

**COUNTY OF ST. PAUL NO. 19
UNSIGHTLY CONDITIONS BYLAW**

BYLAW NO. 2013-26

A Bylaw of the County of St. Paul No. 19, in the Province of Alberta, to provide for the control of Unsightly Conditions on Properties within the County of St. Paul.

WHEREAS, under the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the County of St. Paul No. 19 may pass Bylaws respecting the health and safety of the community and for controlling nuisances including dangerous and unsightly properties;

AND WHEREAS under the provisions of the *Municipal Government Act*, the Council of the County of St. Paul No. 19 may pass Bylaws and may make provisions that it deems necessary to carry out the purposes of the Bylaw;

AND WHEREAS the Council of the County of St. Paul No. 19 deems it desirable and necessary to promote the maintenance of properties, within the corporate limits of the County of St. Paul No. 19;

NOW THEREFORE, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the "Unsightly Conditions Bylaw."

2. DEFINITIONS

2.1 "Adjacent" means land that is contiguous to the land that is subject of an unsightly condition complaint and includes land or a portion of land that would be contiguous if not for a public road, railway, river, or stream.

2.2 "Building Material" means all construction and demolition material accumulated on a premises while storing, constructing, altering, repairing, or demolishing any structure and includes, but is not limited to, earth, vegetation, or rock displaced during such storing, construction, alteration or repair.

2.3 "Bylaw Enforcement Officer" means

a) Any member of the Royal Canadian Mounted Police

b) Any Community Peace Officer

c) The Chief Administrative Officer of the County of St. Paul No. 19 or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw.

2.4 "Council" means the Municipal Council of the County of St. Paul No. 19.

2.5 "Detrimental to the Surrounding Area" includes causing the decline of market value to the surrounding area.

2.6 "Dismantled Vehicle" means a motor vehicle or trailer that has become dilapidated or disassembled which may include but is not limited to flat tires, missing tires and rims, fenders, doors, windows, hoods, trunks, and boxes.

2.7 "Emergency" shall mean any situation in which there is imminent danger to the general public or a potential danger to the property or surrounding properties."

2.8 "Garbage" means any rubbish, refuse, papers, packages, containers, bottles, cans, manure, animal or human excrement or sewage or the

whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household furnishings or appliances, boxes, cartons, discarded fabrics, any material composed of organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food.

2.9 Notice to Maintain Property shall mean a notice issued pursuant to this Bylaw and which shall for all purposes be an Order pursuant to S. 545 of the Municipal Government Act, 2000 c. M-26 regarding breach of this bylaw.

2.10 "Property Owner" means:

- a) a person who is registered under the Land Titles Act as the owner of the property,
- b) the person who is recorded as the owner of the property on the assessment roll of the County of St. Paul No. 19,
- c) a person who has purchased or otherwise acquired any interest in the property, whether he has purchased or otherwise acquired any interest in the property directly from the owner or from another purchaser, and has not become the registered owner thereof,
- d) a person holding himself out as the person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership,
- e) a person controlling the property under construction, or
- f) a person who is the occupant of the property under a lease, license or permit

2.11 "Property" includes any lands, buildings, structures, improvements or premises within the corporate boundaries of the County of St. Paul No. 19;

2.12 "Right of Access" means the right of a Bylaw Enforcement Officer to enter property to inspect the property to determine whether to issue a Notice to Maintain, or to allow work forces access to the property for the purposes of enforcing a Notice to Maintain Property;

2.13 "State of Disrepair" means

- a) The significant deterioration of buildings, structures, or improvements, or portions of buildings, structures, or improvements;
- b) Broken or missing windows, siding, shingles, shutters, eaves, or other building material; or
- c) Significant fading, chipping, or peeling of painted areas of buildings, structures or improvements on property.

2.14 "Unightly Conditions" shall include any property located within the County of St. Paul No. 19 that in the opinion of the Bylaw Enforcement Officer, is unsightly to such an extent as to detrimentally affect the amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the property in question, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Municipal Government Act*. Unightly Conditions include, but are not limited to, all conditions described in Section 4 of this Bylaw.

3. GENERAL

3.1 The Property Owner of any property, is responsible for all activities on the property which are prohibited by this bylaw.

- 3.2 Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit.

