

**COUNTY OF ST. PAUL NO. 19
BYLAW NO. 2013-26**

UNSIGHTLY CONDITIONS BYLAW

A Bylaw of the County of St. Paul in the Province of Alberta to provide for the control of unsightly conditions on properties within the County of St. Paul.

WHEREAS, under the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the County of St. Paul No. 19 may pass Bylaws respecting the health and safety of the community and for controlling dangerous and unsightly properties;

AND WHEREAS under the provisions of the *Municipal Government Act*, the Council of the County of St. Paul No. 19 may pass Bylaws and may make provisions that it deems necessary to carry out the purposes of the Bylaw;

AND WHEREAS the Council of the County of St. Paul No. 19 deems it desirable and necessary to promote the maintenance of properties, within the corporate limits of the County of St. Paul No. 19;

NOW THEREFORE, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the “Unsightly Conditions Bylaw.”

2. DEFINITIONS

- 2.1 “Adjacent” means land that is contiguous to the land that is subject of an unsightly condition complaint and includes land or a portion of land that would be contiguous if not for a public road, railway, river, or stream.
- 2.2 “Building Material” means all construction and demolition material accumulated on a premises while storing, constructing, altering, repairing, or demolishing any structure and includes, but is not limited to, earth, vegetation, or rock displaced during such storing, construction, alteration or repair.
- 2.3 “Bylaw Enforcement Officer” means
- a) Any member of the Royal Canadian Mounted Police
 - b) Any Community Peace Officer
 - c) The Chief Administrative Officer of the County of St. Paul No. 19 or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw.
- 2.4 “Council” means the Municipal Council of the County of St. Paul No. 19.
- 2.5 “Detrimental to the Surrounding Area” means causing the decline of market value to the surrounding area.
- 2.6 “Dismantled Vehicle” means a motor vehicle or trailer that has become dilapidated or disassembled which may include but is not limited to flat tires, missing tires and rims, fenders, doors, windows, hoods, trunks, and boxes.

- 2.7 “Emergency” shall mean any situation in which there is imminent danger to the general public or a potential danger to the property or surrounding properties.”
- 2.8 “Garbage” means any rubbish, refuse, papers, packages, containers, bottles, cans, manure, animal or human excrement or sewage or the whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household furnishings or appliances, boxes, cartons, discarded fabrics, any material composed of organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food.
- 2.9 “Hamlet” refers to all lands located in Hamlets in the County of St. Paul No. 19 and includes Ashmont, Heinsburg, Lafond, Lindbergh, Lottie Lake, Mallaig, Riverview, St. Edouard, St. Lina, and St. Vincent.
- 2.10 “Multi-Lot Subdivision” means a subdivision where a lot has been divided into two or more parcels of land or contains two or more dwellings.
- 2.11 “Property Owner” means:
- a) a person who is registered under the Land Titles Act as the owner of the property,
 - b) the person who is recorded as the owner of the property on the assessment roll of the County of St. Paul No. 19,
 - c) a person who has purchased or otherwise acquired any interest in the property, whether he has purchased or otherwise acquired any interest in the property directly from the owner or from another purchaser, and has not become the registered owner thereof,
 - d) a person holding himself out as the person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership,
 - e) a person controlling the property under construction, or
 - f) a person who is the occupant of the property under a lease, license or permit.
- 2.12 “Property” includes any lands, buildings, or premises within the corporate boundaries of the County of St. Paul No. 19;
- 2.13 "Right of Access" means the right of a Bylaw Enforcement Officer to enter property to inspect the property to determine whether to issue a Clean Up Order, or to allow work forces access to the property for the purposes of enforcing a Notice to Maintain Property;
- 2.14 “State of Disrepair” means
- a) The significant deterioration of buildings, structures, or improvements, or portions of buildings, structures, or improvements;
 - b) Broken or missing windows, siding, shingles, shutters, eaves, or other building material;
 - c) Significant fading, chipping, or peeling of painted areas of buildings, structures or improvements on property

- 2.15 “Unsightly Conditions” shall mean any structure or property located within the County of St. Paul No. 19 that in the opinion of the Bylaw Enforcement Officer, is unsightly to such an extent as to detrimentally affect the amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly conditions, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Municipal Government Act*. Unsightly Conditions include, but are not limited to, all conditions described in Section 4 of this Bylaw.

3. GENERAL

- 3.1 The property owner of any property, is ultimately responsible for all activities on the property which may constitute prohibition of this bylaw.
- 3.2 Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit.

4. UNSIGHTLY CONDITIONS

- 4.1 Unsightly conditions, for the purpose of this Bylaw, is any condition on or around a Property that is untidy, unsightly, offensive, and dangerous to health and safety of any person, or has or may have a detrimental effect upon any person or other property in the neighbourhood, or which interferes with the use and enjoyment of other adjacent property, neighbourhood, or which interferes with the use and enjoyment of another adjacent property;
- 4.2 The following set of standards by which grass and weeds must be kept:
- a) Uncut grass or weeds on any parcel of land shall be maintained at a height not to exceed fifteen centimeters (six inches) in length;
 - b) Property owners are required to maintain the front, rear, or side portions or boulevards adjacent to their Property;
- 4.3 No property owner shall cause or allow any building, and/or structure, or fence to become unsightly or in a condition where its appearance and/or condition is a safety hazard or is detrimental to the surrounding area;
- 4.4 No property owner shall allow the growth of trees or shrubs to interfere or endanger visibility to street signage, sidewalks, or roadway clearances;
- 4.5 No property owner shall permit the accumulation of piles of dirt, stone, garden waste, old implements, disassembled or broken vehicles, scrap iron, lumber, glass, furniture, appliances, food containers, waste paper or cardboard on their property;
- 4.6 No property owner shall dump or cause to be dumped any rubbish, garbage, waste, petroleum products (either liquid or solid), or dispose of any material in an area within the County of St. Paul No. 19 except at locations specifically designated by the Chief Administrative Officer.
- 4.7 No property owner shall post or exhibit unauthorized signs, posters, billboards, graffiti, obscene or offensive symbols, words, pictures or art;

- 4.8 Property Owners must prevent the occurrence of, or promptly remedy, any Unightly Conditions.

