

BY-LAW NO. 2509

COUNTY OF GRANDE PRAIRIE NO. 1

A By-law of the County of Grande Prairie No. 1, in the Province of Alberta, to regulate unsightly premises.

WHEREAS under Section 7 of the *Municipal Government Act*, R.S.A. 1994, Chapter M-26.1, Council may pass bylaws regulating unsightly premises;

AND WHEREAS unsightly premises are a detriment to surrounding properties and the immediate neighborhood generally;

AND WHEREAS Council deems it advisable to pass a bylaw to regulate unsightly premises;

AND WHEREAS the purpose of this Bylaw is to prevent the existence and proliferation of unsightly premises and to provide a mechanism for the remediation of a property which has become an unsightly premises;

NOW THEREFORE, THE COUNCIL OF THE COUNTY OF GRANDE PRAIRIE NO. 1 ENACTS AS FOLLOWS:

1. This Bylaw shall be cited as the Unsightly Premises Bylaw.
2. In this Bylaw, unless the context otherwise requires, the term:
 - a) “animal material” means any animal excrement and includes all material accumulated on a premises from pet pens, yards, stables, veterinary clinics or hospitals, kennels or feed lots;
 - b) “ashes” means the powdery residue accumulated on a premises left after the combustion of any substance and includes any partially burnt wood, charcoal or coal;
 - 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, vegetation or rock displaced during such construction, alteration or repair;
 - d) “County Administrator” means the person designated by Council as its chief administrative officer or his designate;
 - e) “County” means the municipal corporation of the County of Grande Prairie No. 1 or the area contained within the County boundaries as the context requires;
 - f) “Clean Up Order” means an Order issued under this bylaw by an Special Constable with respect to an unsightly premises within the County;
 - g) “Enforcement Officer” means a Special Constable of the County;
 - h) “garbage” means material composed of organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food;
 - i) “owner” means
 - i) a person who is registered under the *Land Titles Act* as the owner of the land;

- ii) the person who is recorded as the owner of the property on the assessment roll of the County;
 - iii) 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;
 - iv) 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;
 - v) a person controlling the property under construction, or;
 - vi) a person who is the occupant of the property under a lease, license or permit;
- j) “premises” means the external surfaces of all buildings and the whole or part of any land, including land immediately adjacent to any building or buildings, situated in whole or in part in the County and includes any land or buildings owned or leased by the County,
- k) “right of access” means the right of an Enforcement Officer to enter onto a property to inspect the property to determine whether to issue a Clean Up Order, or to allow work forces access to the property for the purposes of enforcing a Clean Up Order;
- l) “unsightly 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:
- i) 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;
 - ii) the whole or part of any motor vehicle or vehicles:
 - A) 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
 - B) which is inoperative by reason of removed parts, or equipment;
 - iii) equipment or machinery which has been rendered inoperative by reason of its disassembly, age or mechanical condition and includes any household appliances;
 - iv) animal, material, yard material, ashes, building material and garbage as defined in this Bylaw;
- m) “Unsightly Premises Appeal Board” means the appeal board constituted and established by this Bylaw which is empowered to hear and determine appeals lodged against Clean Up Orders issued by an Enforcement Officer;
- n) “work forces” means County employees or contract workers engaged by the County for the purposes of enforcing a Clean Up Order;

shown on the assessment roll of the County and the Order shall be deemed to be served upon the expiry of three (3) days after the mailing of the Order.

- (3) If, in the opinion of the Enforcement Officer, service under subsection (2) cannot reasonably be effected, the Enforcement Officer may post the Clean Up Order or a copy of the Order in a conspicuous place on the land or property to which the Order relates, or on the private dwelling place of the person who is intended to be served and such Order is deemed to be served upon the expiry of three (3) days after such Clean Up Order is posted.
8. The Clean Up Order may require the person to whom it is addressed, within a period of time which shall not be more than thirty (30) days from the date of the making of the Order, but not less than fourteen (14) days
 - a) to remedy the condition of the property in a manner and to the extent directed in the Order,
 - b) to remove any material causing or contributing to the unsightliness of the property,
 - c) to place in waste receptables any material causing or contributing to the unsightliness of the property, or
 - d) to do all or any of the matters specified in Clauses (a) to (c).
9. The Enforcement Officer may extend the time for doing anything which is required to be done by the terms of the Order.
10.
 - (1) Where a Clean Up Order is issued pursuant to Section 6 such Clean Up Order may be appealed within fourteen (14) days to the Unsightly Premises Appeal Board.
 - (2) Where a Clean Up Order is appealed pursuant to subsection (1) the Order is stayed pending a final decision on the merits of the appeal by the Board.
11.
 - (1) The Board that hears an appeal may confirm, vary, or revoke the Clean Up Order or may substitute its decision in place of the Clean Up Order which was issued.
 - (2) The Board may extend the time within which anything required to be done by the Clean Up Order is to be performed.
 - (3) The Board may direct anything to be done that an Enforcement Officer can direct to be done either in addition to or in substitution for the direction in the Order appealed from.
12.
 - (1) Appellants must submit notice of their appeal in writing to the County Administrator within fourteen (14) days of the date of the issuance of the Clean Up Order.
 - (2) Each Notice of Appeal shall:
 - a) state with reasonable exactness the grounds of appeal;

