

BYLAW 2024-13

A BYLAW OF THE COUNTY OF ST. PAUL NO. 19, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES 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 nuisances including dangerous and unsightly properties;

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 “Nuisance and Unsightly Premises Bylaw.”

2. DEFINITIONS

- 2.1 “Abandoned Equipment” means equipment or machinery, which has been rendered inoperative by reason of its disassembly, age or mechanical condition, and includes any household appliance stored outside of a residence or other building regardless of whether or not in an inoperative condition.
- 2.2 “Abandoned Vehicle” means the whole or any part of any motor vehicle or farm implement that:
- a) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition, and is not located in a building or located on the property such that it can be concealed from view and
 - b) has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year.
- 2.3 “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.

- 2.4 “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.
- 2.5 “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.
- 2.6 “Council” means the Municipal Council of the County of St. Paul No. 19.
- 2.7 “Detrimental to the Surrounding Area” includes causing the decline of market value to the surrounding area.
- 2.8 “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.
- 2.9 “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.”
- 2.10 “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.
- 2.11 “Nuisance” means any condition or use of Property which, in the opinion of a Bylaw Enforcement Officer, the Chief Administrative Officer, or Council, constitutes an unreasonable interference with the use and enjoyment of other Property and includes, without limiting the foregoing, those conditions set out at Section 4.

2.12 “Order” means an order as described in Section 545 or Section 546 of the Municipal Government Act.

2.13 “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.

2.14 “Property” includes any lands, buildings, structures, improvements or premises or any personal property located thereupon, within the corporate boundaries of the County of St. Paul No. 19;

2.15 “Provincial Offences Procedures Act” means the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.

2.16 “Public Lands” means all lands under the ownership and control of the County of St. Paul No. 19.

2.17 “Reasonable Notice” means seven (7) calendar days.

2.18 “Reasonable State of Repair” means the condition of being:

- a) structurally sound;
- b) free from damage;
- c) free from rot or other deterioration; and
- d) safe for its intended use.

2.19 “Recreation Vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own means of transportation or is mounted or drawn by another

vehicle. The base entities are travel trailer, camping trailer, truck camper, fifth wheel, park model and motor home.

2.20 "Right of Access" means the right of a Bylaw Enforcement Officer to enter property to inspect the property to determine whether to issue an Order, or to allow work forces access to the property for the purposes of enforcing an Order;

2.21 "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; or
- c) Significant fading, chipping, or peeling of painted areas of buildings, structures or improvements on property.

2.22 "Unsightly Conditions" means any condition on or around a Property which is untidy, unsightly, offensive, dangerous to the health and safety of any person, or has or may have a detrimental effect upon any person or the surrounding lands, or which interferes with the use and enjoyment of other adjacent property of the neighborhood.

2.23 "Unsightly Premises" means any Property, whether land, buildings, improvements to lands or buildings, personal property, or any other combination of the above, located on land within the County that, in the opinion of the Bylaw Enforcement Officer is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined by the Municipal Government Act.

2.24 "Violation Tag" means a tag or similar document issued by the County pursuant to the Municipal Government Act.

2.25 "Violation Ticket" means a ticket issued pursuant to Part 2 or Part 3 of the Provincial Offences Procedure Act, and any Regulations thereunder.

3. GENERAL

3.1 The Property Owner of any property is responsible for all activities on the property which are prohibited by 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.

3.3 Nothing in this Bylaw pertains to Agricultural operations.

4. PROHIBITIONS

4.1 A Property Owner shall not keep uncut grass or weeds, which in the opinion of the Bylaw Enforcement Officer, are excessive or which demonstrate neglect by the owner.

