

**BY-LAW NO. 20-01
VILLAGE OF GIROUXVILLE**

A BYLAW OF THE VILLAGE OF GIROUXVILLE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSES OF REGULATING, CONTROLLING AND REDUCING UNTIDY AND UNSIGHTLY PREMISES, PESTS AND NUISANCES WITHIN THE VILLAGE OF GIROUXVILLE.

WHEREAS the most current *Municipal Government Act*, as amended or repealed and replaced from time to time, provides that a Council of a Municipality may pass bylaws for municipal purposes including for the safety, health and welfare of people in relation to the regulation of Unsightly, Untidy and Unsafe Premises and Nuisances within its boundaries;

AND WHEREAS the *Safety Codes Act, R.S.A. 2000, c.S-1*, and amendments thereto, provides that a Council of a Municipality may establish minimum standards for the maintenance of buildings and structures;

AND WHEREAS the Council of the Village of Girouxville deems it expedient to make such rules and regulations;

NOW THEREFORE the Council of the Village of Girouxville, in the Province of Alberta, duly assembled enacts as follows:

PURPOSE AND TITLE

- 1.1 The purpose of this Bylaw is to regulate nuisances, including Unsightly premises.
- 1.2 This Bylaw may be cited as the "Nuisance and Unsightly Premises Bylaw".

DEFINITIONS

2.1 In this Bylaw:

- (a) "**Act**" means the most current *Municipal Government Act* as amended or repealed and replaced from time to time;
- (b) "**Adjacent Boulevard**" means a boulevard which abuts, flanks or adjoins a Property, and any land that lie directly between the boundary of a Property and an adjacent highway, road or alley;
- (c) "**CAO**" means the Person appointed to the position of Chief Administrative Officer by the Council of the Village and includes any Person that the CAO may appoint as his/her designate for the purpose of carrying out his/her duties under this Bylaw and further includes any Person that may be appointed to act in the absence of the CAO;
- (d) "**Composting**" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create useable soil conditioner;

- (e) **“Council”** means the Municipal Council of the Village of Girouxville;
- (f) **“Derelict Equipment”** means equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or the deterioration of its mechanical condition and includes, but is not limited to any household appliances stored outside of a residence or other structure, regardless of whether the household appliance is in an inoperative condition;
- (g) **“Derelict Vehicle”** means the entirety or any portion of any motor vehicle, where that vehicle;
 - i. is in a rusted, wholly or partially, wrecked, dismantled, or inoperative condition, and is not located within a structure or located on Property such that it can be concealed from view of surrounding public and private lands; or
 - ii. has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year;
- (h) **“Designated Officer”** means a Designated Officer as defined in the Act, or a delegate thereof
- (i) **“Deterioration”** means the process of becoming progressively worse in quality or strength resulting from:
 - i. weathering
 - ii. lack of general maintenance
- (j) **“Fence”** means a barrier, railing, or other upright structure, typically of wood, stone, brick or chain link, enclosing an area of ground to mark a boundary, control access, or prevent escape.
- (k) **“Motor Vehicle”** means a motor vehicle, as defined in the *Traffic Safety Act*, R.S.A. 2000, c.T-6 as amended and repealed or replaced from time to time.
- (l) **“Notice”** means the written notice from a Designated Officer of the Village.
- (m) **“Nuisance”** includes the physical condition of, use of, or an emission from, Property or a structure which, in the opinion of a Designated Officer or the CAO constitutes an unreasonable interference with the use and enjoyment of other private or public Property and includes, without limiting the foregoing, an Unsightly Premises;
- (n) **“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;
- (o) **“Order”** means an Order issued by a Designated Officer pursuant to section 545 or section 546 of the Act, as applicable;

(p) **“Owner”** means

- i. any Person registered as the Owner of Property under the *Land Titles Act*, R.S.A. 2000, c.L-4, as amended or repealed from time to time;
- ii. a Person who is recorded as the Owner of Property on the Assessment Roll of the Village;
- iii. a Person holding himself/herself out as the Person exercising the power or authority of Ownership or, who for the time being exercises the powers and authority of Ownership over the Property;
- iv. a Person in control of Property under construction; or
- v. a Person who is the Occupant of the Property under a lease, license or permit.

