

**BYLAW #257-18
VILLAGE OF ALBERTA BEACH**

A BYLAW OF THE VILLAGE OF ALBERTA BEACH, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE PREVENTION, ABATEMENT AND REGULATION OF UNTIDY AND UNSIGHTLY PREMISES.

WHEREAS a Council of the Municipality may, pursuant to Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and any amendments thereto, pass bylaws respecting untidy and unsightly premises;

NOW THEREFORE the Municipal Council of the Village of Alberta Beach, duly assembled, hereby enacts as follows:

I. Title

This Bylaw may be cited as the Untidy and Unsightly Premises Bylaw of Alberta Beach.

2. Definitions

- a) "Council" shall mean the Municipal Council of the Village of Alberta Beach duly assembled and acting as such;
- b) "Highway" has the same meaning as defined in the Highway Traffic Act;
- c) "Litter" shall mean any solid or liquid material or product or combination of solid or liquid materials or products including but not limited to:
 - i) any rubbish, refuse, garbage, package, container, bottle, can, manure, human or animal excrement or sewage or the whole or part of an animal carcass; or
 - ii) the whole or part of any article, raw or processed material, construction material, motor vehicle, or other machinery that is disposed of, or in a wrecked, discarded, or abandoned condition;
- d) "Noxious Weed" shall mean a plant that is designated under the Alberta Regulation number 136/80 as revised from time to time as a noxious weed and includes noxious weed seeds;
- e) "Objectionable Items" shall mean:
 - i) any object or chattel which, in the opinion of the Bylaw Enforcement Officer, is unsightly or would tend to adversely affect the amenities of the area; or
 - ii) any excavation, garbage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, or
 - iii) more than one unlicensed and/or unregistered vehicle on a property at one time without prior written permission of the C.A.O. or the Bylaw Enforcement Officer recognizing extenuating circumstances;
- f) "Owner" shall mean any person who is registered under the Land Titles Act as the owner of the land;
- g) "Peace Officer" shall mean a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or a Special Constable as appointed by the Municipality;
- h) "Premises" shall mean the exterior walls and the components of any building or structure and shall include the land, accessory buildings, fences and erections thereon;
- i) "Village" shall mean the Village of Alberta Beach, a municipal corporation of the Province of Alberta, and includes the area contained within the boundaries of the Village of Alberta Beach where the context so requires;
- j) "Unsightly" shall mean the premises that have not been maintained in order to prevent their deterioration due to weather, rot or insect. Not being free from loose, weathered and/or broken materials. Unsightly shall include projects which are left visibly incomplete beyond the initially permitted time period as identified within the approved Development Permit. If no Development Permit is required then any project must be completed within three (3) months of commencement. Unsightly incomplete activities shall include but are not limited to the following:

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- Exterior finishes such as siding not installed;
- Exteriors left partially completed at the house wrap (i.e. Tyvak) stage;
- Fencing not completed and finished; and
- Any other development activities deemed incomplete in the opinion of the Peace Officer.

k) "Untidy" shall mean the land that is not protected by suitable ground cover which prevents erosion of the soil or the devaluation of the neighboring property and shall also include grass, plants and vegetation which is not trimmed.

3. Prohibitions

- a) No person being the owner, agent, lessee or occupier of any land within the Village shall permit the land of which such person is the owner, agent, lessee, or occupier to be in or remain unsightly.
- b) No person being the owner, agent, lessee, or occupier of any land within the Village shall permit the land of which such person is the owner, agent, lessee, or occupier to be in or remain untidy.
- c) No person being the owner, agent, lessee, or occupier of any land within the Village shall permit the land of which such person is the owner, agent, lessee, or occupier to have materials defined as litter on the property causing the property to be unsightly or untidy.
- d) The owner, agent, lessee, or occupier of any land within the Village shall cut the grass, plants and vegetation when grass, plants and vegetation shall reach twenty (20) centimeters (eight (8) inches) or more in height.
- e) The owner, agent, lessee, or occupier of any land within the Village shall cut the grass on the portion of the highway that lies between the boundary of this land and the centre of the highway which abuts or flanks the property of which such person is the owner, agent, lessee, or occupier.
- f) The owner, agent, lessee or occupier may be required to construct a fence, wall, screen or similar structure to prevent the untidy land or unsightly premises from being viewed from any highway or other public place.
- g) No owner, agent, lessee or occupier of any land within the Village shall permit any objectionable items, as defined, on the property.
- h) The owner, agent, lessee, or occupier of any land within the Village shall eradicate prohibited and noxious weeds on the land of which such person is the owner, agent, lessee or occupier.
- i) If a tree or shrub, on private property or otherwise, in any way interferes with or endangers the lines, poles, conduit, pipes, sewers or other works of a Municipal or other public utility, the owner, agent, lessee or occupier of the land on which such tree or shrub stands shall remove or prune the tree or shrub or take such steps as may be deemed necessary to alleviate the interference with or danger to such works.

