

BYLAW 808/19
TOWN OF ELK POINT #043

A BYLAW OF THE TOWN OF ELK POINT, IN THE PROVINCE OF ALBERTA,
AUTHORIZING THE MUNICIPAL COUNCIL TO ESTABLISH A BYLAW TO
REGULATE DANGEROUS, UNTIDY, UNSIGHTLY, AND PROPERTY IN
DISREPAIR IN THE TOWN OF ELK POINT.

PURSUANT to the provisions of the Municipal Government Act, Chapter M-26 of the revised statutes of Alberta, 2000 and amendments thereto, Council may by Bylaw regulate dangerous, untidy, unsightly, and property in disrepair.

NOW THEREFORE, the Council for the Town of Elk Point, in the Province of Alberta, duly assembled enacts that:

1. SHORT TITLE:

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

2. DEFINITIONS:

The following definitions shall apply, unless the context otherwise requires:

- a. "Chief Administrative Officer" – means the Officer designated for the Town of Elk Point or his/her duly authorized assistants.
- b. "Bylaw Enforcement Officer" – means the Bylaw Enforcement Officer for the Town of Elk Point or his/her duly authorized assistants.
- c. "Council" – means the duly elected Council for the Town of Elk Point.
- d. "Owners" – means the owner, lessee, or occupier of any property within the Town of Elk Point.
- e. "Reasonable State of Repair" – means the condition of being:
 - i. structurally sound,
 - ii. free from damage,
 - iii. free from rot or other deterioration, and/or
 - iv. safe for its intended use.
- f. "State of Disrepair" – means:
 - i. the significant deterioration of buildings, structures, or improvements, or portions of buildings, structures or improvements,

- ii. broken or missing windows, siding, shingles, shutters, eaves or other building material, or
 - iii. significant fading, chipping, or peeling of painted areas of buildings, structures, or improvements on property.
- g. "Town" – means the Town of Elk Point, in the Province of Alberta.
- h. "Unsightly and Untidy" – means any property as deemed by the Bylaw Enforcement Officer, Chief Administrative Officer, or Council to be unsightly and untidy to an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Municipal Government Act*.

3. DANGEROUS BUILDINGS AND STRUCTURES:

- a) The owner(s) of properties within the Town shall ensure that any building(s) beyond a reasonable State of Repair shall be demolished and removed from the property.
- b) If any building(s) are not in a Reasonable State of Repair, it shall be restored to a useable and safe condition in accordance with the Building Standards and Safety Codes Act and with the required demolition or building permits.
- c) No property owner shall cause or allow his or her property to be a danger to public safety through the presence of excavations, structures, materials, or any other hazard or condition posing a risk to public safety.

4. GENERAL PROVISIONS:

- a) The Chief Administrative Officer and/or the Bylaw Enforcement Officer are hereby authorized to enter any property to inspect for conditions which they have reason to believe may contravene or fail to comply with any of the provisions above.
- b) All owners are required to cut the grass on any boulevard, lane, or alley which abuts, flanks, or adjoins the property occupied by him/her.
- c) All owners shall be required to control dandelions and noxious weeds and to cut the grass on the property they own or occupy.
- d) All owners shall prune, remove, or otherwise maintain trees and shrubs that interfere with or encroach on or over public sidewalks and alleys, endangering lines, poles, pipes, sewers, or other works of the municipality or public utility.

- e) No owner shall permit the accumulation of dirt, stones, scrap iron, or any other rubbish so as to cause any unsightly condition, hazard, or nuisance.
- f) No owner shall keep or permit, in any part of any yard, in any residential district, any dismantled, wrecked, or unregistered vehicle for more than fourteen (14) consecutive days.
- g) When, in the opinion of the Chief Administrative Officer or Bylaw Enforcement Officer, a condition exists which contravenes any of the provisions of this Bylaw not including Section 3, the Officer shall issue a warning notice to the owner of the property in question advising of the condition and directing that the condition be rectified within one (1) week of the date of the warning notice.
- h) When, in the opinion of the Chief Administrative Officer or Bylaw Enforcement Officer, a condition exists which contravenes Section 3 of this Bylaw, the Officer shall issue a warning notice to the owner of the property in question advising of the condition and directing that the condition be rectified within two (2) weeks of the date of the warning notice.
- i) Any owner who receives a warning notice and who thinks they are aggrieved may appeal prior to the warning notice expiration date to the Town Council.
- j) Should any property owner neglect or refuse to remedy the condition as directed by the Warning Notice, the Town shall:
 - i. for all sections, excluding section 3 and section 4(f), cause the work to be performed to remedy the condition and charge the costs of such work to the owner, plus a fine of two hundred dollars (\$200.00) for the first offence, and five hundred dollars (\$500.00) for second and subsequent offences, within any given calendar year, plus cost of clean-up.
 - ii. for section 3, a fine of one hundred dollars (\$100.00) per structure/building for the first offence may be recovered from the Owner of the property as debt due to the Town of Elk Point, or such costs may be charged against the property taxes due and owing, pursuant to the *Municipal Government Act, R.S.A 2000, M-26, Section 553 (1)* plus any costs incurred from demolition and/or removal.
 - iii. for section 4(f), a fine of two hundred dollars (\$200.00) for the first offence. If the condition is not remedied within ten (10) days of the issuance of this fine, a subsequent fine of five hundred dollars (\$500.00) will be levied, plus the costs incurred by the Town for removal of the vehicles.
- k) Any person who enters the property to remedy a condition as directed by Council, shall be deemed to have the authorization of Council and shall not incur any liability therefore.

- l) Bylaw 702/11 is repealed upon this Bylaw coming into force.
- m) This Bylaw shall take effect on the date of final reading thereof.

READ a **FIRST** time in Council this _____ day of _____, A.D., 2019.

Mayor

for [Signature]

Chief Administrative Officer

READ a **SECOND** time in Council this _____ day of _____, A.D., 2019.

Mayor

Chief Administrative Officer

READ a **THIRD** time in Council and **FINALLY PASSED** this _____ day of _____, A.D., 2019.

Mayor

Chief Administrative Officer