

**BYLAW NO. 378/00**

**BEING A BYLAW OF THE VILLAGE OF GLENDON ENACTED FOR THE PURPOSE TO PREVENT AND COMPEL THE ABATEMENT OF NUISANCES AND REGULATION UNTIDY PREMISES.**

WHEREAS, Section 160 of the Municipal Government act, being Chapter M-26 of the Revised Statues of Alberta, 1980 provides that a Council of a Municipality may pass bylaws for preventing and compelling the abatement of nuisances generally and regulating untidy and unsightly premises.

WHEREAS, the Council of the Village of Glendon wishes to prevent and compel the abatement of nuisances and regulate untidy and unsightly premises within the Village of Glendon.

NOW THEREFORE, Council of the Village of Glendon in the Province of Alberta, dully assembled, enacts as follows:

**Section 1 – Name of Bylaw**

1.1 This Bylaw may be cited as the Nuisance Bylaw

**Section 2 – Definitions**

- a) "Council" means the Council of the Village of Glendon or its duly appointed agents. Agents shall include the Manager, Assistant Manager and Bylaw Enforcement Officer and any member of the Royal Canadian Mounted Police Force or any other person so appointed by a resolution of Council.
- b) "Owner" means any person who is registered under the Land Titles Act as owner of the land or in the case of property other than land, any person who is in lawful possession thereof including agent of the owner, lessee or occupier of any land or premises.
- c) "Village" means the Village of Glendon in the Province of Alberta.
- d) "Untidy and Unsightly Premises" means a premise not in keeping with the surrounding properties of similar zoning under the Land Use Bylaw of the Village of Glendon.

**Section 3 – Regulation**

- 3.1 No person being the owner, agent of the owner, lessee, or occupier of any land or premises within the Village, shall permit the land or premises of which such person is the owner, agent of the owner, lessee, or occupier to be or to remain a nuisance.
- 3.2 No person being the owner, agent of the owner, lessee, or occupier of any land or premises within the Village shall permit the land or premises of which such person is the owner, agent of the owner, lessee or occupier, to be or to remain untidy or unsightly.
- 3.3 No person being the owner, agent of the owner, lessee, or occupier, of any land or premises within the Village shall permit any building, structure, or erection of any kind whatsoever, or any excavation, depression, drain, ditch, water course, pond, surface water, refuse or other matter or thing upon any private land, street or road or in or about any building or structure, of which such person is the owner, agent of the owner, lessee, or occupier or to be or remain a nuisance, unsightly or dangerous to public safety or health.
- 3.4 In a residential area no person shall allow a dismantled vehicle or parts thereof to remain outside a building for more than 14 consecutive days.

- 3.5 If the Council considers it necessary for the prevention of abatement of a nuisance or the regulation of untidy or unsightly premises, it may direct the owner, agent of the owner, lessee, or occupier of any property, whether public or private, to eradicate weeds, or to cut the grass on such property as well as grass on the boulevards which abut or flank such property, or to do such other things as the Council in its discretion deems necessary for the prevention or abatement of a nuisance or for the remedying of any untidy or unsightly condition on any premises.
- 3.6 If a tree or shrub, whether on private property or otherwise, in any way interferes with or endangers the lines, poles, conduits, pipes, sewers or other works of a utility of the Village, or of any other public utility, the Council may direct the owner, agent of the owner, lessee or occupier of the property on which such tree or shrub stands, to remove or prune the tree or shrub, or to take such other steps as Council may deem necessary to alleviate the interference with or danger to such works.
- 3.7 The Medical Officers of the North East Health Unit, Village Engineer, the Fire Chief, Deputy Fire Chief and Fire Inspectors, the Building Inspector, the Agricultural Fieldman and Weed Inspectors appointed pursuant to the Weed Control Act, and any employees in said departments authorized by their respective departmental heads, are hereby authorized to enter into any lands, buildings, or premises at a reasonable hour of any weekday to inspect for conditions that may constitute a nuisance or contravene or fail to comply with the provisions of this bylaw.