4. Enforcement

- a) A Peace Officer may, for the purpose of performing his or her duties and exercising his or her powers under this Bylaw, enter at any reasonable hour and inspect the land or premises.
- b) Where any lands or premises in the Village are found to be in contravention of the Bylaw, the Peace Officer shall give notice in writing to a person who is under a duty imposed by this bylaw to prevent such a condition and to remedy the same, and the Peace Officer may direct that this be done in such a manner as he or she deems advisable on or before a day to be named in the notice.
- c) The Peace Officer shall give not less than seven (7) days notice from the date of delivery of the notice for its compliance.

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- d) i) A notice to owner given by the Peace Officer under the provisions of this Bylaw shall be in writing and in quadruplicate in Form A as set out in Schedule "A" to this Bylaw.
- ii) One of the notices shall be served on the person to whom it is addressed, one to the assessed owner, one shall be delivered to the C.A.O. and the fourth shall be retained by the official giving the notice.
- iii) A notice given by the Peace Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person to whom it is addressed if:
- 1) the notice is personally delivered to the person at the home it is addressed; or;
 - 2) the notice is left with a person apparently over the age of sixteen (16) years at the place of abode of the person to whom the notice is addressed; or;
 - 3) the notice is sent by registered mail in a paid cover addressed to the last known postal address of the person to whom the notice is addressed, or as shown on the assessment roll as the case may be; or;
 - 4) posting the notice in a conspicuous place on the land referred to in the notice or on any building or erection thereon when the Peace Officer has reason to believe:
 - a) that the person to whom the notice is addressed is evading service thereof; or;
 - b) for any reason it is improbable that the notice will be received by the person to whom it is addressed within three (3) days of the date of the notice if it is delivered in any of the ways mentioned in this section.
- e) If, after the day designated for the compliance in any notice given pursuant to this Bylaw, the owner fails to remedy the condition stated in the notice, the Peace Officer may serve an ORDER TO REMEDY upon the owner involved in the infraction.
- f) The Order to Remedy shall be in Form B as set out in Schedule "A" to this Bylaw with:
- i) a description of the land on which the infraction was reported and location;
 - ii) a description of the infraction reported;
 - iii) any such order may require the owner, within a period of time which shall not be less than fifteen (15) days from the date of making of the order, to remedy the untidy or unsightly condition of the premises in the manner set forth in the order;
 - iv) if the owner does not remedy the condition within the period specified within the order, the said person authorized in the order shall remedy the condition to the extent directed in the order;
 - v) where the owner does not remedy the condition and the Village of Alberta Beach incurs costs in remedying the condition, such costs are chargeable to the owner and recoverable as a debt due to the Village.
 - vi) where the owner neglects or refuses to pay the Village of Alberta Beach costs in obtaining compliance with the order, the Village of Alberta Beach may cause these costs to be added to the tax roll as a charge against the lands of the owner in the same manner as taxes and with the same priority as to lien and to payment thereof as is in the case of ordinary Municipal taxes.
 - vii) that the owner may, by written notice, appeal the Order to the Council within fourteen (14) days.
- g) The notice shall be served upon the owner in the same manner as set out in Enforcement Section 4(d).

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5. Penalties

- a) i) Any person who contravenes, disobeys, refuses or neglects to obey any provision of this Bylaw by:
 - 1) doing any act or thing which he or she is prohibited from doing herein; or;
 - 2) failing to do any act or thing he or she is required to do herein; is guilty of an offense and is liable on summary conviction to a fine as set out in Schedule "B" of this Bylaw.
- ii) If a person is convicted of an offense under this Bylaw, the court may, in addition to a penalty under subsection (i), order that the convicted person clean up the nuisance, unsightly or untidy premises or land as the court considers appropriate.
- b) i) For any Offence under this Bylaw, the actual amount incurred by Alberta Beach to remedy the condition plus a further amount equal to that amount incurred by Alberta Beach to remedy the condition, respecting Alberta Beach's cost to administer, supervise and manage the remedying of the condition and following up to ensure that the condition has been remedied.
 - 1) Respecting the administration amount authorized in Sec. 5(b)(i) the actual amount charged shall not exceed a maximum addition of ten thousand (\$10,000) dollars.
- c) i) Notwithstanding any other provisions for penalties in this Bylaw, a Peace Officer may, in lieu of issuing a notice in respect to an alleged breach of any prohibition of this bylaw, issue a voluntary penalty ticket and the accused may within seven (7) days of the issuance of such ticket pay the Village of Alberta Beach the same monetary penalty as may be imposed under the provisions of this Bylaw, as outlined in Section 5 (a)(i)(2).
- ii) By paying such monetary penalty as prescribed in Section 5 (a)(i)(2), an accused shall be deemed to be guilty of the offense for which such penalty was paid.
- iii) In the event that the prescribed voluntary penalty is not paid within the time allotted herein, a Peace Officer may thereafter issue a notice in respect to the alleged breach for which the voluntary penalty ticket was issued.

This Bylaw repeals Bylaw #205-06, and shall come into full force and effect on the final reading thereof.

READ a first time this 20th day of March, A.D., 2018.

