

3rd Reading
June 14th, 2017
RDP



**VILLAGE OF RYCROFT
BYLAW 179-16**

“A BYLAW OF THE VILLAGE OF RYCROFT, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSES OF REGULATING, CONTROLLING AND REDUCING UNTIDY, UNSAFE, UNSIGHTLY AND DANGEROUS PREMISES AND NUISANCES WITHIN THE VILLAGE OF RYCROFT

WHEREAS the *Municipal Government Act, R.S.A.2000, cM-26*, and amendments thereto, provides that a Council of a Municipality may pass Bylaws for municipal purposes including for the safety, health and welfare of people and 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 *Weed Control Act, R.S.A. 2000, c. W-5*, and amendments thereto, provides that a Council of a Municipality may pass bylaws identifying and regulating restricted, noxious or nuisance weeds;

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

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

1. **Title**

This Bylaw may be cited as the **“Untidy, Unsafe & Unsightly Premises Bylaw”**.

2. **Definitions**

In this Bylaw:

- (a) **“ABANDONED 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;
- (b) **“ABANDONED 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; 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; and
 - iii. is inoperative by reason of missing or disassembled parts or equipment and is not located within a structure or located on Property such that it can be concealed from view;
- (c) **“ACT”** means the *Municipal Government Act, R.S.A.2000, c. M-26*, as amended or repealed and replaced from time to time;

- (d) **"BUILDING MATERIALS"** means all construction and demolition material accumulated on a property 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;
- (e) **"BYLAW ENFORCEMENT OFFICER"** means the Bylaw Enforcement Officer appointed by the Village pursuant to the *Act*, to enforce the Village's Bylaws, and includes a member of the Royal Canadian Mounted Police, a person appointed as a weed inspector under the *Weed Control Act*, and any Community Peace Officer employed by the Village;
- (f) **"CHIEF ADMINISTRATIVE OFFICER" or "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;
- (g) **"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;
- (h) **"COUNCIL"** means the Mayor and Councillors of the Village of Rycroft for the time being elected pursuant to the provisions of the *Act*, whose time is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the *Act*;
- (i) **"DESIGNATED OFFICER"** means for the purposes of this Bylaw, the CAO, Bylaw Enforcement Officer, or Building Inspector of the Village;
- (j) **"LAND USE BYLAW"** means the Village of Rycroft Land Use Bylaw No. 77-07, as amended or repealed and replaced from time to time;
- (k) **"MOTOR VEHICLE"** means a motor vehicle, as defined in the *Traffic Safety Act*;
- (l) **"NOISE"** means a disturbing sound that can include, but is not limited to, yelling, shouting, loud music, horns, power tools, gas motors, etc.;
- (m) **"NOTICE"** means the written notice from a Designated Officer of the Village;
- (n) **"NOXIOUS WEED"** means a noxious weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001, as amended or repealed and replaced from time to time;
- (o) **"NUISANCE"** means any condition or use of Property which, in the opinion of a Designated Officer, constitutes an unreasonable interference with the use and enjoyment of other Property and may include the physical condition of, a use of, or an emission from, Property or a structure which constitutes an unreasonable interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, an Unsightly Premises;
- (p) **"NUISANCE WEED"** means a nuisance weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001, as amended or repealed and replaced from time to time;
- (q) **"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;
- (r) **"ORDER"** means an Order issued by a Designated Officer pursuant to section 545 or section 546 of the *Act*, as applicable;

