

COUNTY OF ST. PAUL NO. 19

BYLAW NO. 1292

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A Bylaw of the County of St. Paul No. 19 in the Province of Alberta for removal of hazards and unhealthy and unsafe conditions affecting public places for the safety, health and welfare of people and the protection of people and property.

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**WHEREAS** Section 7 of the Municipal Government Act, S.A. 1994, c. M-26.1, as amended, provides that Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** Section 18 of the Municipal Government Act, supra., provides that a municipality has the direction, control and management of all roads within the municipality;

**AND WHEREAS** Section 203 of the Municipal Government Act, supra., provides that Council may by bylaw delegate any of its powers, duties or functions to a Chief Administrative officer, and whereas Section 209 of the Municipal Government Act, supra., provides that a Chief Administrative officer may delegate any of his powers, duties or functions to a designated officer or an employee of the municipality;

**AND WHEREAS** Section 551 of the Municipal Government Act, supra., provides that a municipality may take whatever actions or measures are necessary to eliminate an emergency, and the expenses and costs of the actions or measures, including the remuneration to any person providing labour, services, equipment or materials are an amount owing to the municipality by the person who caused the emergency;

**AND WHEREAS** Section 553 of the Municipal Government Act, supra., provides that Council may add unpaid expenses, costs and remuneration necessary to eliminate the emergency which are owing to the municipality to the tax roll of a parcel of land if the parcel's owner caused the emergency and the cause of the emergency was located on all or a part of the parcel;

**AND WHEREAS** the County of St. Paul No. 19 deems it necessary and expedient to provide for a fee for service for the provision of certain hazard elimination services and to provide for fair and just recovery of those costs and expenses;

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

**CITATION**

1. This bylaw may be cited as the "Hazard Control Bylaw".

**DEFINITIONS**

2. In this bylaw, including this section:

- a. "Chief Administrative Officer" means the person appointed to the position of Chief Administrative officer pursuant to the Municipal Government Act, or a designated officer or employee of the County to whom the Chief Administrative Officer delegates his functions pursuant to this bylaw;
- b. "Council" means the Council of the County of St. Paul No. 19;

- c. "County" means the municipality of the County of St. Paul No. 19 and the area contained within its boundaries as the context requires;
- d. "Hazard" means emergency or extraordinary or unhealthy or unsafe circumstances that may cause harm to the safety, health and welfare of people or property if such circumstances are not rectified or eliminated immediately, or if immediate steps are not taken to rectify or eliminate the circumstances.

**DELEGATION TO CHIEF ADMINISTRATIVE OFFICER**

- 3. Council hereby delegates to the Chief Administrative Officer the ability to decide whether a Hazard exists.

**POWERS AND FUNCTIONS**

- 4. When a hazard exists the Chief Administrative Officer may take whatever actions or measures are necessary to rectify or eliminate the hazard, including, but not limited to:
  - a. Retaining persons to provide labour, services, equipment or materials to the County for the purpose of taking steps to eliminate the hazard;
  - b. Temporarily closing a road which the County has the direction, control and management of until the hazard is eliminated;
  - c. Erecting signage or taking any other action to warn people about the hazard;
  - d. Entering land or a structure at any reasonable hour, and carrying out inspection, enforcement or action required to eliminate the hazard, or to take immediate steps to eliminate the situation;
  - e. Requesting an owner or occupant of land or a structure to produce documents or do anything that will assist the Chief Administrative Officer in the inspection, enforcement or action required to eliminate the hazard, or to take immediate steps to eliminate the hazard, and the Chief Administrative Officer may make copies of any documents produced;
  - f. Ordering an owner or occupant of land to take necessary steps to eliminate the hazard in a manner and within a time specified by the Chief Administrative Officer;
  - g. Ordering the necessary steps to be taken to eliminate the hazard caused on land or a structure if the owner or occupant of the land or structure fails to abide by the order of the Chief Administrative Officer.

**RECOVERY OF COSTS**

- 5. Where the County has taken any action whatsoever for the purpose of rectifying or eliminating the Hazard for the purpose of protecting the safety, health and welfare of the people and property, the County may, with respect to any expenses, costs and remuneration incurred or paid to any person who provides labour, services, equipment or materials to the County, charge such expenses, costs and remuneration to the person who caused the Hazard.
- 6. All expenses, costs and remuneration paid to any person who provides labour, services, equipment or materials to the County, charged to the person who caused the Hazard are a debt due to the municipality from the person who caused the Hazard.

7. In the event that the amount charged pursuant to clause 5 of this Bylaw is not paid within ninety (90) days after mailing of a notice by the County to the owner, the amount due for such expenses, costs and remuneration unpaid shall be charged against the lands if the owner of the lands caused the hazard and the cause of the hazard was located on all or a part of the lands.

**GENERAL**

8. The owner, lessee, tenant, agent or occupant of property within the County shall do everything reasonably practicable to ensure that a Hazard does not exist or be allowed to continue to exist on that owner's, lessee's, tenant's, agents' or occupant's property.
9. Should any part of this bylaw be found to have been improperly enacted, for any reason, then such part shall be severable from the remainder of this bylaw and this bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

**EFFECTIVE DATE**

10. This bylaw shall come into force and effect on the final day of passing thereof.

READ a first time this 12<sup>th</sup> day of DECEMBER, A.D. 1995

READ a second time this 9<sup>th</sup> day of JANUARY, A.D. 1996

READ a third time and finally passed the 9<sup>th</sup> day of JANUARY, A.D. 1996

*Note: Refer to Original for Signatures*