

**BYLAW 3 - 2011
VILLAGE OF STANDARD**

A BYLAW OF THE VILLAGE OF STANDARD TO PROMOTE THE MAINTENANCE OF PROPERTY AND TO ADDRESS UNSIGHTLY PROPERTY WITHIN THE TOWN LIMITS.

WHEREAS the *Municipal Government Act*, S.A. 1994 c.M-26.1, s.7 authorizes municipalities to create and pass a bylaw to deal with nuisances and unsightly property.

NOW THEREFORE, the Municipal Corporation of the Village of Standard in Council assembled enacts as follows:

NAME OF BYLAW

1. This bylaw may be cited as the “Unsightly Property Bylaw.”

DEFINITIONS

2. For the purpose of this bylaw, the following terms mean:
 - a) Act - the Municipal Government Act, S.A. 1994 c.M - 26.1 as amended from time to time;
 - b) Boulevard - the part of a highway, street or laneway that
 - i) is not roadway, and
 - ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
 - c) Council - The Municipal Council of the Village of Standard;
 - d) Designated Officer - the designated officer in accordance with the Act;
 - e) Improvement -
 - i) a structure, whether movable or affixed;
 - ii) anything attached or secured to a structure, that would be transferred without special mention by a transfer or sale of the structure;
 - iii) a mobile unit; and
 - iv) machinery and equipment;
 - f) Nuisance - any activity or condition within the limits of the Village of Standard which interferes with, annoys, disturbs, injures or endangers the safety, comfort, peace or health or others including, but without restricting the generality of the foregoing:
 - i) conditions conducive to the breeding of mosquitoes;
 - ii) conditions conducive to the breeding of animal, insect, or other pests and diseases likely to be destructive or dangerous to grain, livestock, poultry, trees, shrubs, vegetable or plant life or other property;
 - iii) emissions into the atmosphere of opaque or dense smoke or dense dust.
 - i) Order - a written order in accordance with subsection 546(1)(c) of the Act;
 - j) Owner -
 - i) in respect of land, the person who is registered under the Land Titles Act as the owner of fee simple estate in the land, and
 - ii) in respect of property other than land, the person in lawful possession of it;

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- k) Peace Officer - a member of the Royal Canadian Mounted Police, a Special Constable or a Bylaw Enforcement Officer appointed by council;
- l) Property -
- i) a parcel of land,
 - ii) an improvement,
 - iii) a parcel of land and the improvements on it, or
 - iv) a sidewalk and boulevards directly adjacent to any parcel of land;
- m) Sidewalk - that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved;
- n) Structure - a building or other 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;
- o) Village - The Municipal Corporation of the Village of Standard;
- p) Unsightly property - property described in section 3 of this bylaw and includes conditions that are described as nuisances; and
- q) Weeds - those weeds as set out in the Weed Control Act as being restricted, noxious, and nuisance weeds.

UNSIGHTLY PROPERTY

3. a) Unsightly property or property causing a nuisance is property that, in the opinion of the council, is detrimental to the surrounding area because of its unsightly or unsafe condition.
- b) Some factors which may be considered by the Committee in determining whether property is unsightly property include, but are not limited to, the following:
- i) the presence of uncut grass or weeds,
 - ii) the presence of trees, shrubs or other vegetation in such a manner that they interfere with the use of or obstruct visibility of street signage, sidewalks, roadway clearance, municipal works or public utilities,
 - iii) the presence of wrecked or dismantled vehicles, including vehicles that are inoperable or unregistered to a maximum of two vehicles on property.
 - iv) the storage or accumulation of garbage, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture or appliances, machinery, machinery parts or other similar materials or items,
 - v) 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,
 - vi) the location, zoning, use and visibility of property,

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- c) Subsection (b) is not intended to be an exhaustive list of factors which may be considered in determining whether property is unsightly property.

COMPLAINTS

- 4. To commence an action against an unsightly property a signed, written complaint shall be delivered to the Chief Administrative Officer by the complainant.
- 5. The complaint shall set out the address and the condition of the unsightly property.
- 6. The complaint shall be forwarded to either a designated officer or a peace officer for investigation.
- 7. The designated officer or peace officer shall compile and submit a written report, to the council, advising them of the results of the investigation.
- 8. The council, after reviewing the report, shall declare the complaint either valid or unfounded.

ORDERS

- 9. If the complaint is valid, Designated Officer or a Peace Officer may issue a written order in accordance with section 546 of the Act.
- 10. An owner who receives an order may appeal that order by written notice delivered within 14 days of the date the order is received to the following address:

Village of Standard Office
120 Elsinore Avenue, P.O. Box 249
Standard, Alberta
T0J 3G0

- 11. Council may, after reviewing the order and its subsequent appeal, either confirm, vary, substitute or cancel the original order.
- 12. A person affected by the decision of Council under section 11 may appeal to the Court of Queen's Bench in accordance with section 548 of the Act.

VILLAGE TO REMEDY

- 13. If an Order has been issued, the Village may take whatever actions or measures are necessary to:
 - a) deal with the unsightly condition of property in accordance with section 550 of the Act, and
 - b) collect any unpaid costs or expenses incurred by the Village in accordance with the Act.

The costs and expenses of the actions or measures taken by the Village are charged in addition to any other penalty imposed under this bylaw.

INSPECTION

- 14. A designated officer or peace officer may inspect property in accordance with section 542 of the Act for the purpose of determining whether:
 - a) property is unsightly under the bylaw, or
 - b) property, because of its unsightly condition is detrimental to the surrounding area in accordance with section 546 of the Act, or

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- c) there has been compliance with a order issued under this bylaw or the Act.

OFFENCE

- 18. A person who fails to comply with any order issued under this bylaw or the Act within the time specified therein, is guilty of an offence.

PENALTY

- 19. If a peace officer believes on reasonable and probable grounds that an offence has been committed under section 18 of this bylaw, a summons under the *Provincial Offences Procedures Act, S.A. 1988, c. P-21.5* may be issued by means of a violation ticket in respect of an alleged contravention, and the specified penalty payable upon conviction in a court of competent jurisdiction shall be:
 - a) \$200.00 for a first offence of unsightly property by that person or company,
 - b) \$400.00 for any subsequent offence of unsightly property by that person or company,

ENFORCEMENT OF THIS BYLAW

- 20. The Village is not required to enforce this bylaw. In deciding whether to enforce this bylaw, the Village may take into account any practical concerns, including available municipal budget and personnel resources.

RESCINDED

- 21. Bylaw 5-2003 is here by rescinded.

EFFECTIVE DATE

- 22. This bylaw will come into force and effect upon it receiving third reading.

READ A FIRST TIME this 08th day of June, A.D. 2011.

READ A SECOND TIME this 08th day of June, A.D. 2011.

READ A THIRD AND FINAL TIME this 08th day of June, A.D. 2011

MAYOR

CAO