offensive, or unhealthful condition;

(f) “internal combustion engine” means an engine or turbine in which combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders or combustion chambers;

(g) “Ringlemann Smoke Chart” means the Ringlemann Smoke Chart with instructions for its use as published by the United States Bureau of Mines, or its successor, when the same is used in accordance with such instructions;

(h) “smoke” means the gas-borne particles consisting primarily of carbonaceous material, in sufficient number to be observable;

(i) “soot” means agglomerated materials consisting primarily of carbonaceous material;

(j) “chimney” or “stack” includes a flu, conduit or other enclosure intended to control and allow the passage of smoke or gases from a fire or other source to an opening into the open air;

(k) “vehicle” includes a roller, derrick, crane, pile driver, trencher, excavating machine other than a coal-burning steam shovel, portable hoisting engine, tar kettle or other apparatus which is not ordinarily permanently installed in one location but is used in various places over a wide area;

3.2 The discharge or emission into the atmosphere or open air of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion, the shade or appearance of which is

(a) equal to or greater than that described as No. 3 of the Ringlemann Smoke Chart; or

(b) so dense that it cannot be seen through at the point of emission for a period of six minutes, or for periods aggregating six minutes, in any one hour is prohibited.

3.3 The discharge or emission into the atmosphere or open air of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion, the shade or appearance of which is:

(a) equal to or greater than that described as No. 2 of the Ringlemann Smoke Chart; or

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(b) so dense as to be dimly seen through at the point of emission for a period of ten minutes, or for periods aggregating ten minutes or more in any one hour is prohibited.

3.4 No person shall cause, suffer or allow to be discharged or emitted from any fuel burning equipment, internal combustion engine, vehicle, outside open fire, any smoke, dust, fly-ash, soot or fumes or other solid or gaseous product of combustion to an extent which is detrimental to the property of any other person.

PART FOUR: ODOURS AND FUMES

4.1 In this Part:

4.2 "offensive odour or fume" means an odour or fume that disturbs the neighborhood, and, in a prosecution for a violation of this Part, evidence that one neighbor is disturbed is prima facie evidence that the neighborhood is disturbed

4.3 No person shall engage in any activity, or store any substance or thing, on a lot of land which results in offensive odours or fumes which can be smelled on another lot of land.

4.4 A person may engage in any activity , or store any substance or thing on a lot to the same extent, and not to any greater extent as before the effective date of this by-law, except that:

(a) If the activity or storage is discontinued at any time after the effective date of this by-law it may not be recommenced thereafter; and

(b) If the activity or storage is diminished in frequency or quantity after the effective date of this by-law it may not be increased in frequency or quantity thereafter.

Date of first reading:	May 3, 2010
Date of advertisement of notice of intent to consider:	
Date of second reading:	
Date of advertisement of passage of by-law:	
Date of mailing to Minister a certified copy of By-Law:	
I, Hugh Landry, Chief Administrative Officer of the Town of Mulgrave do hereby certify that the foregoing is a true copy of a <i>Nuisance By-law</i> duly passed by the full Council of the Town of Mulgrave at a meeting duly held and convened on the ____ day of _____, 2010.	
_____ Chief Administrative Officer	_____ DATED at Mulgrave, in the County of Guysborough, Nova Scotia, this ____ day of _____, A.D.,2010