

# TOWN OF BASSANO

## BYLAW NO. 797/05

A BYLAW OF THE TOWN OF BASSANO IN THE PROVINCE OF ALBERTA TO REGULATE UNSIGHTLY PROPERTY.

WHEREAS, the Municipal Government Act RSA 2000, c M-26 and regulations as amended, provides that Council may pass bylaws, for municipal purposes respecting the safety, health and welfare of people, the protection of people and property, nuisances; services provided by or on behalf of the municipality; public utilities; and the enforcement of bylaws:

AND WHEREAS, no Owner or Occupant in control of property, land, premises or building shall permit, suffer, continue or allow to be continued an unsightly condition on that property, land, premises or building;

AND WHEREAS, Section 546 of the Municipal Government Act RSA 2000, CM-26 and regulations as amended, authorizes Council to require the owner of the property that is in an unsightly condition to improve the appearance of the property.

NOW THEREFORE, the Council of the Town of Bassano, in the Province of Alberta, hereby enacts as follows:

### TITLE

1. This Bylaw may be referred to as the "Unsightly Property Bylaw".

### DEFINITIONS

2. In this Bylaw, unless the content otherwise requires:
  - a) "Act" means the Municipal Government Act RSA 2000 c-M 26 and regulations made under the Municipal Government Act as amended.
  - b) "Bylaw" means the Town of Bassano Bylaw No. 797/05 as may be amended from time to time;
  - c) "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.
  - d) "Chief Administrative Officer" means the Person appointed to the position of chief administrative officer by the Council of the Town of Bassano 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.
  - e) "Council Means the Municipal Council of the Town of Bassano.
  - f) "Designated Officer" is defined under Section 210 of the Municipal Government Act;

- g) "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 and equipment.
- h) "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.
- i) "Order" means a document issued by a Designated Officer pursuant to s.6 of this Bylaw, or a s. 545 or s. 546 of the Act, requiring any Person to take any action necessary to remedy the contravention of this Bylaw or the Act.
- j) "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 which 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;
- k) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- l) "Property" means a parcel of land; an improvement, or; a parcel of land and the improvements to it.
- m) "Structure" means a building or other thing erected or place 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.
- n) "Town" means the Town of Bassano, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Bassano as the context may require.
- o) "Unightly Property" property described in Section 3 of this Bylaw.
- p) "Violation Tag" means a tag or similar document issued by the Town pursuant to the Act.
- q) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, cP34, as amended or repealed and replaced from time to time.

### UNSIGHTLY PROPERTY

- 3. Unightly Property is Property that, in the opinion of the Designated Officer is detrimental to the surrounding area because of its unsightly condition as defined at s.546 of the Act.
- 4. Some factors which may be considered by a Designated Officer in Determining whether property is Unightly Property include the following:
  - a) the presence of uncut grass or weeds
  - b) the presence of wrecked or dismantled vehicles, including vehicles that are inoperable and unregistered;

- c) the storage or accumulation of waste, litter, refuse (including but not limited to building materials, tires, boxes, scrap material) equipment, dilapidated furniture or appliances, machinery, parts or other similar materials or items;
- d) specific or general lack of repair or maintenance including but not limited to:
  - i) significant deterioration of Improvements or portions of Improvements.
  - ii) broken or missing windows, siding, shingles, shutters, eaves or other building materials, or
  - iii) significant fading, chipping or peeling of painted areas of improvements;
- e) the location, zoning, use and visibility of property.

#### INSEPCION

- 5. 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 s.546 of the Act;
  - b) there has been compliance with an Order issued under s.7 of this Bylaw.
  - c) there has been a compliance with an Order issued in the accordance with subsection 546(1) (c) of the Act.
- 6. The Town may apply to the Court of Queen's Bench to authorize and enforcement in accordance with s.543 of the Act if a person refuses to allow or interferes with entry for inspection.

#### ORDER

- 7. If, in the opinion of a Designated Office, Property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue 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 within a period of seven (7) days from the date of the issuance of the Order.