READ a second time this 17th day of April, A.D., 2018.

READ a third time this 17th day of April, A.D., 2018.

SIGNED by the Mayor and C.A.O. this 17th day of April, A.D. 2018.

Mayor, Jim Benedict

(seal)

C.A.O., Kathy Skwarchuk

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SCHEDULE "A"

FORM A

NOTICE TO OWNER

TO:

RE: THOSE PREMISES LOCATED AT

IN THE VILLAGE OF ALBERTA BEACH, IN THE PROVINCE OF ALBERTA

Whereas Bylaw 257-18, Unsightly and Untidy Premises Bylaw of the Village of Alberta Beach provides:

Prohibitions

No person being the owner of any land or premise within the Village of Alberta Beach shall permit the land or premises to be or remain in an untidy or unsightly condition or to permit objectionable items as defined in the Bylaw.

AND WHEREAS the following definitions are provided:

"Objectionable Items" shall mean:

- i) any object or chattel which, in the opinion of the Bylaw Enforcement Officer, is unsightly or would tend to adversely affect the amenities of the area; or
- ii) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, or
- iii) more than one unlicensed and/or unregistered vehicle on a property at one time without the prior written permission of the C.A.O. or the Bylaw Enforcement Officer recognizing extenuating circumstances;

"Unsightly" shall mean:

the premises that have not been maintained in order to prevent their deterioration due to weather, rot or insect and not free from loose and broken materials;

"Untidy" shall mean:

the land that is not protected by suitable ground cover which prevents erosion of the soil or the devaluation of neighboring property and shall also include grass, plants and vegetation which is not trimmed;

AND WHEREAS a complaint has been received in respect to the above noted premises;

NOW THEREFORE pursuant to Bylaw 257-18, the Untidy and Unsightly Premises Bylaw of the Village of Alberta Beach, take notice that those premises located at _____ in the Village of Alberta Beach, Alberta, have been found to be Untidy and Unsightly premises in that they:

AND FURTHER TAKE NOTICE that if the said untidy and unsightly condition is not remedied on or before (date) that the matter may be reported to Council requesting an order directing you to do the said work.

DATED at the Village of Alberta Beach, in the Province of Alberta, the _____ day of _____, A.D. _____.

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PER: PEACE OFFICER

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SCHEDULE "A"

FORM B

Village of Alberta Beach Bylaw 257-18
Municipal Government Act, Section 545

ORDER TO REMEDY

TO:

RE: THOSE PREMISES LOCATED AT

IN THE VILLAGE OF ALBERTA BEACH, IN THE PROVINCE OF ALBERTA

WHEREAS there is a contravention of Bylaw 257-18, being a Bylaw for the prevention, abatement and regulation of untidy and unsightly premises, in the Village of Alberta Beach, in the Province of Alberta;

NOW THEREFORE BE IT ORDERED that the owner(s), namely;

_____ of _____

do(es), on or before the _____ day of _____, A.D., remedy the said untidy and unsightly condition of those premises described as:

in the Village of Alberta Beach, in the Province of Alberta by:

IT IS FURTHER ORDERED that if the said condition on the said premises is not remedied in the manner stated above by the said date above established, that the Village may take immediate and necessary actions to remedy the condition in the manner above stated;

AND IT IS FURTHER ORDERED that if the said owner does not remedy the condition and the Village of Alberta Beach incurs costs in remedying the condition, such costs are chargeable to the said Owner and are to be added to the tax roll as a charge against the lands of the said owner, and are deemed to be a tax from the date they are added to the tax roll for the premises.

IF THE CONDITION(S) IS/ARE NOT REMEDIED WITHIN THE SPECIFIED TIME, THE VILLAGE OF ALBERTA BEACH WILL HIRE A CONTRACTOR TO COMPLETE THE WORK. THE LAND OWNER WILL BE RESPONSIBLE FOR PAYMENT OF THE CONTRACTOR'S INVOICE. AN ADDITIONAL ADMINISTRATION FEE (OF 100% OF THE CONTRACTOR'S INVOICE TO A MAXIMUM OF \$10,000) WILL ALSO BE CHARGED TO THE LAND OWNER BY THE VILLAGE OF ALBERTA BEACH.

A person who received a written Order under section 545 of the Municipal Government Act may, with written notice, request that the Village of Alberta Beach Council review this Order to Remedy within 14 days of receiving this order.

VILLAGE OF ALBERTA BEACH
Bylaw Enforcement Officer

Officer (Print Name)

Officer (Signature)

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SCHEDULE "B"

PENALTIES

Sec. 5(a)(i):

For any offence under this Bylaw the following penalties shall apply:

1st Offence

TWO HUNDRED AND FIFTY (\$250.00) DOLLARS

2nd Offence – Within a twelve (12) month period of 1st Offence

FIVE HUNDRED (\$500.00) DOLLARS

3rd (and all subsequent) Offence(s) – Within a twelve (12) month period of 1st Offence

SEVEN HUNDRED AND FIFTY (\$750.00) DOLLARS