4. UNSIGHTLY CONDITIONS

- 4.1 Unsightly Conditions, for the purpose of this Bylaw, is any condition on or around a Property which in our opinion of the Bylaw Enforcement Officer, is untidy, unsightly, offensive, dangerous to health and safety of any person, or has or may have a detrimental effect upon any person or other surrounding lands, or which interferes with the use and enjoyment of other adjacent property, the neighbourhood, or which interferes with the use and enjoyment of another adjacent property;
- 4.2 A Property Owner shall keep grass and weeds in accordance with the following standards:
- a) Uncut grass or weeds on any residential Property and upon any boulevard adjacent to the front rear or side of the Property shall be maintained at a height not to exceed fifteen centimeters (six inches) in length.
- 4.3 No Property Owner shall cause or allow any Property to be in an unsightly condition or in a condition where its appearance and/or condition is a safety hazard or is detrimental to the surrounding area;
- 4.4 No Property Owner shall allow the growth of trees or shrubs to interfere or endanger visibility to street signage, sidewalks, or roadway clearances;
- 4.5 No Property Owner shall permit the accumulation in piles or otherwise of dirt, stone, garden waste, old implements, disassembled or broken vehicles, scrap iron, lumber, glass, furniture, appliances, food containers, waste paper or cardboard on their property;
- 4.6 No Property Owner shall dump or cause to be dumped any garbage, waste, fecal matter, petroleum products (either liquid or solid), or dispose of any material in an area within the County of St. Paul No. 19 except at locations specifically designated by the Chief Administrative Officer.
- 4.7 No Property Owner shall post or allow to be posted or exhibit on the Property unauthorized signs, posters, billboards, graffiti, obscene or offensive symbols, words, pictures or art;
- 4.8 Property Owners shall maintain all fixtures, improvements, renovations, or additions to any building, structure or improvement to a Property including exterior stairs, porches, decks, landings, balconies, and other similar structures.
- 4.9 Property Owners shall ensure that all foundations, exterior walls, roofs, windows, stairs, fences, and other similar structures are maintained in a reasonable state of repair.
- 4.10 Property Owners shall prevent the occurrence of, or promptly remedy, any Unsightly Conditions.

5. DANGEROUS BUILDINGS AND STRUCTURES

- 5.1 The Property Owner(s) of properties in the County of St. Paul No. 19, shall ensure that any building(s) or attached feature(s) in a state of disrepair shall be restored or be demolished and removed from the property.
- 5.2 If any building(s) in a state of disrepair is to be restored, it shall be restored to a useable and safe condition in accordance with the *Safety Codes Act* and with the required demolition or building permits.

- 5.3 No Property Owner shall cause or allow his or her property to be a danger to public safety through the presence of excavations, structures, materials or any other hazard or condition posing a risk to public safety.

6. INSPECTION AND DIRECTION

- 6.1 Any Bylaw Enforcement Officer may, in accordance with S. 542 of the Municipal Government Act 2000, M-26 enter any public or private Property within the County to conduct an inspection and may inspect for Unightly Conditions, and property in a State of Disrepair and dangerous property.
- 6.2 After inspection, the Bylaw Enforcement Officer may issue a Notice to Maintain Property, which shall specify a deadline for compliance and shall outline specific instructions to remedy the Unightly Conditions or the State of Disrepair or dangerous property.
- 6.3 Each Notice to Maintain Property shall:
- a) describe the Property by name, if any, and the municipal address or legal description or a plan showing the location of the Property;
 - b) state that the Property contravenes the provisions of this By-law;
 - c) give reasonable particulars of the extent of the clean up, removal, demolition, clearing or other actions required to be made;
 - d) state the time within which the clean up, removal, demolition, clearing or other action is to be completed;
 - e) state that if the required actions are not done within the time specified, the County may carry out the actions required and charge the cost thereof against the person to whom the Notice is directed and if such person does not pay the costs, the costs shall be charged against the Property concerned as taxes due and owing in respect of that Property, and recovered as such; and
 - f) state that the person who received the Notice may request in writing a review by Council and that a request for such review must be in writing with the County within fourteen (14) days of the date of receipt of the Notice.
- 6.4 The County must serve the Notice to Maintain Property by:
- a) Delivering it personally to the person who is to be served, or
 - b) Mailing the Notice to the person to be served by registered mail to the last known post office address of the person to be served, and service shall be deemed to be effected seven (7) days after the Notice is mailed; or
 - c) Where the Property is not occupied, by mailing the notice by registered mail to the mailing address noted on the County's tax roll for that Property, and service shall be deemed to be seven (7) days after the Notice is mailed; or
 - d) As directed by the Courts.
- 6.5 The Bylaw Enforcement Officer may extend the time for doing anything which is required to be done by the terms of the Notice to Maintain Property.
- 6.6 Where a Notice to Maintain Property is issued pursuant to Section 6.2, a review by Council of such a Notice may be requested within fourteen (14) days of receipt of the Notice by the person who receives the Notice to Maintain.
- 6.7 Where review by Council of a Notice to Maintain Property is requested pursuant to subsection 6.6, the Notice is stayed pending the review by Council of the Notice to Maintain.

