

# BYLAW NO. 03 - 26

## VILLAGE OF EDGERTON

### UNSIGHTLY PROPERTIES BYLAW (REVISED DRAFT)

#### **A BYLAW OF THE VILLAGE OF EDGERTON IN THE PROVINCE OF ALBERTA TO REGULATE AND ABATE NUISANCES AND UNSIGHTLY PREMISES AND TO STRENGTHEN ENFORCEMENT POWERS.**

**WHEREAS** section 7 of the *Municipal Government Act*, RSA 2000, c. M-26 (the “MGA”) authorizes a council to pass bylaws respecting the safety, health and welfare of people, the protection of people and property, and nuisances including unsightly property;

**AND WHEREAS** sections 542, 545 and 546 of the MGA authorize a municipality to enter on land, to issue remedial orders to remedy contraventions, dangers to public safety, and unsightly property, and section 549 authorizes a municipality to take action at a person’s expense upon non-compliance;

**NOW THEREFORE**, the Council of the Village of Edgerton, duly assembled, enacts as follows:

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## 1. SHORT TITLE

1.1 This Bylaw may be cited as the “**Unsightly Properties Bylaw.**”

## 2. PURPOSE

2.1 The purpose of this Bylaw is to set minimum standards for the maintenance of property and to regulate, control, and abate nuisances and unsightly conditions on property within the Village, and to provide clear processes and powers to ensure compliance.

## 3. DEFINITIONS

3.1 In this Bylaw, unless the context otherwise requires:

- “**Animal Material**” means animal excrement, carcasses or parts thereof and material accumulated from pet pens, yards, kennels or similar uses.
- “**Ashes**” means powdery residue and partially burnt material resulting from combustion.
- “**Building Material**” means construction, renovation or demolition material including, without limitation: wood, drywall, roofing, piping, wiring, metal, concrete, asphalt, packaging, and any earth, vegetation or rock displaced or stockpiled during such work.
- “**CAO**” means the Chief Administrative Officer of the Village or designate.

- **“Council”** means the Council of the Village of Edgerton.
- **“Dangerous Property”** means any condition on a Premises which, in the opinion of a Designated Officer, creates or may create a danger to public safety.
- **“Designated Officer”** means a person appointed by the Village as a bylaw enforcement officer, community peace officer, or other person authorized to exercise the powers, duties and functions under sections 542, 545 and 546 of the MGA.
- **“Derelict Equipment”** means equipment or machinery (including household appliances) stored outdoors that is inoperative by reason of its disassembly, age or mechanical condition, or that is otherwise not in a legally roadworthy or functioning condition.
- **“Derelict Vehicle”** means a vehicle that is incapable of safe operation; or is partially or fully dismantled; or is substantially damaged, including a vehicle on blocks or with missing equipment such that it is not lawful to operate on streets.
- **“Garbage/Refuse”** means household or commercial rubbish including boxes, cartons, bottles, cans, packaging, waste paper, rags, discarded clothing or fabric, fuels, chemicals, hazardous materials, tires, and other discarded items.
- **“Good Repair”** means a condition free from missing, broken, rotted or significantly deteriorated parts, and secured against trespass and against infiltration of air and precipitation.
- **“Graffiti”** means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched or sprayed on or to the surface of any Premises or Structure, without the owner’s consent.
- **“MGA”** means the *Municipal Government Act*, RSA 2000, c. M-26, as amended or replaced.
- **“Occupant”** means a person other than the owner who occupies, controls, or has the right to occupy a property.
- **“Owner”** includes any person shown on title as owner of the property, recorded as owner on the Village tax roll, a purchaser under agreement, or a person who appears to have care, control or management of the property.
- **“Premises”** means any lands, buildings or structures within the Village and includes the external surfaces of buildings and the land immediately adjacent.
- **“Unsightly Premises”** means any Premises or part thereof that, by reason of a significant accumulation of materials, a lack of general maintenance and upkeep, or other visible neglect, is detrimental to the surrounding area, including land showing serious disregard for general maintenance or upkeep.
- **“Yard Material”** means organic waste formed as a result of gardening or horticultural pursuits, including grass clippings, leaves, branches and decomposing plants.

## 4. GENERAL DUTY

4.1 An Owner of a Premises shall ensure the Premises does not become or continue to be an Unsightly Premises, a Dangerous Property, or a nuisance under this Bylaw.