5. DANGEROUS BUILDINGS AND STRUCTURE

- 5.1 The Property Owner(s) of properties in the County of St. Paul No. 19, shall ensure that any building(s) or attached feature(s) in a state of disrepair shall be demolished and removed from the property.
- 5.2 If any building(s) are in a state of disrepair, they shall be restored to a useable and safe condition in accordance with the *Safety Codes Act* and with the required demolition or building permits.
- 5.3 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.
- 5.4 Property Owners violating this Bylaw will be delivered a cleanup notice providing the Owner with no less than fourteen (14) days and no more than thirty (30) days to comply. If a cleanup notice under this section of the Bylaw is not complied with, the Bylaw Enforcement Officer shall have the right to direct any person to do the work required to by the Notice to Maintain Property. The cost of doing the work required, plus an administration fee as per the Fee Schedule Bylaw, may be recovered from the property owner as debt due to the County of St. Paul 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.

6. INSPECTION AND DIRECTION

- 6.1 Any Bylaw Enforcement Officer may enter any public or private property to conduct an inspection within the County and may inspect for unsightly conditions.
- 6.2 After inspection, the Bylaw Enforcement Officer may issue a Notice to Maintain Property, which shall specify a deadline for compliance and shall outline specific instructions to remedy the unsightly conditions.
- 6.3 Each Notice shall:
- a) describe the property by name, if any, and the municipal address or legal description or a plan showing the location of the property;
 - b) state that the property contravenes the provisions of this By-law;
 - c) give reasonable particulars of the extent of the clean up, removal, clearing or other actions required to be made;
 - d) state the time within which the clean up, removal, clearing or other action is to be completed;
 - e) state that if the required actions are not done within the time specified, the County may carry out the actions required and charge the cost thereof against the person to whom the Notice is directed and if such person does not pay the costs, the costs shall be charged against the property concerned as taxes due and owing in respect of that property, and recovered as such; and

- f) state that an appeal lies from the issuance of this Notice to Council if an appeal is lodged in writing within fourteen (14) days of the date of issuance of the Notice.

6.4 The County must serve the Notice to Maintain Property by:

- a) Delivering it personally to the person who is to be served, or
- b) Mailing the Notice to the person to be served by registered mail to the last known post office address of the person to be served, and service shall be deemed to be effected at the time the copy is delivered by an official of the Post Office to the person to be served; or
- c) Where the property is not occupied, by mailing the notice by registered mail to the mailing address noted on the County's tax roll for that property, and service shall be deemed to be effected at the time the copy is delivered by an official of the Post Office to the person to be served; or
- d) As directed by the Courts.

6.5 The Bylaw Enforcement Officer may extend the time for doing anything which is required to be done by the terms of the Order.

6.6 Where a Notice to Maintain Property is issued pursuant to Section 6.2, such a Notice may be appealed within fourteen (14) days to Council.

6.7 Where a Notice to Maintain Property is appealed pursuant to subsection 6.6, the Notice is stayed pending a decision by Council on the appeal.

6.8 A decision by Council shall be considered final.

6.9 Council may confirm, vary, or revoke the Notice to Maintain Property or may substitute its decision in place of the Notice to Maintain Property which was issued. Council may extend the time within which anything required to be done by the Notice to Maintain Property is to be performed.

6.10 Council may direct anything to be executed that a Bylaw Enforcement Officer can direct to be executed either in addition to or in substitution for the direction in the Notice appealed from.

7. PENALTIES

7.1 If the property owner has not complied with the Notice to Maintain Property by the specified deadline, the Bylaw Enforcement Officer may direct any work to be done to remedy the unsightly conditions, including the disposition of any materials, and will charge the owner, for all the costs associated with maintaining the property.

7.2 If the owner fails to pay for the work done under Section 7.1, the County shall charge the cost against the land as taxes due and recover the cost as taxes.

7.3 The cost of the work done, as stated under 7.1, is charged in addition to an Administration Fee as set out in the Fee Schedule Bylaw.

7.4 The County or any Bylaw Enforcement Officer who inspects any property under this Bylaw, or any person who performs any work on behalf of the County to remedy the unsightly conditions is not liable for any damages caused by the inspection, the work, or disposition of any material in order

to complete the work set out in the Notice to Maintain Property.

- 7.5 The conviction of a Property Owner(s) under the provisions of this Bylaw does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this Bylaw, or conditions, order or permits, issued in accordance with this Bylaw

8. EXEMPTIONS

- 8.1 The County of St. Paul values and recognizes the contribution of the agricultural sector to regional growth and vitality. Thus, the County wishes to proceed working cooperatively with agriculturists to limit regulation whenever possible. Generally, the intent of this Bylaw is to control unsightly properties in hamlets, lake subdivisions and multi-lot subdivisions.

9. SEVERABILITY

- 9.1 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

10. EFFECTIVE DATE

- 10.1 This Bylaw shall come into full force and effect upon the final passing thereof.

Read a first time in Council this 16th day of July, A.D. 2013.

Read a second time in Council this 16th day of July, A.D. 2013.

Read a third time in Council this 16th day of July, A.D. 2013.

Reeve

Chief Administrative Officer