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- (s) **“OWNER”** means
- i. any person registered as the Owner of Property under the *Land Titles Act*;
 - ii. a Person who is recorded as the Owner of Property on the Assessment Roll of the Village;
 - iii. a Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired directly from the Owner or from another Purchaser, and who has not yet become the Registered Owner thereof;
 - iv. 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;
 - v. a Person in control of Property under construction; or
 - vi. a Person who is the Occupant of the Property under a lease, license or Permit.
- (t) **“PERSON”** means a corporation, partnership, or individual, and their heirs, executors, administrators or another legal representative of an individual;
- (u) **“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;
- (v) **“PROPERTY”** means any lands, buildings, structures or premises, or any personal Property located thereupon, within the municipal boundaries of the Village;
- (w) **“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;
- (x) **“REASONABLE STATE OF REPAIR”** means the condition of being:
- i. structurally sound
 - ii. free from significant damage
 - iii. free from rot or other deterioration;
 - iv. safe for its intended use; and
 - v. so as not to present an unsightly condition or appearance.
- (y) **“REFUSE”** means articles including but not limited to, the following; solid and liquid wastes, loose litter, debris, junk, household waste, waste paper, cardboard, food containers, grass cuttings, shrubbery and tree prunings, weeds and garden waste, abandoned vehicles, vehicle parts or accessories, tires, residential furnishings, household appliances, machinery or parts of furnishings, appliances or machinery, construction materials, animal feces, or garbage bags;
- (z) **“RESTRICTED WEED”** means a restricted weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001, as amended or repealed and replaced from time to time;
- (aa) **“UNSIGHTLY PREMISES”** means any Property, whether land, buildings, improvements to lands and buildings, or any other combination of the above, located within the Village that, in the opinion of a Designated Officer, is unsightly to such an extent as to detrimentally affect the proposed amenities, use, value or enjoyment of the surrounding Properties in reasonable proximity to the Unsightly Premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Act*;
- (bb) **“VILLAGE”** means the Village of Rycroft, in the Province of Alberta;

- (cc) **“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;
- (dd) **“VIOLATION TICKET”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;
- (ee) **“WEED CONTROL ACT”** means the *Weed Control Act*, R.S.A. 2000, c. W-5, as amended or repealed and replaced from time to time;
- (ff) **“WEEDS”** means any Noxious, Nuisance or Restricted Weed as prescribed in the *Weed Control Act*, and *Alberta Regulation 171/2001*, as amended or repealed and replaced from time to time.
- (gg) **“YARD WASTE”** means organic matter formed as a result of gardening or horticultural pursuits and includes grass clippings and tree or hedge cuttings.
- (hh) The Owner of any Property, as noted on the Certificate of Title for the Lands is ultimately 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.

3. Violations

- 3.1 No owner or occupant of a premise shall cause, allow, permit or maintain his or her premises in an unsightly, untidy or nuisance condition as defined by this bylaw.
- 3.2 No owner or occupant shall cause, permit, or allow to exist, a structure, excavation or hole that in the opinion of an Enforcement Officer may be a danger to public safety.
- 3.3 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to accumulate in any building or structure within the Village, except in appropriate containers provided for the 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 other permitted pursuant to a statutory or this, or another bylaw.
- 3.4 In the Village of Rycroft, except as otherwise permitted pursuant to this Bylaw, no Person shall:
 - a) Cause or emit a Noise within the Village;
 - b) Operate or permit the operation of a vehicle owned or leased by him, in a manner that causes a noise;
 - c) No owner shall permit Property he or she owns to be used in a manner such that a noise is created on the Property;
 - d) No occupant shall permit Property he or she occupies pursuant to lease, license or permit agreement to be used in such a manner as to create a Noise;
 - e) The Village may, upon receipt of a written request, issue a Permit to a Person for the purpose of suspending the application of Noise prevention provisions of this Bylaw. Any written request submitted by a Person pursuant to this Section must specify the dates and hours of the day for which the Permit is sought, and may include any other condition or limitations the Village determines to be warranted in the circumstances.
 - f) Permit issued pursuant to Section: shall be produced to a Bylaw Enforcement Officer upon demand.
 - g) Regardless of whether a Noise is actually generated, no Person shall engage in, on any property Owned or Occupied by that Person, any construction or yard maintenance activity that has the potential to create a Noise on any weekday before 0700 hours or after 2300 hours, and any weekend, before 0900 hours and after 2300 hours.

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Whit in the exception of Section: the provisions of this Bylaw do not apply:

- To work carried on by Town staff, agents, contractors or servants, while engaged in activity authorized by the Village;
- To Persons using domestic equipment, including without restricting the generality of the foregoing lawnmowers, snow blowers, garden tillers and built-in vacuum cleaners that vent to the outside of a Structure, or any Person owning or controlling Property upon which such equipment is used, if:
 - The Noise is of a temporary or intermittent nature;
 - The equipment is properly maintained, unmodified and operated in normal manner; and the Noise occurs between the hours permitted pursuant to Section 3.4 of this Bylaw.