4.2 No Property Owner shall cause or allow any Property to be in an unsightly condition or in a condition where its appearance and/or condition is a safety hazard or is detrimental to the surrounding area;

4.3 No Property Owner shall allow the growth of trees or shrubs to interfere or endanger visibility to street/road signage, sidewalks, roadway clearances or sightlines;

4.4 No Property Owner shall permit the accumulation in piles or otherwise of dirt, stone, garden waste, old implements, disassembled or broken vehicles, scrap iron, lumber, glass, furniture, appliances, food containers, wastepaper or cardboard on their property;

4.5 No Property Owner shall dump or cause to be dumped any garbage, waste, fecal matter, 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.

4.6 No Property Owner shall post or allow to be posted or exhibit on the Property unauthorized signs, posters, billboards, graffiti, obscene or offensive symbols, words, pictures or art;

4.7 Property Owners shall maintain all fixtures, improvements, renovations, or additions to any building, structure or improvement to a Property including exterior stairs, porches, decks, landings, balconies, and other similar structures.

- 4.8 Property Owners shall ensure that all foundations, exterior walls, roofs, windows, stairs, fences, and other similar structures are maintained in a reasonable state of repair.
- 4.9 No Property Owner shall cause, permit, or allow garbage, Abandoned Equipment or Abandoned Vehicles to collect, accumulate or be stored upon Property owned or occupied by him, or under his responsibility, or upon Public Lands, adjoining Property owned or occupied by him or under his responsibility, so as to constitute a nuisance in accordance with this Bylaw.
- 4.10 No Person, be it a private individual or general contractor, shall allow the condition of a land to become a nuisance during construction, renovation, or demolition of a building. All debris must be secured to prevent it from being carried onto any other private or public property.
- 4.11 Property Owners shall prevent the occurrence of, or promptly remedy, any Unsightly Conditions.

5. DANGEROUS BUILDINGS AND STRUCTURES

- 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 restored or demolished and removed from the property.
- 5.2 If any building(s) in a state of disrepair is to be restored, it 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.

6. ENFORCEMENT

- 6.1 A Bylaw Enforcement Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with to enter in or upon any Property, in accordance with Section 542 of the Municipal Government Act, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the Municipal Government Act, or other statute.
- 6.2 When exercising his authority to enter onto Property for inspection or enforcement under Section 7.1, a Bylaw Enforcement Officer shall provide the

Owner or Occupant of the Property with reasonable notice as required by the Municipal Government Act.

- 6.3 The 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 Order.
- 6.4 Any Owner or Occupant who contravenes this Bylaw may be issued an Order by a Bylaw Enforcement Officer to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the Municipal Government Act.
- 6.5 In the case of a Nuisance, the Bylaw Enforcement Officer under Section 6.4, may by written Order:
 - a) direct an Owner or Occupant to stop doing something, or change the way in which the person is doing it;
 - b) direct an Owner or Occupant to take any action or measures necessary to remedy the contravention of this Bylaw, including the removal or demolition of a structure, structure or improvement that has been erected or placed in contravention of this Bylaw and, if necessary, to prevent the recurrence of the contravention;
 - c) state a time within which the Owner or Occupant must comply with the directions;
 - d) state that if the Owner or Occupant does not comply with the directions within the specified time, the County may take the action or measures at the expense of the Owner or Occupant, the said expense being recoverable in accordance with the provisions of this Bylaw and the provisions of the Municipal Government Act, and
 - e) state that the person who received the Order may request in writing a review by Council and that a request for such review must be in writing with the County within fourteen (14) days after the date the Order is received. Upon reviewing the Order, Council may confirm, vary, substitute or cancel the Order.

