

**BYLAW 752.15
LAMONT COUNTY
UNSIGHTLY PREMISES BYLAW**

**A BYLAW OF LAMONT COUNTY, IN THE PROVINCE OF ALBERTA, TO REGULATE
NUISANCES AND FOR THE ABATEMENT AND CONTROL OF UNSIGHTLY PREMISES**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, provides the Council of Lamont County with the authority to pass bylaws respecting Nuisances;

AND WHEREAS the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time provides the Council of Lamont County with the authority to establish minimum standards for the maintenance of buildings and structures;

AND WHEREAS, the *Weed Control Act*, R.S.A. 2000, c. W-5, as amended or repealed and replaced from time to time, grants Lamont County the authority to pass bylaws identifying and regulating restricted, noxious, or nuisance weeds;

NOW THEREFORE the Council of Lamont County, pursuant to the authority conferred upon it by the laws of the Province of Alberta, hereby enacts as follows:


PART 1 – SHORT TITLE

1. This bylaw may be referred to as the Lamont County "Nuisance and Unsightly Premises Bylaw".

PART 2 – DEFINITIONS

2. The following words shall be defined terms for the purpose of this bylaw:
 - 2.1 **"Adjacent"** means, when referring to land, land that is contiguous to the land that is the subject of a nuisance complaint and includes land or a portion of land that would be contiguous if not for a public road, railway, river or stream.
 - 2.2 **"Abandoned Equipment"** means equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or mechanical condition, and includes, but is not limited to, any household appliance stored outside of a residence or other Structure regardless of whether or not it is in an inoperative condition.
 - 2.3 **"Abandoned Vehicle"** means the entirety or any portion of any Motor Vehicle, where that vehicle:



- a) is in a rusted, wholly or partially wrecked, dismantled, or inoperative condition, and is not located within a structure or located on Property such that it can be concealed from view;
 - b) has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year; and
 - c) is inoperative by reason of missing or disassembled parts or equipment, and is not located within a structure or located on Property such that it can be concealed from view.
- 2.4 **"Peace Officer"** means a Bylaw Enforcement Officer or Community Peace Officer appointed by the County, pursuant to the *Municipal Government Act*, for the purpose of enforcing the County's bylaws, or a member of the Royal Canadian Mounted Police.
- 2.5 **"Motor Vehicle"** means
- a) a vehicle propelled by any power other than muscular power; or
 - b) a moped.
- 2.6 **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.7 **"Noxious Weed"** means a noxious weed as prescribed in the *Weed Control Act*.
- 2.8 **"Nuisance"** means any condition or use of, or emission from, Property which, in the opinion of a Designated Officer or any other person acting reasonably, is unsightly, offensive, dangerous to public health or safety or has or may be reasonably expected to have a detrimental impact upon any person or other premises in the neighbourhood or is dangerous or an imminent danger to public health or safety, or which interferes with the use or enjoyment of other Property, or materially depreciates the value of, or improvements on, adjacent land and includes, without limiting the foregoing, those conditions set out at Section 3.2; however, notwithstanding the foregoing, does not include any noise.
- 2.9 **"Order"** means an order issued by a Designated Officer in accordance with Part 6 as authorized by Sections 545 and 546 of the *Municipal Government Act*.
- 2.10 **"Owner"** means:
- a) any Person registered as the Owner of Property under the Land Titles Act, R.S.A. 2000, c. L-4, as amended or repealed from time to time;
 - b) a Person who is recorded as the Owner of Property on the Assessment Roll of the County;
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- c) a Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired the Property directly from the Owner or from another Purchaser, and who has not yet become the registered Owner thereof;
 - d) 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;
 - e) a Person in control of Property under construction; or
 - f) a Person who is the Occupant of the Property under a lease, license or Permit.
- 2.11 **"Person"** means a corporation, partnership, or individual, and the heirs, executors, administrators or other legal representatives of an individual.
- 2.12 **"Pest"** means an animal, bird, reptile or insect that may, in the opinion of a Designated Officer, cause annoyance or harm to a person, animal or plant and includes any organism declared as a pest or nuisance pursuant to the, *Agricultural Pests Act*, R.S.A. 2000, c. A-8, as amended or repealed and replaced from time to time.
- 2.13 **"Prohibited Noxious Weed"** means a prohibited noxious weed as prescribed in the *Weed Control Act*.
- 2.14 **"Property"** means any lands, or Structures on lands, including any personal property, excavations, stockpiles, and appurtenances located thereon, within the municipal boundaries of the County.
- 2.15 **"Provincial Offences Procedures Act"** means the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 2.16 **"Reasonable State of Repair"** means the condition of being:
- a) structurally sound;
 - b) free from damage, rot or other deterioration; and
 - c) safe for its intended use.
- 2.17 **"Refuse"** includes:
- a) all solid and liquid waste, debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business;
 - b) vehicle parts or accessories;
 - c) furniture, appliances, machinery or parts thereof;

