

BY-LAW NO. 1343

OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

A bylaw to prevent and compel the abatement of nuisances generally, and regulating untidy and unsightly premises in the Town of Fort Macleod.

WHEREAS, pursuant to Section 160 of the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta 1980, and amendments thereto, the Council of a municipality may pass bylaws to prevent and compel the abatement of, nuisances generally, and the regulation of untidy and unsightly premises;

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

SHORT TITLE AND DEFINITION

- 101.** This bylaw may be cited as “The Untidy and Unsightly Premises By-Law”.
- 102.** In this bylaw;
1. “Council” shall mean the Municipal Council of the Town of Fort Macleod.
 2. “Inspector” means the Special Constable of the Town of Fort Macleod or duly authorized assistants or agent or such persons as may be designated or appointed by the Town Council of the Town of Fort Macleod.
 3. “Town” shall mean the Municipal Corporation of the Town of Fort Macleod.
 4. Without limiting the generality of the term, “untidy and unsightly premises” shall mean to include:
 - a) Premises not in keeping with the surrounding properties within a one-block radius of similar land use properties.
 - b) In a residential area, the condition of permitting a motor vehicle or parts thereof which are in a dilapidated or unsightly condition to remain outside a building or on a property located within the boundaries of the Town of Fort Macleod.
 - c) Property on which waste from domestic, commercial or industrial activities including grass, tree and hedge cuttings, clippings, broken household dishes, utensils, empty or partly empty tins, boxes, cartons, bottles and containers, discarded paper and fabric and other articles are located.

APPLICATION OF BY-LAW

- 201.** No person being the owner, lessee, or tenant of any land or premises within the Town of Fort Macleod shall permit the land or premises to be or remain in an untidy and unsightly condition and is required to:
- 1) Cut the grass on a boulevard which abuts or flanks a property occupied by him;
 - 2) Eradicate dandelions and noxious weeds or plants and cut the grass on public or private property;
 - 3) Remove or prune trees or shrubs on private property or otherwise, that in any way interfere with or endanger the lines, poles, conduits, pipes, sewers or other works of a municipal or other public utility;
- 202.** Pursuant to this bylaw the Council may:
- 1) Require the owner, agent, lessee or occupier to remedy in a manner that the Council may direct any condition on his land that constitutes the nuisance or that contravenes the bylaw and impose appropriate fines and penalties in case of failure to do so,
 - 2) Direct the owner, agent, lessee or occupier to remove the litter causing or contributing to untidy or unsightly premises;
 - 3) Require the owner, agent, lessee or occupier to construct a fence, wall, screen or similar structure to prevent the untidy or unsightly premises from being viewed from any highway or other public place.

POWERS AND DUTIES OF INSPECTOR

- 301.** Where the lands or premises in the Town of Fort Macleod are found to be in an untidy and unsightly condition, the Inspector may give notice in writing to a person who is under a duty imposed by this bylaw to prevent such a condition and have remedied the same forthwith and the Inspector may direct that this be done in such a manner as he deems advisable on or before a day to be named in the notice.
- 302.** The Inspector is hereby authorized to enter into any lands, buildings or premises and inspect for conditions that may contravene or fail to comply with any of the provisions of this bylaw.
- 303.** The forms and serving of notices by the Inspector shall be as follows:
- 1) A notice to a registered owner given by the Inspector under the provision of this bylaw shall be in writing in Form A – 1343, set out as Schedule “A” to this bylaw.
 - 2) The original of the notice shall be served on the registered owners, where applicable, a true copy of the notice shall be delivered to the owner’s agent, lessee or occupier; and a true copy shall be retained for Town Office records.
 - 3) The Inspector shall give fourteen (14) days from the date of delivery of the notice for its compliance.
 - 4) A notice by the Inspector pursuant to any of the provisions of this bylaw shall be deemed to have duly given and served on the person to whom it is addressed by:
 - a. Sending it by certified mail, addressed to the last known postal address of the person to whom the notice is addressed, or as shown in the assessment roll, as the case may be and,
 - b. Such notice shall be deemed to have been received five (5) days from the mailing date.
- 304.** If, after the day designated for the compliance of the notice give by the Inspector pursuant to this bylaw, the owner, agent, lessee or occupier fails to remedy the conditions stated in the notice, the Inspector shall report the same to Council.

