

**TOWN OF VAUXHALL
PROVINCE OF ALBERTA
BY-LAW NO. 908-16**

BEING A BYLAW OF THE TOWN OF VAUXHALL IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING PUBLIC NUISANCES, UNTIDY PREMISES AND UNSIGHTLY PREMISES

WHEREAS pursuant to section 7 of the *Municipal Government Act* being RSA 2000 Chapter M-26, a Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances, including unsightly property; and
- (c) the enforcement of bylaws made under the *Municipal Government Act*.

WHEREAS Council deems it necessary to implement a bylaw to establish and enforce minimum standards relating to the state of maintenance of property, to regulate, control and abate nuisances generally, and to regulate untidy and unsightly premises within the Town of Vauxhall;

NOW THEREFORE, the Council of the Town of Vauxhall pursuant to that authority conferred upon it by the laws of the Province of Alberta enacts as follows:

1. TITLE

This bylaw may be cited as the "Nuisance, Untidy and Unsightly Premises Bylaw".

2. PURPOSE

The purpose of this bylaw is to regulate the conduct and activities of people on privately owned property and immediately adjacent areas in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the Town.

3. DEFINITIONS

In this bylaw:

- a) "**Act**" means the *Municipal Government Act*, RSA 2000, and amendments thereto.
- b) "**Boulevard**" means that portion of a street which lies between the roadway and the property line of the land abutting the said street.
- c) "**Building Material**" means all construction and demolition material accumulated on a premises while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, wood debris, vegetation or rocks displaced during such construction, alteration or repair;

- d) **“Condemned Building”** means a building or structure that has been deemed unfit for human or animal habitation by Alberta Health Services pursuant to the Public Health Act RSA 2000, c-p-37-Alberta;
- e) **“Council”** means the Council of the Town of Vauxhall duly elected and acting as such.
- f) **“Court”** means a Provincial Court of Alberta;
- g) **“Designated Officer”** means a Bylaw Enforcement Officer, Special Constable, Chief Administrative Officer, Town Foreman, Building Inspector, a member of the Royal Canadian Mounted Police or any other person, so authorized to act on behalf of the Council of the Town of Vauxhall.
- h) **“Designated Parking Area”** includes parking areas and parking spaces which are defined as follows:
 - a. **Parking Area** means the designated area on a lot set aside for and capable of providing space for the off-street parking of motor vehicles.
 - b. **Parking Pad** means an off-street area located on a residential lot which provides parking space for a motor vehicle(s)
 - c. **Parking Space** means an on-site space set aside for and capable of being used for the parking of one motor vehicle exclusive of drive-ins, aisles, ramps or obstructions and in residential districts, attached or detached garages.
 - d. **Parking Structure** means a building or other structure designed for parking motor vehicles in tiers on a number of levels above each other whether above or below the ground.
- i) **“Highway”** means any thoroughfare, street, road, trail, venue, parkway, driveway, viaduct, lane, alley, square, ridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - i. a sidewalk, including a boulevard adjacent to the sidewalk;
 - ii. if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - iii. if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be.
- j) **“Litter”** means:
 - i. any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to:
 - a. any rubbish, litter paper, package, container, bottle, can, manure, human or animal excrement or sewage or the whole or a part of an animal carcass; or

- b. the whole or part of any article, raw or processed material, motor vehicle or parts, or other machinery that is disposed of or that is not currently in use.
- k) **"Motor Vehicle"** shall have the same meaning as in the *Traffic Safety Act* and the regulations there under.
- l) **"Occupier"** means any person other than the Owner who is actually occupying, legally responsible for or in possession of a property, including, but not limited to, a lessee, licensee, tenant or agent of the Owner.
- m) **"Owner"** means:
 - i. a person who is registered under the *Land Titles Act* as the owner of the land;
 - ii. a person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not become the registered owner thereof;
 - iii. a person holding himself out as the person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership; or
 - iv. a person controlling the property under construction.
- n) **"Property"** means a parcel of land and includes the improvements located on that land.
- o) **"Reasonable Notice"** means 48 hours notice, unless under exigent circumstances when it may be deemed that less notice is required due to the nature of the offence, which is determined by the Designated Officer acting reasonably.
- p) **"Town"** means the Town of Vauxhall.
- q) **"Municipal Violation Ticket"** means a ticket issued by a Designated Officer which shall set out a voluntary penalty, which will be accepted by the town in lieu of prosecution in Provincial Court for any contravention of this bylaw; and shall take such form as prescribed from time to time by regular motion of council.
- r) **"Violation Ticket/Summons"** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act* and any regulations there under.
- s) **"Weeds"** means dandelions and or any plants designated as restricted, noxious or nuisance weeds under the *Weed Control Act* or the regulations there under.
- t) **"Storage"** means the act or method of storing something for future use

4. NUISANCE

- a) An Owner or Occupier shall not cause, allow or permit a nuisance to exist on land they own or occupy.
- b) For the purpose of greater certainty, a nuisance shall mean any act, deed, omission or thing, which is or could reasonably be expected to be annoying, troublesome, destructive, harmful, inconvenient or injurious to another person and/or his property, or anything troublesome or bothersome to other people for which complaints are received by the Town Municipal Office or a Designated Officer, whether or not such act, or deed or omission or thing constitutes nuisance at common law.