(q) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed by the Village; or a Bylaw Enforcement Officer appointed to enforce the Village’s Bylaws.

(r) **“Person”** means a corporation, partnership, or individual, and their heirs, executors, administrators or other legal representative of an individual;

(s) **“Pest”** means an animal, bird, reptile, or insect that may, in the opinion of a Designated Officer, cause annoyance, or harm to a person, animal, or plant and includes any organism declared as a pest or nuisance pursuant to the *Agricultural Pest Act* R.S.A. 2000, c. A-8, as amended or repealed and replaced from time to time;

(t) **“Property”** means any lands, external surfaces of all buildings, structures or premises, or any personal Property located thereupon, within the municipal boundaries of the Village;

(u) **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time;

(v) **“Reasonable State of Repair”** means the condition of being:

- i. structurally sound;
- ii. free from significant physical or aesthetic damage;
- iii. free from rot or other deterioration; and
- iv. safe for its intended use; and
- v. so as not to present an unsightly condition or appearance.

(w) **“Refuse”** means includes but not limited to:

- i. all solid and liquid waste, loose litter, debris, junk, or effluent belonging to or associated with a house or household or any industry, trade or business;
- ii. vehicle parts or accessories;

- iii. furniture, appliances, machinery or parts thereof;
 - iv. bottles, cans and recyclable materials;
 - v. animal excrement; and
 - vi. any unused or unusable material that by reason of its state, condition or excessive accumulation, in the opinion of Designated Officer, appears:
 - a. to have been discarded or derelict; or
 - b. to be useless or of no particular value; or
 - c. to be used up or worn out in whole or part.
- (x) **“Sidewalk”** means that part of the highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a Highway between the curb line or where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or unpaved;
- (y) **“Unsightly Premises”** means any Property, whether land, buildings, improvements to lands and buildings, or any other combination thereof, located within the Village that, in the opinion of a Designated Officer, is Unsightly to such an extent as to detrimentally affect the amenities, use, value or enjoyment of surrounding Properties in reasonable proximity to the Unsightly Premises, or is otherwise detrimental to the surrounding area or in an Unsightly condition as defined by the Act.
- (z) **“Village”** means the Village of Girouxville, in the Province of Alberta.
- (aa) **“Violation Tag”** means a tag or similar document issued by the Village pursuant to the *Act* for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;
- (bb) **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;
- (cc) **“Yard Materials”** means materials consisting of dirt, grass, gravel, leaves, vines, twigs, shrubbery trimmings, branches, and limb or decorative non decomposing yard items.

NUISANCE

- 3.1 An Owner or Occupant of any Property within the Village shall not cause, permit or allow that Property or a use of that Property to constitute a Nuisance.
- 3.2 An Owner or Occupant who has permitted or allowed a Nuisance to exist on an Adjacent Boulevard shall be deemed to have permitted or allowed a Nuisance on their Property.
- 3.3 Conditions constituting a Nuisance which no Person shall cause, permit or allow include, but are not limited to:
- (a) the accumulation of Refuse on Property;

- (b) grass in excess of fifteen (15) centimeters in length, or the presence of vegetation which in the opinion of a Peace Officer or Designated Officer demonstrates neglect by the Occupant or Owner;
- (c) the accumulation of yard material, ashes or scrap building material;
- (d) the presence of Derelict Vehicles or Derelict Equipment;
- (e) the presence of animal material, hazardous materials, noxious fumes, manure or sewage;
- (f) the presence of shrubs, trees, weeds or other vegetation which, as a result of its location on the Property has caused or is causing damage to adjacent properties, public property, or which is obstructing a sidewalk, highway or public place, including the obstruction of sight lines necessary for the safe operation of Motor Vehicles on a highway within the Village;
- (g) the presence of weeds on a property;
- (h) the failure to keep Property in a Reasonable State of Repair, including a lack of repair or maintenance of buildings, structures or property, which includes but is not limited to:
 - (i). the significant deterioration of buildings, structures, fences or improvements, or portions of buildings, structures, or improvements;
 - (ii) broken or missing windows, doors, door frames, siding, stairs, steps, landings, balconies, patios, fences, shingles, shutters or any other building material;
 - (iii). significant fading, chipping, peeling, rotting or absence of paint on areas of buildings, structures, fences or improvements on Property; and
 - (iv). conditions that may create a danger to public safety in the opinion of a Designated Officer.
- (i) the presence of graffiti on a Property.