- d) animal excrement excluding manure produced from livestock operations on Agricultural zoned lands and in conformance with the Agricultural Operations Practices Act ; and
 - e) any unused or unusable material that by reason of its state, condition or excessive accumulation, in the opinion of a Designated Officer, appears:
 - i. to have been discarded or abandoned;
 - ii. to be useless or of no particular value; or
 - iii. to be used up or worn out in whole or part.
- 2.18 "**Structure**" means a building, improvement or other thing erected or placed in, on, over or under land.
- 2.19 "**Unightly Premises**" means any Property that in the opinion of the Designated Officer or the Council of the Lamont County, is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the Unightly Premises, or is otherwise detrimental to the surrounding area or in an unsightly condition, as defined in the *Municipal Government Act*, Section 546 (0.1) In This section,
- a) "Detrimental to the surrounding area" includes causing the decline of the market value of property in the surrounding area;
 - b) "Unightly condition",
 - (i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and
 - (ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.
- 2.20 "**Weed Control Act**" means the *Weed Control Act*, R.S.A. 2000, c. W-5.1, as amended or repealed and replaced from time to time.
- 2.21 "**Weeds**" means any noxious or prohibited noxious weed as prescribed in the *Weed Control Act*.
- 2.22 "**Violation Tag**" means a tag or similar document issued by the County 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.
- 2.23 "**Violation Ticket**" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*.
- 2.24

3. **PART 3 – NUISANCES AND UNSIGHTLY PREMISES**

- 3.1 An Owner or Occupant of a Property shall not cause, permit or allow that Property or his or her use of that Property to constitute a Nuisance or Unsightly condition.
- 3.2 Conditions in, on, or around Property that constitute a Nuisance include, but are not limited to:
- a) the accumulation of Refuse;
 - b) the failure to keep Property in a Reasonable State of Repair;
 - c) the presence of Abandoned Vehicles and Abandoned Equipment that are not compliant with The Land Use Bylaw Part 6.1 Site Conditions;
 - d) the presence of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
 - e) the presence of trees, shrubs, or other vegetation that interferes with civic works or any public utilities and shall include the obstruction of a sidewalk, highway or public place;
 - f) within Hamlet or Country residential neighbourhoods the failure to cut or control grass and weeds in excess of ten centimeters in length, on the Property, boulevard or municipal ditch which abuts or flanks the Premises;
 - g) the posting or exhibiting of any poster, sign, billboard, placard, writing, drawing or painting, or any signs or messages or pictures upon the premises, where the same becomes in a dilapidated and unsightly condition
 - h) allowing conditions that result in an infestation of harmful rodents, vermin or insects on premises;
 - i) the generation of excessive dust, smoke, steam or other noxious emissions and permitting such dust, smoke, steam or noxious emission to escape from the premises; and
 - j) the presence of excavations, structures, materials or any other hazard or condition which poses a danger to public safety.
- 3.3 An Owner or Occupant shall cause or allow Property owned or occupied by that Person to be a danger to public safety or an Unsightly Premises.
- 3.4 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to collect, accumulate or to be stored upon Property owned or occupied by him in a manner that is detrimental to the environment or at a location that can be viewed from a public roadway.



