



Village of Edberg

Bylaw No. 448-2016

BEING A BYLAW TO REPEAL BYLAW 412-4-07, AND BEING A BYLAW OF THE VILLAGE OF EDBERG, IN THE PROVINCE OF ALBERTA TO REGULATE NUISANCES AND UNSIGHTLY AND UNTIDY PREMISES.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto, a Council may pass Bylaws for municipal purposes respecting nuisances, including unsightly and untidy premises.

AND WHEREAS, the Council of the Village of Edberg deems it advisable in the public interest to enact such a Bylaw

NOW THEREFORE, the Municipal Council of the Village of Edberg, Alberta, duly assembled hereby enacts as follows:

1. Citation

This Bylaw may be cited as the "Nuisance Bylaw"

2. Definitions

In this Bylaw, unless context otherwise requires, the term:

- (a) **"Animal Material"** means any animal excrement and may include material accumulated on premises from pet pens, yards or kennels;
- (b) **"Authorized Person"** means the Enforcement Officer, or any other person appointed by Council to enforce the provisions of this Bylaw;
- (c) **"Boulevard"** means that portion of a street which lies between the roadway and the property line of the land abutting said street;
- (d) **"Building Material"** means all construction and demolition material accumulated on premises including materials hauled in or accumulated as a result of constructing, renovating, repairing or demolishing any structure and includes, but is not limited to earth, vegetation or rock displaced during such an activity;
- (e) **"Council"** means the duly elected officers of the Village;
- (f) **"Enforcement Officer"** means a Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Village of Edberg;

- (g) **“Municipal Administrator”** means the personal appointed as the Chief Administrative Officer by the Council of the Village of Edberg, or his or her designate;
- (h) **“Municipal Government Act”** means the Municipal Government Act of Alberta, RSA 2000 as amended or repealed and replaced.
- (i) **“Nuisance”** means:
- i. an offensive, annoying, unpleasant or obnoxious thing, object or practice that causes an intrusion or disturbance of a visual or sensory nature affecting another person’s quiet enjoyment of his or her property;
 - ii. a practice that does, or potentially could, place unnecessary stress on the infrastructure of the municipality, including, but not limited to:
 1. failing to install, use or maintain eaves troughs on a building connected to the municipal sewer system;
 2. failing to install, use or maintain downspouts or a combination of downspouts and non-porous chutes of at least 2 meters in length on buildings connected to the municipal sewer system;
 3. failing to provide or maintain landscaping that directs water away from a building connected to the municipal sewer system;
 4. using a mechanical device operated by water pressure of a municipal water system when prohibited by an Order of Council;
 5. excessive use of water provided by the municipality as evidence by runoff from the property to which the water is being applied.
- (j) **“Occupant”** means any person authorized to occupy a property, including, but limited to, leasers, renters or persons visiting leasers and renters;
- (k) **“Owner”** means any person registered as the owner of the property, persons recorded as the owner of the property on the assessment roll, person who has purchased or otherwise acquired the property, persons holding themselves out as the person having the power or authority of ownership of the property or a person controlling the property under construction, and includes a corporation, an individual and their heirs, executors, administrators or other legal representatives of the individual;
- (l) **“Pest”** means any animal, bird, reptile or insect which is likely to spread disease, be destructive or dangerous, or otherwise become a nuisance or annoyance to any person, animal or plant;
- (m) **“Property”** means anything owned by any person, whether in whole or in part, and also includes real property;
- (n) **“Real Property”** means any land and/or buildings whether occupied or not;



- (o) **“Refuse”** means old or unused appliances when located outside a building or development, or car bodies;
- (p) **“Rubbish”** means and includes any paper product, or fabric, or wood or plastic, or glass, or metal and/or any matter of substance of any kind which has been discarded, or abandoned or in any way disposed of;
- (q) **“Street”** means any road, lane or alley and includes all land up to the property line on each side of such road, land or alley;
- (r) **“Unsightly or Untidy Premises”** means a property or part of it that is detrimental to the surrounding area pursuant to the MGA, s. 546 as characterized by visual or sensory evidence of a lack of general maintenance and upkeep, or causing a decline in the market value of property in the area, including, but not limited to:
 - i. the accumulation on the premises of any rubbish, refuse, garbage, papers, packages, containers, bottles, cans, human excrement or sewage, or the whole or part of any animal carcass, soil dirt, sand gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, or broken or discarded household goods;
 - ii. the whole or part of any motor vehicle as defined by in the Traffic Safety Act, RSA 2000, as amended or repealed and replaced from time to time, as well as any tractor or implement of husbandry:
 - 1. that has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year;
 - 2. that is inoperative by reason of disassembly, age or mechanical condition.
 - iii. equipment or machinery that has been rendered inoperative by reason of tis disassembly, age or mechanical condition and includes household appliances;
 - iv. animal material, yard material, ashes, building material and garbage as defined by this Bylaw;
 - v. any building, erection or structure that is unsightly or has become ruinous or dilapidated;
 - vi. any structure, excavation or hole that is unsafe, unprotected or dangerous to public health or safety;
 - vii. any combination of materials that is deemed by an Enforcement Officer to be unsightly or offensive;
 - viii. In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.