Section shall not apply to work performed under where the work performed is in response to an emergency, or where it would be impractical or unsafe to comply with.

The authority to issue a Permit pursuant to Section of this Bylaw may be delegated by Council to the chief administrative officer or to any other Person by resolution of Council from time to time.

3.5 Conditions constituting a Nuisance which no Person shall cause, permit or allow include, but are not limited to:

- (a) the accumulation of Refuse or other waste products on the Property;
- (b) grass in excess of fifteen (15) centimeters in length, or the presence of Weeds, or the presence of aggressive or harmful vegetation on the boulevard, lane or alleys that abuts or flanks the Property which in the opinion of a Bylaw Enforcement Officer or Designated Officer, are excessive or which demonstrate neglect by the Owner;
- (c) the accumulation of animal material, yard material, ashes or scrap Building Material;
- (d) domestic animal feces or animal parts in a Composting pile or a Composting container;
- (e) the accumulation of Abandoned Vehicles or Abandoned Equipment;
- (f) the presence or accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
- (g) 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;
- (h) the presence or failure to destroy Restricted Weeds, control Noxious Weeds or prevent the spread or scattering of Nuisance Weeds pursuant to the terms and conditions of the *Weed Control Act*;
- (i) the failure to control and eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
- (j) the presence of motor vehicles on any part of a Property other than a designated parking area as prescribed in the Land Use Bylaw;
- (k) the failure to dispose of Refuse or other waste products accumulating in temporary storage containers upon the Property;
- (l) composting, which in the opinion of a Bylaw Enforcement Officer or a Designated Officer, are excessive or attracts Pests;
- (m) dense or opaque smoke emitted into the atmosphere for more than SIX (6) minutes per hour or dense or opaque dust emitted into the atmosphere;
- (n) the presence of standing water on the Property, which in the opinion of a Designated Officer or Bylaw Enforcement Officer, is excessive or attracts Pests;
- (o) 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 or improvements, or portions of buildings, structures, or improvements, including but not limited to foundation, exterior walls, the roof doors, steps and sidewalk, fences, exterior stairs, porches, decks, patios, landings, balconies and other similar structures;
 - (ii). broken or missing windows including frame and awning, siding, shutters, eaves or other Building Material;
 - (iii). significant fading, chipping, peeling or absence of painted areas of buildings, structures or improvements on Property; and
 - (iv). conditions that may create a danger to public safety in the opinion of a Designated Officer.

- (p) the failure to keep outdoor salvage yard, auto wreckers, auto repair or other businesses which, in the opinion of a Designated Officer, by its very nature appears untidy, unsafe or unsightly, obstructed from view of adjacent properties and public property;
- (q) the storage or placement of any material or equipment on Village owned Property unless prior written approval has been obtained from the Village which allows the storage or placement of the material or equipment on Village Property.

4. Enforcement

- 4.1 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.
- 4.2 If an Enforcement Officer determines that a nuisance exists, or that the inspected property, has become unsightly or untidy, or that a danger to the public safety exists the Enforcement Officer may direct the owner or occupant of the property upon which a nuisance or unsightly or untidy conditions exist as follows:
 - (a) issue a verbal or written warning to remedy the problem.
 - (b) issue a violation ticket specifying a voluntary penalty to be paid,
 - (c) issue an Order under section 545 or 546 of the MGA to remedy the nuisance or unsightly condition
 - (d) any combination of the above.
- 4.3 Each order:
 - (a) shall describe the premises by name, if any, and the municipal address or legal land description.
 - (b) shall state the contravention pursuant to the provisions of this bylaw
 - (c) shall give reasonable particulars of the extent of the cleanup, removal, clearing or other actions required to be made.
 - (d) shall state the time within which the required actions are to be completed.
 - (e) shall state that if the required actions are not completed within the time specified, the Village may undertake to carry out the actions pursuant to the MGA and charge the cost thereof against the person to whom the order is directed and if said person does not pay the costs, the costs shall be charged against the premises concerned as taxes due and owing in respect of that property, and recovered as such.
 - (f) shall state that a person receiving a written Order may request that Council review the Order
 - (g) shall state that a request for Council to review the Order must be written including the reasons for requesting a review, dated, and signed by the appellant and delivered to the Village of Rycroft CAO within fourteen (14) days after the Order issued pursuant to section 545 of the MGA is received by the person, or seven (7) days after which the Order issued pursuant to section 546 of the MGA is received by the person.
- 4.4 Within thirty (30) days of receiving a request, Council will review the Order and may vary, revoke, or uphold the Order and the time stipulated by the Order to remedy the nuisance or unsightly condition.
- 4.5 A copy of the Order shall be served on any owners or occupants of the premises
 - (a) by being delivered personally to the person who is intended to be served, or
 - (b) by being left with a person apparently over the age of eighteen (18) years of age and residing with the owners or occupants of the premises, or
 - (c) by being mailed to the person who is to be served using Registered mail to the last known postal address of the person to be served, and service shall be deemed to be affected fifteen (15) clear days after the date the registered letter was received at the post office to which it was directed, or
 - (d) where the premises are not occupied, by mailing using Registered mail to the last known postal address of the person to be served, and service shall be deemed to be affected fifteen (15) clear days after the date of the registered letter was received at the post office to which it was directed, or
 - (e) as directed by the Court