UNSIGHTLY AND DANGEROUS PREMISES

- 4.1 An Owner or Occupant of a Property shall not cause, permit or allow that Property to become a danger to public safety or an Unsightly Premises.
- 4.2 No Person shall cause, permit or allow Refuse, Derelict Equipment or Derelict Vehicles to collect, accumulate or to be stored upon their Property.
- 4.3 No Person shall cause, permit or allow Refuse, Derelict Equipment or Derelict Vehicles to accumulate in any building or structure within the Village, except in appropriate containers for temporary storage of Refuse or other waste materials for

pick-up and disposal at a sanitary landfill, recycling centre or other waste management facility, or except as otherwise permitted pursuant to a statute or this or another bylaw.

- 4.4 No Person shall cause, permit or allow a Derelict Vehicle to be parked, stored or left in any driveway or yard.
- 4.5 No Person shall cause, permit or allow a vehicle to be used for the storage of Refuse.
- 4.6 An Owner or Occupant of a Property may cause, permit or allow for the temporary storage of materials or Refuse resulting from the construction, demolition or alteration of a Property to be stored on the Property provided that:
 - (a) it is removed in its entirety from the Property on a regular basis;
 - (b) it will not pose a fire risk or a risk to the health or safety of the public; and
 - (c) it is not stored in an unsightly manner;as determined by a Designated Officer,
- 4.7 An owner or Occupant may store firewood, building materials, and garden equipment in the rear or side yard provided that such storage does not exceed ten (10) percent of the yard area in which it is stored and is, in the opinion of a Peace Officer or Designated Officer, neatly piled and does not constitute an unreasonable fire hazard.

Vegetation and Pest Control

- 4.8 An Occupant or Owner of a Property shall ensure that all vegetation on that Property is maintained and is not overgrown or unsightly.
- 4.9 An Occupant or Owner of a Property shall follow the Village's Tree Policy and must not allow plants or vegetation in any location which, in the opinion of a Designated Officer or Peace Officer, may adversely affect the safety of the public.
- 4.10 An Occupant or Owner shall take reasonable steps to prevent attracting, sustaining and breeding of Pests on that Property.
- 4.11 An Occupant or Owner shall maintain all Adjacent Boulevards in accordance with the provisions of this Bylaw.

Composting

- 4.12 No Owner or Occupant of a Property shall place or allow to be placed domestic animal feces, animal parts or animal meat on a Composting pile or in a Composting container on his Property.
- 4.13 An Owner or Occupant who places or allows a Composting

container or Composting pile to remain on his property shall take all reasonable steps to ensure that it does not become a Nuisance or attract Pests.

Refuse

- 4.14 An Owner or Occupant of a Property shall not cause, permit or allow Refuse to accumulate on that property.
- 4.15 No Person shall place Refuse on Property other than their own, including public property, except in a waste receptacle provided for depositing Refuse.
- 4.16 No Person shall place Refuse on Village Property without first obtaining written approval from the Village.
- 4.17 A Person who places Refuse on Village Property shall remove that Refuse and reclaim the Property to its original condition.
- 4.18 Subject to Section 4.6, Refuse resulting from the construction, demolition or alteration of a Property, may be placed on the Property on a temporary basis, in a manner that will not constitute a nuisance.

