

COUNTY OF TWO HILLS NO. 21

IN THE PROVINCE OF ALBERTA

BY-LAW NO. 14-95

A BY-LAW OF THE COUNTY OF TWO HILLS NO. 21 FOR PREVENTING AND COMPELLING THE ABATEMENT OF NUISANCES GENERALLY, AND TO REGULATE UNTIDY AND UNSIGHTLY PREMISES.

WHEREAS, by virtue of the power conferred upon it by the Municipal Government Act, S.A. 1994 Chapter M-26.1 the Council of the County of Two Hills No. 21, duly assembled, enacts as follows:

SECTION 1 - SHORT TITLE

- 1.1 This By-Law shall be known and may be cited as the "Nuisance By-Law".

SECTION 2 - INTERPRETATION

- 2.1 The following terms shall have the following meanings:

"Administrator" means the Chief Administrative Officer of the County duly appointed by the Council;

"Agent" means any person who represents or is employed by an Owner;

"Council" means the Council of the County;

"County" means the County of Two Hills No. 21;

"Noxious Weeds" means noxious weeds as defined in the Weed Control Act, R.S.A., 1980 c. W-6, as amended and its regulations;

"Nuisance" means any condition which does or is likely to annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of other persons within the limits of the County and includes the presence of Noxious Weeds;

"Property" means any land, building or premises within the municipal boundaries of the County;

"Occupant" means any person other than the Owner who has a legal or equitable interest in land or other Property, including, but no restricted to a lessee, occupant or Agent of the Owner;

"Owner" means

- (i) in respect of unpatented land, the Crown,
- (ii) in respect of other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land, and

- (iii) in respect of any Property other than land, the person in lawful possession of it;

“Parcel of Land” means

- (i) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
- (ii) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;
- (iii) a quarter section of land according to the system of surveys under the Surveys Act or any other area of land described on a certificate of title;

“Property” means any personal or real Property, including Parcels of Land.

### **SECTION 3 - APPLICATION OF THE BY-LAW**

- 3.1 Every Owner and Occupant of Property within the municipal boundaries of the County shall ensure that the Property complies with this By-Law.
- 3.2 If there is more than one Owner or Occupant of Property, all Owners and Occupants of that Property are jointly and severally responsible to ensure that the Property complies with this By-Law.

### **SECTION 4 - GENERAL**

- 4.1 An Owner or Occupant of Property shall not permit:
  - (a) the Property to be in a condition which constitutes a Nuisance;
  - (b) the Property to have on it a condition which constitutes a Nuisance.
- 4.2 An Owner or Occupant of Property shall not permit that Property to be untidy or unsightly.

### **SECTION 5 - MAINTENANCE OF PROPERTY**

- 5.1 An Owner or Occupant of Parcel of Land shall provide for the regular cutting of the grass on that Parcel of Land, and shall not allow grass to exceed fifteen centimetres (15 cm.) in length.

- 5.2 An Owner or Occupant of a Parcel of Land shall provide for the removal or pruning of trees and shrubs which exist on that Parcel of Land which in any way interfere with or endanger the lines, poles, conduits, pipes, sewers or other works of a municipal or public utility.

#### SECTION 6 - INSPECTION

- 6.1 The Administrator, or any Designated Officer may inspect Property to determine whether the Property complies with this By-Law. The inspection shall be carried out pursuant to the authority in the Municipal Government Act.

#### SECTION 7 - ENFORCEMENT

- 7.1 Where Property does not comply with this By-Law, the Municipality may pursue its enforcement alternatives in accordance with any Act, or common law right, including issuance of an order to remedy contraventions remedying contraventions by the Municipality, adding amounts to the tax roll, and pursuing injunctions pursuant to the Municipal Government Act.

#### SECTION 8 - NOTICE

- 8.1 Any notice provided for in this By-Law shall be in writing.
- 8.2 Service of any notice provided for in this By-Law may be made as follows:
- (a) personally upon the person to be served; or
  - (b) by mailing the copy to be served by double registered mail or certified mail to the last known post office address of the person to be served, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his behalf;
  - (c) where the Property is not occupied, by mailing the notice by double registered mail or certified mail to the mailing address noted on the County's tax roll for that Property, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his behalf; or
  - (d) as directed by the Court.

#### SECTION 9 - APPEAL

- 9.1 A person who considers himself aggrieved by a written order given pursuant to this By-Law may appeal the direction to the Council, under the terms prescribed by the Municipal Government Act.

**SECTION 10 - INTERFERENCE WITH DUTIES**

- 10.1 No person shall obstruct the Administrator or a person authorized to inspect Property or to perform any work necessary to remedy a condition, from performing his duties under this By-Law.

**SECTION 11 - PENALTIES**

- 11.1 Any person who contravenes or fails to comply with the provisions of this By-Law is guilty of an offence and shall be liable on conviction to a fine of not less than one hundred dollars (\$100.00) and not exceeding five hundred dollars (\$500.00).
- 11.2 No person found guilty of an offense pursuant to this By-Law shall be liable to imprisonment.

**SECTION 12 - MISCELLANEOUS**


- 12.1 This By-Law shall come into effect upon the final passing thereof.
- 12.2 By-Law No. 10-91 is repealed.

MOVED BY COUNCIL - That By-Law No. 14-95 be given first reading this 4th day of July, 1995 - Carried.

MOVED BY COUNCIL - That By-Law No. 14-95 be given second reading this 4th day of July, 1995 - Carried.

MOVED BY COUNCIL - That By-Law No. 14-95 be given third and final reading and finally passed this 4th day of July, 1995 - Carried.

COUNTY OF TWO HILLS NO. 21

  
REEVE

  
ADMINISTRATOR