- 4.6 The Enforcement Officer may, at his discretion, extend the time for doing anything directed in the Order considering the circumstances involved.
- 4.7 If the person to whom the order is directed does not satisfactorily comply with the directions of the Order as specified by an Enforcement Officer or, in the event of a review, as specified by Council
- (a) An Enforcement Officer may enter into a process to enforce the terms of an Order in accordance with provisions pursuant to the MGA.
 - (b) The expenses incurred to process and execute an Order constitute a debt owed to the Village from the person to whom the Order is directed.
 - (c) The Chief Administrative Officer shall send a demand for payment of these expenses by regular mail to the person to whom the Order was directed.
 - (d) If the person to whom the Order was directed fails to pay, the expenses incurred by the Village will become an amount owing to the Village and may be added to the tax roll pursuant to the MGA.
- 4.8 Where the Village carries out an Order, the workers shall deposit any materials, vehicles, buildings, erections, or structure at a location as designated by an Enforcement Officer and said property shall be disposed of in a manner determined by an Enforcement Officer.
- 4.9 Any moneys collected from the disposition of materials, vehicles, buildings, erections or structures may be applied against the costs incurred by the Village to execute the Order.

5. **Offences and Penalties**

- 5.1 A person who contravenes Section 3.3 or 3.4 of this bylaw is guilty of an offence and liable, on summary conviction before a Provincial Court Judge to fines as listed in Schedule 1.1 of this bylaw.
- 5.2 A person who contravenes section 3.1 or 3.2 of this bylaw is guilty of an offense and liable, upon summary conviction before a Provincial Court Judge to fines as listed in Schedule 1.2 of this bylaw.
- 5.3 In addition to the fines stipulated in sections 5.1 and 5.2 of this bylaw, a Provincial Court Judge may make any other order deemed appropriate concerning a breach of this bylaw.
- 5.4 Notwithstanding sections 5.1 and 5.2 of this bylaw, an Enforcement Officer may issue a violation tag to a person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw:
- (a) A voluntary payment be made as described in Schedule 1.3 of this bylaw; or
 - (b) The person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay'1 to the Village of Rycroft the penalty specified within the time period indicated on the violation tag.
- 5.5 In those cases where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, then an Enforcement Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule 1.3 of this bylaw.
- 5.6 Notwithstanding section 5.4 of this bylaw, an Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw, specifying that:
- (a) A voluntary payment be made as described in Schedule 1.3 of this bylaw; or
 - (b) If it is in the public interest to compel the accused to appear before a Judge issue a summons respecting any offense for which a voluntary payment may be made requiring the accuse to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.

5.7 The levying and payment of any fines shall not relieve a person from the necessity of remedying the situation that created the violation of any section of this bylaw.

6. **Violation Tags**

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

6.2 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.

6.3 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 as specified in Schedule "A" of this Bylaw;
- (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.

6.4 Where a Violation Tag has been issued pursuant to section 6.1, 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.

7. **Violation Tickets**

7.1 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, a Bylaw Enforcement 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 Ticket was issued.

7.2 Notwithstanding sections 6.1 and 7.1, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

7.3 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

7.4 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 provided for in Schedule "A" of this Bylaw.

7.5 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 7.4 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of a fine in the amount of the specified penalty.

