

BY-LAW NO. 03-2007
OF THE
VILLAGE OF WABAMUN
IN THE PROVINCE OF ALBERTA

BEING A BY-LAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ABATEMENT OF UNTIDY AND UNSIGHTLY PREMISES IN THE VILLAGE OF WABAMUN.

WHEREAS, pursuant to the provisions of Section 7(c) The Municipal Government Act, RSA 2000, C.M-26, as amended, the Council of the Village of Wabamun may pass a Bylaw for municipal purposes respecting nuisances, including unsightly property;

AND WHEREAS, The Municipal Government Act, RSA 2000, C.M-26, as amended, authorizes a Council to pass a Bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE, the Council of the Village of Wabamun in the Province of Alberta, duly assembled enacts as follows:

1. **TITLE**

This By-Law may be cited as "The Unsightly Premises Bylaw".

2. **DEFINITIONS**

In this By-Law, unless the context otherwise requires

- (a) **Act** means the Municipal Act, RSA 2000, and amendments thereto.
- (b) **Composting** means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile to create useable soil conditioner.
- (c) **Open Composting Pile** means a composting site which is not entirely contained in a structure.
- (d) **Land-Use Bylaw** means the Village of Wabamun Land Use Bylaw No. 01-97 as amended.
- (e) **Noxious Weed** means a nuisance weed as prescribed in The Weed Control Act, RSA 2000, C.W-5 and its regulations thereto, as amended.
- (f) **Nuisance Weed** means a nuisance weed as prescribed in The Weed Control Act, RSA 2000, C.W-5 and its regulations thereto, as amended.
- (g) **Occupier** means any person other than the Owner who is in possession of the property, including, but not restricted to a renter, lessee, license, tenant or agent of the Owner.
- (h) **Owner** means any person registered as the owner of property under The Land Titles Act, RSA 2000 C.L-4, as amended, and a person who is recorded as the owner of the property on the Tax Assessment Roll for the Village of Wabamun.
- (i) **Untidy** means the land is not protected by suitable ground cover which prevents erosion of the soil or the devaluation of neighbouring property and shall also include grass, plants and vegetation which is not trimmed.
- (j) **Property** means the whole or part of any part parcel or real property, including external surfaces of all buildings, structures or fences.
- (k) **Refuse** means junked articles including but not limited to: solid wastes (including tin, glass, dishes, utensils, cloth, waste paper, cardboard, food containers, bottles, grass and hedge cuttings, shrubbery and tree prunings), weeds and garden waste, junked vehicles, tires, residential furnishings, household appliances, human or animal excrement or sewage, whole or part of an animal carcass, or garbage bags.
- (l) **Restricted Weeds** means a restricted weed as prescribed in the Weed Control Act, RSA 2000, C. W-5 and its regulations as amended.

- (m) **Unsightly Premises** means
 - (i) A property that because of its condition or the accumulation of Refuse is detrimental to the use and enjoyment of the surrounding area or neighbouring properties.
 - (ii) In respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep or repair and in the opinion of an Inspector, is dangerous to public safety.
 - (iii) In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep or if in the opinion of an Inspector, an excavation hole is dangerous to public safety or property.
 - (iv) In respect of weeds, includes weeds as defined in the Alberta Weed Control Act.
- (n) **Junked Vehicles** means a vehicle that is in a wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition, or is determined to be not roadworthy and is not located in a building or located on the property such that it can be concealed from view, or is not located in a building and does not form part of a business enterprise lawfully being operated on that property.

3. GRASS AND WEEDS

- (a) No owner or occupier of a property shall allow grass, grasses or weeds on the property to exceed a height (length) of fifteen (15) centimeters.
 - (i) Nothing in this section shall prevent the controlled and managed practice of xeriscope or other recognized low water use gardening practices.
- (b) An owner or occupier of a property directly adjacent to a public owned boulevard and/or road right of way shall be responsible to maintain subject to this Bylaw, all grass, grasses and weeds on said boulevard and/or road right of way.
- (c) Every owner or occupier of property shall eradicate all restricted weeds and noxious weeds and control the spread of all nuisance weeds located on property.
- (d) 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 to take such other steps as may be deemed necessary to alleviate the interference with or danger to such works.

