

**BYLAW - 459  
VILLAGE OF NAMPA  
PROVINCE OF ALBERTA**

**A BYLAW OF THE VILLAGE OF NAMPA, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ABATEMENT OF NUISANCE, PESTS AND TO REGULATE UNTIDY AND UNSIGHTLY PREMISES**

---

**WHEREAS** Council may pursuant to the provisions of Section 546 of the Municipal Government Act, RSA 2000, Chapter M-26 enact legislation to among other things remedy dangerous, un-kept and unsightly property and;

**WHEREAS** the Council of the Village of Nampa deems it proper and expedient to pass legislation that grants powers to administration to deal with property that is deemed unsightly, dangerous to public safety and in a derelict or un-kept condition in an efficient and expedient manner.

**NOW THEREFORE** under the authority granted by Section 546 of the Municipal Government Act, RSA 2000, Chapter M-26 the Council of the Village of Nampa, in the Province of Alberta enacts as follows:

**SECTION 1 - GENERAL**

- 1.1 This Bylaw shall be referred to as the Unsightly, Un-kept and /or Dangerous Property Bylaw.
- 1.2 The Chief Administrative Officer or his/her designate is hereby authorized to enforce the provisions of this Bylaw in a manner deemed consistent with the provisions contained herein.

**SECTION 2 - DEFINITIONS**

- 2.1 **"Building material"** means all construction and demolition material accumulated on a premise while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such construction, alteration or repair.
- 2.2 **"Chief Administrative Officer"**, hereinafter called "the Officer", shall mean the person appointed by Council to administer the affairs of the Village of Nampa in Accordance with the provisions of the Municipal Government Act, RSA 2000, Chapter M-26.
- 2.3 **"Council"** shall mean the Council of the Village of Nampa in the Province of Alberta.
- 2.4 **"Dangerous to Public Safety"** shall mean property that in the opinion of the Officer presents a threat to public safety because of its derelict, un-kept or untidy condition.
- 2.5 **"Designate"** shall mean the person, hereinafter who shall also be called the "Officer" appointed by the Chief Administrative Officer to enforce the provisions of this Bylaw.
- 2.6 **"Nuisance"** shall mean any disturbance that conflicts with the peace and quiet of the neighborhood and is the subject of a complaint.
- 2.7 **"Nuisance" in respect of land**, means land or any portion thereof, that shows signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area and;
  - a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle/machinery parts garbage or refuse, whether of any apparent value or not.
  - b) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land.
  - c) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not.
  - d) smelly or messy compost heaps.
  - e) unkempt grass or weeds in excess of 20 centimeters in length

- 2.8 **“Nuisance Weeds”** shall include weeds that are not defined as noxious or restricted under the “Noxious and Restricted Weed Act” of the Province of Alberta.
- 2.9 **“Noxious or Restricted Weeds”** shall mean weeds that are defined as noxious or restricted under the “Noxious or Restricted Weed Act” of the Province of Alberta.
- 2.10 **“Order”** means a written statement from the Officer requiring the Owner to remedy a condition contravening the provisions of this Bylaw.
- 2.11 **“Owner/Owners”** shall mean the person/persons of record as shown of the tax records of the Village of Nampa as being the owner of the property that is subject to this Bylaw or a person who is the occupant of the property under a lease, license or permit.
- 2.12 **“Unightly or Untidy”** shall mean property that is in the opinion of the Chief Administrative Officer or his/her designate considered to be unsightly or untidy.
- 2.13 **“Unightly Premises”** means any property or part of it which is characterized by visual evidence of a lack of general maintenance and upkeep by the excessive accumulation on the premises of;
- a) any rubbish, refuse, garbage, papers, packages, containers, bottles, cans, manure, human excrement or sewage or the whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household dishes and utensils, boxes, cartons and discarded fabrics.
  - b) the whole or part of any motor vehicle or vehicles which has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year, and which is inoperative by reason of removed parts, or equipment.
  - c) equipment or machinery which has been rendered inoperative by reason of its disassembly, age or mechanical condition and includes any household appliances.
  - d) animal material, yard material, ashes, building material and garbage as defined in this Bylaw.
  - e) All Owners/Occupants of property shall control noxious or restricted weeds on their property as required by Provincial Legislation.
  - f) All Owners/Occupants of property shall maintain their property in a manner such that all nuisance weeds and grass are maintained in a manner consistent with the intent of this Bylaw.
  - g) All Owners/Occupants of property shall maintain the boulevards adjacent to the property they own or occupy in a manner consistent with the intent of this Bylaw by:
    - a) removing any accumulation of fallen leaves or other debris and
    - b) no parking of motor vehicles; recreational vehicles; equipment or machinery on boulevard.
- 2.14 All Owners/Occupants of property shall maintain the lanes and grass walkways adjacent to their property in a manner consistent with the intent of this Bylaw.
- 2.15 All Owners/Occupants shall maintain trees and shrubs on their property in a manner such that they do not overhang onto public property so as to cause a threat to public safety.
- 2.16 No Owner/Occupant of property shall allow the proliferation of, or harbor any insect, animal or pest that is likely to spread disease, be destructive, dangerous or otherwise become a nuisance.
- 2.17 No Owner/Occupant shall cause or permit a nuisance to exist in respect of any building on land they own or occupy.

