

BYLAW NO. 26

A BYLAW OF THE MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PREVENTING AND COMPELLING THE ABATEMENT OF NUISANCES GENERALLY AND REGULATING UNTIDY AND UNSIGHTLY PREMISES WITHIN THE MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21.

WHEREAS, Section 7(a) of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 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, Statutes of Alberta, 1994, Chapter M-26.1 authorizes Council to pass a bylaw respecting nuisances and unsightly property; and

WHEREAS, Section 7(i) of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 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, Statutes of Alberta, 1994 Chapter M-26.1 allow for the remedy of contravention's of such a bylaw; and

WHEREAS, the Council of the Municipal District of Clear Hills No. 21, in the Province of Alberta, deems it expedient to pass such a bylaw.

NOW THEREFORE, the Council of the Municipal District of Clear Hills No. 21, 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 the Municipal District of Clear Hills No. 21.
 - b) **Development Officer** means the Development Officer of the Municipal District of Clear Hills No. 21
 - 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 the Municipal District of Clear Hills No. 21 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.

- e) **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 the Municipal District of Clear Hills No. 21 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, the Municipal District of Clear Hills No. 21 Development Officer or his 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 be sent via registered mail or hand delivered to the owner 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 order shall be deemed to have been received seven days after the date of mailing or at the time of personal delivery.
7. 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.
8. THAT, Council, upon reviewing the order, may confirm, vary, substitute or cancel the order.
9. 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, Statutes of Alberta, 1994, Chapter m-26.1.
10. 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.

11. THAT, this bylaw shall come into force and effect upon the date of final reading hereof.

READ for a FIRST time this 9th day of September A.D., 1997.

Ernest R. Bass
Ernest R. Bass, Reeve

Faye Kary
Faye Kary, Chief Administrative Officer

READ for a SECOND time this 14th day of October A.D., 1997.

Ernest R. Bass
Ernest R. Bass, Reeve

Faye Kary
Faye Kary, Chief Administrative Officer

READ for a THIRD time this 14th day of October A.D., 1997.

Ernest R. Bass
Ernest R. Bass, Reeve

Faye Kary
Faye Kary, Chief Administrative Officer