6.6 If, in the opinion of the Bylaw Enforcement Officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the Bylaw Enforcement officer may, by written Order:

- a) require the Owner or Occupant of the Property to eliminate the danger to public safety in the manner specified, or to remove or demolish the building, structure or improvement and level the site;
- b) require the Owner or Occupant of the Property that contains an excavation or hole to eliminate the danger to public safety in the manner specified, or to fill in the excavation of hole and level the site;
- c) require the Owner or Occupant of the Unsightly Premises to improve the appearance of the Property in the manner specified, or if the Property is a building, structure or improvement, to remove or demolish that building, structure or improvement and level the site;
- d) require the Owner or Occupant of the Unsightly Premises to remove or demolish the Unsightly Premises;
- e) state a time within which the Owner or Occupant must comply with the Order;
- f) state that if the Owner or Occupant does not comply with the Order within the time specified, the County may take action or measures at the expense of the Owner or Occupant, the said expenses being recoverable in accordance with the provisions of this Bylaw, and the provisions of the Municipal Government Act, and
- g) state that the person who received the Order may request in writing a review by Council and that a request for such review must be in writing with the County within seven (7) days after the date the Order is received. Upon reviewing the Order, Council may confirm, vary, substitute or cancel the Order.

6.7 A decision by Council shall be considered final, subject to the right of appeal to the Court of King's Bench provided by S. 548 of the Municipal Government Act 2000 c. M-26.

6.8 An Owner or Occupant or other person affected by the decision of Council may appeal to the Court of King's Bench, within the time period set out in the Municipal Government Act if:

- a) the procedure required to be followed by the Municipal Government Act or this Bylaw was not followed; or
 - b) the decision was patently unreasonable.
- 6.9 The appeal must be made,
 - a) in the case of an appeal of an Order under section 545, within 30 days after the date the decision under section 547 is served on the person affected by the decision, and
 - b) in the case of an appeal of an Order under section 546, within 15 days after the date the decision under section 547 is served on the person affected by the decision.
- 6.10 The application for appeal must state the reason for the appeal.
- 6.11 The Court may:
 - a) confirm the decision; or
 - b) declare the decision invalid and send the matter back to Council with directions.
- 6.12 The Bylaw Enforcement Officer may extend the time for doing anything which is required to be done by the terms of the Order.
- 6.13 Council has the authority to confirm, modify, revoke, or substitute its decision for the issued order. Council also has the discretion to extend the time within which any action required by the Order must be completed.
- 6.14 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 Order appealed from.
- 6.15 The expenses and costs of any action or measures taken by the County under this Bylaw are an amount owing to the County by the Owner, Occupant or any other Person in contravention of the Bylaw.
- 6.16 The expenses and costs incurred by the County in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll of the Property that is the subject of the enforcement proceedings under the Bylaw.
- 6.17 If the County sells all or part of a building, structure or improvement that has been removed under this Bylaw, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the Owner or Occupant if entitled to them.

- 6.18 The County may register a caveat under the Land Titles Act in respect of an Order issued under this Bylaw against the Certificate of Title for the Property that is the subject of the Order.
- 6.19 If the County registers a caveat under Section 6.18 of this Bylaw, the County must discharge the caveat when the Order has been complied with or when the County has performed the actions or measures referred to in the Order.
- 6.20 An Order under this Bylaw may be served on an Owner or Occupant, and is deemed to have been served on the Owner or Occupant, when the Order has been:
- a) personally delivered to the Owner or Occupant;
 - b) left for the Owner or Occupant at his residence with a person on the premises who appears to be at least eighteen (18) years of age;
 - c) sent via registered mail to the mailing address recorded on the County's tax roll for the property, in instances where the property is suspected to be unoccupied;
 - d) sent via registered mail addressed to the last known postal address of the Owner or Occupant; or
 - e) posted in a conspicuous place on the Property referred to on the Order, when the Bylaw Enforcement Officer has reason to believe:
 - i. that the Owner or Occupant to whom the Order is addressed is evading service; or
 - ii. no other means of services available.
 - f) As directed by the Courts.
- 6.21 If an Order is sent via registered mail then it is deemed to be received by the Owner or Occupant seven (7) days after the Order was mailed.
- 6.22 Where review by Council of an Order is requested pursuant to Section 6.6 or 6.7, the Order is stayed pending the review by Council;

7. OFFENCES AND PENALTIES

- 7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a fine set out under the Penalties Bylaw and is liable on summary conviction to a fine as set out by the Court.
- 7.2 Subject to Section 6.5 or 6.6, if the Property Owner has not complied with the Order by the specified deadline, the Bylaw Enforcement Officer may direct any work to be done to remedy the Unsightly Conditions, the State of Disrepair or dangerous property, including the disposition of any materials and will charge the owner for all costs associated with carrying out the Order.