4. ACCUMULATION OF MATERIALS

- (a) No owner or occupier of a property shall allow the property to become unsightly.
- (b) No owner or occupier of a property shall allow on the property an accumulation of the following to create an unsightly condition:
 - (i) Loose refuse
 - (ii) Bottles, cans, boxes or packaging materials except if stored in appropriate containers provided for the temporary storage of refuse or other waste materials for pick-up and disposal of a sanitary landfill, recycling centre or other waste management facilities.
 - (iii) Household furniture, appliances or other household goods
 - (iv) Automobile parts
 - (v) Part of or disassembled machinery, equipment or appliances
 - (vi) Yard waste, including but not limited to grass, tree and hedge cuttings but excluding the contents of a composting pile subject to this Bylaw.
 - (vii) New or used wood or metal.
- (c) No owner or occupier of any property shall permit or allow any material set out in Section (b) to accumulate in any open structure attached to any building within the Village except in containers, bins, drawers, shelves and areas provided for temporary storage. No storage shall be allowed in the front or side yard of any property in the Village with the exception of storage sheds.
- (d) No owner or occupier of property shall allow on the property, the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking is being carried out on the property and that:

- (i) the project has begun or work is imminent.
- (ii) the materials found on the property relate to the project taking place in a quantity reasonable to complete the project.
- (iii) all other federal, provincial and municipal legislation is adhered to including but not limited to all provisions of the Land Use Bylaw and Safety Codes Act as amended.
 - (a) An owner or occupier of a property shall ensure that all building materials stored on the property, which are not in contravention of Subsection (d) (i) are stacked or stored in an orderly manner.
 - (b) Notwithstanding anything in Section 4, it shall not be an offence to store a small amount of neatly stacked materials not stored on the front yard or side yard of the property for basic property maintenance.
- (e) No owner or occupier of a property shall allow an accumulation of the following on their property:
 - (i) Any material(s) that creates unpleasant odours
 - (ii) Any material(s) that or is likely to attract pests
 - (iii) Any animal remains, parts of animal remains or animal feces
- (f) No owner or occupier of a property shall allow open or exposed storage of any industrial fluid, including but not limited to engine oil, brake fluid or antifreeze.

5. **COMPOSTING**

- (a) No owner or occupier of a property shall place or allow to be placed cat feces, dog feces, animal parts or animal meat on a composting pile or in composting container on the property.
- (b) No owner or occupier of a property shall allow an open composting pile on the premises within ten (10) meters of an adjacent dwelling house, measured from the nearest part of the open composting pile to the nearest part of the adjacent dwelling house.
- (c) Every owner or occupier of a property who allows a composting container or open composting pile to remain on a property must ensure that it is maintained in such a manner that it does not become a nuisance by creating an offensive odour or attracting pests.

6. **WATER EAVESTROUGHS AND DOWNSPOUTS**

- (a) No owner or occupier of a property shall allow a flow of water from a hose or similar device on the property to be directed towards an adjacent property if it is likely that the water from the hose or similar device will enter the adjacent property.
- (b) An owner or occupier of a property shall direct any rainwater downspout or eaves trough on the property to the front or rear of the premises.

7. **SMOKE AND DUST**

- (a) No owner or occupier of property shall engage in an activity likely to allow smoke, dust or other airborne matter likely to disturb another person to escape the property without taking precautions to ensure that the smoke, dust or other airborne matter does not escape the property.

8. **LIGHT**

- (a) No owner or occupier of a property shall allow an outdoor light to shine directly into the living or sleeping area of an adjacent dwelling house. Anything existing prior to April 15, 2008 shall be considered grandfathered.
- (b) No owner or occupier of a property shall allow an outdoor light to shine in a manner in which it will interfere with the effectiveness of a traffic control device.
- (c) No owner or occupier of a property shall allow an outdoor light to shine in a manner in which it will interfere with an operation of a motor vehicle, a pedestrian or any proper use of a highway.

9. **MAINTENANCE OF ACCESSORY BUILDINGS, STRUCTURES AND FENCES**

- (a) No owner or occupier of a property shall allow an accessory building, structure or fence to become a safety hazard.
- (b) No owner or occupier of a property shall allow an accessory building, structure or fence to become unsightly.

10. **VEHICLES**

- (a) No owner or occupier of a property shall park on any part of a property except on a designated off-road parking area as prescribed in the Village of Wabamun Land Use Bylaw.
- (b) No owner or occupier of a property shall allow the external storage of more than one motor vehicle not bearing a license plate with subsisting registration.
- (c) No owner or occupier of a property shall allow the external storage of a motor vehicle used for stock car races, a motor vehicle which has all or part of its superstructure removed, or a motor vehicle or the parts thereof which is in a dilapidated or unsightly condition.

