



BYLAW NO. 08-573
of the Municipal District of Greenview No. 16

A Bylaw of the Municipal District of Greenview No. 16, in the Province of Alberta, to regulate and abate unsightly premises.

WHEREAS, the *Municipal Government Act*, R.S.A. 2000, c.M-26 and regulations as amended, provides that Council may pass by-laws for municipal purposes respecting the safety, health and welfare of people; the protection of people and property; nuisances; services provided by or on behalf of the municipality; public utilities; and the enforcement of bylaws; and

WHEREAS, no Owner or Occupant of property, land, premises or building shall permit, suffer, continue or allow to be continued an unsightly condition on that property, land, premises or building; and

WHEREAS, Section 546 of the *Municipal Government Act* RSA 2000, c M-26 and regulations as amended, authorizes Council to require the owner of the property that is in an unsightly condition to improve the appearance of the property.

NOW THEREFORE the Council of Municipal District of Greenview, in the Province of Alberta, duly assembled, enacts as follows:

- 1) This Bylaw is cited as "The Unsightly Property By-Law" of the Municipal District of Greenview.
- 2) **DEFINITIONS**

In this By-law,

- a) "**Act**" means the *Municipal Government Act* RSA 2000 c M-26 and regulations made under the Municipal Government Act as amended.
- b) "**By-law Enforcement Officer**" means a person appointed to enforce the provisions of this By-Law, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer.
- c) "**Council**" means the Municipal Council of the Municipal District of Greenview.
- d) "**Designated Officer**" is the Chief Administrative Officer or such person to whom the Chief Administrative Officer has delegated authority to issue orders under this By-law.
- e) "**Graffiti**" means words, figures, letters or drawings scribbled, scratched or sprayed on a surface with or without the consent of the owner of the improvement on which they are placed.
- f) "**Improvement**" means a structure of anything attached or secured to a structure that would be transferred without special mention by a transfer or sale of the structure, including but not limited to a manufactured home or mobile home, or machinery equipment.
- g) "**Occupant**" means any person other than the Registered Owner who is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.
- h) "**Order**" means a document issued by a Designated Officer pursuant to Section 5 of this By-Law, requiring any Person to take any action necessary to remedy the contravention of this By-Law or the Act.

- i) **“Owner”** includes the Person shown as the owner on the Land Title for a property, the occupant of a premises, the lessee or tenant of a premises, a property management company which holds itself out as the Person responsible for the maintenance of a premises, or the owner or operator of a Commercial Operation, as the case may require;
- j) **“Person”** means any person, firm, partnership, association, corporation, Company or organization of any kind.
- k) **“Structure”** means a building or thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land.
- l) **“Unsightly Property”** is as described in Section 3 of this By-Law.

3) **UNSIGHTLY PROPERTY**

- a) Unsightly Property is Property that, in the opinion of the Designated Officer, is detrimental to the surrounding area because of its unsightly condition as defined at Section 546 of the Act.
- b) Some factors which may be considered by a Designated Officer in determining whether property is Unsightly Property include the following:
 - (i) the presence of uncut grass or weeds;
 - (ii) the presence of wrecked or dismantled vehicles, including vehicles that are inoperable or unregistered;
 - (iii) the storage or accumulation of waste, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture or appliances, machinery, parts of other similar materials or items;
 - (iv) specific or general lack of repair or maintenance including but not limited to:
 - a. significant deterioration of improvements or portions of improvements
 - b. broken or missing windows, siding, shingles, shutters, eaves or other building materials; or,
 - c. significant fading, chipping or peeling of painted areas of improvements;
 - (v) the location, zoning, use and visibility of property;
 - (vi) the presence of graffiti.

4) **INSPECTION**

- a) A Designated Officer may inspect property in accordance with Section 542 of the Act for purposes of determining whether:
 - (i) property is Unsightly Property under this By-Law because its unsightly condition is detrimental to the surrounding area as defined at Section 546 of the Act;
 - (ii) there has been compliance with an Order issued under Section 5 of this By-Law;

- (iii) there has been compliance with an Order issued in accordance with subsection 546(1) (c) of the Act.
- b) The Municipal District of Greenview may apply to the Court of Queen's Bench to authorize inspection and enforcement in accordance with Section 543 of the Act if a person refuses to allow or interferes with entry for inspection.

5) **ORDER**

- a) If, in the opinion of a Designated Officer, property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue a written Order which is in accordance with subsection 546 (1) (c) of the Act to the Owner or Occupant, or both, of the property to improve the appearance of the Property in the manner specified within a period of seven (7) days from the date of the issuance of the Order.

