

VILLAGE OF ALLIANCE

BY-LAW 2001-01  
TO REPEAL BY-LAW NO. 99-03

A BYLAW OF THE VILLAGE OF ALLIANCE TO REPEAL BY-LAW 99-03, A BY-LAW TO REGULATE UNTIDY AND UNSIGHTLY PROPERTY AND FOR THE PREVENTION AND CONTROL OF NUISANCES GENERALLY.

WHEREAS under the authority of the Municipal Government Act, chapter M-26.1 of the Revised Statutes of Alberta and amendments thereto, a Council may pass bylaws for municipal purposes respecting nuisances, including unsightly property.

NOW THEREFORE, the Council of the Village of Alliance, duly assembled, enacts as follows:

1. This bylaw may be cited as the Nuisance Bylaw.
2. In this bylaw, the following definitions will apply:
  - a) "Boulevard" means that portion of a street, which lies between the roadway and the property line of the land abutting the said street.
  - b) "Council" means the Council of the Village of Alliance.
  - c) "Bylaw Enforcement Officer" means a person authorized by Council to carry out the provisions of this bylaw, or the Chief Administrative Officer of the Village of Alliance or his/her designate, or a member of the Royal Canadian Mounted Police.
  - d) "Litter" means: any solid or liquid materials or product or combination of solid or liquid materials or products, including but not limited to:
    - any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement or sewage or the whole or part of an animal carcass, or
    - the whole or part of any article, raw or processed material, motor vehicle or parts, or other machinery that is disposed of or that is not currently in use.
  - e) "Chief Administrative Officer" means a person appointed as such under the Municipal Government Act by the Council of the Village of Alliance.
  - f) "Nuisance" means act or deed, or omission or things, which is or could reasonably be expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and/or his property, or anything troublesome or bothersome to other people for which complaints are received by the Alliance Municipal Office or by the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law.
  - g) "Occupant" means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner or whether such persons resides thereon or conducts a business thereon.
  - h) "Owner" means a person having title to or legal possession of any property or who possesses property under a purchase agreement.
  - i) "Pest" means any animal, bird, reptile or insect which causes or could reasonably be expected to cause annoyance or damage or injury to any person, or animal, or plant.
  - j) "Rubbish" means and includes any paper product, or fabric or wood, or plastic, or glass, or metal and/or any matter or substances of any kind, which has been discarded, or abandoned, or in any way disposed of.
  - k) "Village" means the Village of Alliance.
  - l) "Untidy" or "Unsightly" means any property or part of it on which there is litter or rubbish which causes the property or any part of it to look untidy or unsightly, or where the grass, trees, shrubs, etc. are overgrown.
  - m) "Weeds" means any plants designated as restricted, noxious or nuisance weeds in accordance with The Weed Control Act, being a Statute of Alberta.
3. Regulations
  - a) Every occupant or owner of any property within the Village of Alliance shall:
    - Remove ice and snow within 48 hours from all sidewalks, which abut, flank, or adjoin such property.
    - Not permit the land or premises of such property to be or remain to be a nuisance, untidy or unsightly.
    - Not permit any building structures or erections of any kind whatsoever, or any excavation, depression, drain or ditch, watercourse, pond, surface water or other matter or things to remain a nuisance and/or dangerous to the public safety or health.
    - Cut the grass on property they own or occupy and on any boulevard, which abuts, flanks or adjoins such property and this shall include lanes or alleys at the rear or side of such property.

- Control weeds on property they own or occupy and to control weeds on boulevard which abuts, flanks or adjoins such property and this shall include lanes or alleys at the rear or side of such property.
- Prune, remove or otherwise maintain trees and shrubs that interfere with or endanger lines, poles, pipes, sidewalks, streets and alleyways or other works of the Village of public utility within or on such property.
- Not permit the accumulation of dirt, stones, old implements, automobiles or parts of automobiles, scrap iron, lumber, building materials or any other rubbish so as to cause any untidy or unsightly condition or hazard or nuisance within or on such property.
- Shall not permit the proliferation of any insect or other pest that is likely to spread disease, be destructive or dangerous or otherwise become a nuisance.
- Remove from such property any dead grass or brush or other rubbish which may be untidy or unsightly or that may harbor pests.
- When requested to do so by written notice from the Village, clean up an untidy or unsightly property within the time period set out in the notice.

4. Control of Litter

- a) No person shall place, deposit, throw or cause to be placed, deposited or thrown, any litter upon any street, land sidewalks, parking lots, park, playground or other public place or watercourse or on property not his own, except in a receptacle provided for such purpose.
- b) All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property.
- c) A person who has placed, deposited or thrown or caused to be placed, deposited or thrown any litter upon any street, land, sidewalk, parking place, park, playground or other public place or watercourse or any property not his own shall forthwith remove it.

