

TOWN OF VIKING
BY-LAW NO. 2006-581

A BYLAW OF THE TOWN OF VIKING FOR THE PURPOSE OF PROHIBITING THE BURNING OF COAL WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF VIKING

WHEREAS, pursuant to the Municipal Government Act R.S.A. 2000 c. M-26 the Council of the Town of Viking may pass bylaws for the regulation of any matter or thing for the health, safety, welfare or protection of people and property;

AND WHEREAS, pursuant to the Municipal Government Act R.S.A. 2000 c. M-26 and amendments thereto, the Council of Town of Viking may pass a bylaw for regulating, preventing and compelling the abatement of nuisances;

AND WHEREAS the Council of the Town of Viking deems it necessary and expedient to pass a bylaw to regulate, prevent and compel the abatement of the burning of coal;

NOW THEREFORE the Council of the Town of Viking, duly assembled, enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the " Prohibition on Coal Burning Bylaw".

DEFINTIONS

2. The following terms shall have the following meanings:
 - a. "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Town of Viking to enforce the provisions of this Bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
 - b. "Coal" means in addition to its ordinary meaning, includes manufactured chars, cokes and any manufactured solid coal product used or useful as an energy source or for conversion into a reductant or energy source;
 - c. "Nuisance" means any condition which does or is likely to constitute a substantial and unreasonable interference with the use or enjoyment of Property and includes the burning of coal;
 - d. "Occupant" means any person other than the Owner who has a legal or equitable interest in land or other Property, including, but not restricted to a lessee, tenant, occupant or agent of the Owner and includes any person responsible for the Property;
 - e. "Owner" means the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land, and in respect of any Property other than land, the person in lawful possession of it;
 - f. "Person" in this bylaw includes the owner or occupant of a Property including a corporation, lessee, tenant, agent or any other person responsible for a Property;
 - g. "Property" means any land, building, structure, improvement or premises located within the Town of Viking.
 - h. "Town" means the Town of Viking;
 - i. "Violation Tag" shall mean a tag or similar document issued by the Town of Viking pursuant to the Municipal Government Act.

- j. "Violation Ticket" shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedures Act and Regulations.

PROHIBITION

3. No Person, including but not limited to the Owner or Occupant of a Property, shall burn coal or permit the burning of coal within the municipal boundaries of the Town of Viking, for the purposes of thawing ground, including but not limited to the construction of a basement or installation of a service line.

PENALTY

4. Any person who contravenes or fails to comply with the provisions of this Bylaw guilty of an offence.
5. A person who contravenes or fails to comply with the provisions of this Bylaw is liable for a penalty of:
 - a. for a first offence to a fine of \$250.00;
 - b. for subsequent offences to a fine of \$500.00

VIOLATION TAGS

6. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
7. A Violation Tag may be issued to such Person either personally or by mailing a copy to such Person at his last known post office address.
8. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - a. the name of the Owner of land;
 - b. a description of the land;
 - c. the offence;
 - d. the penalty for the offence;
 - e. that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
 - f. any other information as may be required by the Chief Administrative Officer.
9. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer.
10. Where a Violation Tag is issued pursuant to this Bylaw, the Person, Owner or Occupant to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.

VIOLATION TICKETS

11. In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part

II of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended.

12. A Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

MISCELLANEOUS

13. This Bylaw shall come into effect upon the final passing thereof.
14. Bylaw No. _____ shall be rescinded upon this bylaw coming into effect.

Read a first time this 18th day of April, 2006.

Mayor

Administrator

Read a second time this 18th day of April, 2006.

Mayor

Administrator

Read a third time and finally passed this 18th day of April, 2006.

Mayor

Administrator