11. **ENFORCEMENT**

Inspections

- (a) A designated officer may enter into or upon any land or building within the Village of Wabamun in respect to a property that may be or is in contravention with this Bylaw pursuant to Section 542 of the Municipal Government Act.

Enforcement Order

- (b) Where any property in the Village of Wabamun is in contravention of this Bylaw, a designated officer may issue an Enforcement Order, as set out in Schedule B, in writing to a person who is duly imposed by this Bylaw to prevent a contravention to remedy the same in a manner and time as deemed reasonable by a designated officer.
- (c) An Enforcement Order shall be in a form as prescribed by the Village of Wabamun in accordance with Sections 545 and 546 of the Municipal Government Act.
- (d) An Enforcement Order shall be considered duly given and served on the person it is addressed:
 - (i) on the Enforcement Order being delivered personally upon the person to which it is addressed.
 - (ii) on sending it by single registered mail in a prepaid cover addressed to the last known postal address of the person whom the Enforcement Order is addressed or as shown in the Tax Assessment Roll.
 - (iii) on leaving it with a person apparently over the age of eighteen (18) years at the place of residency of the person to whom The Enforcement Order is addressed.
 - (iv) On posting the Enforcement Order in a conspicuous place on the property referred to in the Enforcement Order or on any buildings or erections thereon, when the Designated 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 Enforcement Notice will be received by the person to whom it is addressed within three days of the date the Enforcement Order, if it was to be delivered by any other way as mentioned in this section.
- (e) The Village of Wabamun is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Village may take into account any practical concerns, including available municipal budget and personnel resources.

12. **APPEAL**

- (a) Any person upon receipt of an Enforcement Order that feels aggrieved by the Enforcement Order may appeal to the Village by filing a Notice of Appeal under Section 547 of the Municipal Government Act.
- (b) An appeal shall be in writing and set out:
 - i) The name and address of the appellant

- ii) The legal description or civic address of the land affected.
- iii) The grounds for the appeal.
- (c) A Notice of Appeal shall be accompanied by an administrative fee of One Hundred (\$100.00) Dollars.
- (d) In the event that the Council rules in favour of the appellant and grants the appeal, the administrative fee shall be fully refunded.

13. PENALTIES

- (a) Any person who has contravened any section of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this Bylaw.
- (b) Where, in the opinion of a designated officer, a person has contravened any section of this Bylaw the designated officer may serve upon such a person a voluntary payment tag in a form prescribed by the Village of Wabamun allowing payment of the penalty specified in the penalty clause of Schedule "A" for such an offence to the Village and such payment shall be accepted by the Village of Wabamun in lieu of prosecution.
- (c) Where, in the opinion of a designated officer, a person has contravened any section of this Bylaw the designated officer may serve upon such a person a Violation Ticket in the form and manner as prescribed by the provisions of the Provincial Offences and Procedures Act, Chapter P-34, RSA 2000 and all its regulations and amendments thereto.
- (d) In the event that a person has been issued an Enforcement Order to remedy a condition that is deemed a contravention of this Bylaw, neglects, refuses or fails to comply with such order, the designated officer may cause work to be done as necessary to remedy the contravention and:
 - i) Charge the cost to the person as a debt due and owing to the Village of Wabamun, or
 - ii) Charge the cost against the property to be recovered in like manner as with other taxes.
- (e) Any person who neglects, refuses or fails to comply with an Enforcement Order issued under this Bylaw is guilty of an offence.

14. ENACTMENT

- (a) This Bylaw shall come into full force and effect upon the date of the passing of the third and final reading.
- (b) Bylaw No. 13-80 and all bylaws amending it are hereby rescinded.

READ A FIRST TIME IN COUNCIL THIS 15TH DAY OF APRIL, A.D. 2008.

READ A SECOND TIME IN COUNCIL THIS 15TH DAY OF APRIL, A.D. 2008.

READ A THIRD TIME IN COUNCIL THIS 15TH DAY OF APRIL, A.D. 2008.

SIGNED by the MAYOR and ADMINISTRATOR this _____ day of _____, 20__.

MAYOR

ADMINISTRATOR

BY-LAW 03-2007

SCHEDULE "A" - NOTICE TO OWNER

TO: _____
(Name)

(Address)

RE: THOSE PREMISES LOCATED AT

(Address)
IN THE VILLAGE OF WABAMUN, ALBERTA

WHEREAS By-Law 03-2007, Unsightly and Untidy Premises By-Law of the Village of Wabamun provides:

Prohibition:

1. No person being the owner of any land or premises within the Village of Wabamun shall permit the land or premises to be or remain in an untidy or unsightly condition.

AND WHEREAS the following definitions are provided

- (i) "Untidy" or "Unsightly" premises means:
 - (i) A property that because of its condition or the accumulation of Refuse is detrimental to the use and enjoyment of the surrounding area or neighbouring properties.
 - (ii) In respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep or repair and in the opinion of an Inspector, is dangerous to public safety.
 - (iii) In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep or if in the opinion of an Inspector, an excavation hole is dangerous to public safety or property.
 - (iv) In respect of weeds, includes weeds as defined under the Alberta Weed Control Act.
- (n) **Junked Vehicle** means a vehicle that is in a wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition, or is determined to be not roadworthy and is not located in a building or located on the property such that it can be concealed from view, or is not located in a building and does not form part of a business enterprise lawfully being operated on that property. Notwithstanding, no more than one unregistered vehicle allowed.
- (k) **Refuse** means junked articles including but not limited to: solid wastes (including tin, glass, dishes, utensils, cloth, waste paper, cardboard, food containers, bottles, grass and hedge cuttings, shrubbery and tree prunings), weeds and garden waste, junked vehicles, tires, residential furnishings, household appliances, human or animal excrement or sewage, whole or part of an animal carcass, or garbage bags.

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

SCHEDULE "A" - NOTICE TO OWNER...continued

NOW THEREFORE, pursuant to By-Law 03-2007, the Unsightly and Untidy Premises By-Law of the Village of Wabamun, take notice that those premises located at _____
(address)
in the Village of Wabamun, 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)
you may be fined \$50.00 for the first offence and \$250.00 for subsequent offences.

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

VILLAGE OF WABAMUN

Per: _____
Inspector

BY-LAW 03-2007

SCHEDULE "B" – ENFORCEMENT ORDER

TO: _____
(Name)

(Address)

RE: THOSE PREMISES LOCATED AT

(Address)
IN THE VILLAGE OF WABAMUN, ALBERTA

WHEREAS By-Law 03-2007, Unsightly and Untidy Premises By-Law of the Village of Wabamun provides:

Prohibition:

1. No person being the owner of any land or premises within the Village of Wabamun shall permit the land or premises to be or remain in an untidy or unsightly condition.

AND WHEREAS the following definitions are provided

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 - (iv) In respect of weeds, includes weeds as defined under the Alberta Weed Control Act.
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- (k) **Refuse** means junked articles including but not limited to: solid wastes (including tin, glass, dishes, utensils, cloth, waste paper, cardboard, food containers, bottles, grass and hedge cuttings, shrubbery and tree prunings), weeds and garden waste, junked vehicles, tires, residential furnishings, household appliances, human or animal excrement or sewage, whole or part of an animal carcass, or garbage bags.

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

SCHEDULE "B" – ENFORCEMENT ORDER...continued

NOW THEREFORE BE IT ORDERED that the owner, namely: _____ of _____
_____ do on or before the _____ day of _____, A.D. _____, remedy the
said untidy and unsightly condition on those premises described as _____, in the
Village of Wabamun Alberta, by: (description of work to be done)

AND IT IS FURTHER ORDERED that if the said condition on the said premises is not remedied in the manner above stated by the said date above established, that the Administrative Staff of the Village of Wabamun take immediate and necessary works and 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 Wabamun 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 in the same manner as taxes and with the same priority as to lien and to payment thereof as in the case of ordinary municipal taxes.

Failure to remedy the condition prior to _____ may also result in a fine of \$150.00 for a first offence and \$250.00 for subsequent offences.

APPEAL PROCESS

- (a) A person who receives a written order under Section 11(b) may, by written notice, request Council to review the Order, within fourteen (14) days of the date the order is received.
- (b) An appeal shall be in writing and set out:
 - i) The name of the appellant.
 - ii) The legal description or civic address of the land affected.
 - iii) The grounds for appeal.
- (c) A Notice of Appeal shall be accompanied by an administrative fee of one hundred dollars (\$100.00).

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

VILLAGE OF WABAMUN

Per: _____
Inspector