## REMEDY UNSIGHTLY CONDITION OF PROPERTY

8. If an order has been issued under s. 7 of this Bylaw and not complied with in the time period set out in that Order, the Town may take whatever actions or measures are necessary to:
  - a) deal with the unsightly condition of the Property in accordance with s. 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

9. A Person who receives an Order may by written notice seven (7) days After the Order is received, request Council to review the Order in accordance with subsection 547 (1) (b) of the Act.
10. After reviewing the Order, Council may confirm, vary, substitute or Cancel the Order in accordance with subsection 547 (2) of the Act.

## APPEAL TO COURT

11. A Person affected by the decision of Council under s. 10 of this Bylaw may appeal to the Court of Queen's Bench in accordance with s. 548 of the Act.

## OFFENCES AND PENALTIES

12. Any Person who breaches any provision of this Bylaw is guilty of an Offence, and upon summary conviction shall be liable to the specified penalties set out at Schedule "A" of this Bylaw, as amended by resolution of Council from time-to-time.
13. Any Person who contravenes any provision of this Bylaw is guilty of an offence and liable:
  - a) 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 the Bylaw.
  - b) A Violation Tag may be issued to such Person:
    - i) personally, or

- ii) by mailing a copy to such Person at his/her last known post office address, or
- iii) if being issued to a corporation by serving the Violation Tag personally upon the manager, secretary, receptionist or other officer or Person apparently in charge at any premises of the corporation, or by mailing a copy to such corporation by registered mail.

c) The violation Tag shall state:

- i) the name of the Person;
- ii) the municipal or legal description of the land on or near where the offence took place;
- iii) the offence;
- iv) the penalty for the offence as set out in s.12 of this Bylaw;
- v) that the penalty shall be paid within seven (7) days of the issuance of the Violation Tag; and
- vi) any other information as may be required by the Chief Administrative Officer or by the provisions of the Act.

14. 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.

15. Where the Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Town the penalty specified on the Violation Tag.

16. a) Notwithstanding any provision of this Bylaw a Bylaw Enforcement Officer is hereby authorized and empowered, without having first issued a Violation Tag and at the Bylaw Enforcement Officer's discretion, to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act RSA 2000, cP-34, to any Person who the Bylaw Enforcement Officer has reasonable any probable grounds to believe has contravened any provision of the Bylaw.

c) A Violation Ticket issued pursuant to this Bylaw shall be issued in the form and manner specified by the Provincial Offences Procedure Act RSA 2000, cP-34, and any regulations made their under.

#### SEVERABILITY

17. 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 hereof shall remain valid and enforceable.

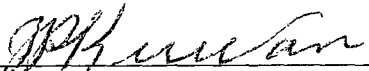
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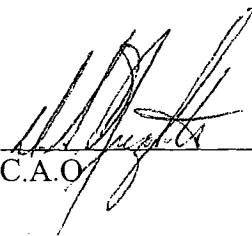
18. This Bylaw shall take effect at the date of final passing thereof.

READ A FIRST TIME THIS 9<sup>TH</sup> DAY OF JANUARY, 2006.

READ A SECOND TIME THIS 9<sup>TH</sup> DAY OF JANUARY, W006.

READ A THIRD TIME AND FINALLY PASSIED THIS 9<sup>TH</sup> DAY OF  
JANUARY, 2006.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
C.A.O.

BYLAW 797/05

SCHEDULE A - PENALTIES

1<sup>ST</sup> Offence \$200.00

2<sup>nd</sup> Offence \$300.00

3<sup>rd</sup> Offence \$400.00

of the

TOWN OF BASSANO in the Province of Alberta

A BY-LAW OF THE TOWN OF BASSANO TO PROVIDE FOR REGULATING OF  
UNTIDY AND UNSIGHTLY PREMISES.

WHEREAS, the Municipal Government Act, R.S.A., 1994 and amendments thereto, provides that Council may pass By-laws for the prevention, abatement and regulation of nuisances, unsightly and untidy premises.