5. UNSIGHTLY PROPERTY

- a) No person shall allow or permit the land they own or occupy to be unsightly.
- b) For the purpose of greater certainty, unsightly means land or improvements which, in the opinion of the Designated Officer, show signs of disregard for general maintenance or upkeep, whether or not it is detrimental to the surrounding area, some examples of which include, but are not limited to:
 - i. Excessive accumulation of material, including, but not limited to building materials, appliances, household goods, boxes, tires, grass, tree and hedge clippings, animal material, waste material, vehicle parts, litter, whether of any apparent value or not;
 - ii. Any loose litter, whether located in a storage area, collection area or elsewhere on the land;
 - iii. Damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
 - iv. Smelly or messy compost heaps;
 - v. In respect of a building or other structure, a building or other structure whose exterior, in the opinion of the Designated Officer, shows signs of significant physical deterioration, including damage, rot, or other deterioration;
 - vi. Any graffiti displayed on a building or other structure that is visible from any surrounding property;
 - vii. In respect of a building where moisture or water enters into the building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building;
 - viii. Fences, signs, billboards, garbage containers, playground equipment, or anything used or erected on the land which, in the opinion of the Designated Officer, is not kept in a reasonable state of repair; and
 - ix. Any accessible excavation, ditch, drain or standing water that may pose a danger to the public.

- c) Unless specifically stated elsewhere in this bylaw any portion of this bylaw shall be deemed as causing an unsightly condition of a property and shall be dealt with in accordance with section 546 of the "Municipal Government Act"

6. UNTIDY PROPERTY

- a) No person shall allow or permit the land they own or occupy to be untidy.
- b) For the purpose of greater certainty, untidy means land or improvements which, in the opinion of the Designated Officer, are not in keeping with the condition of surrounding properties, including land or improvements that may have a detrimental effect on the market value of property in the surrounding area, some examples of which include but are not limited to:
- i. any land or improvements which, in the opinion of the Designated Officer, are not regularly maintained;
 - ii. unkempt grass or weeds higher than 15 centimetres;
 - a) Nothing in this section shall prevent the controlled and managed practice of xeriscape or other recognized low water use gardening practices.
 - iii. any tree, shrub, other type of vegetation or any structure that:
 - interferes or could interfere with any public work or utility;
 - obstructs any sidewalk adjacent to the land;
 - impairs the visibility required for safe traffic flow at any intersection adjacent to the land;
 - is not cut or trimmed or is not free of weeds; and
 - that is not protected by suitable ground cover which prevents erosion of the soil or the devaluation of neighbouring property.

7. BOULEVARDS

- a) An Owner or Occupier shall maintain any boulevard adjacent to land they own or occupy by:
- i) Keeping any grass on the boulevard cut to a reasonable length;
 - ii) Keeping the boulevard clear of all storage of any material whatsoever;
 - iii) Removing any accumulation of fallen leaves or other debris; and

- b) No person shall park a vehicle on a boulevard unless it is an existing paved or gravelled boulevard and the boulevard has been paved or gravelled for that purpose. The parking of said vehicle shall not obstruct any other person's safe access or regress from any alley, roadway or driveway.
- c) Any person who fails to maintain a boulevard to the standard set out in 7(a)(i through iii) is guilty of an offence.

8. GRAFFITI

- a) An Owner or Occupier shall remove any graffiti displayed on a building or other structure on the land they own or occupy within 14 days of notification by a designated officer.
- b) An person who fails to remove said graffiti within the set time is guilty of an offence.

9. EXEMPTIONS & EXCEPTIONS

- a) The provisions in this bylaw shall not be interpreted to prevent bona fide work diligently carried out in accordance with a development permit issued by the development authority.
- b) The Owner or Occupier of land on which work is being carried out in accordance with a development permit issued by the development authority of the Town shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the lands they own or occupy.
- c) Notwithstanding an Owner or Occupier has taken all reasonable steps to minimize the duration and visual impact of any resulting untidiness or unsightliness of the lands they own or occupy is a question of fact to be determined by the Court hearing a prosecution of an offence pursuant to the provisions of this bylaw.

