

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
PROVINCE OF ALBERTA**

**BYLAW NO. 1261-15
THE UNSIGHTLY PREMISES BYLAW**

A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9, IN THE PROVINCE OF ALBERTA, TO REGULATE ALBERTA TO REGULATE UNSIGHTLY PREMISES.

WHEREAS, pursuant to section 3 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and amendments thereto, the purposes of a municipality are to develop and maintain safe and viable communities;

AND WHEREAS, pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and amendments thereto, a council of a municipality may pass bylaws regulating nuisances, including unsightly premises;

AND WHEREAS, unsightly premises are detrimental to the surrounding area;

AND WHEREAS, Council deems it advisable to pass a bylaw to establish and enforce minimum standards relating to the condition of property in the Municipal District of Pincher Creek No. 9; and

AND WHEREAS, the purpose of this bylaw is to prevent the existence and proliferation of unsightly premises and to provide to regulate, control, and abate unsightly premises in the Municipal District of Pincher Creek No. 9;

NOW THEREFORE, the Municipal Council of the Municipal District of Pincher Creek No. 9, Alberta, duly assembled, hereby enacts as follows:

PART 1 - INTERPRETATION AND DEFINITIONS

Bylaw Title

1. This Bylaw may be cited as "Unsightly Premises Bylaw".

Definitions

2. In this Bylaw:

- (a) **"Abandoned Equipment"** means equipment or machinery, which is inoperative by reason of its disassembly, age or mechanical condition, and includes any household appliance stored outside of a building regardless of whether it is in an inoperative condition;
- (b) **"Abandoned Vehicle"** means the whole or any part of any motor vehicle or farm implement that:
 - (i) Is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition, and is not located in a building or located on the property such that it can be concealed from view; or
 - (ii) Has no current licence plate attached to it and in respect of which, no registration certificate has been issued for the current year; or
 - (iii) Is inoperative by reason of removed parts or equipment, and is not located within a building or located on property such that it can be concealed from view;
- (c) **"Animal Material"** means any animal carcasses and animal excrement and includes all material accumulated on a premises from pet pens, yards, stables, veterinary clinics or hospitals, kennels or feed lots;

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- (d) **"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, new or used metal, lumber, bricks or synthetic materials, or earth, vegetation or rock displaced during such construction, alteration or repair;
- (e) **"Bylaw Enforcement Officer"** means a bylaw enforcement officer appointed pursuant to section 555 of the *Municipal Government Act* or a police officer appointed pursuant to the *Police Act*, R.S.A. 2000, c. P-17 or a peace officer appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5, and the respective regulations thereof, as amended or replaced from time to time;
- (f) **"Chief Administrative Officer"** means the Chief Administrative Officer of the Municipal District or his delegate;
- (g) **"Clean Up Order"** means an order described in Section 545 or Section 546 of the *Municipal Government Act*;
- (h) **"Council"** means the municipal council of the Municipal District;
- (i) **"Designated Officer"** means a person appointed to that office pursuant to section 510 of the *Municipal Government Act*, or an authorized delegate thereof;
- (j) **"Hamlet"** means the hamlets of Beaver Mines, Lowland Heights, Lundbreck, Pincher Station and Twin Butte;
- (k) **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and the regulations thereunder, as amended or replaced from time to time;
- (l) **"Municipal Tag"** means a tag or similar document issued by the Municipal District pursuant to the *Municipal Government Act* for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;
- (m) **"Municipal District"** means the municipal corporation of the Municipal District of Pincher Creek No. 9 and its duly authorized employees, agents, contractors and other representatives or the geographic area contained within the boundaries thereof, as the context requires;
- (n) **"Owner"** means jointly and severally:
- (i) any Person registered as the owner of land under the *Land Titles Act*;
 - (ii) the person who is recorded as the owner of the property on the assessment roll of the Municipal District;
 - (iii) a Person who has become the beneficial owner of a property, including by entering into a Purchase and Sale Agreement, and who has not yet become the registered owner thereof;
 - (iv) a Person holding himself out as the Person exercising the power or authority of ownership or, who for the time being exercises the powers and authority of ownership over the Property;
 - (v) a Person in control of Property; or
 - (vi) a Person who is the occupant of the Property under a lease, license or Permit;

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- (o) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative to whom the context applies according to law;
- (p) **"Premises"** means any Property within the Municipal District, including the public lands adjoining the Property;
- (q) **"Property"** means any lands, buildings, or improvements, or any combination of the above, or any personal property located on the lands;
- (r) **"Reasonable State of Repair"** means buildings and structures that are:
- (i) Structurally sound;
 - (ii) Free from damage;
 - (iii) Free from rot or other deterioration; and
 - (iv) Safe for their intended use;
- (s) **"Unsightly Premises"** means any Property or part of it which is characterized by visual evidence of one or more of the following conditions:
- (i) an excessive accumulation on the Premises of any waste, litter, refuse, garbage, ashes, papers, packages, containers, bottles, cans, human excrement or sewage or the whole part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household dishes and utensils, boxes, cartons and discarded fabrics;
 - (ii) presence of Abandoned Vehicles;
 - (iii) presence of Abandoned Equipment;
 - (iv) an excessive accumulation of Animal Material, Yard Material, Building Material and as defined in this Bylaw;
 - (v) the lack of repair or maintenance of buildings, structures or property, including, but not limited to, the significant deterioration of buildings, structures or improvements, or portions thereof;
 - (vi) broken or missing windows, siding, shingles, shutters, eaves or other building material;
 - (vii) significant fading, chipping or peeling of painted areas of buildings, structure or improvements;
 - (viii) the uncontrolled growth of grass, weeds, trees, shrubs or other vegetation and plants on any premises within a Hamlet;
- (t) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act*; and
- (u) **"Yard Material"** means organic matter formed as a result of gardening or horticultural pursuits and includes grass, tree and hedge cuttings and clippings.

