

BYLAW #07-2011**A BYLAW OF THE TOWN OF LEGAL IN THE PROVINCE OF ALBERTA TO CONTROL AND REGULATE NUISANCES AND UNSIGHTLY PREMISES WITHIN THE CORPORATE LIMITS OF THE TOWN OF LEGAL**

WHEREAS, pursuant to the provisions of Section 7 (c) of the Municipal Government Act, the Council of the Town of Legal may pass a By-Law for municipal purposes respecting nuisances, including unsightly property;

AND WHEREAS, the Municipal Government Act; (RSA 2000, c. M-26) as amended, authorizes a Council to pass a By-Law for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE, the Council of the Town of Legal, in the Province of Alberta, duly assembled, hereby enacts as follows:

- i. This By-Law may be cited as the "Nuisance By-Law".

SECTION 1.0 – DEFINITIONS

- | | | |
|------|------------------------------------|--|
| 1.1 | ‘Act’ | means the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto |
| 1.2 | ‘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 |
| 1.3 | ‘Open Composting Pile’ | means a composting site which is not entirely contained in a structure |
| 1.4 | ‘Designated officer’ | means a designated officer as prescribed in the <i>Municipal Government Act</i> RSA 2000, c. M-26 and amendments thereto |
| 1.5 | ‘Land-Use By-Law’ | means the Town of Legal Land-Use By-Law No. 07-98 as amended |
| 1.6 | ‘Non-Recreational Vehicle Trailer’ | means any Trailer that is not a Recreational Vehicle, and without limiting the foregoing, includes boat Trailers, Trailers designed to carry Off-Highway Vehicles, Trailers designed to be towed behind Off-Highway Vehicles, and utility or storage Trailers; |
| 1.7 | ‘Noxious Weed’ | means a noxious weed as prescribed in the <i>Weed Control Act</i> R.S.A 2000 c. W-5 and its regulations as amended |
| 1.8 | ‘Nuisance Weed’ | means a Nuisance Weed as prescribed in the <i>Weed Control Act</i> R.S.A. 2000 c. W-5 its regulations as amended |
| 1.9 | ‘Occupier’ | means any person other than the Owner who is in possession of the property, including but not restricted to a renter, lessee, licensee, tenant or agent of the Owner |
| 1.10 | ‘Owner’ | means any person registered as the owner of property under the Land Titles Act R.S.A. 2000, c. L-4, as amended and a person who is recorded as the owner of the property on the Tax Assessment Roll for the Town of Legal |
| 1.11 | ‘Property’ | means the whole or part of any part parcel or real property, including external surfaces of all buildings structures or fences |
| 1.12 | ‘Recreational Vehicle’ | (RVs) includes motorized RVs, all motor homes (self propelled motor vehicle chassis) trailers and towable RVs, travel trailers, tent trailers, truck (slide in) campers, fifth wheel trailers and trailers carrying boats, all terrain vehicles or snowmobiles. |
| 1.13 | ‘Refuse’ | means all solid and liquid wastes including, but not limited to, broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, abandoned equipment, tires, manure or any other form of waste or litter |

- 1.14 'Registered Owner' is, in the case of a Trailer or Recreational Vehicle, the owner listed on the Certificate of Registration for that Trailer or Recreational Vehicle, or in the case of Property, the Person(s) listed on the Land Title for that Property as the Registered Owner(s).
- 1.15 'Restricted Weeds' means a restricted weed as prescribed in the *Weed Control Act* R.S.A. 2000 c. W-5 and its regulations as amended
- 1.16 'Unightly' means a property that because of its condition or the accumulation of refuse is detrimental to the use, enjoyment or value of the surrounding area or surrounding properties.
- 1.17 'Peace Officer' means: a) persons defined as such under the Traffic Safety Act; and
b) a Bylaw Officer appointed by the Municipality pursuant to the Municipal Government Act to enforce the Municipality's Bylaw.
- 1.18 'Person' "Person" includes a corporation, society or partnership.
- 1.19 'Vacant Property' shall mean Property where:
(a) in the case of Residential Property, no residential dwelling exists on the Property;
(b) in the case of Commercial Property or Industrial Property, no occupied structure or building exists on the Property;
(c) in the case of any other Property, no authorized development or structure exists on the Property;
- 1.20 'Vehicle' means a device in, on or by which a person or thing may be transported or drawn on a Highway and includes a combination of Vehicles.

SECTION 2.0 – GRASS & WEEDS

1. No owner or occupier of a property shall allow grass, grasses or weeds on the property to exceed a height (length) of fifteen (15) centimetres;
2. An owner or occupier of a property directly adjacent to a public owned boulevard and/or road right of way shall be responsible to maintain subject to this By-Law, all grass, grasses and weeds on said boulevard and/or road right of way.
3. Every owner or occupier of property shall eradicate all restricted weeds and noxious weeds and control the spread of all nuisance weeds located on property.