NOTICE OF CONSIDERATION BY COUNCIL

- 401.** Upon consideration of the report, Council may direct that a notice in writing in Form “B” – 1343 set out as Schedule “ B” to this bylaw, served in the same manner as Form “A” 1343.
- 402.** Council shall cause not less than fourteen (14) days notice to be sent by certified mail to the owner of the land specifying the date, time and place at which the making of an Order, pursuant to the bylaw, will be considered and that the owner will be given an opportunity of appearing and being heard by the Council at the meeting before the making of the Order.

ORDER TO REMEDY

- 501.** If, following the hearing, Council is of the opinion that the land or premises in question is in unsightly or untidy condition, it may declare it to be so in order that the condition be remedied, said Order to be in Form “C” – 1343 set out as Schedule “C” to this bylaw and served in the same manner as Form “A” – 1343.
- 502.** Any such Order may require the Owner, within a period of time, which shall not be less than fourteen (14) days from the date of the Order to remedy the untidy and unsightly condition of the premises in the manner set forth in the Order.
- 503.** If the Owner does not remedy the condition within the period specified within the Order, the Inspector or other authorized person shall remedy the condition to the extent directed in the Order; and where such remedy is carried out by the authorized person and the Town incurs costs remedying the condition, such costs are chargeable to the Owner and recoverable as a debt due to the Town.

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504. Where the owner neglects or refuses to pay the costs incurred by the Town in obtaining compliance with the Order, the Town may cause these costs to be added to the tax roll as a charge against the lands of the Owner in the same manner as taxes and with the same priority as to lien and to payment thereof as in the case of ordinary municipal taxes.

REDRESS TO COURTS

601. An owner, agent, lessee or occupier and Owner who receives a notice, Order or direction requiring him to remedy a condition that constitutes an untidy or unsightly premise or contravenes or fails to comply with this bylaw and who thinks himself aggrieved may appeal within ten (10) days from the date of the Order to the Court of Queen’s Bench of Alberta.

PENALTIES

701. Any person who violates or contravenes any provision of the bylaw or any person responsible for such violation or contravention shall be liable on summary conviction before a Provincial Court Judge to a penalty of:

- 1) For a first offence – minimum fine of \$100. to a maximum fine of \$1,000.;
- 2) For a second offence – a minimum fine of \$500. to a maximum fine of \$1,500.;
- 3) For a third and subsequent offence – a minimum fine of \$1,000. to a maximum fine of \$2,500.

702. In addition to the fines stipulated in Section 701 a Provincial Court Judge may order a minimum daily fine of not less than \$100. nor more than \$2,500. for every day that the offence continues after conviction.

703. In addition to the fines stipulated in Section 701 and 702, a Provincial Court Judge may order imprisonment for any period not exceeding six (6) months in case of non-payment of the fines and costs imposed for any violation or contravention of this bylaw, unless the fine and costs including the costs of committal are sooner paid.

ENACTMENT

801. That this bylaw shall come into full force and effect upon third reading thereof.

READ A FIRST TIME THIS 30th DAY OF MAY 1983, A.D.

MAYOR

SECRETARY-TREASURER

READ A SECOND TIME THIS 13th DAY OF JUNE 1983 A.D.

MAYOR

SECRETARY-TREASURER

READ A THIRD TIME AND FINALLY DECLARED PASSED BY COUNCIL THIS 21st DAY OF JUNE 1983 A.D.

MAYOR

SECRETARY-TREASURER