- 3.5 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to accumulate in any building or structure within the County, except in appropriate containers provided for the temporary storage of Refuse or other waste materials for pick up and disposal at a sanitary land fill, recycling centre or other waste management facility, or except as otherwise permitted pursuant to a statute or this, or another bylaw.
- 3.6 No Person shall cause, permit or allow an Abandoned Vehicle to be parked, stored or left in any driveway or yard.
- 3.7 No Person shall cause, permit or allow a vehicle to be used for the storage of Refuse.
- 3.8 An Owner or Occupant may store firewood, building materials, and garden equipment in the rear or side yard provided that such storage does not exceed ten (10) percent of the yard area in which it is stored and is, in the opinion of a Designated Officer, neatly piled and does not constitute an unreasonable fire hazard.
- 3.9 An Owner or Occupant of a Property may cause, permit or allow the temporary storage of materials or Refuse resulting from authorized construction, demolition or alteration of a Property to be stored on the Property provided that,
 - a) it is removed in its entirety from the Property as soon as the construction, demolition or alteration to which it relates is complete;
 - b) it will not pose a fire risk or a risk to the health or safety of the public;
 - c) it is not stored in an unsightly manner;
 - d) it is stored in a manner that will prevent the materials or Refuse to be blown from the Property or otherwise spread; and
 - e) provided that no materials or Refuse have been transported to and stored at the Property from any other location.

4 PART 4 – VEGETATION AND PEST CONTROL

- 4.1 An Owner or Occupant of a Property shall ensure that any Noxious Weeds and Prohibited Noxious Weeds on that Property are destroyed.
- 4.2 An Owner or Occupant of a Property shall ensure that any Noxious Weeds and Prohibited Noxious Weeds on that Property do not spread, grow, ripen or scatter.
- 4.3 No Owner or Occupant of a Property shall plant or allow vegetation in any location on his or her Property which, in the opinion of a Designated Officer, may adversely affect the safety of the public.

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- 4.4 An Owner or Occupant of a Property shall take reasonable steps to prevent attracting, sustaining and breeding of Pests on that Property.
- 4.5 An Owner or Occupant of a Property shall prevent the ponding of water on that Property.
- 4.6 This Part shall not be interpreted to prevent the controlled and managed practice of xeriscaping or other low water use gardening procedures.
- 4.7 An Owner or Occupant of a Property shall be responsible for the maintenance of vegetation on his Property, and for the vegetation on any boulevard which abuts, flanks or adjoins such Property, including lanes or alleys at the rear or side of such Property, and on any boulevard that lies directly between the boundary of a Property and an adjacent highway, road or alley and all responsibilities of an Owner or Occupant set out in Part 4 of this Bylaw also apply to all applicable public property as described in this Section.

5 PART 5 – REFUSE

- 5.1 An Owner or Occupant of a Property shall not cause, permit or allow Refuse to accumulate on that Property.
- 5.2 No Person shall place Refuse on Property other than their own, including public property, except in a waste receptacle provided for depositing Refuse.
- 5.3 A Person who places Refuse on County Property shall remove that Refuse and reclaim the Property to its original condition.

6 PART 6 – INSPECTION AND ENFORCEMENT

- 6.1 The position of Designated Officer for the purpose of exercising the powers afforded to a Designated Officer in this Bylaw is hereby established.
- 6.2 A Designated Officer may, in accordance with the provisions of the *Municipal Government Act*, enter any Property in the County in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act*, or any other statute.
- 6.3 Before conducting an inspection or enforcement under Section 6.2, a Designated Officer shall provide the Owner or occupant of the Property with reasonable notice as required by the *Municipal Government Act*.
- 6.4 Where a contravention of this Bylaw has occurred or is occurring, a Designated Officer may issue an Order to the Owner, Occupant, or Person responsible for the



contravention, or any or all of them, in accordance with the *Municipal Government Act*, in a form approved by the Chief Administrative Officer.

