

BYLAW NO. 8/2015

BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF PEACE NO. 135
IN THE PROVINCE OF ALBERTA

FOR THE PURPOSE OF REGULATING AND ALLOWING FOR THE CONTROL AND REDUCTION OF
UNSIGHTLY PREMISES WITHIN THE MUNICIPAL DISTRICT OF PEACE NO. 135

WHEREAS, Section 7(a) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, states that a Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; and

WHEREAS, Section 7(c) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, states that a council may pass bylaws for municipal purposes respecting nuisances, including unsightly properties; and

AND WHEREAS Section 7(i) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, states that a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

NOW THEREFORE, the Council of the Municipal District of Peace No. 135, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - PURPOSE AND CITATION

- 1.1 The purpose of this bylaw is to regulate and allow for the control and reduction of unsightly premises within the Municipal District of Peace No. 135.
- 1.2 This Bylaw may be cited as the "Unsightly Premises Bylaw".

SECTION 2 - DEFINITIONS

In this bylaw, unless the context otherwise requires:

- 2.1 "Animal Material" means any animal waste as well as all material accumulated on a premises from shelters, enclosures, kennels, etc.
- 2.2 "Auto Wrecker" means a development used for the storing, junking, dismantling, wrecking or crushing of three (3) or more motor vehicles, not in running condition, or parts of them, and may include the sale of parts of such vehicles.
- 2.3 "Building Material" means all construction and demolition material accumulated on a premises while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such construction, alteration or repair.
- 2.4 "Chief Administrative Officer" means the Chief Administrative Officer for the Municipal District of Peace No. 135.
- 2.5 "Clean-up Order" means an Order issued under this bylaw by the Chief Administrative Officer with respect to an unsightly premises within the Municipal District.
- 2.6 "Composting" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner.
- 2.7 "Council" means the Council of the Municipal District of Peace No. 135 in the Province of Alberta.
- 2.8 "Municipal District" means the Municipal District of Peace No. 135.

- 2.9 "Garbage" means materials of every description or kind, or abandoned, discarded, or rejected goods disposable in a garbage can or receptacle and includes bottles, metal cans or tins, crockery, glass, grass cuttings, paper, cloth, food, food waste, wrappings, sweepings and the like.
- 2.10 "Landfill" means a landfill as defined in the Municipal District of Peace No. 135's Land Use Bylaw No. 1/2012.
- 2.11 "Litter" means any debris, rubbish, refuse, garbage, waste materials, paper, packages, containers, bottles, cans and/or parts and products thereof.
- 2.12 "Owner" means:
- a) a person who has legal title or possession of a premises; or
 - b) a person recorded as the owner of the premises on the assessment roll of the Municipal District; or
 - c) a person who has purchased or otherwise acquired the premises, whether he has purchased or otherwise acquired the premises directly from the owner or from another purchaser, and has not become the registered owner thereof; or
 - d) a person holding himself out as the person having the powers and authority of ownership of a premises or who for the time being exercises the powers and authority of ownership; or
 - e) a person in possession or control of a property or premises under construction; or
 - f) a person who is the occupant of a premises pursuant to a written or verbal rental or lease agreement, license or permit and/or being in care/control.
- 2.13 "Person" means an individual or any business entity including a firm, partnership, association, corporation, company or society.
- 2.14 "Premises" means the external surfaces of all buildings and the whole or part of any land, including land immediately adjacent to any building or buildings, and includes any land or buildings owned or leased by the Municipal District.
- 2.15 "Refuse" means all solid and liquid waste including, but not limited to: organic and inorganic household, yard and garden waste, building materials, tires, boxes or any other form of waste or garbage.
- 2.16 "Unightly Premises" means any property or part of which is located within the Municipal District and is characterized by visual evidence of an exceptional, excessive and ongoing accumulation on the premises of:
- a) any rubbish, refuse, garbage, papers, packages, containers, bottles, cans, grain bags, manure, sewage, the whole or part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, broken household items, boxes, cartons, and discarded fabrics; or
 - b) equipment, machinery, motor vehicles or motor vehicle parts and other like objects which have been rendered inoperative by reason of their disassembly, age or mechanical condition and includes any household appliances; or
 - c) an excessive quantity of building materials that are not stacked or stored in an orderly manner;
 - d) yards with uncut grass and weeds that are considered to detract from the appearance of the neighborhood; or
 - e) all other forms of waste, refuse and litter.