8. **Severability**

Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

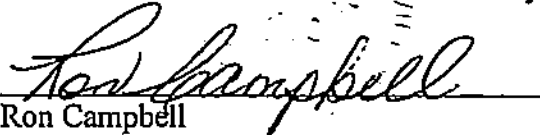
9. Repeal

That Bylaw 93-09 Untidy, Unsightly & Unsafe Premises Bylaw is now repealed.

10. Effective Date

This Bylaw shall come into full force and effect upon third and final reading.

Read a first time in Council this 13TH day of SEPTEMBER, 2016.



Ron Campbell
MAYOR




Jim Squire
CAO (Interim)

Read a second time in Council this 11TH day of OCTOBER, 2016.

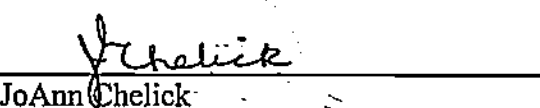


Ron Campbell
MAYOR

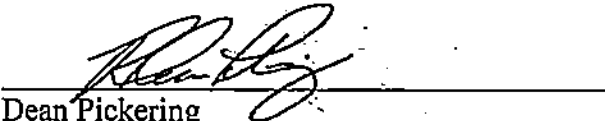


Dean Pickering
CAO

Received third and final reading this 14TH day of JUNE, 2017.



JoAnn Chelick
MAYOR



Dean Pickering
CAO



**VILLAGE OF RYCROFT
BYLAW 179-16
Schedule "A" – Specified Penalties**

Specified Penalties

Schedule 1.1:

- (a) for the first offense, a fine in the amount of \$300.00
- (b) for a second offense, a fine in the amount of \$600.00
- (c) for a third or subsequent offense, a fine in the amount of \$1,000.00

Schedule 1.2

- (a) for a first offense, a fine in the amount of \$1,000.00
- (b) for a second offense, a fine in the amount of \$1,500.00
- (c) for a third or subsequent offense, a fine in the amount of \$2,500.00

Schedule 1.3

- (a) for a first offense, a voluntary payment in the amount of \$150.00
- (b) for a second offense, a voluntary payment in the amount of \$300.00
- (c) for a third or subsequent offense, a voluntary payment in the amount of \$600.00

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**VILLAGE OF RYCROFT
BYLAW 179-16**

Box 360 Rycroft Alberta T0H 3A0
Phone: 780-765-3652 Fax: 780-765-2002
e-mail: cao@rycroft.ca

To: _____
(Name of Owner)

(Address)

Re: THOSE PROPERTIES LOCATED AT

_____, Legal: Lot _____, Block _____, Plan _____
(Civic Address)
IN THE VILLAGE OF RYCROFT, IN THE
PROVINCE OF ALBERTA

WHEREAS Section 3.1 OR Section 3.2 of Bylaw No. **179-16**, "Untidy, Unsafe & Unsightly Premises Bylaw of the Village of Rycroft", provides:

3.6 No person being the Owner or Occupant of any Property within the Village shall cause, permit or allow that property or his or her use of that Property to constitute a Nuisance.

OR

3.2 No Person being the Owner or Occupant of any Property within the Village shall cause, permit or allow that Property to become a danger to public safety or an Unsightly Premises.

AND WHEREAS Section 2.1 defines:

(n) "**Nuisance**" means any condition or use of Property which, in the opinion of a Designated Officer, constitutes an unreasonable interference with the use and enjoyment of other Property and may include the physical condition of, a use of, or an emission from, Property or a structure which constitutes an unreasonable interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, an Unsightly Premises.

OR

(z) "**Unsightly Premises**" means any Property, whether land, buildings, improvements to lands and buildings, or any other combination of the above, located within the village that, in the opinion of a Designated Officer, is unsightly to such an extent as to detrimentally affect the proposed amenities, use, value or enjoyment of the surrounding Properties in reasonable proximity to the Unsightly Premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the Act.

AND WHEREAS it has been found that there is a contravention of the Bylaw on Property owned or occupied by you.

