

**BYLAW NO. 270-22**

**A BYLAW OF CLEAR HILLS COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PREVENTING AND COMPELLING THE ABATEMENT OF NUISANCES GENERALLY AND REGULATING UNTIDY AND UNSIGHTLY PREMISES WITHIN CLEAR HILLS COUNTY AND REPEALING BYLAW No. 26.**

WHEREAS, Section 7(a) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 authorizes Council to pass a bylaw respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, Section 7(c) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 authorizes Council to pass a bylaw respecting nuisances and unsightly property; and

WHEREAS, Section 7(i) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 authorizes Council to enforce such a bylaw and create offenses and penalties for offenses; and

WHEREAS, Sections 545, 546, 547, 548, 549, 550, 551, 552, and 554 of the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26 allow for the remedy of contravention's of such a bylaw; and

WHEREAS, the Council of Clear Hills County, in the Province of Alberta, deems it expedient to pass such a bylaw.

NOW THEREFORE, the Council of Clear Hills County, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. THAT, this bylaw shall be cited as the "Nuisance Bylaw".
2. THAT, in this bylaw, unless the context otherwise requires:
  - a. **Council** means the Council of Clear Hills County.
  - b. **Development Officer** means the Development Officer of Clear Hills County
  - c. **Owner** includes owner, agent, lessee or occupier of any land or premises.
  - d. **Unsightly or Untidy Premises** means:
    - i. premises not in keeping with the surrounding properties of similar land use classification under Clear Hills County land use bylaw.
    - ii. the condition of permitting a motor vehicle which has all or part of it's superstructure removed, or a motor vehicle or the parts thereof which is in a dilapidated state, to remain outside a building.
  - a. **Public Safety Concern** means a condition which the Development Officer deems to be a hazard to public safety.
3. THAT, no person being the owner of any land or premises within Clear Hills County shall permit the land or premises of which such person is the owner to be or to remain a nuisance, untidy, unsightly or a public safety concern.

4. THAT, Clear Hills County Development Officer or designate is hereby authorized to enter any lands to inspect for conditions which may contravene or fail to comply with any of the provisions of this bylaw.
5. THAT, the Development Officer shall notify the owner of any land or premises which he determines to be a nuisance, unsightly, untidy or a public safety concern.

Such notification shall be in the form of a written order and shall include the following information:

- a. Legal description of the property.
  - b. Description of the condition which causes the property to be unsightly, untidy or unsafe.
  - c. An order to take the necessary action or measures to remedy the contravention. This action may include but is not limited to improvement of the appearance of the property in a specified manner or removal or demolition of a structure and leveling of the site.
  - d. The time which the person has to comply with the order as outlined in (c) above.
  - e. The actions or measures which will be taken, at the expense of the owner, by the municipality in the event of non-compliance with the order as outlined in (c) above.
6. THAT, the notice must be served on a person:
    - a. by delivering it personally to the person
    - b. by leaving it with a person who appears to be 18 years of age or older at the private residence or place of business of the person, or
    - c. if service under clause (a) or (b) is impractical:
      - i. by posting the notice
        - a. on the land to which the notice relates, or
        - b. at the private residence of the person intended to be served,
      - and
      - ii. by sending a copy of the notice by regular mail to the last address listed in the assessment roll of the municipality for the owner of the land.
  7. THAT, the order shall be deemed to have been received seven days after the date of mailing or at the time of personal delivery.
  8. THAT, the owner of the property who receives an order under (5) above may request Council review the order by written notice within 14 days of the date the order is received.
  9. THAT, Council, upon reviewing the order, may confirm, vary, substitute or cancel the order.

10. THAT, an owner affected by the decision of Council under Section 8 of this bylaw, may appeal to the Court of Queen's Bench within 30 days of the date the decision is served on the person, as set out in Section 548 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26.
11. THAT, expenses and costs incurred by the municipality, to remedy the non-compliance of a clean up order issued under this bylaw, may be added to the tax roll of the parcel of land.
12. THAT, this bylaw shall come into force and effect upon the date of final reading hereof.

READ for a FIRST time this 13 day of Sept 2022.

READ for a SECOND time this 13 day of Sept 2022.

READ for a THIRD time this 13 day of Sept 2022.

  
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Amber Bean, Reeve

  
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Allan Rowe, Chief Administrative Officer