

TOWN OF PICTURE BUTTE

BYLAW # 797/06

A Bylaw of the Town of Picture Butte to regulate unsightly property and to require the timely removal of ice and snow from sidewalks.

WHEREAS Section 7 of the Municipal Government Act R.S.A. 2000, c. M-26 provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people; the protection of people and property; nuisances, including unsightly property; services provided for by or on behalf of the municipality; public utilities; and the enforcement of bylaws;

AND WHEREAS the Council deems it necessary to provide for an efficient means of regulating and encouraging the abatement of unsightly premises within the Town of Picture Butte;

AND WHEREAS the Council deems it necessary to require the timely removal of ice and snow from the sidewalks located within the Town of Picture Butte;

NOW, THEREFORE, the Council of the Town of Picture Butte, in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

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

DEFINITIONS

2) In this Bylaw, unless the context otherwise requires,

- a) **“Act”** means the Municipal Government Act R.S.A. 200, c. M-26 and any regulations and amendments made under the Municipal Government Act;
- b) **“Bylaw Enforcement Officer”** means a Person appointed to enforce the provisions of this Bylaw, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.
- c) **“Chief Administrative Officer”** means the person appointed to the position of Chief Administrative Officer by the Council of the Town of Picture Butte and includes any person that the Chief Administrative Officer may appoint as his designate for purposes of carrying out his responsibilities under this Bylaw and further includes any person that may be appointed to act in the absence of the Chief Administrative Officer;

- d) **“Council”** means the Municipal Council of the Town of Picture Butte;
- e) **“Designated Officer”** is defined under Section 210 of the Municipal Government Act;
- f) **“Improvement”** means a structure or anything attached or secured to a structure that would be transferred without special mention by a transfer or sale of the structure, including but not limited to a manufactured home or mobile home, or machinery or equipment;
- g) **“Occupant”** means any Person other than the Registered Owner who is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner;
- h) **“Order”** means a document issued by a Designated Officer pursuant to the provisions of this Bylaw, or Section 545 or Section 546 of the *Act*, requiring any Person to take any action necessary to remedy the contravention of this Bylaw or the *Act*;
- i) **“Owner”** includes the Person shown as the owner on the Land Title for a property, the occupant of a premises, the lessee or tenant of a premises, the Condominium Board of a condominium property, a property management company that holds itself out as the Person responsible for the maintenance of a premises, or the owner or operator of a Commercial Operation, as the case may require;
- j) **“Person”** means any person, firm, partnership, association, corporation, company or organization of any kind.
- k) **“Property”** means a parcel of land, an improvement, or a parcel of land and the improvements to it;
- l) **“Structure”** means 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;
- m) **“Town”** means the Town of Picture Butte, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Picture Butte, as the context may require;
- n) **“Unightly Property”** means property as described in Section 4 of this Bylaw;
- o) **“Violation Ticket”** means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34. as amended or repealed and replaced from time to time, and any Regulations thereto.

UNSIGHTLY PROPERTY

- 3) No Person being the Owner or Occupant of a Property within the Town of Picture Butte shall permit the Property to be or remain as an Unsightly Property.
- 4) Unsightly Property is Property that in the opinion of the Designated Officer, is detrimental to the surrounding area because of its unsightly condition as defined in Section 546 of the *Act*.
- 5) Some factors that may be considered by a Designated Officer in determining whether property is Unsightly Property include, but shall not be limited to, the following:
 - a) the presence of grass or weeds that exceed 20 centimeters (8 inches) in length;
 - b) the presence of trees or portions of trees that, due to a deterioration of condition or for any other reason, are a public safety hazard;
 - c) the outdoor presence of vehicles that are wrecked, dismantled or inoperable;
 - d) the outdoor presence of more than one vehicle that is not registered with the Motor Vehicle Registry for the current year;
 - e) the outdoor presence of a vehicle that is not parked in an off-street parking area as described in Schedule 8 of the Land Use Bylaw # 747;
 - f) the outdoor storage or accumulation of
 - i) waste from domestic, commercial or industrial activities,
 - ii) animal feces or carcass (in whole or part),
 - iii) litter,
 - iv) refuse (including but not limited to building materials, tires, boxes, dishes, empty tins, cartons, bottles, paper, scrap material),
 - v) equipment,
 - vi) dilapidated furniture or appliances,
 - vii) machinery or parts thereof,
 - viii) automotive parts,
 - ix) petroleum products,
 - x) hazardous materials, or
 - xi) other similar material or items;
 - g) specific or general lack of repair or maintenance including but not limited to:
 - i) significant deterioration of Improvements or portions of Improvements, or Structures within or on the Property;
 - ii) broken or missing windows, siding, shingles, shutters, eaves or other building materials;

h) the location, zoning, use and visibility of property.

INSPECTION

- 6) A Designated Officer may inspect Property in accordance with Section 542 of the *Act* for the purposes of determining whether:
 - a) Property is Unsightly Property under this Bylaw because its unsightly condition is detrimental to the surrounding area in accordance with Section 546 of the *Act*;
 - b) there has been compliance with an Order issued under Section 8 of this Bylaw; or
 - c) there has been compliance with an Order issued in accordance with subsection 546 (1) (c) of the *Act*.
- 7) The Town may apply to the Court of Queen's Bench to authorize inspection and enforcement in accordance with Section 543 of the *Act* if a Person refuses to allow or interferes with entry for inspection.