- 6.8 Council may confirm, vary, or revoke the Notice to Maintain Property or may substitute its decision in place of the Notice to Maintain Property which was issued. Council may extend the time within which anything required to be done by the Notice to Maintain Property is to be performed.
- 6.9 Council may direct anything to be executed that a Bylaw Enforcement Officer can direct to be executed either in addition to or in substitution for the direction in the Notice appealed from.
- 6.10 A decision by Council shall be considered final, subject to the right of appeal to the Court of Queen's Bench provided by S. 548 of the Municipal Government Act 2000 c. M-26.

7. PENALTIES

- 7.1 Subject to Subsection 6.7 if the Property Owner has not complied with the Notice to Maintain Property by the specified deadline, the Bylaw Enforcement Officer may direct any work to be done to remedy the Unsightly Conditions the State of Disrepair or dangerous property, including the disposition of any materials, and will charge the owner, for all the costs associated with carrying out the Notice to Maintain Property.
- 7.2 If the owner fails to pay for the work done under Section 7.1, the County shall charge the cost against the Property as taxes due and recover the cost as taxes.
- 7.3 The cost of the work done, as stated under 7.1, is charged in addition to an Administration Fee as set out in the Fee Schedule Bylaw.
- 7.4 The County or any Bylaw Enforcement Officer who inspects any property under this Bylaw, or any person who performs any work on behalf of the County to remedy the Unsightly Conditions is not liable for any damages caused by the inspection, the work, or disposition of any material in order to complete the work set out in the Notice to Maintain Property.
- 7.5 Breach of this bylaw is an offence.
 - 7.5.1 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket, pursuant to either Part II or III of the *Provincial Offences Procedure Act*, RSA 2000, c.P-34, as amended, to any person who the County Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision to this Bylaw.
 - 7.5.2 A Violation Ticket may be issued to a Property Owner:
 - 7.5.2.1 Either personally; or
 - 7.5.2.2 By using regular mail to mail a copy to the Property Owner at his last known postal address.
 - 7.5.3 The Violation Ticket shall state:
 - 7.5.3.1 The name of the person;
 - 7.5.3.2 The offence;
 - 7.5.3.3 The appropriate penalty for the offence as specified in the County's Fee Schedule Bylaw.
 - 7.5.3.4 The location where the violation occurred;
 - 7.5.3.5 Any other pertinent information as per the discretion of the Bylaw Enforcement Officer.
 - 7.5.4 The Violation Ticket may provide for payment of the specified penalty set out in the County's Fee Schedule Bylaw for the offence and the recording of such payment by the Court shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
 - 7.5.5 Section 7.5.4 shall not prevent a Bylaw Enforcement Officer from issuing a Violation Ticket requiring a Court appearance of the defendant.
 - 7.5.6 A person who is guilty of an offence under this bylaw for which

a penalty is not otherwise provided is liable to a fine of not less than \$200.00 and not more than \$500.00.

- 7.6 The conviction of a Property Owner(s) under the provisions of this Bylaw does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this Bylaw, or conditions, order or permits, issued in accordance with this Bylaw.

8. EMERGENCIES

- 8.1 In accordance with section 551 of the Municipal Government Act, R.S.A. 2000, c. M-26 and notwithstanding any provisions of this Bylaw, in an emergency the County may take whatever actions or measures are deemed necessary to eliminate the emergency.

9. EXEMPTIONS AND EXCEPTIONS

- 9.1 The provisions in this Bylaw shall not be interpreted to prevent legitimate work diligently carried out in accordance with a development permit issued by the Development Authority such as: commercial, industrial, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to a Property.
- 9.2 The County of St. Paul values and recognizes the contribution of the agricultural sector to regional growth and vitality. Thus, the County wishes to proceed working cooperatively with agriculturists to limit regulation whenever possible. Nothing in Sections 4 or 5 shall apply to or prevent legitimate agricultural practices from taking place.
- 9.3 The Owner of a Property that carries on or permits the carrying on of any activities referred to in Sections 4 and 5 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 a Property.
- 9.4 Whether or not an Owner has taken all reasonable steps to minimize the duration and visual impression of any resulting untidiness or unsightliness of the Premise, as referred to in Sections 4 and 5 of this Bylaw, is a question to be determined by the Court hearing a prosecution of an offence pursuant to the provisions of this Bylaw.

10. SEVERABILITY

- 10.1 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

11. EFFECTIVE DATE

This Bylaw shall come into full force and effect upon the date of the third and final reading.

Read a first time in Council this 12th day of September, 2013.

Read a second time in Council this 12th day of September, 2013

Read a third time in Council this 12th day of September, 2013

(Original signed by Reeve S. Upham)

Reeve

(Original signed by CAO S. Kitz)

Chief Administrative Officer