- b) state the name, address, and interest of the appellant in the property; and
 - c) be dated, and signed by the appellant or on his behalf by his agent and, if signed by an agent, shall state the name and address of the agent.
13. The Board shall be composed of the members of Council duly appointed, from time to time to the County Municipal Committee.
14. The County Administrator shall, upon receipt of the Notice of Appeal, set a date for the hearing of the appeal which shall be held within thirty (30) days of the receipt of the County Administrator of the Notice of Appeal.
15. Any five members of the Board shall constitute a quorum and as such shall have jurisdiction to hear appeals before the Board.
16. The Board shall adopt the rules of procedure for hearing appeals presently in use by the Subdivision and Development Appeal Board.
17. The Board shall consider each appeal having regard to the circumstances and merits of the case and the applicable provisions of this Bylaw.
18. When hearing an appeal the Board:
- a) shall not be bound by the technical rules of evidence; and
 - b) shall afford to every person concerned the opportunity to be heard, to submit evidence and to hear the evidence of others.
19. The person to whom an Order is directed shall comply with the directions of the Order as set out in the Order of the Enforcement Officer or the requirements or directions set out in any decision of the Unightly Premises Appeal Board.
- 20.
- (1) If a person to whom an Order is directed under this Bylaw fails to carry out the Order within the time stated in such Order, in the case of an Order that is not appealed, or within the time limited by the Board in the case of an Order that is appealed, an Enforcement Officer may exercise a right of access to the unsightly premises and may, with whatever work forces as are necessary, enter the premises against which the Order has been issued and carry out the Order.
 - (2) The County or persons appointed by it may remove any fencing or other obstructions in carrying out the Order and shall replace or repair any fencing or other obstructions removed or damaged in the course of carrying out the Order.
 - (3) The expenses incurred by the County in carrying out an Order under this section constitutes a debt owing to the County from the person to whom the Order is directed.
 - (4) Within thirty (30) days of ascertaining the amount of the expenses incurred by the County in carrying out the Order, the Director of Finance and Systems shall send a demand for payment of these expenses to the person to whom the Order was directed.
 - (5) Where the County carries out an Order under this section and the person to whom the Order is directed fails, within thirty (30) days after a demand for payment, to pay the expenses incurred by the County, the Director of Finance and Systems may transmit to the tax clerk of the County a statement setting out

- (a) the amount of the expenses,
 - (b) the name of the assessed owner of the land to which the Order relates, and
 - (c) the location of the land to which the Order relates.
- (6) On receipt of a statement under subsection (5), the tax clerk shall place the amount of the expenses incurred in carrying out the Order on the tax roll as an additional tax against the land concerned and that amount
- (a) forms a lien on the land in favour of the County, and
 - (b) shall, for all purposes, be deemed to be taxes imposed and assessed on the land and delinquent under the Municipal Government Act from the date the expenses were incurred, and that Act apply to the enforcement, collection and recovery of the amount.
- (7) Where the County carries out an Order under this Section the work forces shall deposit any material removed from an unsightly premises at a location designated by the County Administrator.
- (8) Notwithstanding subsection (7) where an Enforcement Officer is of the opinion that the material removed under subsection (7) has no value he may direct that the material be disposed of.
- (9) When material removed from an unsightly premises under subsection (7) is removed to a location specified by the County Administrator, the County Administrator may direct that the property be disposed of if the person to whom an Order has been issued does not remove the property within fourteen (14) days of being requested in writing to do so by the County Administrator.
20. A person who contravenes section 3 is guilty of an offence and liable
- a) for a first offence, to a fine of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) and in default of payment to imprisonment for a term of not more than five (5) days,
 - b) for a second offence, to a fine of FIVE HUNDRED DOLLARS (\$500.00) and in default of payment to imprisonment for a term of not more than twenty (20) days, and
 - c) for a third offence, to a fine of ONE THOUSAND DOLLARS (\$1,000.00) and in default of payment to imprisonment for a term of not more than thirty (30) days, and
 - d) for a fourth or subsequent offence to a fine of a maximum amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2, 500.00) or for a term of imprisonment not exceeding six (6) months.
21. A person who contravenes Section 19 is guilty of an offence and liable
- a) for a first offence, to a fine of ONE THOUSAND DOLLARS (\$1,000.00) and in default of payment to imprisonment for a term of not more than fifteen (15) days,
 - b) for a second offence, to a fine of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) and in default of payment to imprisonment for a term of not more than thirty (30) days,

- c) for a third offence, to a fine of TWO THOUSAND DOLLARS (\$2,000.00) and in default of payment to imprisonment for a term of not more than ninety (90) days, and
- d) for a fourth or subsequent offence to a fine of a maximum amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) or for a term of imprisonment not exceeding six (6) months.

22. This Bylaw shall come into force and effect upon receiving third reading.

READ A FIRST, SECOND AND BY UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, A THIRD AND FINAL TIME AND FINALLY PASSED THIS 18th DAY OF September, A.D. 2000.

Original Signed
REEVE

Original Signed
COUNTY ADMINISTRATOR