NOW THEREFORE, pursuant to Bylaw No. **179-16** ""Untidy, Unsafe & Unsightly Premises Bylaw of the Village of Rycroft", TAKE NOTICE that those premises located at

(Address)

In the Village of Rycroft, in the Province of Alberta, have been found to be untidy, unsafe and unsightly property in that they (description of condition)

AND FURTHER TAKE NOTICE THAT if the said untidy, unsafe and unsightly condition is not remedied on or before:

(Date)

The Village of Rycroft may pursue enforcement of the Untidy, Unsafe or Unsightly Bylaw pursuant to the provisions of the *Municipal Government Act*.

Dated at the Village of Rycroft, in the Province of Alberta, this _____ day of _____, A.D. 20_____.

VILLAGE OF RYCROFT

Bylaw Enforcement Officer,
or CAO



**VILLAGE OF RYCROFT
BYLAW 179-16**

Box 360 Rycroft Alberta T0H 3A0
Phone: 780-765-3652 Fax: 780-765-2002
e-mail: cao@rycroft.ca

**FORM "B"
STOP ORDER – Section 545**

[insert date Notice delivered]

[owner/occupant/person responsible]
[insert address]

- HAND DELIVERED**
 REGISTERED MAIL

Dear Sir:

Re: [legal description of land]

In my capacity as a Designated Officer of the Village of Rycroft, I am hereby issuing a Stop Order pursuant to s.545 of the *Municipal Government Act* RSA 2000, c. M-26, as amended, and the Village of Rycroft Untidy, Unsafe & Unsightly Premises Bylaw" with respect to the following lands:

Plan _____, Block _____, Lot _____ . (the "Lands")

Section 545 of the *Municipal Government Act* states that:

Section 545

(1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) The order may

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- (c) state a time within which the person must comply with the directions;
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

In my opinion, as a Designated Officer of the Village of Rycroft, I find that the Lands are in contravention of the Village of Rycroft Untidy, Unsafe & Unsightly Premises Bylaw as a result of:

[describe specific conditions, items etc. that have led to the conclusion that the lands are in contravention .]

You are hereby ordered to remedy the contravention of the Untidy, Unsafe & Unsightly Premises Bylaw by:

[insert requirements with as much detail as possible, finishing with a general requirement such as "and all other debris, junk, garbage, or other abandoned or discarded material present on the Lands .]

When that has been completed, you are hereby ordered to fill in any holes and level the site. Refuse and debris cannot be buried on the site. **[if applicable]**

The above work must be completed on or before _____.

Pursuant to s.549 (1) of the *Municipal Government Act*, you are hereby advised that the Village of Rycroft may take whatever actions or measures are necessary to remedy the contravention of the Untidy, Unsafe & Unsightly Premises Bylaw. If you do not comply with this Stop Order within the specified time, the Village of Rycroft may take the action necessary to clean up the Lands at your expense, including proceeding before the Court for a Court Order in support of the enforcement of this Stop Order. Please be advised that the expenses and costs of actions or measures taken by the Village of Rycroft under this section are an amount owing to the Village of Rycroft by you.

Pursuant to s.553 the said money owing to the Village may be added to the tax roll of **the property** on which the contravention has occurred.

An owner or occupier or other person to whom this Stop Order is directed and who considers themselves aggrieved by the Stop Order, may by written notice request that the Municipal Council review the Stop Order within Seven (7) days of the date the Order is received. This appeal may be sent to the Village of Rycroft at:

P.O. Box 360
Rycroft, Alberta T0H 3A0

Yours truly,
Village of Rycroft

Per: [designated officer]



[insert date Stop Order delivered]

[owner/occupant/person responsible]
[insert address]

- HAND DELIVERED
- REGISTERED MAIL

Dear Sir:

Re: [legal description of land]

In my capacity as a Designated Officer of the Village of Rycroft, I am hereby issuing a Stop Order pursuant to s.546 of the *Municipal Government Act* RSA 2000, c. M-26, as amended, and the Village of Rycroft Untidy, Unsafe & Unsightly Premises Bylaw No. 179-16 with respect to the following lands:

Plan _____, Block _____, Lot _____ . (the "Lands")

Section 546 of the *Municipal Government Act* states that:

s. 546

- (1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order
 - (a) require the owner of the structure to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) remove or demolish the structure and level the site;
 - (b) require the owner of the land that contains the excavation or hole to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) fill in the excavation or hole and level the site;
 - (c) require the owner of the property that is in an unsightly condition to
 - (i) improve the appearance of the property in the manner specified, or
 - (ii) if the property is a structure, remove or demolish the structure and level the site.
- (2) The Order may
 - (a) state a time within which the person must comply with the Order;
 - (b) state that if the person does not comply with the Order within a specified time, the municipality will take the action or measure at the expense of the person.