#### **Section 4 – Enforcement**

- 4.1 When in the opinion of the By-Law Officer, Village Administration, or person mentioned in section 3.7 a condition exists which contravenes any of the provisions of this By-Law, the Enforcement Officer, Village Administration or Inspector may:
- a) Issue a written warning notice to the Owner, agent, lessee and/or occupier of the land or premises in question advising them of the condition, and directing that the condition be rectified within a specific length of time. Except in extraordinary situations the maximum time allowed to rectify a condition will be 14 days.
  - b) Each notice issued pursuant to this section shall specify when and by what method the grass, weeds or weed seeds named are to be controlled or destroyed and such method may include such definite systems of spraying, mowing, cutting, tillage, cropping and management as in the enforcement officer's judgment constitute good agricultural practice for the land and district concerned.
  - c) An Inspector who finds noxious weed or weed seeds on land that is unoccupied or land the occupant of which is not readily determinable and after inquiry determines that it is not practicable to serve a notice of 5 days may cause the noxious weeds or weed seeds to be destroyed immediately by any means consistent with good agricultural practice.
  - d) Immediately upon undertaking action under subsection (1), the inspector shall notify the owner of the land of action taken by:
    - i) mail addressed to his/her address as shown on the tax roll of the municipality within which the land is situated.
- 4.2 A notice issued pursuant to Subsection (2) shall be served on the owner or occupant:

- a) personally, or
- b) by mail sent to the persons last known address shown on the tax roll or in the record of the appropriate Land Titles Office, or
- c) by publication in one issue of a newspaper published or circulating in the Village.

4.3 Any person who enters property to remedy a condition as directed by the Bylaw Enforcement Officer or Village Administration, shall be deemed to have the authorization of Council and shall not incur any liability therefore.

#### **Section 5 – Fees**

5.1 The Village, through its appointed officials may enter the said land and cause the removal of noxious weeds and the cost thereof shall be a charged to the owner to be recovered as a debt owing to the Village and collected in the same manner as real property taxes as per section 7. Those costs may include any or all of the following:

- a) An administration fee
- b) Labor equipment rental fees and contract fees
- c) Large areas of land may be tendered for clean up or maintenance and cost recovery shall include administration fees.

#### **Section 6 – Penalty**

6.1 Any owner, agent, lessee, or occupier of any lot development of yard within the Village of Glendon who contravenes any provisions of this Bylaw or fails to comply with any notice issued under this act is guilty of an offense.

6.2 A person who willfully obstructs or delays the work of an Enforcement Officer or Village Administration is guilty of a fine of not less than \$50.00 and not more than \$500.00.

6.3 Monies paid for fines shall belong to the general revenue of the Village of Glendon.

#### **Section 7 – Recovery of Expenses**

a) In event that a person fails, neglects or refuses to remedy the condition as directed by the Enforcement Officer, Chief Administrative Officer, designate, or Council, the Village of Glendon may:

- a) cause the work to be performed to remedy the condition, and
- b) charge the costs of such work done to the owner, or occupant

and in default of payment:

- i) recover the cost as a debt due to the Village by service of a statement of expense and demand of payment for work carried out on land specified in the notice to the owner of the land.
- ii) A) if the owner of the property fails to pay the amount of the Statement, or
- B) has not filed written appeal with the Municipal Secretary regarding the work carried out

within 30 days of receiving the statement, the Municipal Secretary shall immediately 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.

b) Any person authorized in writing by the Village of Glendon to carry on any work under this Bylaw shall have the right to enter any property, other than a dwelling house, to carry on such work.

7.1 All money accruing from fines or penalties under this Bylaw shall form part of the general revenue of the Municipality.

#### Section 8 – Appeal Procedure

8.1 A person who receives a written order under this Bylaw may request Council to review the order by written notice within 14 days of the date the order is received, or such longer period as a bylaw specifies.

8.2 After reviewing the order, the council may confirm, vary, substitute or cancel the order.

8.3 Appeal of Council decision:

A person affected by the decision of a council under section 8 may appeal to the Court of Queen's Bench within 30 days of the date the decision is served on the person if

- a) the procedure required to be followed by this Act is not followed, or
- b) the decision is patently unreasonable.

8.4 The application for the appeal must state the reasons for the appeal.

8.5 The Court may

- a) confirm the decision, or
- b) declare the decision invalid and send the matter back to the council with directions.

#### Section 9 – Repeal of Old Bylaw and Effective Dates

1. This Bylaw shall come into effect on the date of final reading thereof.
2. Bylaw No. <sup>364</sup>~~365~~ - 96 is hereby rescinded.

Read a first time this 13<sup>th</sup> day of April, 2000.

Read a second time this 13<sup>th</sup> day of April, 2000.

Read a third and finally passed this 13<sup>th</sup> day of April, 2000.

  
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Mayor

  
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Chief Administrative Officer