Smoke, Particulate and Light Pollution

- 4.19 No Owner or Occupant of a Property shall engage in an activity likely to allow smoke, dust, gas or any similar airborne particulates or gases to escape from the Property which in the opinion of a Designated Officer, is likely to disturb another Person.
- 4.20 No Owner or Occupant of a Property shall allow an outdoor light to shine directly into the living areas of an adjacent Property in a manner which, in the opinion of a Designated Officer, is likely to disturb an Owner or Occupant of an adjacent Property.
- 4.21 No Owner or Occupant of a Property shall allow an outdoor light on that Property to shine in a manner which, in the opinion of a Designated Officer, is likely to interfere with public safety.

Fencing

- 4.22 Failure to keep screening in a reasonable state of repair.

ENFORCEMENT

- 5.1 The Owner of any Property shall be responsible for all activities on the Property and for ensuring that the Property is not or does not become a Nuisance or Unightly Property, and for remedying any contravention of this Bylaw.
- 5.2 A Designated Officer may, for the purpose of ensuring that

the provisions of this Bylaw are being complied with, enter upon any Property or into any structure, in accordance with section 542 of the *Act*, in order to carry out an inspection, 'enforcement or other action required or authorized by this' Bylaw, the *Act*, or any other statute.

5.3 Where contravention of this Bylaw has occurred or is occurring, a Designated Officer may issue an Order to the Owner, Occupant, or Person responsible for the contravention, or any or all of them, pursuant to section 545 of the *Act* in the case of a Nuisance or Unightly Premises or pursuant to section 546 of the *Act* in the case of a danger to public safety.

5.4 An Order issued by a Designated Officer under Section 5.3 of this Bylaw may, in the case of a Nuisance or Unightly Premises:

- (a) direct the Person to whom the Order is issued to stop or alter the way in which the Person is conducting a certain activity;
- (b) direct the Person to take any action or measure necessary to remedy the contravention of this Bylaw, including but not limited to the cessation of an activity, the cutting or removal of vegetation, and the removal or demolition of the structure or improvement that is in contravention of this Bylaw and, if necessary, to prevent the reoccurrence of the contravention;
- (c) state a time period which shall not be more than thirty (30) days from the date of the making of the Order, but not less than ten (10) days in which the Person responsible must comply with directions stated in the Order.
- (d) state that if the Person does not comply with the directions provided within the Order within the time period specified, that the Village may take any action or measure reasonably necessary to remedy the contravention at the expense of the Person responsible, with such expenses being recoverable against the Person responsible, in accordance with the provisions of the *Act*; and
- (e) notify the Person responsible of the right to apply by written notice for a review of the Order by Village Council, and any fee required for such an application, as follows:

Fee of \$75.00 that shall be returned to the applicant in the event that the whole of the Order is revoked by Council.

- (f) Any person who enters property to remedy a condition, shall be deemed to have the authorization of Council, and shall not incur any liability therefore.

Appealing an Order

5.5 A Person to whom an Order is issued may request a review

of the Order by written notice to Council of the Village of Girouxville, Box 276, Girouxville, Alberta T0H1S0 within seven (7) days of the date on which the date entered on the said Order.

5.6 A Person requesting a review of an Order by Council shall, in conjunction with the written request for review, submit a fee in the amount as follows:

Fee of \$75.00 that shall only be returned to the applicant in the event that the whole of the Order is revoked by Council.

5.7 Upon a review of an Order of Council may confirm, vary, substitute or cancel the Order.

Administrative Duties

5.8 When in the opinion of the officer a condition exists which contravenes any of the provisions of this by-law the Officer shall:

- i) issue a written warning to the owner, agent, lessee and /or occupier of the land or premises in question advising them of the condition and directing them that the condition be rectified within seven (7) days from the date entered on the said notice.
- ii) Upon non-compliance to a written notice issue referred to in sub-Section 5.9 i), a Violation Tag to the owner, agent, lessee and/or occupier of the land or premises in question.