- (a) For the purpose of greater certainty a nuisance, in respect of a building, means a building, or any portion thereof, showing signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, which includes:
  - (b) Any damage to the building;
  - (c) any graffiti displayed on the building that is visible from any surrounding property
  - (d) Any rot or deterioration within the building; and
  - (e) Any inappropriate infiltration of air, moisture or water into the building due to peeling, unpainted, untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building
  - (f) Fencing - No owner of a property shall allow the fence to become dilapidated
    - 1) All fencing must be made of approved fencing material
    - 2) All screening must be kept in a reasonable state of repair

2.18 **“Unoccupied Building”** means a building normally intended for human habitation which is unoccupied then any door or window opening in the building may be covered with a solid piece of wood but only if the wood is:

- a) Installed from the exterior and fitted within the frame of the opening in a watertight manner;
- b) Of a thickness sufficient to prevent unauthorized entry into the building;
- c) Secured in a manner sufficient to prevent unauthorized entry into the building; and
- d) Coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

2.19 If a building normally intended for human habitation is unoccupied then every walkway and driveway on the property shall be maintained clear of snow and ice by the person who owns the property.

2.20 No Owner/Occupant of property shall allow lawn clippings, dirt or other debris to be stored, piled or deposited loose on public property.

### **SECTION 3 - ENFORCEMENT**

- 3.1 The Officer shall have the authority to enter upon lands of the Owner/Occupant for the purpose of enforcing the provisions of this Bylaw.
- 3.2 When in the opinion of the Officer a condition exists which in the opinion of the Officer contravenes any of the provisions of this Bylaw the Officer may direct the Owner to take whatever action the Officer deems appropriate in order to rectify the condition.
- 3.3 The Officer shall provide to the Owner an Order stating;
  - a) The nature of the infraction
  - b) The remedy to be taken
  - c) The time the Owner has to remedy the infraction.
  - d) The action that may be taken by the Officer in order to enforce the Order.
  - e) How the costs to enforce the Order are to be recovered by the Village in the event the Order is enforced using Village crews or contractors.
  - f) The right the Owner has pursuant to the provisions of the Municipal Government Act to appeal the Order.

First Non - Compliance Offense - Failure to comply with order will result in owner of the property being fined \$100.00.

Second Non Compliance Offense - Owner of property being fined \$200.00 and issued a final clean up notice (7 day notice).

Third Non-compliance offense will result in the home owner being fined \$400.00 and that the Village may take any action or measure reasonably necessary to remedy the contravention at the expense of the property owner. If a company/contractor is hired by Village to perform the cleanup, costs will be borne by the owner of the property.

- 3.4 In the event the Officer is required to take action to remedy the conditions of an Order the costs to enforce the Order shall be borne by the Owner and may be added to the tax roll of the property that is the subject of the Order.
- 3.5 Any person/persons entering the property for the purposes of enforcing an Order that has been issued is doing so under the direction and authority of Council and shall not incur any liability related to damages caused accidentally.

#### **SECTION 4 - EFFECTIVE DATE**

4.1 Bylaw # 420R is hereby repealed.

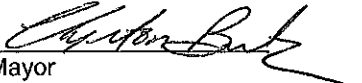
This Bylaw shall come into force and effect when it receives third and final reading and is duly signed.

**READ** a first time this 20<sup>th</sup> day of October 2020.

**READ** a second time this 17<sup>th</sup> day of November, 2020

**CONSENT** to proceed with third Reading this 17<sup>th</sup> day of November, 2020

**READ** a third time and finally passed this 17<sup>th</sup> day of November, 2020

  
Mayor

  
Chief Administrative Officer