- 2.17 "Work Forces" means Municipal District employees or contract workers engaged by the Municipal District for the purposes of enforcing a Clean-up Order.
- 2.18 "Yard Material" means organic matter formed as a result of gardening or horticultural pursuits and includes grass, tree and hedge cuttings and clippings.

SECTION 3 - REGULATIONS

- 3.1 No owner of a premises located within the Municipal District shall allow, cause or permit:
- a) a premises to become or continue to be an unsightly premises as defined in this Bylaw; or
 - b) a premises to pose an environmental concern or a fire hazard; or
 - c) a premises to pose a danger to the public safety; or
 - d) material or waste to accumulate in a building or structure, except in appropriate containers for the temporary storage of waste and other materials for pick-up and disposal at a waste management facility; or
 - e) vehicles, equipment, material or waste to accumulate on or around a premises.
- 3.2 A landfill shall not constitute an unsightly premises under this Bylaw.
- 3.3 An auto wrecker shall not constitute an unsightly premises under this Bylaw.
- 3.4 A composting container or composting pile that does not create offensive odors or attract nuisance animals shall not be considered unsightly.
- 3.5 Unsightly premises will be evaluated relative to adjacent lands and land uses or to other lands and land uses in the neighbourhood.

SECTION 4 - ENFORCEMENT

- 4.1 Any premises may be deemed unsightly, offensive, or a hazard to the community at the discretion of the Chief Administrative Officer.
- 4.2 Unsightly premises will be dealt with by the Chief Administrative Officer on a complaint basis. A signed Complaint Form, as prescribed in Schedule "A", that has been signed by at least 3 individuals from separate households, must be submitted in order to initiate an investigation.
- 4.3 Prior to issuing a Clean-up Order, a warning letter will be sent to the owner of the premises giving particulars of the extent of the clean up or other actions required to be undertaken. The warning letter will also state the maximum number of calendar days allowed to complete the clean up as specified in the warning letter. The timeline in a warning letter may vary depending on the extent of the clean up required.
- 4.4 The owner of a premises deemed unsightly and who has failed to fulfill the requirements of the warning letter will be issued a Clean-up Order and be given seven (7) to thirty (30) calendar days' notice to return the premises to conformity with Section 3. Prior to issuing a Clean-up Order, the Order shall be referred to Council for their review and approval.
- 4.5 Failure to conform to Section 3 will result in the Municipal District authorizing whatever work forces are necessary to bring the premises in conformity with Section 3 at the owner's cost.
- 4.6 If the owner does not pay for the maintenance of the premises, the cost will be charged against the property concerned as taxes due and owing in respect of the property, and recovered as such, in accordance with Sections 549(3) and 553(1)(c) of the *Municipal Government Act* RSA 2000 c M-26.

SECTION 5 - APPEALING A CLEAN-UP ORDER

- 5.1 The owner of a premises who receives a written Clean-up Order under this bylaw may request a review of the Order by written notice to Council within seven (7) days of the day on which the Order is received. Upon reviewing the Order, Council may confirm, vary, substitute or cancel the Order.
- 5.2 The owner of a premises or other person affected by the decision of Council under Section 5.1 may appeal to the Court of Queen's Bench, within the time period set out in the *Municipal Government Act*, Section 548.


SECTION 6 - SEVERABILITY PROVISION

- 6.1 Should any provision of this Bylaw be invalid then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

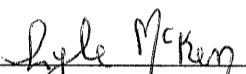
SECTION 7 - EFFECTIVE DATE

- 7.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time this 10th day of November, 2015.



Reeve




Chief Administrative Officer

Read a second time this 10 day of May, 2016.




Reeve




Chief Administrative Officer

Read a third time this 10 day of May, 2016.



Reeve



Chief Administrative Officer

SCHEDULE "A"

UNSIGHTLY PREMISES BYLAW

COMPLAINT FORM

DATE: _____

COMPLAINANT'S NAME: 1. _____ (PRINT) _____ (SIGNATURE)
2. _____ (PRINT) _____ (SIGNATURE)
3. _____ (PRINT) _____ (SIGNATURE)

COMPLAINANTS' CONTACT INFORMATION: 1. _____
2. _____
3. _____

DESCRIPTION, EXPLANATION OR NATURE OF THE UNSIGHTLY CONDITION OR PREMISES:

