

VILLAGE OF BITTERN LAKE

UNSIGHTLY PREMISES BYLAW # 07 /01

Page 1

BYLAW # 07 /01 OF THE VILLAGE OF BITTERN LAKE IN THE PROVINCE OF ALBERTA

being a Bylaw of the Village of Bittern Lake, in the Province of Alberta, to regulate unsightly premises.

WHEREAS Under Section 7 of the *Municipal Government Act*, R.S.A.1994, Chapter M-26.1, Council may pass Bylaws regulating unsightly premises;

AND WHEREAS Unsightly premises are a detriment to surrounding properties and the immediate neighborhood generally;

AND WHEREAS Council deems it advisable to pass a Bylaw to regulate unsightly premises;

AND WHEREAS The purpose of this Bylaw is to prevent the existence and proliferation of unsightly premises and to provide a mechanism for the remediation of a property which has become an unsightly premises.

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF BITTERN LAKE ENACTS AS FOLLOWS:

1. This Bylaw shall be cited as the UNSIGHTLY PREMISES BYLAW.
2. In this Bylaw, unless the context otherwise requires, the term:
 - a) "ANIMAL MATERIAL" includes any animal excrement and all bedding or other material accumulated on premises from pet pens, yards, or kennels.
 - b) "ASHES" means the powdery residue accumulated on premises left after the combustion of any substance and includes any partially burnt wood, charcoal or coal.
 - c) "BUILDING MATERIAL" means all construction and demolition material accumulated on 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.

VILLAGE OF BITTERN LAKE

UNSIGHTLY PREMISES BYLAW # 07 /01

Page 2

- d) "VILLAGE" means the Municipal Corporation of the Village of Bittern Lake or the area contained within the Village boundaries as the context requires.
- e) "CLEAN UP ORDER" means an Order issued under this Bylaw by an Enforcement Officer with respect to an Unsightly Premises within the Village.
- f) "COUNCIL" means the Council of the Village of Bittern Lake.
- g) "ENFORCEMENT OFFICER" means any member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer.
- h) "GARBAGE" means material composed of organic matter which is or may become decomposed, including the by-products from preparation, consumption or storage of food.
- i) "OWNER" means:
 - 1) in respect of unpatented lands, the Crown;
 - 2) in respect of other land, any person who is registered under the *Land Titles Act* as an owner of the fee simple estate in the land, and;
 - 3) in respect of any property other than land, the person in lawful possession of it.
- j) "OCCUPANT" means any person other than the owner who has a legal or equitable interest in land or other property, or who lives at or appears to live at premises, includes but is not restricted to a lessee, occupant or agent of the owner.
- k) "PREMISES" means any land, building or property, whether real or personal, within the municipal boundaries of the Village.
- l) "RIGHT OF ACCESS" means the right of an Enforcement Officer to enter onto a property to inspect the property to determine whether to issue a Clean up Order, or to allow work forces access to the property for the purposes of enforcing a Clean up Order.
- m) "UNSIGHTLY PREMISES" means any premises or part of it which is characterized by visual evidence of one or more of:

VILLAGE OF BITTERN LAKE

UNSIGHTLY PREMISES BYLAW # 07/01

Page 3

- 1) Any rubbish, refuse, garbage, papers, packages, containers, bottles, cans, manure, human excrement or sewage or the whole or 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 or household goods; or
 - 2) The whole or part of any motor vehicle as defined under the *Highway Traffic Act*, R.S.A. 1980, c. H-7 as amended, as well as any tractor or implement of husbandry
 - A) With no current license plate attached to it and in respect of which no registration certificate has been issued for the current year, or
 - B) Which is inoperative by reason of disassembly, age, or mechanical condition; or
 - 3) Equipment or machinery which has been rendered inoperative by reason of its disassembly, age or mechanical condition and includes any household appliances; or
 - 4) Animal material, yard material, ashes, building material or garbage as defined in this Bylaw; or
 - 5) Any form of waste, refuse and litter.
- n) "WORK FORCES" means the Village employees or contract workers engaged by the Village for the purposes of enforcing a Clean up Order.
- o) "YARD MATERIAL" means organic matter formed as a result of gardening or horticultural pursuits and includes grass, tree and hedge cuttings and clippings.
3. No owner or occupant of premises shall cause or permit his or her premises to be or remain unsightly premises as defined in this Bylaw.
 4. In determining whether premises are unsightly premises as defined in this Bylaw an Enforcement Officer shall have regard to the use and location of the property.

VILLAGE OF BITTERN LAKE

UNSIGHTLY PREMISES BYLAW # 07/01

Page 4

5.
 - 1) If an Enforcement Officer considers any property to be unsightly premises, the Enforcement Officer may issue a Clean up Order.
 - 2) Each Order shall be directed to an owner(s) or occupant(s) named in that Order, and
 - a) Shall describe the premises by
 - i) Name, if any, and
 - ii) The municipal address or legal description;
 - b) Shall state that the premises contravene the provisions of this Bylaw;
 - c) Shall give reasonable particulars of the extent of the clean up, removal, clearing or other actions required to be made;
 - d) Shall state the time within which the clean up, removal, clearing or other actions are to be done;
 - e) Shall state that if the required actions are not done within the time specified, the Village 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 premises concerned as taxes due and owing in respect of that property, and recovered as such;
 - f) Shall state that an Appeal lies from the issuance of the Order to Council if an Appeal is lodged in writing with the Village Secretary Treasurer within fourteen (14) days.
6.
 - 1) A copy of the Order shall be served on any owners or occupants to whom it is directed.
 - 2) An Order referred to in subsection 1) may be served
 - a) By being delivered personally to the person who is intended to be served; or

VILLAGE OF BITTERN LAKE

- b) By mailing the Order to the person to be served by Registered Mail or Certified Mail to the last known post office address of the person to be served, and services shall be deemed to be effected three (3) working days after the Registered or Certified Mail were posted; or
 - c) By being delivered personally to any person at the premises who appears to be 18 years of age or over, or, if no such person is found at the premises, by posting it on the door of the premises; or
- 3) If the Clean up Order is not directed to the person or persons or corporation who is shown on the Village's Tax Rolls as being responsible for payment of taxes in respect of the premises, a copy shall also be sent to such person or persons or corporation, by Registered Mail or Certified Mail to the address shown on the Village's Tax Rolls.
7. The Clean up Order may require the person to whom it is directed
- a) To remedy the condition of the property in a manner and to extent directed in the Order;
 - b) To remove any material causing or contributing to the unsightliness of the property;
 - c) To place in waste receptacles any material causing or contributing to the unsightliness of the property, or;
 - d) To do all or any of the matters specified in clauses a) to c);
- by a date specified in the Order, which shall be at least fourteen (14) days from the date the Order is served on the person to whom it is directed under paragraph 6(1) of this Bylaw.
8. The Enforcement Officer may extend the time for doing anything which is required to be done by the terms of the Order.
9. 1) Where a Clean up Order is issued pursuant to Section 5 of this Bylaw, such Clean up Order may be appealed within fourteen (14) days to Council;

VILLAGE OF BITTERN LAKE

UNSIGHTLY PREMISES BYLAW # 07 /01

Page 6

- 2) Where a Clean up Order is appealed pursuant to subsection 1) the Order is stayed pending a final decision on the merits by Council.
10.
 - 1) If a person to whom a Clean up Order is directed wishes to appeal the Order, he or she must submit notice of appeal in writing to the Village Secretary Treasurer within fourteen (14) days of the date of service of the Clean up Order.
 - 2) Each Notice of Appeal shall:
 - a) State with reasonable exactness the grounds of appeal;
 - b) State the name, address and interest of the appellant in the property; and
 - c) Be dated, and signed by the Appellant or on his behalf by his agent and, if signed by an agent, shall state the name and address of the agent.
 11. The Village Secretary Treasurer shall upon receipt of the Notice of Appeal, set a date for the hearing of the appeal which shall be held within thirty (30) days of the receipt of the Village Secretary Treasurer of the Notice of Appeal.
 12. Council shall consider each appeal, having regard to the circumstances and merits of the case and the applicable provisions of this Bylaw.
 13.
 - 1) Council may confirm, vary, or revoke the Clean up Order or may substitute its decision in place of the Clean up Order which was issued.
 - 2) Council may extend the time within which anything required to be done by the Clean up Order is to be performed.
 - 3) Council may direct anything to be done that an Enforcement Officer can direct to be done either in addition or in substitution for the direction in the Order appealed from.

VILLAGE OF BITTERN LAKE

UNSIGHTLY PREMISES BYLAW # 07 /01

Page 7

14. When hearing an appeal Council:
 - a) Shall not be bound by the technical rules of evidence; and
 - b) Shall afford to every person concerned the opportunity to be heard, to submit evidence and to hear the evidence of others.

15. The person to whom a Clean-up Order is directed shall comply with the directions of the Order as set out in the Order of the Enforcement Officer or, if the Order is appealed, with the requirements or directions set out in any decision of Council.

16.
 - 1) If a person to whom a Clean-up Order is directed under this Bylaw fails to carry out the Order within the time stated in the Order, in the case of an Order that is not appealed, or within the time limited by Council in the case of an Order that is appealed, an Enforcement Officer may exercise a right of access to the unsightly premises and may, with whatever force is necessary, enter the premises against which the Order has been issued and carry out the Order.
 - 2) The Village or persons appointed by it may remove fencing or other obstructions in carrying out the Order and shall replace or repair any fencing or other obstructions removed or damaged in the course of carrying out the Order.
 - 3) The expenses incurred by the Village in carrying out an Order under this section constitute a debt owing to the Village from the person to whom the Order is directed.
 - 4) Within thirty (30) days of ascertaining the amount of expenses incurred by the Village in carrying out the Order, the Village Secretary Treasurer shall send a demand for payment of these expenses to the person to whom the Order was directed.
 - 5) Where the Village carries out an Order under this section and the person to whom the Order is directed fails, within thirty (30) days after a demand for payment, to pay expenses incurred by the Village, the Village Secretary Treasurer may transit a statement to Council setting out:

VILLAGE OF BITTERN LAKE

UNSIGHTLY PREMISES BYLAW # 07 /01

Page 8

- a) The amount of expenses;
 - b) The name of the assessed owner of the land to which the Order relates, and
 - c) The location of the land to which the Order relates.
- 6) On transmission of the statement under section 5) the Village Secretary Treasurer shall place the amount of the expenses incurred in carrying out the Order on the Tax Roll as an additional tax against the land concerned and that amount
- a) Forms a lien on the land in favor of the Village, and
 - b) Shall, for all purposes be deemed to be taxes imposed and assessed on the land and delinquent under the *Municipal Government Act* from the date the expenses were incurred, and that Act applies to the enforcement, collection and recovery of the amount.
- 7) Where the Village carries out an Order under this section, the work forces shall deposit any material removed from an Unsightly Premises at a location designated by Village Council or Village Public Works Personnel.
- 8) Notwithstanding subsection 7) where the Enforcement Officer is of the opinion that the material removed under subsection 7) has no value he may direct that the material be disposed of.
- 9) When material removed from Unsightly Premises under subsection 7) is removed to a location specified by the Village Public Works Personnel, the Village Public Works Personnel may direct that the material be disposed of if the person to whom the Order has been issued does not remove the material within fourteen (14) days of being requested in writing to do so by Village Council or the Bylaw Enforcement Officer.
17. A person who contravenes Section 3 is guilty of an offence and liable
- a) For a first offence, to a fine of TWO HUNDRED AND FIFTY DOLLARS (\$250.00);
 - b) For a second offence, to a fine of FIVE HUNDRED DOLLARS (\$500.00);
 - c) For a third offence, to a fine of ONE THOUSAND DOLLARS (\$1,000.00);

VILLAGE OF BITTERN LAKE

UNSIGHTLY PREMISES BYLAW # 07 /01

Page 9

- d) For a fourth or subsequent offence, to a fine of a maximum amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00);
 - e) In default of payment of any of the above fines, for imprisonment of up to six months.
18. A person who contravenes Section 15 is guilty of an offence and liable
- a) For a first offence, to a fine of ONE THOUSAND DOLLARS (\$1,000.00);
 - b) For a second offence, to a fine of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00);
 - c) For a third and any subsequent offence, to a fine of TWO THOUSAND DOLLARS (\$2,000.00);
 - d) For a fourth or subsequent offence, to a fine of a maximum amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00);
 - e) In default of payment of any of the above fines, for imprisonment of up to one year.
19. An Enforcement Officer of the Village may proceed with any or all of charges under Sections 17 or 18, or Enforcement Order and collection action.
20. This Bylaw shall come into force and effect upon the date of passing thereof.

VILLAGE OF BITTERN LAKE

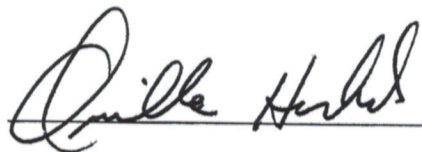
UNSIGHTLY PREMISES BYLAW # 07/01


READ A FIRST TIME THIS 14th DAY OF May, 2001.

 MAYOR ORVILLE HENKEL

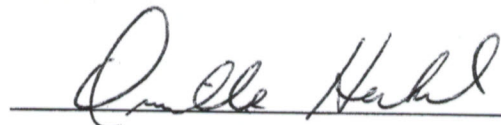
 ANNE R. HOYME
SECRETARY TREASURER

READ A SECOND TIME THIS 14th DAY OF May, 2001.

 MAYOR ORVILLE HENKEL

 ANNE R. HOYME
SECRETARY TREASURER

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF May, 2001.

 MAYOR ORVILLE HENKEL

 ANNE R. HOYME
SECRETARY TREASURER