SECTION 3.0 – ACCUMULATION OF MATERIALS

1. No owner or occupier of a property shall allow the property to become unsightly.
2. No owner or occupier of a property shall allow on the property an accumulation of the following as to create an unsightly condition:
 - (a) Loose refuse
 - (b) Bottles, cans, boxes or packaging materials except if stored 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
 - (c) Household furniture, appliances, or other household goods
 - (d) Automobile parts
 - (e) Part of or disassembled machinery, equipment or appliances
 - (f) Yard waste, including but not limited to grass, tree and hedge cuttings but excluding the contents of a composting pile subject to this By-Law.
 - (g) New or used wood or metal
 - (h) Any other material
3. No owner or occupier of any property shall permit or allow any material set out in Section 3.2 to accumulate in any open structure attached to any building within the Town except in

containers, bins, drawers, shelves and areas provided for temporary storage. No storage shall be allowed in the front or side yard of any property in Town.

4. No owner or occupier of property shall allow on the property the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking is being carried out on the property and that:
 - i. the project has begun or work is imminent
 - ii. the materials found on the property relate to the project taking place in a quantity reasonable to complete the project
 - iii. all other federal, provincial and municipal legislation is adhered to including but not limited to all provisions of the Land-Use By-Law and Safety Codes Act as amended
- (a) An owner or occupier of a property shall ensure that all building materials stored on the property, which are not in contravention of Subsection 3.4.i, are stacked or stored in an orderly manner.
- (b) Notwithstanding anything in Section 3, it shall not be an offence to store a small amount of neatly stacked materials not stored on the front yard or side yard of the property for basic property maintenance.
5. No owner or occupier of a property shall allow an accumulation of the following on their property:
 - (a) Any material(s) that creates unpleasant odours
 - (b) Any material(s) that or is likely to attract pests
 - (c) Any animal remains, parts of animal remains or animal feces.
6. No owner or occupier of a property shall allow open or exposed storage of any industrial fluid, including but not limited to engine oil, brake fluid or antifreeze.

SECTION 4.0 – COMPOSTING

1. No owner or occupier of a property shall place or allow to be placed cat feces, dog feces, animal parts or animal meat on a composting pile or in a composting container on the property.
2. No owner or occupier of a property shall allow an open composting pile on the premises within ten (10) meters of an adjacent dwelling house, measured from the nearest part of the open composting pile to the nearest part of the adjacent dwelling house.
3. Every owner or occupier of a property who allows a composting container or open composting pile to remain on a property must ensure that it is maintained in such a manner that it does not become a nuisance by creating an offensive odour or attracting pests.

SECTION 5.0 – WATER, EAVESTROUGHS, DOWNSPOUTS AND SUMP PUMP

1. No owner or occupier of a property shall allow a flow of water from a hose or similar device on the property to be directed towards an adjacent property if it is likely that the water from the hose or similar device will enter the adjacent property.
2. An owner or occupier of a property shall direct any rainwater downspout or eaves trough on the property to the front or the rear of the premises.

SECTION 6.0 – SMOKE & DUST

1. No owner or occupier of property shall engage in an activity likely to allow smoke, dust or other airborne matter likely to disturb another person to escape the property without taking precautions to ensure that the smoke, dust or other airborne matter does not escape the property.

SECTION 7.0 – LIGHT

1. 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.
2. 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.
3. No owner or occupier of a property shall allow an outdoor light to shine in a manner in which

it will interfere with an operator of a motor vehicle, a pedestrian or any proper user of a highway.

SECTION 8.0 – MAINTENANCE OF ACCESSORY BUILDINGS, STRUCTURES AND FENCES

1. No owner or occupier of a property shall allow an accessory building, structure or fence, and allow trees, hedges, or shrubs on property to become a safety hazard.
2. No owner or occupier of a property shall allow an accessory building, structure or fence to become unsightly.
3. No person shall erect or cause to be erected, built or placed, a fence, wall or other object on property more than 1.0 m (3.3 ft) in height within the triangular area formed by the intersecting road or lane lines and a straight line joining points on the road or lane lines eight (8) meters from their intersection, so that good visibility for safe traffic flow is maintained.
4. The Chief Administrative Officer or Designated Officer may require any person concerned to comply with the provisions of section (8) hereof within 14 days of being notified to do so. If the person fails to comply with such notice, the Chief Administrative Officer may direct employees or agents of the Town to enter upon the private property to carry out the necessary work, and may charge the cost of doing so against the person in default.