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

DEFINITIONS OF INTERPRETATIONS

101. In this Bylaw:

- a) "Act" shall mean the Municipal Government Act, R.S.A., Chapter M-26 as amended.
- b) "By-law Enforcement Officer" shall mean a person appointed as such by Council. An Officer of the R.C.M.P., or other Town Personnel appointed by Council.
- c) "Council" shall mean the Council of the Town of Bassano in the Province of Alberta.
- d) "Occupant" shall mean the person actually or legally responsible for any property and shall include a corporation, lessee, tenant, owner or agent of the owner.
- e) "Owner" shall mean any person who is registered with the Alberta Land Titles as the owner of land and shall have the meaning as that in the Act.
- f) "Town" shall mean the Town of Bassano in the Province of Alberta.
- g) "Unsightly or Untidy" means any property not neat and tidy in appearance, being careless, causing visual pollution to another person.
- h) "Vacant Lot" shall mean property that is not occupied by buildings.

Responsibilities of Occupant

- 201. All occupants shall be required to cut the grass and or weeds on any boulevard, 1/2 of the alley, which flanks or adjoins the property occupied by him.
  - 202. All owners shall be required to control nuisance, restricted & noxious weeds, and to cut grass on the vacant lots that they own (at least once during the months of June, July, August and September).
  - 203. All occupants shall be required to control nuisance, restricted & noxious weeds, and to cut grass on property they occupy (at least once during the months of June, July, August and September).
  - 204. The occupants shall be responsible for the removal or pruning of trees and 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.
  - 205. No occupant shall permit the accumulation of refuse, garbage, litter, noxious weeds or plants, uncut grass, farm implements, automobiles or trailers, not used regularly by the occupier of the land, or any other rubbish so as to cause any unsightly condition, hazard or nuisance.
  - 206. No person shall dump or cause to be dumped, any rubbish, garbage, waste, either solid or liquid, petroleum products, industrial or commercial waste products or by-products or to dispose of any material whatsoever within the Town except at such place or places specifically designated by Council in such manner as may be from time to time prescribed.
- [Handwritten signatures]*

207. No person of any premises in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, shall prevent the emission to the atmosphere from the fire of opaque or dense smoke, for a period of more than six (6) minutes in any hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney.

#### By-law Enforcement

301. The By-law Enforcement Officer, authorized by Council, may enter any land, building, or premises to inspect for conditions that may constitute a nuisance or that contravenes any section of this By-law.
302. Where any condition or activity on lands within the Town is found to be a contravention of this By-law, the By-law Enforcement Officer may give written notice to the occupant to abate the activity or to remedy the condition, as the case may be, on or before a date specified in that order.
303. If after the date designated in the order requiring compliance with this By-law, the occupant fails to remedy the condition or abate the activity stated in the notice, the By-law Enforcement Officer may cause any work necessary to remedy the condition to be done.

#### Council

401. After issuance of an Order, the Bylaw Enforcement Officer shall prepare a report for Council for ratification and endorsement of the order.
402. Once the person authorized pursuant to section 303 has remedied the condition or has taken whatever steps are necessary to ensure that a contravening activity ceases or abates, that person may immediately dispose of the refuse, garbage, litter, noxious weeds or plants, grass, farm implements, automobiles or trailers, or any other rubbish in any manner which he deems appropriate.

#### Penalties

501. If, pursuant to this Bylaw, the Council authorizes any person to remedy a condition or to ensure that a contravening activity ceases or abates then the costs incurred by the Town in so doing may be charged by it to the occupants and in default of payment such costs by the occupant the Town may:
- a) recover such costs as a debt due to the Town, or
  - b) charge such costs against the lands concerned as taxes due and owing to respect of that land and recover such costs as such.
502. Any occupant who fails to comply with an Order directed to him pursuant to section 303 is guilty of an offense and is liable on summary conviction to a fine of not less than \$200.00 and not greater than \$500.00.

#### Appeals

601. A person who considers himself aggrieved by a direction given pursuant to any section of this Bylaw may appeal the direction to Council.
602. An appeal under this section shall be delivered in person or sent by certified mail to the Municipal Secretary within ten (10) days of the date on which the direction was served to the owner or occupant.
603. After considering the appeal, the Council may confirm this direction or if it is satisfied that the direction is unreasonable, unjust, or in any manner contrary to the intent and meaning of this section, set aside, vary or modify the direction.
604. If a person considers himself aggrieved by a decision under section 601, he may appeal the decision by originating notice to the Court of Queen's Bench within ten (10) days of the date on which the decision is served on him.