ORDER

- 8) If, in the opinion of a Designated Officer, a Property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue a written Order in accordance with subsection 546 (1) (c) of the *Act* to the Owner or Occupant of the Property to improve the appearance of the Property in the manner specified, or if the property is a Structure, remove or demolish the structure and level the site.
- 9) The Order may
 - a) state a time, not to be less than seven (7) days from the date of the issuance of the Order, within which the Person must comply with the Order;
 - b) state that if the Person does not comply with the Order within a specified time, not to be less than seven (7) days from the date of issuance of the Order, the municipality will take the action or measure at the expense of the Person.
- 10) No Person shall fail to comply with an Order issued under Section 8 of this Bylaw within the time specified in the Order unless an appeal is made in accordance with Section 12 of this Bylaw.

REMEDY UNSIGHTLY CONDITION OF PROPERTY

- 11) If an Order has been issued under Section 8 of this Bylaw and not complied with within the time period set out in that Order and an appeal has not been submitted in

accordance with Section 12 of this Bylaw, the Town may take whatever actions or measures are necessary to:

- a) deal with the unsightly condition of the Property in accordance with Section 550 of the *Act*; and
- b) collect any unpaid costs or expenses incurred by the Town in accordance with the *Act*.

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

REVIEW OF ORDERS

- 12) A Person who receives an Order under Section 8 of this Bylaw may, within 7 days after the date the Order is received, give written notice requesting council to review the Order.
- 13) After reviewing the Order, Council may confirm, vary, substitute or cancel the Order.
- 14) No Person shall fail to comply with an Order that has been confirmed, varied, or substituted by Council within the time specified by Council unless an appeal is made in accordance with Section 15 of this Bylaw.

APPEAL TO COURT

- 15) A Person affected by the decision of Council under Section 13 of this Bylaw may appeal to the Court of Queen's Bench in accordance with Section 548 of the *Act*.

SNOW OR ICE ON SIDEWALKS

- 16) An Owner or Occupant shall ensure the removal of all snow and ice from any improved public sidewalk located adjacent to the Property owned or occupied by them, whether deposited by natural or unnatural means, within 24 hours of deposit.
- 17) For the purpose of Section 16 of this Bylaw, snow and ice will be considered removed when the sidewalk is cleared of snow and ice to the sidewalk surface as completely as reasonably possible for the entire width of the sidewalk, including private driveway crossings. Where a sidewalk is below grade resulting in repeated coverage by ice or water through drainage of melted snow or rain, the sidewalk must be cleaned as completely as reasonably possible and a non-slip, non-corrosive and salt-free material, such as sand, must be scattered on the surface of the sidewalk as frequently as required to maximize traction for pedestrians.
- 18) For the purpose of Section 16 of this Bylaw, where an Owner or Occupant reasonably anticipates being absent, the Owner or Occupant must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw.

- 19) If after 24 hours of deposit of snow or ice the Owner or Occupant has failed to remove all snow and ice in accordance with this Bylaw, the Town may remove or cause to be removed any snow or ice.
- 20) Council may add the unpaid expenses and costs incurred by the Town for removing the snow and ice in respect of the parcel of land to the tax roll of the parcel of land, in accordance with Section 553 (1) (g.1) of the *Act*. These costs and expenses are charged in addition to any penalty imposed under this Bylaw.

OFFENCES AND PENALTIES

- 21) Any Person who fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine of not more than \$5000.00 or in default of payment of the fine to imprisonment for a period not exceeding 6 months, or to both fine and imprisonment in such amounts.
- 22) The specified penalty payable in respect of a contravention of a specified provision of this Bylaw is as provided for in Schedule "A" of this Bylaw as may be amended by resolution of Council from time to time, said Schedule being hereby incorporated into and made part of this Bylaw.
- 23) A Bylaw Enforcement Officer is hereby authorized and empowered, at the Bylaw Enforcement Officer's discretion, to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 24) Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by a Bylaw Enforcement Officer provided, however, that no more than one Violation Ticket shall be issued for each day the contravention continues.

SEVERABILITY

- 25) It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions thereof shall remain valid and enforceable.

REPEAL

- 26) Bylaw # 542 - 80 and Bylaw # 565 – 81 and amendments thereto are hereby repealed.

EFFECTIVE DATE

27) This Bylaw shall come into effect on the date of final passing thereof.

MOVED by Councillor Oliver that Bylaw 797-06 - Unsightly Premises being a Bylaw of the Town of Picture Butte to regulate unsightly premises and to require the timely removal of ice and snow from the sidewalks be read a first time this 26th day of June, 2006.

CARRIED

MOVED by Mayor Stevens that Bylaw 797-06 – Unsightly Premises Bylaw being a Bylaw of the Town of Picture Butte to regulate unsightly premises and to require the timely removal of ice and snow from the sidewalks be read a second time this 26th day of June, 2006.

CARRIED

MOVED by Councillor Hurkens for permission to proceed to third reading of the Unsightly Premises Bylaw, Bylaw 797-06 being a Bylaw of the Town of Picture Butte to regulate unsightly premises and to require the timely removal of ice and snow from the sidewalks.

CARRIED UNANIMOUSLY

MOVED by Councillor Sheen that Bylaw 797-06 – Unsightly Premises Bylaw being a Bylaw of the Town of Picture Butte to regulate unsightly premises and to require the timely removal of ice and snow from the sidewalks be read a third time this 26th day of June, 2006.

CARRIED

Mayor

Chief Administrative Officer

SCHEDULE “A”

Section 3 – First Offence	\$ 250.00
Section 3 – Subsequent Offences within 12 months	\$ 500.00
Section 10 – First Offence	\$ 500.00
Section 10 – Subsequent Offences within 12 months	\$1000.00
Section 14 – First Offence	\$1000.00
Section 14 – Subsequent Offences within 12 months	\$2000.00

Section 16 – First Offence	\$ 150.00
Section 16 – Subsequent Offences within 12 months	\$ 300.00