SECTION 9.0 – VEHICLES (INCLUDING OFF-HIGHWAY VEHICLES)

1. No owner or occupier of a property shall park on any part of a property except on a designated off-road parking area as prescribed in the Town of Legal Land-Use By-Law.
2. No owner or occupier of a property shall allow the external storage of more than one motor vehicle not bearing a license plate with subsisting registration.
3. No owner or occupier of a property shall allow the external storage of a motor vehicle used for stock car races, a motor vehicle which has all or part of its superstructure removed, or a motor vehicle or the parts thereof which is in a dilapidated or unsightly condition.
4. No Person shall park, store, place, or allow to parked, stored, or placed, any vehicle on Vacant Property.

SECTION 10.0 – STANDARDS FOR TRAILER AND RECREATIONAL VEHICLE STORAGE IN RESIDENTIAL AND COMMERCIAL AREAS

1. No Person shall park, store, place, or allow to parked, stored, or placed, more than one Recreational Vehicle on any Residential or Commercial Property.
2. No Person shall park, store, place, or allow to parked, stored, or placed, more than two (2) Non-Recreational Vehicle Trailers on any Residential or Commercial Property.
3. Notwithstanding Sections 10.1 and 10.2 above, where a Person has parked, stored, placed, or allow to parked, stored, or placed a Recreational Vehicle on a Residential or Commercial Property, a maximum of one (1) Non-Recreational Vehicle Trailer shall be permitted on that Property.
4. No Person shall park, store, place, or allow to parked, stored, or placed, a Recreational Vehicle or Trailer on a Residential or Commercial Property unless it is placed on a designated off-road parking area as prescribed in the Town of Legal *Land Use Bylaw*.
5. No Person shall park, store, place, or allow to parked, stored, or placed, any Trailer or Recreational Vehicle on Vacant Property.
6. No Person shall occupy a Recreational Vehicle parked on a Highway.

SECTION 11.0 - SNOW, ICE, DIRT AND DEBRIS REMOVAL

1. All persons within the Town owning, controlling, or occupying, property that adjoins any sidewalks shall remove or cause to be removed and cleared away all snow, ice, dirt, debris or other materials from that part of any sidewalk adapted to the use of pedestrians, such removal shall be completed within (48) hours of the time when the snow, ice, dirt, debris or other material was formed or deposited thereon.
2. In default of any person complying with subsection (1) above, and in addition to any other remedy available to the Town for non-compliance with this bylaw, the Town may arrange to have

the sidewalk cleared and any cost thereof shall be paid to the Town upon demand and failing payment, such cost shall be charged against the property as a special assessment.

3. No person shall remove snow, ice, dirt, debris or other materials from any driveways and/or sidewalks by causing such material to be placed upon any property other than their own.
4. No person shall place or permit to be placed, any snow, ice, dirt, debris or other material removed from the highway onto private property other than their own.

SECTION 12.0 – WASHING VEHICLES

1. No person shall wash a vehicle upon a roadway or so near a highway as to result in depositing mud or creating slush or ice upon a public sidewalk or roadway.
2. No person operating a premise with a car wash shall allow water, mud or slush to deposit on a public sidewalk or roadway

SECTION 13.0 - ROOFS, EAVES AND AWNINGS

1. Every occupant, and in the case there is no occupant, the owner of every house, shop, building, church or chapel abutting on or erected within three (3) meters of any highway or public place shall accumulate snow, ice, dirt and/or debris on the roof of such building to an extent that a danger is created to persons passing, cause the same to be removed at once, and every person while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.
2. A person who has an awning extending from a portion of his premises over a highway or portion thereof shall keep the awning free from snow or ice.
3. If water drips from an awning upon a highway, the owner or occupier of the premises shall clean the sidewalk or roadway portion thereof to prevent ice from forming thereon.

SECTION 14.0 – ENFORCEMENT

Inspections

1. A designated officer may enter into or upon any land or building within the Town in respect to a property that may be or is in contravention of this By-Law, pursuant to Section 542 of the *Municipal Government Act*

