

Village of Edgerton
Bylaw #02-19
Nuisance and Unsightly Property Bylaw

A BYLAW OF THE VILLAGE OF EDGERTON IN THE PROVINCE OF ALBERTA TO ESTABLISH STANDARDS FOR WHICH A PROPERTY IS CONSIDERED A NUISANCE OR UNSIGHTLY AND TO DEFINE THE VILLAGE OF EDGERTON'S RESPONSIBILITIES, POWERS, AND FUNCTION AS PERTAINS TO REMEDYING NUISANCE AND UNSIGHTLY PROPERTIES.

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, s.7, and amendments thereto, authorizes Council to pass bylaws for municipal purposes respecting:

- (A) The safety, health and welfare of people and the protection of people and property;
- (B) People, activities and things in, on or near a public place or place that is open to the public;
and
- (C) Nuisances, including unsightly property;

AND WHEREAS the Village of Edgerton may, in accordance with s.546 of the Municipal Government Act, issue orders to remedy unsightly properties;

THEREFORE, the Council of the Village of Edgerton in the Province of Alberta duly assembled hereby enacts as follows:

PART I: BYLAW TITLE

1.1 This bylaw shall be known as the "Nuisance and Unsightly Property Bylaw."

PART II: DEFINITIONS

2.1 "Chief Administrative Officer" means the Chief Administrative Officer of the Village of Edgerton. A duly designated and empowered Bylaw Enforcement Officer may be substituted;

2.2 "Council" means the elected officials of the Village of Edgerton;

2.3 "Village" means the municipal corporation of the Village of Edgerton in the Province of Alberta;

2.4 "Overgrown" means grass or weed growth in excess of fifteen (15) cm in height;

2.5 "Junked vehicle" means any automobile, tractor, truck, or trailer that is partly wrecked, partly dismantled, inoperative, or in an abandoned condition;

2.6 "Sea-Can" means a metal, self-contained storage building or structure, as is commonly understood;

2.7 "TCTS" means a Temporary Canvas Tent Structure;

2.8 "Owner" refers to the person registered as the owner of the property according under the Land Titles Act, R.S.A 2000, c. L-4, or according to the Village Assessment Roll.

PART III: MAINTENANCE STANDARDS

3.1 The property shall be kept free and clean from garbage and refuse, which may include but is not limited to: used lumber, cardboard, paper, newspapers, appliances, furniture, tires, cans, barrels, scrap metal, and other waste materials.

3.2 A limit of one unlicensed vehicle is permitted per residential property.

3.3 No junked vehicle is permitted on residential or commercial properties. This standard may not apply if the junked vehicle is completely stored within a structure and is not visible.

3.4 A limit of four (4) tires is permitted per residential property, provided they are neatly stacked and are in a reusable condition.

3.5 Building supplies and metal are permitted if they are neatly stacked and are in a reusable condition. Building supplies and metal are to be elevated from the ground to prevent the harbouring of rodents, vermin, and insects.

3.6 Holes and excavations that may cause an accident and/or injury are to be filled in.

3.7 Dead or hazardous trees are to be cut down and removed.

3.8 The property Owner is responsible for ensuring their property is graded to prevent excessive pooling of water and dampness around buildings and structures.

3.9 The property Owner shall not cause nor permit their property to become overgrown with grass or weeds. This standard may not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses, or a combination of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

3.10 Fences shall be maintained in a safe and reasonable state of repair and shall not exceed six (6) feet in height for side and rear yards and shall not exceed five (5) feet in front yards.

3.11 Accessory buildings shall be kept in good repair and free of health, fire, and safety hazards.

3.12 Sea-Cans are prohibited on any residential property within the Village. Existing Sea-Cans are to be given a six (6) month grace period following the passing of this bylaw.

3.13 One TCTS will be permitted on a residential property provided it is kept in good repair and free of health, fire, and safety hazards. Annual inspections will be performed by the Village to ensure compliance. The TCTS must conform to the current Village Land Use Bylaw as it pertains to height, side, front, and back yard setbacks.

3.14 A Sea-Can may be placed on any property in the Village for a temporary three (3) month period to accommodate construction, relocation, or other temporary use. The temporary three (3) month period will be at the Chief Administrative Officer's discretion.

3.15 One Sea-Can or TCTS will be permitted on a commercial property provided it is kept in good repair and free of health, fire, and safety hazards. Annual inspections will be performed by the Village to ensure compliance. The Sea-Can or TCTS must conform to the current Village Land Use Bylaw as it pertains to height, side, front, and back yard setbacks. A Sea-Can will be completely obscured from public view.