6) **REMEDY UNSIGHTLY CONDITION OF PROPERTY**

- a) If an Order has been issued under Section 5 of this By-Law and not complied with within the time period set out in that Order, the Municipal District of Greenview may take whatever actions or measures are necessary to:
 - (i) deal with the unsightly condition of the Property in accordance with Section 550 of the Act; and
 - (ii) collect the expenses and costs of the action or measure taken by the Municipal District of Greenview under Section 550 of the Act as an amount owing to the Municipal District of Greenview by the Person who was required to do something by the Order under Section 5 of this By-law;
- b) In the event that the amount owing is not paid within sixty (60) days after mailing of a notice by the Municipal District of Greenview to the Owner, the unpaid amount will be added to the tax roll of said parcel of land and will be deemed for all purposes to be taxes due and owing under Division 2 of Part 10 of the Act.

7) **APPEAL PROCEDURE**

- a) A person who
 - i. has an interest in land as an owner or occupant, and
 - ii. considers himself or herself aggrieved by an Order that relates to the land and that is given by a Designated Officer under section 5 of this By-law,

may appeal to the Chief Administrative Officer of the municipality in which that land is located by filing a notice of appeal under this section.

- b) A notice of appeal shall be in writing and shall set out
 - i. the name and address of the appellant,
 - ii. a copy of the order in respect of which the appeal is being taken,
 - iii. the legal description of the land affected, and
 - iv. the grounds for appeal.
- c) A notice of appeal shall be delivered personally or sent by registered or certified mail to the Chief Administrative Officer, within the time specified, in the order for doing the thing required by the notice or 7 days, whichever is less.

- d) Within 15 days from the day of receipt of an appeal, Chief Administrative Officer shall hear and determine the appeal and may confirm, rescind or vary the order that was issued.
- e) The Chief Administrative Officer shall, on determination of the appeal, send a copy of the decision, together with the written reasons, to the appellant by registered mail or certified mail.
- f) An appellant who is dissatisfied with the decision of the Chief Administrative Officer may, within 3 days after the appellant receives a copy of the decision, request a review of the decision or any part of it by Council.
- g) A request to review a decision of the Chief Administrative Officer shall be in writing and shall be delivered personally to the Chief Administrative Officer.
- h) Within 15 days of delivery of the request to review, Council shall consider the request to review the decision of the Chief Administrative Officer and Council may confirm, rescind or vary the decision of the Chief Administrative Officer.
- i) The decision of Council on the review of the decision of the Chief Administrative Officer shall be sent to the Appellant by registered or certified mail.

8) **OFFENCE**

- a) Any person who fails to comply with this By-law or with an Order issued under this By-law is guilty of an offence.
- b) Any person who is guilty of an offence under By-law is guilty of an offence and shall be liable to a fine in an amount not less than as set out in Schedule "A". Each day such violation continues, shall constitute a separate offence and shall be punishable as such.
- c) In lieu of prosecution, a person who has contravened any provision of this By-law may, within thirty (30) days of the issuance of a Violation Ticket, elect to voluntarily pay a penalty as set out in Schedule "A" of this By-law.
- d) Where a conflict arises between the requirements of this By-law and any other By-law of the Municipal District of Greenview, the more stringent regulations shall apply.

9) **SEVERABILITY**

- a) It is the intention of Council that each separate provision of this By-Law shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this By-Law is declared invalid, all other provisions hereof shall remain valid and enforceable.

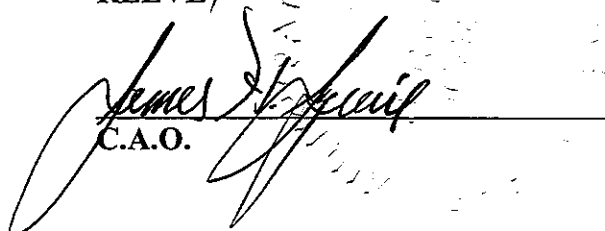
This Bylaw shall come into force and effect upon the day of final passing.

Read a first time this 8th day of October, 2008

Read a second time this 4th day of November, 2008

Read a third time and finally passed this 4th day of November, 2008


 REEVE


 C.A.O.

Unsightly Property Bylaw 08 -573

SCHEDULE "A"

- First offence - Two hundred and Fifty Dollars (\$ 250.00)
- Second and subsequent offences,
within one year of the first offence - One Thousand Dollars (\$1000.00)