Enforcement Order

2. Where any property in the Town is in contravention of this By-Law a designated officer may issue an Enforcement Order in writing to a person who is duly imposed by this By-Law to prevent a contravention to remedy the same in a manner and time as deemed reasonable by a designated officer.
3. An Enforcement Order shall be in form as prescribed by the Town in accordance with Sections 545 and 546 of the *Municipal Government Act*.
4. An Enforcement Order shall be considered duly given and served on the person to whom it is addressed:
 - (a) on the Enforcement Order being delivered personally upon the person to which it is addressed
 - (b) on sending it by single registered mail in a prepaid cover addressed to the last known postal address of the person to whom the Enforcement Order is addressed or as shown in the Tax Assessment Roll
 - (c) on leaving it with a person apparently over the age of eighteen (18) years at the place of residency of the person to whom the Enforcement Order is addressed
 - (d) on posting the Enforcement Order in a conspicuous place on the property referred to in the Enforcement Order or on any buildings or erections thereon, when the Designated Officer has reason to believe:
 - i. That the person to whom the notice is addressed is evading service thereof, or
 - ii. For any reason it is improbable that the Enforcement Notice will be received by the person to whom it is addressed within three days of the date the Enforcement Order if it was to be delivered by any other way as mentioned in this section.
5. The Town is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Town may take into account any practical concerns, including available municipal budget and personnel resources.

SECTION 15.0 – APPEAL

1. Any person upon receipt of an Enforcement Order that feels aggrieved by the Enforcement Order may appeal to the Town by filing a notice of appeal under Section 547 of the *Municipal Government Act*.
2. An appeal shall be in writing and set out:
 - (a) The name and address of the appellant
 - (b) The legal description or civic address of the land affected
 - (c) The grounds for the appeal.
3. A Notice of Appeal shall be accompanied by an administrative fee of ONE HUNDRED (\$100.00) DOLLARS.
4. In the event that the Council rules in favour of the appellant and grants the appeal, the administrative fee shall be fully refunded.

SECTION 16.0 – PENALTIES

1. Any person who has contravened any section of this By-Law is guilty of an offence and is liable to a penalty as set out in Schedule “A” of this By-Law.
2. Where in the opinion of a designated officer a person has contravened any section of this By-Law the designated officer may serve upon such a person a voluntary payment tag in a form prescribed by the Town allowing payment of the penalty specified in the penalty schedule for such an offense to the Town and such payment shall be accepted by the Town in lieu of prosecution.
3. Where, in the opinion of a designated officer a person has contravened any section of this By-Law the designated officer may serve upon such person a Violation Ticket in the form and manner as prescribed by the provisions of the Provincial Offences Procedure Act, Chapter P-34, RSA 2000 and all its regulations and amendments thereto.
4. In the event that a person has been issued an Enforcement Order to remedy a condition that is deemed a contravention of this By-Law, neglects, refuses or fails to comply with such order, the Designated officer may cause work to be done as necessary to remedy the contravention and:
 - (a) Charge the cost to the person as a debt due and owing to the Town, or
 - (b) Charge the cost against the property to be recovered in like manner as with other Taxes as per the *Municipal Government Act* RSA 2000,c.M-26 section 553
5. Any person who neglects, refuses or fails to comply with an Enforcement Order issued under this By-Law is guilty of an offence.

SECTION 17.0 – ENACTMENT

1. This By-Law shall come into full force and effect upon the date of the passing of the third and final reading.
2. Bylaw 06-2005, and all bylaws amending it are hereby rescinded.
3. Bylaw 03-2011, and all bylaws amending it are hereby rescinded.

READ A FIRST TIME THIS 15 DAY OF August , 2011.

READ A SECOND TIME THIS 15 DAY OF August , 2011.

READ A THIRD TIME THIS 15 DAY OF August , 2011.

Original Signed _____
MAYOR

Original Signed _____
CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A" TO BYLAW #07-2011
FORM "A"
NOTICE TO OWNER

DATE: _____

FILE: _____

OWNER: _____

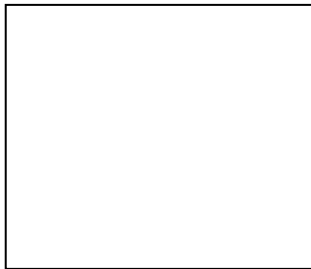
LOCATION: _____

WHEREAS Section _____ of Bylaw #07-2011 states that, "No owner or occupier of a property shall allow the property to become unsightly".

The aforementioned property has been deemed unsightly due to

NORTH

Location of property:



THE PREMISES OR PROPERTY WILL BE DEEMED TO HAVE BEEN REMEDIED WHEN,

ACTION IS TO BE COMPLETED ON OR BEFORE, _____

PENALTY

If you do not remedy the nuisance as directed before _____, you will be fined \$100.00 for the first offence and \$200.00 for subsequent offences and the Town may do the work set out above and charge you for the cost of the work. If not paid, the cost of the work may be collected in the same manner as property taxes.

APPEAL PROCESS

- (1) A person who receives a written order under Section _____ may, by written notice, request Council to review the order within 14 days of the date the order is received.
- (2) A person who receives a written order under Section _____ may, by written notice, request Council to review the order within 7 days of the date the order is received.

THE TOWN OF LEGAL

Per: _____
Designated Officer