## 5. UNSIGHTLY OR DANGEROUS CONDITIONS (NON-EXHAUSTIVE)

5.1 Without limiting section 4.1, a Premises is deemed unsightly or dangerous where one or more of the following exists:

- a. **Accumulations:** excessive accumulation of any material, including Building Material (except where an active permitted project is underway and materials are neatly stacked), Garbage/Refuse, Yard Material, Ashes, used containers, tires, scrap metal, machinery, equipment, parts or other debris;
- b. **Appliances & Furniture Outdoors:** appliances or household furniture intended for indoor use left outdoors and visible from a public place;
- c. **Derelict Vehicles & Equipment:** one or more Derelict Vehicles or Derelict Equipment located outdoors on a Premises;
- d. **Trailers Used for Storage:** any trailer used to store accumulations described in clause (a) unless fully enclosed or covered with a secured, weather-resistant cover;
- e. **Weeds & Vegetation:** unkempt grass or herbaceous vegetation exceeding 15 centimeters in height on any portion of a Premises, including the boulevard abutting the Premises, and failure to control weeds in accordance with the *Weed Control Act*;
- f. **Hazardous/Dead Vegetation:** dead, diseased, or hazardous trees or vegetation that create a safety risk or impede the use of public property or public utilities, or that are likely to cause damage to property;
- g. **Pest Infestations:** conditions resulting in infestations of pests on the Premises;
- h. **Trees & Shrubs:** trees, hedges or shrubs that overhang, obstruct or interfere with sidewalks, lanes, roads, traffic sightlines, signage, street lighting, or public utilities, or that create a safety hazard;
- i. **Litter, Odour, Dust & Smoke:** loose litter, offensive odours, or excessive dust/smoke escaping a Premises;
- j. **Excavations & Standing Water:** any accessible excavation, ditch or hole, or standing water, that could pose a danger to public safety or negatively affect adjacent properties;

k. **Structures & Fences in Disrepair:** buildings, fences or other structures exhibiting significant physical deterioration (including broken or missing windows, doors, siding, roofing or finishes) or not maintained in Good Repair; and

l. **Graffiti:** failure to remove, paint over, or otherwise block from public view any Graffiti on a Premises within 7 days of notification by a Designated Officer.

m. **Non-exclusionary:** in the opinion of the designated officer anything that is detrimental to the surrounding area

## 6. CONSTRUCTION SITES

6.1 The Owner of a Premises under construction, renovation or demolition shall ensure:

a. all Building Material and waste is contained and secured to prevent scattering on or off the Premises;

b. waste materials are placed in covered bins or containers and removed within 48 hours after a bin becomes full; and

c. the site is kept in an orderly condition, free of excessive debris.

## 7. WEEDS, GRASS, TREES AND FENCES

7.1 An Owner shall control weeds and grass on the Premises and any abutting boulevard, including to the centerline of abutting lanes or alleys, and shall comply with any notice issued under the *Weed Control Act*.

7.2 An Owner shall remove or prune any vegetation encroaching upon public property that creates a traffic or public safety hazard or interferes with the Village's public works or utilities.

7.3 An Owner shall maintain fences and retaining walls in Good Repair so that they do not become dilapidated, unstable, missing boards/panels, leaning in a hazardous manner, or otherwise unsightly or dangerous.

## 8. ENFORCEMENT POWERS & PROCESS

8.1 **Right of Entry:** A Designated Officer may enter on land at reasonable times after giving reasonable notice, to inspect or to enforce this Bylaw as permitted by the MGA.

8.2 **Warning Letter / Voluntary Compliance:** Prior to issuing an order, a Designated Officer may issue a warning letter or invite the Owner to enter into a voluntary compliance agreement setting timelines and actions to remediate.

8.3 **Orders – Contraventions (MGA s. 545):** Where a Designated Officer finds that a person is contravening this Bylaw or any enactment the Village is authorized to enforce, the

Designated Officer may by written order require the person responsible to remedy the contravention within the time specified.

**8.4 Orders – Dangerous or Unsightly (MGA s. 546):** Where, in the opinion of a Designated Officer, a structure, excavation or hole is dangerous to public safety, or property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may by written order require the Owner to remedy the condition in the manner specified.

**8.5 Content of Orders:** An order under sections 8.3 or 8.4 may:

- a. directs a person to stop or change a practice, or to take actions or measures to remedy the condition, including removal or demolition or construction/installation of screening or enclosures;
- b. state a deadline for compliance; and
- c. state that if the person does not comply within the time specified, the Village may carry out the work at the person's expense.

**8.6 Service of Orders and Notices:** Orders or notices may be served in accordance with the MGA, including personal service or service by mail. If those methods are impractical, service may be affected by posting at the Premises, by regular mail to the last known address on the tax roll, or by any other reasonable method likely to bring the order to the person's attention.