10. CONTROL OF LITTER

- a) No person shall place, deposit, throw or cause to be placed, deposited or thrown any litter upon any street, land, sidewalk, parking lot, park, playground or other public place or water course or on any land not his own, except in a receptacle provided for such purpose.
- b) All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition, so as not to constitute a nuisance and shall secure all debris, so as to prevent it from blowing onto any other private or public property.
- c) A person who has placed, deposited or thrown or caused to be placed, deposited or thrown any litter upon any street, lane, sidewalk, parking place, park, playground or other public place or water course or on any property not his own shall forthwith remove it.

11. SALVAGE YARDS FENCED

- a) All outdoor salvage yards, auto wreckers or other businesses which by their very nature appear to be untidy or unsightly, shall be obscured from view by approved screening from surrounding property.

12. PILING OR STORING MATERIAL OR EQUIPMENT ON PROPERTY

- a) No person shall place, pile or store any material, equipment or vehicles on Town owned property without first obtaining approval for such purposes from the Town.
- b) Any person placing or causing to be placed any litter, rubbish, material, equipment or vehicles on any Town property without first obtaining approval shall remove or cause the removal thereof within 24 hours.

13. MAINTENANCE OF ACCESSORY BUILDINGS, STRUCTURES AND FENCES

- a) No owner or occupier of a property shall allow an accessory building, structure or fence to become a safety hazard; upon notification from a Designated Officer that a building, structure or fence is a hazard the owner or occupier of the building or land shall:
 - i) remedy the hazard in what ever way the Designated Officer feels necessary; or
 - ii) demolish the building, structure or fence and level the site.
- b) No owner or occupier of a property shall allow an accessory building, structure or fence to become unsightly;

14. VEHICLES

- a) No owner or occupier of a property shall park a vehicle or trailer, recreational or otherwise, registered or not, on any part of a property except on a designated parking area as described in Schedule 8 of the Land Use Bylaw.
- b) No owner or occupier of a property shall allow the external storage of more than one motor vehicle without a valid license plate and valid insurance certificate attached.
- c) Notwithstanding section 14(b) no owner or occupier shall allow the external storage of a vehicle that:
 - i. is allowed to become unsightly, derelict or inoperable; or
 - ii. and as long as the person at no time allows the vehicle or parts of the vehicle to contravene any other section of this bylaw.

15. LIGHTS

- a) No owner or occupier of a property shall allow an outdoor light to shine directly into the living or sleeping area of an adjacent dwelling house, which may cause a disturbance of that other persons rest, relaxation or enjoyment of the adjacent property.
- b) No owner or occupier of a property shall allow an outdoor light to shine in a manner in which it will interfere with the effectiveness of a traffic control device.
- c) No owner or occupier of a property shall allow an outdoor light to shine in a manner in which it will interfere with an operation of a motor vehicle, a pedestrian or any proper use of a highway.

16. CONDEMNED BUILDINGS, ACCESSORY BUILDINGS OR STRUCTURES

- a) No person shall allow a building, accessory building or structure to remain in a condemned condition for a period that exceeds one year from the date of the owner or occupier has been notified of the condemnation, unless:
 - i. The owner or occupier is actively remedying the reason for the condemnation and the remedy is one which will take longer than one (1) year, and
 - ii. The owner or occupier has had approval, in writing, from council for the period in which the building, accessory building or structure remains condemned in excess of one (1) year
- b) For the purpose of this section "actively remedying" means that the owner or occupier is on site at least once per week, and at the discretion of a designated officer, acting reasonably

17. ENFORCEMENT

- a) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this bylaw.
- b) Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Designated Officer may commence enforcement against such person by issuing a written order to the person giving a specified time to remedy the violation.
- c) Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Designated Officer may issue a Municipal Violation Ticket in such form as prescribed from time to time by regular motion of council. Said Municipal Violation Ticket shall allow for the payment of a voluntary penalty in lieu of prosecution for an offence against this bylaw. Said MVT shall allow twenty one (21) days to pay the voluntary penalty before a Summons/Violation ticket is issued.
- d) Notwithstanding subsection (c), Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Designated Officer may commence court proceedings immediately against such person by:
 - i. Issuing the person a Violation Ticket pursuant to the provision of Part 2 of the *Provincial Offences Procedure Act*; or