5.9 Any costs or expenses of any action or measure taken by the Village pursuant to this Bylaw are an amount owing to the Village by the Owner, Occupant or any other Person responsible for the contravention, to whom an Order was issued, or any or all of them.

5.10 If the Village sells all or a part of a structure or improvement, or the contents of a structure or improvement, that have been removed pursuant to this Bylaw, the proceeds of the sale must be used to pay the costs and expenses incurred by the Village in the enforcement of the Order issued, and any excess proceeds must be paid to the Owner, Occupant or Person responsible for the contravention, if entitled to them.

5.11 The expenses and costs incurred by the Village in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll for the Property pursuant to the *Act*.

5.12 An Order issued pursuant to this Bylaw is deemed to have been served on the Person to whom it is addressed when the Order has been:

- (a) in the case of an individual, delivered personally to the individual, or left for the individual at his or her residence with a Person on the Premises who appears to be at least eighteen (18) years of age; or

- (b) upon confirmation of receipt of the Order by the Person to whom it is addressed by registered mail;
- (c) in the case of a partnership or corporation, by registered mail or personal delivery to either the registered officer or business address of the partnership or corporation;
- (d) in the event that the Village is unsuccessful in its attempts to serve the Order pursuant to Subsections 5.12 (a), (b) or (c) above, a Designated Officer may post a copy of the Order in a conspicuous place on the Property referred to in the Order, when the Designated Officer has reason to believe that the Person to whom the Order is addressed is evading service, and that there is no other reasonable means of service available.

OFFENCES AND PENALTIES

6.1 Regardless of whether an Order has been issued pursuant to this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as follows:

Direction Order Non-compliance Administrative Fee \$ 50.00 plus the total costs for the required work

1 st non-compliance offence	\$ 100.00
2 nd non-compliance offence	\$ 200.00
3 rd non-compliance offence	\$ 300.00

6.2 Any person who fails to comply with an Order issued pursuant Section 5 of this Bylaw is guilty of an offence.

6.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

Violation Tags

6.4 A Designated Officer or CAO is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Designated Officer or CAO has reasonable grounds to believe has contravened any provision of this Bylaw.

6.5 A Violation Tag shall be served:

- (a) upon the Person personally, or by leaving it with the Person on the Premises who has the appearance of being at least eighteen (18) years of age; or
- (b) in the case of a corporation or partnership, by serving the Violation Tag personally upon the Manager, Corporate Secretary or other Officer, or Person apparently in charge of a branch office, or by mailing a copy to such Person by registered mail.

6.6 A Violation Tag shall be in a form approved by the CAO, and shall state:

- (a) the name of the Person to whom the Violation Tag is issued;
- (b) a description of the Property upon which the offence has been committed, if applicable;
- (c) a description of the offence and the applicable Bylaw Section;
- (d) the appropriate penalty for the offence;
- (e) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
- (f) any other information as may be required by the CAO.

6.7 Where a Violation Tag has been issued pursuant to Section 6.4 the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village Office, the penalty specified on the Violation Tag.

Violation Tickets

6.8 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to a person to whom the Violation Tag was issued.

6.9 Notwithstanding Section 6.8, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

6.10 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

6.11 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as follows:

Direction Order Non-compliance Administrative Fee \$50.00
plus total cost for doing the required work

1 st non-compliance offence	\$ 100.00
2 nd non-compliance offence	\$ 200.00
3 rd non-compliance offence	\$ 400.00

6.12 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to this Bylaw and the

Provincial Offences Procedure Act, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

SEVERABILITY

- 7.1 Should any provision of this Bylaw be invalid, then the invalid provision must be severed and the remainder of the Bylaw is deemed valid.
- 7.2 That Bylaw No.325 Untidy and Unsightly Bylaw is hereby repealed.


ENACTMENT

- 8.1 This Bylaw shall take effect on the day of the final passing thereof.

Read a first time this 11th day of March, 2020

Read a second time this 11th day of March,2020

Read a third and finally passed this 11th day of March, 2020



MAYOR



Chief Administrative Officer