5. Dust in the Air

- a) No person shall cause or permit any opaque or dense dust to be emitted to the atmosphere from any operations on the premises of such person.

6. Salvage Yard Fencing

- a) All outdoor salvage yards, auto wreckers or other businesses, which by their nature appear to be untidy, shall be obscured from view by approved screening from surrounding property.

7. Piling, Storing Material or Equipment on Village Property

- a) No person shall place, pile or store any material or equipment on Village owned property without first obtaining approval for such purposes from the Village.
- b) Any person placing or causing to be placed litter, rubbish, material or equipment on any Village property without first obtaining approval shall remove or cause the removal thereof within twenty-four (24) hours.

8. Enforcement

- a) Upon forty-eight (48) hours notice given to the owner or occupant of any land, building or premises, the Bylaw Enforcement Officer is authorized to enter any land, building or premises to inspect for an untidy or unsightly conditions or any other condition that may contravene the provisions of this bylaw.
- b) When, in the opinion of the Bylaw Enforcement Officer, a condition exists which contravenes any of the provisions of this bylaw, the Bylaw Enforcement Officer may issue a written order to the owner or occupant of the property directing that the condition be rectified within a specific length of time. Except in extraordinary situations, the maximum time allowed to rectify the condition will be fourteen (14) days from the date of the warning notice.
- c) An order issued to Subsection 8(b), shall be served on the owner and/or occupant personally or by registered mail sent to the person's last known address as shown on the tax roll of the Village.
- d) Should any property owner and/or occupant fail, neglect or refuse to remedy the condition as directed in the said Order pursuant to Subsection 8(b), the Village may cause the work to be performed to remedy the condition and charge the cost of such work done to the owner and/or occupant. The schedule for charges for said work should be set by resolution of Council. The Village shall:
  - Recover the cost as a debt due to the Village by service of a statement of expenses and demand of payment for work carried out on land specified in the notice to the owner of the land.
  - If the owner of the property fails to pay the amount of the statement within thirty (30) days of the mailing of such statement, the Chief Administrative Officer shall cause the amount owing to be placed on the tax roll as an additional tax against the land concerned and it shall be collected in the same manner as

taxes.

- e) Any person who enters property to remedy a condition as directed by the Village shall be deemed to have the authorization of the Village and shall not incur any liability thereof.

9. Appeal Procedure

- a) A person who received a written order under this bylaw may request Council to review the order by delivering a written request to the Chief Administrative Officer within fourteen (14) days of the date the order was sent.
- b) After reviewing the order, Council may confirm, vary, substitute or cancel the order.
- c) Appeal of Council's decision may be made by a person affected by the decision of Council to the Court of Queen's Bench within thirty (30) days of the date the decision is sent to the person if:
- The procedure required to be followed by this bylaw is not followed, or
  - The decision is patently unreasonable.
- d) The application for the appeal to the Court of Queen's Bench must state the reason for the appeal.
- e) The Court of Queen's Bench may:
- Confirm the decision of Council, or
  - Declare the decision invalid and send the matter back to Council with direction.

10. Penalties

- a) Any person who wilfully obstructs or delays the work of a Bylaw Enforcement Officer is guilty of an offence under this bylaw and shall be liable upon summary conviction to a fine of not less than one hundred fifty (\$150.00) dollars and not more than one thousand (\$1,000.00) dollars
- b) Notwithstanding Subsection 10(a), a person charged with an offence pursuant to this bylaw may make a voluntary payment to the Alliance Municipal Office at any time up to fourteen (14) days after the date the offence ticket is issued and in such case, prosecution for this offence will not proceed.
- c) The voluntary payment, pursuant to Subsection 10(b) shall be as follows:
- For a first offence in a calendar year: fifty (\$50.00) dollars
  - For a second offence in a calendar year: one hundred (\$100.00) dollars.
- d) If an alleged offender does not voluntarily pay the penalty amount as set out in Subsection 10(c), then such person, may by summons, be required to appear in court and shall be liable on summary conviction to pay a fine, pursuant to Subsection 10(a) plus court costs.

11. Severability

- a) Should any section or part of this bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

12. Effective Date

- a) This bylaw shall come into force and effect on the final date of passing thereof.
- b) This bylaw repeals Bylaw 99-03.

Read for a first time, this 12th day of February, 2001.

Read for a second time, this 12<sup>th</sup> day of February, 2001

Read for a third time, and by unanimous consent of all Councillors present, and finally passed on this 12 day of February, 2001.

Muriel Fankhanel  
Mayor

Laura Towers  
Administrator

(Seal)