- ii. Swearing out an Information and Complaint against the person, or
 - iii. In the case of a MVT that goes unpaid after 21 days a summons shall be issued which allows for a voluntary penalty to be paid in lieu of prosecution for said offence.
- e) Where a Designated Officer issues a Violation Ticket in accordance with section 17(d) of this bylaw, the Officer may either:
- i. Require the person to pay the specified penalty as provided for the offence in schedule "A" of this bylaw by including such specified penalty in the Violation Ticket; or
 - ii. Require a Court appearance of the person where the Designated Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.
- f) No provision of this bylaw or any action taken pursuant to any provision of this bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a Property provided by the *Municipal Government Act*, or any other law of the Province of Alberta.
- g) Notwithstanding whether a Violation Ticket has been issued under this section, any Owner or Occupier who contravenes this bylaw may be issued an order by a Designated Officer to remedy the contravention in any manner deemed necessary under the circumstance pursuant to Section 545 and or Section 546 of the *Municipal Government Act* without first laying a charge for the offence.
- h) For an offence of continuing nature a second and subsequent offence will be deemed to have been committed for each day the offence goes un-remedied as long as only one violation ticket is issued per 24 hour period.
- i) For a contravention of this bylaw that involves a vehicle to which there is no license plate attached, the person who shall be deemed to be the one who committed the offence shall be the last registered owner of the vehicle as identified by the Province of Alberta
- j) Any person who contravenes any provision of this bylaw is guilty of an offence and liable upon summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not exceeding Ten Thousand Dollars (\$10,000) or in default of payment to imprisonment for a period not exceeding six (6) months.

18. AUTHORITY TO ENTER LANDS

- a) Subject to s. 542 of the *Municipal Government Act*, a Designated Officer may, after giving Reasonable Notice to the Owner or Occupier of the land, enter the land to carry out the inspection, remedy, enforcement or action:
- i. enter such land at any reasonable time, and carry out the inspection, enforcement or action authorized or required by this bylaw;

- ii. request anything be produced to assist in the inspection, remedy, enforcement or action; and,
- iii. make copies of anything related to the inspection, remedy, enforcement or action.

b) The Designated Officer must, on request, display or produce identification showing that the person is authorized to make the entry.

19. SEVERABILITY

If at any time, any provisions of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

20. RESCINDING BYLAW

This bylaw rescinds Bylaw 856-11.

21. GENDER

In this bylaw, whenever the male gender is specified it shall be interpreted as meaning both male and female as applicable. This bylaw shall come into force and take effect upon the final passing and proper signature thereof.

READ a first time this 17th day of October, 2016

READ a second time this 17th day of October, 2016

READ a third and final time this 7th day of November, 2016

CHIEF ADMINISTRATIVE OFFICER

MAYOR

SCHEDULE "A"

SPECIFIED PENALTIES			
SECTION DESCRIPTION		FIRST OFFENCE	SECOND and SUBSEQUENT OFFENCES
4(a)	Nuisance Property	\$100.00	\$200.00
5(a)	Unsightly Property	\$250.00	\$500.00
5(d) (e)(f)	Fail to keep property in Reasonable State of Repair	\$100.00	\$200.00
5(g)	Exposed Industrial Fluid	\$100.00	\$200.00
5(h)	Excessive material accumulation	\$100.00	\$200.00
5(i)	Outside appliance storage	\$100.00	\$200.00
6(a)	Untidy Property	\$250.00	\$500.00
6(c)	Fail to maintain property condition	\$100.00	\$200.00
7(b)	Unauthorized Parking on Boulevard	\$100.00	\$200.00
7(c)	Un-maintained Boulevards	\$100.00	\$200.00
8(b)	Failure to remove graffiti	\$100.00	\$200.00
8(c)	Causing Graffiti	\$250.00 plus cost of removal	\$500.00 plus cost of removal
10(a)	Littering	\$100.00	\$500.00
11(a)	Fail to screen an unsightly business yard	\$250.00	\$500.00
12(a)	Storing or Piling material on Town Property	\$250.00	\$500.00
12(c)	Accumulation of Building materials	\$250.00	\$500.00
12(d)	Building materials unsightly	\$250.00	\$500.00
13(a)	Building or Fence causing a safety hazard	\$250.00	\$500.00
13(b)	Unsightly Building or Fence	\$250.00	\$500.00
14(a)	Parking vehicle in undesignated area	\$250.00	\$500.00
14(b)	Storage of more than one unlicensed or derelict vehicle	\$250.00	\$500.00
14(c)	External storage of a unsightly vehicle	\$250.00	\$500.00
15(a)	Light Shining onto Adjacent Property	\$100.00	\$200.00

15(b)	Light Interfering with Traffic Control Device	\$100.00	\$200.00
15(c)	Light Interfering with Vehicle, Pedestrian or use of a Highway	\$100.00	\$200.00
16(a)	Condemned building in excess of one year	\$10,000.00	