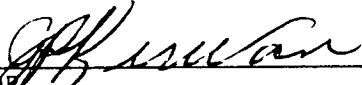
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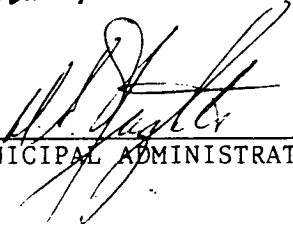
General

701. This By-law shall come into effect upon date of third and final reading.

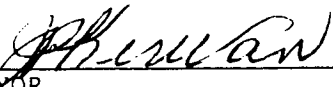
READ A FIRST TIME THIS 24 DAY OF FEBRUARY, 1997.

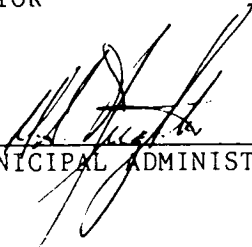
READ A SECOND TIME THIS 24 DAY OF FEBRUARY, 1997.

  
MAYOR

  
MUNICIPAL ADMINISTRATOR

READ A THIRD AND FINAL TIME THIS 10 DAY OF March, 1997.

  
MAYOR

  
MUNICIPAL ADMINISTRATOR

BY-LAW 691/84

of the

TOWN OF BASSANO IN THE PROVINCE OF ALBERTA.

BEING A BY-LAW OF THE TOWN OF BASSANO IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE MAINTENANCE OF BOULEVARDS, SIDEWALKS AND ALLEYS WITHIN THE TOWN OF BASSANO.

WHEREAS, under the provisions of Sections 160 and 186 of the Municipal Government Act being Chapter M-26, Revised Statutes of Alberta, and amendments thereto, the Council of the Town of Bassano in the Province of Alberta in Council duly assembled enacts as follows:

1. That the owner lessee, tenant or agent of the owner shall be required to maintain and cut the grass on the boulevard adjoining the property owned or occupied by him and in the event of the failure of the owner, lessee, tenant or agent of the owner of the said property to maintain or cut the said boulevard grass after reasonable notice to him to do so, the Town may have the work done and, in case of non-payment of the costs thereof by the owner, lessee, tenant or agent of the owner, the costs of the work shall be charged against the property as taxes due and owing and collect them as such.
2. The owner, lessee, tenant or agent of the owner shall be required to control dandelions, noxious weeds and plants on property owned or occupied by him and, the boulevard adjoining the property owned or occupied by him and, one half of the width of the lane or alley adjoining the property owned or occupied by him, and to keep said areas in a neat and tidy condition and, in the event of failure of the owner, lessee, tenant or agent of the owner of the said property to control the dandelions, noxious weeds and plants thereon and keep the alley or lane in a neat and tidy condition after reasonable notice for him to do so, the Town may have the work done and the cost of the work done, billed to the owner, lessee, tenant, or agent of the owner and, in default of payment, costs may be charged against the property concerned as taxes due and owing and collect them as such.
3. The owner, lessee, tenant or agent of the owner shall be required to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks situated on land adjoining the property owned or occupied by him and in the event of the failure of the owner, lessee, tenant or agent of the owner of the said property to remove and clear away all the said snow, ice, dirt and other obstructions within twenty four hours after the depositing or accumulation thereof, the Town may have the work done and, in case of non-payment of the costs thereof by the owner, lessee tenant or agent of the owner of the said property, the costs of the work shall be charged against the property as taxes due and owing and collect them as such.
4. This By-Law shall have effect from the date of the final passing thereof.

READ A FIRST TIME IN COUNCIL THIS 13th DAY OF AUGUST, 1984.

READ A SECOND TIME IN COUNCIL THIS 13th DAY OF AUGUST, 1984.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 13th DAY

OF AUGUST 1984.

  
MAYOR

  
MUNICIPAL ADMINISTRATOR