3.16 One Sea-Can or TCTS will be permitted on an industrial property provided it is kept in good repair and free of health, fire, and safety hazards. Annual inspections will be performed by the Village to ensure compliance. The Sea-Can or TCTS must conform to the current Village Land Use Bylaw as it

pertains to height, side, front, and back yard setbacks. A Sea-Can will be completely obscured from public view.

3.17 All Sea-Cans and TCTS require a Development Permit issued by the Village.

3.18 Any Sea-Can or TCTS in excess of one hundred (100) square feet may be included on the Owner's Municipal Tax Assessment.

3.19 If a Sea-Can or TCTS is used for the storage of flammable liquids, combustible liquids, hazardous chemicals, or any other dangerous good, a placard must be posted on the entrance door describing the size and orientation requirements required by relevant legislation.

3.20 Sea-Cans are permitted in the designated Village of Edgerton Storage Facility, provided they are consistent with the Village Land Use Bylaw and Village Storage Facility Policies.

PART IV: ENFORCEMENT

4.1 A provision of the Bylaw may be applied at the discretion of the Chief Administrative Officer. The Chief Administrative Officer may then issue an Order to Remedy Contravention, Offence Ticket, or pursue Municipal Action, as relates to a contravention of this Bylaw.

4.2 No person shall interfere with the Chief Administrative Officer in the performance of their duties as relates to this Bylaw.

4.3 The Chief Administrative Officer shall provide the Owner reasonable notice, consisting of no less than fourteen (14) days, when exercising their authority to enter onto the property for inspection or enforcement.

4.4 The Village reserves the option to issue an Order to Remedy Contravention, Offence Ticket, or pursue Municipal Action or any combination thereof, as per Schedule "A", pertaining to a contravention of this Bylaw.

PART V: SEVERABILITY

5.1 Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

PART VI: REPEAL

6.1 Bylaw #10-77 is hereby repealed.

PART VII: EFFECTIVE DATE

7.1 This bylaw shall come into force upon receipt of its third and final reading.

7.2 This bylaw will replace previous bylaws and policies concerning nuisances and unsightly properties and will be considered as a replacement concerning current enforcement matters.

PART VIII: READINGS

8.1 Read a FIRST time this _____ day of _____, 2019.

8.2 Read a SECOND time this _____ day of _____, 2019.

8.3 Read a THIRD and FINAL time with UNANIMOUS consent this _____ day of _____, 2019.

MAYOR, Wendy Belik

CHIEF ADMINISTRATIVE OFFICER, Wes Laporte

SCHEDULE A

FEES AND PENALTIES

Offence Tickets

\$40.00	First Offence Ticket relating to a contravention of this Bylaw.
\$80.00	Second Offence Ticket relating to a contravention of this Bylaw, issued fourteen (14) days following the First Offence Ticket.
\$160.00	Third Offence Ticket relating to a contravention this of Bylaw, issued fourteen (14) days following the Second Offence Ticket. Successive Offence Tickets are to follow this pattern.

Please note: Offence Tickets may be issued for any contravention of this Bylaw, as per the Chief Administrative Officer's discretion. Unpaid fines issued as a result of Offence Tickets will be added to the Utility Account for the property following six (6) weeks of the First Offence Ticket.

Municipal Action

\$62.00	The Owner of the property will be given fourteen (14) days notice prior to any Municipal Action performed by Village personnel as per the Municipal Government Act, RSA 2000, Chpt. M-26, specifically s.546, 546.1, 550, 551, or 553.1. If the Municipal Action is intended to remedy an emergency or imminent danger on a property, the fourteen (14) days notice may be waived. The costs incurred for Municipal Action (\$62.00) will be multiplied according to the amounts of hours required to complete the Action. The cost (\$62.00) will also be multiplied according to the number of Village personnel required to complete the Action.
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Please note: Municipal Action may be pursued for any contravention of this Bylaw, as per the Chief Administrative Officer's discretion. Unpaid fines issued as a result of Municipal Action will be added to the Utility Account for the property six (6) weeks after the Municipal Action.

Order to Remedy Contravention

\$100.00

An Order to Remedy Contravention will be issued at the Chief Administrative Officer's discretion for contraventions of this Bylaw. The Owner of the property will be given fourteen (14) days notice prior to any Order being issued. An Order will provide the Owner at minimum ninety (90) days to comply and at maximum one hundred and eighty (180) days to comply. If compliance is not achieved following the expiration of the time allowed and no extension is granted, the Village reserves the right to exercise authority granted to it under the Municipal Government Act, RSA 2000, Chpt. M-26 in order to achieve compliance with this Bylaw.

Please note: An Order to Remedy Contravention may be pursued for any contravention of this Bylaw, as per the Chief Administrative Officer's discretion.