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Interpretation

3. Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
4. Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
5. Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
6. This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.

PART 2 – GENERAL PROVISIONS

Requirements of this Bylaw

7. An Owner of Property shall not cause or allow the Property to be an Unsightly Premises.
8. An Owner shall maintain all Property in a Reasonable State of Repair.
9. An Owner of a Property within a Hamlet shall not have more than two (2) unregistered vehicles on a parcel of land.
10. In determining whether a Premises is an unsightly premises as defined in this Bylaw, a Bylaw Enforcement Officer shall have regard to the normal use and location of the Property.
11. Notwithstanding Section 7, the accumulation of Animal Material on Property located on agricultural lands shall not constitute an Unsightly Premises under this Bylaw.

PART 3 – ENFORCEMENT

Inspection

12. Upon the receipt of a complaint, a Bylaw Enforcement Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter on to any Property, in accordance with Section 542 of the *Municipal Government Act*, to carry out an inspection.
13. Prior to exercising his authority to enter onto a Property, the Bylaw Enforcement Officer shall provide the Owner with reasonable notice as required by the *Municipal Government Act*.

Offence

14. Regardless of whether an Order has been issued pursuant to this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in Schedule "A" herein.
15. Any person who fails to comply with a Clean Up Order issued pursuant to this Bylaw or an order issued pursuant to the *Municipal Government Act* is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in Schedule "A" herein.

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Clean Up Orders

16. If a Designated Officer considers any Property to be an Unsightly Premises, the Designated Officer may issue a Clean Up Order pursuant to the *Municipal Government Act*.
17. A Clean Up Order includes the requirements of the *Municipal Government Act*, including, but not limited to the following:
 - (a) The section of the *Municipal Government Act* under which the Clean Up Order is issued;
 - (b) A description of the Property, including
 - (i) name, if any;
 - (ii) the municipal address; and
 - (iii) legal description;
 - (c) particulars of the contravention of this Bylaw;
 - (d) a description of the clean up, removal, cleaning or other actions required to be made;
 - (e) the time within which the clean up, removal, clearing or other actions are to be done; and
 - (f) a statement that if the required actions are not done within the time specified, the Municipal District may carry out the actions required and charge the cost thereof against the person to whom the Order 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.
18. A Clean Up Order may be served on each Owner of the Unsightly Premises named in the Order either in person or via registered mail to the address shown on a certificate of title of the Property or the assessment roll for that person.
19. A Person who is named in a Clean Up Order may appeal the Clean Up Order in accordance with the *Municipal Government Act*.

Municipal Tags

20. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
21. A Municipal Tag shall be served:
 - (a) upon the Person personally, or by leaving it with a Person on the premises who has the appearance of being at least eighteen (18) years of age; or
 - (b) in the case of a corporation or partnership, by serving the Violation Tag personally upon the Manager, Corporate Secretary or other Officer, or Person apparently in charge of a branch office, by mailing a copy to such Person by registered mail.
22. A Municipal Tag shall be in a form approved by the Chief Administrative Office, and shall state:
 - (a) the name of the Person to whom the Municipal Tag is issued;

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- (b) a description of the Property upon which the offence has been committed, if applicable;
 - (c) a description of the offence and the applicable Bylaw Section;
 - (d) the appropriate penalty for the offence as specified in this Bylaw;
 - (e) that the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (f) any other information as may be required by the Chief Administrative Officer.
23. Where a Municipal Tag has been issued, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Municipal District the penalty specified on the Municipal Tag.
24. If a Municipal Tag has been issued and the penalty specified on the Municipal Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer may issue a Violation Ticket to the Person to whom the Municipal Tag was issued.
25. Notwithstanding the above, a Bylaw Enforcement Officer may immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

Violation Ticket

26. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
27. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

28. A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

Powers of Enforcement Officers

29. No Person shall obstruct, hinder or impede any Bylaw Enforcement Officer Designated Officer in the exercise of any of his powers or duties pursuant to this Bylaw.
30. A Bylaw Enforcement Officer may pursue any and all remedies set out in this Bylaw, the *Municipal Government Act* and any other law in the Province of Alberta.

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Nothing in this Bylaw shall restrict, limit or preclude the Municipal District from taking multiple steps to remedy an Unsightly Premises.

PART 4 – GENERAL

Severability

31. If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

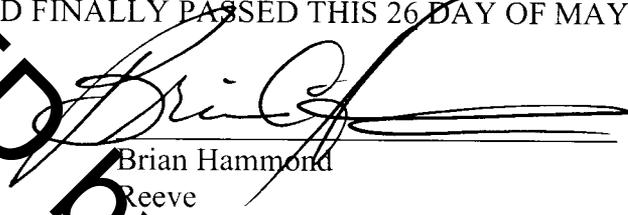
Repeal and Effective Date

32. Bylaw No. 1071-02 is hereby repealed.
33. This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ A FIRST TIME IN COUNCIL THIS 12 DAY OF MAY, 2015.

READ A SECOND TIME IN COUNCIL THIS 12 DAY OF MAY, 2015.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 26 DAY OF MAY, 2015.



Brian Hammond
Reeve



Wendy Kay
Chief Administrative Officer

REPEALED BY 1261-15

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**SCHEDULE "A"
SPECIFIED PENALTIES**

First Offence	Second Offence	Any Subsequent Offence
\$100	\$250	\$500

REPEALED by 1366-25