6.5 An Order issued under this Bylaw may be served

- a) in the case of an individual:
 - i. personally to the individual;
 - ii. by registered mail; or
 - iii. by leaving it for the individual at his residence with a Person on the premises who appears to be at least eighteen (18) years of age;
- b) in the case of a partnership or corporation, personally or by registered mail to either the registered office or business address of the partnership or corporation.

6.6 Notwithstanding Section 6.5, a copy of the Order may be posted in a conspicuous place on the Property referred to in the Order if service cannot otherwise reasonably be affected.

7 PART 7 – REVIEW OF ORDER

7.1 A Person to whom an Order is issued pursuant to Section 6.4 may request a review of the Order by written notice to Council and payment of the required application fee within fourteen (14) days of the day on which the Order is received by that Person.

7.2 A Notice under Section 7.1 shall state the Person's reasons for disagreement with the Order and set out the relief sought from Council in the review.

7.3 Upon review of the Order, Council may confirm, vary, substitute or cancel the Order.

7.4 A Person affected by a decision of Council under Section 7.3 may appeal to the Court of Queen's Bench, in accordance with Section 548 of the *Municipal Government Act*.

8 PART 8 – OFFENCES

8.1 Any Person who fails to comply with an Order issued under Part 6 is guilty of an offence.

8.2 Notwithstanding whether an Order has been issued under Part 6, 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".

9 **PART 9 – VIOLATION TAG**

- 9.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 9.2 A Violation Tag shall be served in a manner set out in Section 6.5 above.
- 9.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- a) the name of the Person to whom the Violation Tag is issued;
 - 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 Schedule "A" of this Bylaw;
 - e) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - f) any other information as may be required by the Chief Administrative Officer.
- 9.4 Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the County Office the penalty specified on the Violation Tag.
- 9.5 Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 9.6 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

10 **PART 10 – VIOLATION TICKET**

- 10.1 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket, pursuant to Part 2 of the *Provincial Offences Procedure Act*, to the Person to whom the Violation Tag was issued.



- 10.2 Notwithstanding Section 10.1, a Peace 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.
- 10.3 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 10.4 The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.
- 10.5 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 in Schedule "A"; or
 - b) require a Person to appear in court without the alternative of making a voluntary payment.
- 10.6 A Person who commits an offence may: if a Violation Ticket is issued in respect of the offence; and if a Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment equal to the specified fine.
- 10.7 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

11 PART 11 – GENERAL

- 11.1 Should any provision of this Bylaw be invalid, then the invalid provision shall be severed and the remainder of this Bylaw shall be maintained.
- 11.2 This Bylaw shall come into force upon receipt of its third and final reading.
- 11.3 Schedules "A" and "B" attached hereto shall form part of this Bylaw.

READ a first time this 11th day of August, 2015.

READ a second time this 10th day of November, 2015.

READ a third time and passed this 10th day of November, 2015.

LAMONT COUNTY

PER:



REEVE



CHIEF ADMINISTRATIVE OFFICER



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SCHEDULE "A"

PENALTIES

Any Person that breaches a provision of Lamont County Nuisance and Unsightly Premises Bylaw or an Order made thereunder may be subject to a fine of:

- a. \$500.00 for the first offence; and
- b. \$1,000.00 for any subsequent offences committed within twelve (12) months of the first offence.

SCHEDULE "B"

COUNCIL REVIEW APPLICATION FEES

A written notice requesting review of an Order by Council pursuant to Part 7 shall be accompanied by a non-refundable fee of \$200.00.

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