- 7.3 If the owner fails to pay for the work done under Section 7.1, the County shall charge the cost against the Property as taxes due and recover the cost in the same manner as taxes due.
- 7.4 The cost of the work done, as stated under 7.2, is charged in addition to an Administration Fee as set out in the Fee Schedule Bylaw.
- 7.5 Notwithstanding Section 7.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing another offence under this Bylaw; and who was:
- a) Found liable on summary conviction for that earlier offence; or
 - b) Who was issued a Violation Tag and paid the amount specified in the Violation tag within thirty (30) days;
 - c) May be liable on summary conviction to a fine as set out under the Penalties Bylaw.
- 7.6 All violations will be accompanied by the appropriate fee, as identified in the Penalties Bylaw.

8. VIOLATION TAGS

- 8.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 8.2 A Violation Tag shall be served upon such a Person:
- a) Personally, by leaving it with a Person on the premises who has the appearance of being at least eighteen (18) years of age;
 - b) By mailing to the Owner's last known post office address;
 - c) Posted in a conspicuous place on the Property;
 - d) In the case of a corporation, by serving the Violation Tag personally upon the Manager, Secretary or other Executive Officer, or Person apparently in charge of a branch office, by mailing a copy to such Person by registered mail.
- 8.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- a) The name of the Owner;
 - b) The offence;
 - c) The appropriate penalty for the offence as set out in the Penalties Bylaw, as amended from time to time;

- d) That the penalty shall be paid within thirty (30) days on the issuance of the Violation Tag; and
 - e) Any other information the Chief Administrative Officer deems pertinent.
- 8.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 8.5 Where a Violation Tag is issued, the Person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.

9. VIOLATION TICKETS

- 9.1 In those cases where a Violation Tag has been issued and the penalties specified on the Violation Tag has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 or Part 3 of the Provincial Offences Procedures Act, R.S.A. 2000, c. P- 34, as amended or repealed and replaced from time to time.
- 9.2 Notwithstanding Section 9.1 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

10. EMERGENCIES

- 10.1 In accordance with section 551 of the Municipal Government Act, R.S.A. 2000, c. M-26 and notwithstanding any provisions of this Bylaw, in an emergency the County may take whatever actions or measures are deemed necessary to eliminate the emergency.

11. EXEMPTIONS AND EXCEPTIONS

- 11.1 The provisions in this Bylaw shall not be interpreted to prevent legitimate work diligently carried out in accordance with a development permit issued by the Development Authority such as: commercial, industrial, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to a Property.
- 11.2 The Owner of a Property that carries on or permits the carrying on of any activities referred to in Sections 4 and 5 of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any

resulting untidiness or unsightliness of a Property.

11.3 Whether or not an Owner has taken all reasonable steps to minimize the duration and visual impression of any resulting untidiness or unsightliness of the Premise, as referred to in Sections 4 and 5 of this Bylaw, is a question to be determined by the Court hearing a prosecution of an offence pursuant to the provisions of this Bylaw.

12. SEVERABILITY

12.1 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.

13. RECISION

Bylaw 2013-26 is hereby repealed.

EFFECTIVE DATE

This Bylaw shall come into full force and effect upon the date of the third and final reading.

Read a first time in Council this 23rd day of July 2024.

Read a second time in Council this 23rd day of July 2024.

Read a third time in Council this 23rd day of July 2024.

(original signed by Reeve G. Ockerman)

Reeve

(original signed by CAO J. Wallsmith)

Chief Administrative Officer