**8.7 Registration on Title:** The Village may register a notice of an order on the Land Title of the Premises were permitted by law and may discharge the registration after compliance.

**8.8 Review (Appeal):** A person who receives a written order may request Council to review the order by written notice delivered to the CAO within 14 days of receipt for an order under section 8.3, or within 7 days of receipt for an order under section 8.4. Council may confirm, vary, substitute or cancel the order. Council may delegate the review function to a Council committee or appeal board by bylaw.

**8.9 Village Remedy & Costs:** If a person fails to comply with an order, the Village may take the actions or measures necessary to remedy the condition at the person's expense. The costs incurred by the Village constitute a debt owing to the Village. To the extent permitted by the MGA, unpaid costs arising from actions to remedy contraventions may be added to the tax roll of the parcel.

**8.10 Storage & Disposal of Items:** When the Village removes items to remedy an order, the Village may store such items for 30 days and release them upon payment of removal/storage costs. After 30 days, unclaimed items may be disposed of by sale or destruction, and net sale proceeds may be applied to the Village's costs. If items are unsafe/unsanitary/perishable, they may be disposed of at any time.

**8.11 Administrative Fee:** In addition to actual costs, the Village may charge an administrative fee for coordinating remedial actions undertaken by the Village. This fee will be no less 20% and no more than 40%

## 9. OFFENCES & PENALTIES

9.1 A person who contravenes any provision of this Bylaw is guilty of an offence.

9.2 **Escalating Penalties:** Unless otherwise stated, the minimum and specified penalties for contraventions of this Bylaw are as follows:

- First offence: \$300
- Second offence (same provision within 24 months): \$600
- Third offence: \$1,200
- Fourth and subsequent offence: \$2,400

9.3 A person who is convicted of an offence under this Bylaw is liable on summary conviction to a fine not exceeding \$10,000 or imprisonment for up to one year, or both, as provided by law. The levying and payment of a fine does not relieve a person from the obligation to remedy a contravention or to comply with an order.

## 10. OBSTRUCTION

10.1 No person shall obstruct or hinder a Designated Officer, peace officer, or other person acting under the authority of this Bylaw or the MGA.

## 11. GENERAL

11.1 **Severability:** If any portion of this Bylaw is held invalid, the invalid portion shall be severed and the remainder shall continue in force.

11.2 **Schedules:** Schedules attached to this Bylaw form part of this Bylaw.

11.3 **Repeal:** Bylaw No. 04-23 and all amendments thereto are repealed upon this Bylaw coming into force.

11.4 **Effective Date:** This Bylaw comes into force on the day it is signed.

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## SCHEDULE “A” – SPECIFIED OFFENCES & ESCALATING PENALTIES

**Penalty Ladder (applies to each listed offence):** 1st \$300 → 2nd \$600 → 3rd \$1,200 → 4th \$2,400.

Offence	Section
Cause or permit Premises to be unsightly or dangerous	4.1 / 5.1
Excessive accumulation of materials	5.1(a)
Appliances/furniture intended for indoor use stored outdoors	5.1(b)
Derelict vehicle(s) or derelict equipment outdoors	5.1(c)
Trailer used for storage of accumulations, uncovered	5.1(d)
Grass/vegetation exceeding 15 cm; failure to control weeds	5.1(e), 7.1
Hazardous/dead vegetation not removed	5.1(f)
Conditions causing pest infestations	5.1(g)
Vegetation encroaching or creating hazard	5.1(h)
Litter, odour, dust or smoke escaping property	5.1(i)
Unsafe excavation/standing water	5.1(j)
Structure, fence or building not in Good Repair	5.1(k), 7.3
Failure to remove or cover graffiti by deadline	5.1(l)
Construction site – unsecured or scattered materials	6.1(a)
Construction site – failure to bin/remove full bin within 48h	6.1(b)
Construction site – disorderly/excess debris	6.1(c)
Obstruction of officer	10.1
Failure to comply with an order within the time specified	8.3–8.5

Note: Each day that a contravention continues constitutes a separate offence that can be reticketed on 48 hours rotating time, without the issuance of new orders.

READ A FIRST TIME this 25 day of March, 2026.

READ A SECOND TIME this \_ day of \_\_\_\_\_, 2026.

READ A THIRD TIME AND FINALLY PASSED this \_ day of \_\_\_\_\_, 2026.

Singed this \_\_\_\_ day of \_\_\_\_\_, 2026

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Mayor -Kaylan White

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Chief Administrative Officer – Nick Frank