- (s) **"Village"** means the Village of Edberg, Alberta;
- (t) **"Weeds"** means any plant that is designated as restricted, noxious or nuisance and shall also include any fungus which may be destructive or injurious to gardens, lawns, trees or shrubs;
- (u) **"Yard"** means any open space or site, unoccupied or unobstructed;
- (v) **"Yard Waste"** means organic matter formed as a result of gardening or horticultural pursuits and includes grass clippings and tree or hedge cuttings.

3. Buildings or Conditions Dangerous to the Public

The Council may, by resolution, order to be demolished or removed, an unoccupied building, structure, erection, excavation or hole if by reason of its ruinous, dilapidated, unsafe or unprotected condition or location, be dangerous to public safety or health and Council may authorize a person or persons to remedy such conditions as deemed necessary by Council.

4. Cutting of Grass

All owners or occupants shall cut the grass on their property before said grass reaches a height that would be considered a nuisance.

5. Cutting of Grass on Boulevards

All owners or occupants shall be required to cut the grass on any boulevard which abuts or flanks the property occupied by the owner or occupant.

6. Pruning or Removal of Trees

All owners or occupants shall be required to prune or remove trees or shrubs where such trees or shrubs impedes or interferes with the use of public sidewalks, streets, fire hydrants or any other municipal service.

7. Eradication of Restricted, noxious or Nuisance Weeds

All owners or occupants shall be required to control and eradicate nuisance, restricted and noxious weeds. Where any vacant property exists, the titled owner of such property shall be responsible for the control and eradication of nuisance, restricted and noxious weeds.

8. Untidy or Unsightly Land or Premises

All owners or occupants shall be required to keep their yard free of any accumulation of building materials, soil or any manner of earth, dirt or stone, implements or vehicles, scrap

iron, or any rubbish or refuse that may be considered to cause an unsightly or untidy condition, hazard or nuisance.

9. Pest Control

No person shall permit the proliferation of any animal, bird, reptile, insect or other pest that is likely to spread disease, be destructive or dangerous, or otherwise become a nuisance or annoyance to any person.

10. Right to Inspect

The Enforcement Officer or any person authorized by Council may enter into or onto any lands, buildings or premises to inspect for conditions that may contravene or fail to comply with any provisions of this Bylaw.

11. Enforcement

If an Enforcement Officer or person authorized by Council determines that a nuisance exists, or that the inspected property has become untidy or unsightly, or that a danger to public health or safety exists, the authorized person or Enforcement Officer may direct the owner or occupant of the property upon which such a nuisance, untidy or unsightly condition, or dangerous condition exists as follows:

- i. issue a written warning to remedy the problem;
- ii. issue a violation tag specifying a voluntary penalty be paid;
- iii. issue a violation tag directing that the owner or occupant appear before a Provincial Court Judge;
- iv. issue an order under Section 545 or 546 of the *Municipal Government Act*, to remedy the nuisance or unsightly condition;
- v. or any combination of the above.

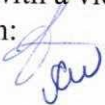
12. Each Order

- i. Each order:
 1. shall describe the premises by name, if any, and the municipal address or legal land description;
 2. shall state the contravention pursuant the provisions of this Bylaw;
 3. shall give reasonable particulars of the extent or the remedy, clean-up, removal, clearing or other action required to be made;

4. shall state the time within which the required action is to be completed;
 5. shall state that if the required actions are not completed within the time specified that the Village may undertake to carry out the actions necessary to remedy the contravention and may charge the Owner of the property for costs incurred to remedy the contravention, and if said Owner does not pay the costs, the costs shall be charged against the premises concerned as taxes due and owing in respect of that property, and recovered as such;
 6. shall state that a person receiving a written order may request that the Council review the order;
 7. shall state that a request for Council to review the order must be written including the reasons for requesting a review, dated and signed by the appellant and delivered to the Municipal Administrator within fourteen (14) days after the order is received by the person pursuant to Section 545 of the *Municipal Government Act*, or seven (7) days after which the order is received by the person pursuant to Section 546 of the *Municipal Government Act*.
- ii. A copy of the order shall be served on any owners or occupants of the premises
1. by being delivered personally to the person who is intended to be served, or
 2. by being left with a person apparently over the age of eighteen (18) years of age and residing with the owners or occupants of the premises, or
 3. by registered mail to the person who is intended to be served to the last known postal address of the person to be served, and service shall be deemed to be affected fifteen (15) days after the date the registered letter was received at the post office to which it was directed, or
 4. as directed by the Court

13. Penalties

- i. If the conditions have not been rectified as order, the offending party who has contravened any provisions of this Bylaw or has not complied with the Bylaw will be served with a violation tag of which voluntary payment may be made to avoid prosecution:



ii. The penalty for an offence ticket of this Bylaw shall be:

1. First offense: \$75.00 (Seventy-five dollars)
2. Second offence: \$150.00 (One hundred and fifty dollars)
3. Third and Each Subsequent Offence: \$300.00 (three hundred dollars)

14. **Duty to Enforce**

The Village of Edberg is not required to enforce this Bylaw. In determining whether to enforce this Bylaw, the Village may take into account any practical concerns including available budget and personnel resources.

15. **General**

- i. Bylaw 412-4-07 is hereby rescinded.
- ii. This Bylaw shall come into force upon receipt of its third and final reading.

Read a first time on this 19th day of January, 2016

Read a second time on this 19th day of January, 2016


Moved unanimously to third reading this 19th day of January, 2016

Read a third time, and passed on this 19th day of January, 2016

In the Village of Edberg



Mayor, Colleen Wack



C.A.O. Heather Leslie