In my opinion, as a Designated Officer of the Village of Rycroft, I find that the Lands are [**example: " are in an unsightly condition, and/or are dangerous"**] as a result of:

[**describe specific conditions, items etc. that have led to the conclusion that the lands are unsightly, or are dangerous** .]

You are hereby ordered to remedy [**the dangerous / unsightly condition**] by:

[**insert requirements with as much detail as possible, finishing with a general requirement such as "and all other debris, junk, garbage, or other abandoned or discarded material present on the Lands** .]

When that has been completed, you are hereby ordered to fill in any holes and level the site. Refuse and debris cannot be buried on the site. [**if applicable**]

The above work must be completed on or before _____.

Pursuant to s.550(1) of the *Municipal Government Act*, you are hereby advised that the Village of Rycroft may take whatever actions or measures are necessary to eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of the property. If you do not comply with this Stop Order within the specified time, the Village of Rycroft may take the action necessary to clean up the Lands at your expense, including proceeding before the Court for a Court Order in support of the enforcement of this Stop Order. Please be advised that the expenses and costs of actions or measures taken by the Village of Rycroft under this section are an amount owing to the Village of Rycroft by you.

Pursuant to s.553.1(1)(c) the said money owing to the Village may be added to the tax roll of any

property for which you are the assessed person.

An owner or occupier or other person to whom this Stop Order is directed and who considers themselves aggrieved by the Stop Order, may by written notice request that the Municipal Council review the Order within Seven (7) days of the date the Order is received. This appeal may be sent to the

VILLAGE OF RYCROFT
Box 360
Rycroft, Alberta
T0H 3A0

Yours truly,
Village of Rycroft

Per: [designated officer]

RDP



FORM "D"
INJUNCTION CHECKLIST

Enforcement Section 545/546 MGA

Gather all documentation relevant to this matter, specifically, the following (to the extent that this documentation exists):

1. Complete copy of the Municipality's Bylaw and any other bylaws that may relate to this matter.
2. Documents relating to any complaints from the public received regarding this matter (ex. complaints respecting odours, noise, nuisances, unsightly condition etc).
3. All correspondence to and from the registered owners and the occupants of the Lands or structure, or person(s) responsible for the contravention.
4. If any correspondence or stop orders have been sent by registered mail to the registered owners or the occupants of the Lands or structure, or person(s) responsible for the contravention, please provide copies of the registered mail receipts or Canada Post "Track-a-Package" website documents (this can include the summary of service attempts and the scanned signature of recipient. For more information, see <http://www.canadapost.ca/segment-e.asp>)
5. A copy of any written or typewritten notes in the possession of anyone within the Municipality (including contractors) relating to meetings or contact with the registered owners or occupants of the Lands or structure, or person(s) responsible for the contravention.
6. A copy of any telephone message or notes of any telephone calls with the registered owners or occupants of the Lands or structure, or person(s) responsible for the contravention.
7. A copy of any Minutes or Resolutions of Council which may reflect discussions about or dealings with this matter.
8. All licenses or permits issued that may be related to the activity (ex. Animal license, business license, permit to use public place etc).
9. All letters from the Respondent appealing any decisions (including requests for review by municipal council) of the designated officer issuing the stop order.
10. Complete copy of all appeal (including reviews by municipal council) meeting minutes regarding this matter and the decision issued.
11. Copies of all Stop Orders.
12. All documentation or reports regarding any site inspections performed on the lands or structure, to include the date of the inspection and the name of the person who performed the inspection. Items should be specified in detail. If vehicles are involved, include make, model, colour and year and also the serial number.
13. All original photographs of each site inspection, preferably in electronic format. Be sure to indicate as to the individual who took the photographs, and the date of the photographs. Video or digital video can also be beneficial, although photographs are preferable.
14. Any additional documentation which is in the possession of the Municipality, and which in your opinion may be relevant to this matter.

A handwritten signature in black ink, appearing to be "RDP".