

**COUNTY OF TWO HILLS NO. 21
IN THE PROVINCE OF ALBERTA
BYLAW NO. 05-2022**

**A BYLAW 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*, the Council of the County of Two Hills No. 21, duly assembled, enacts as follows:

1.0 SHORT TITLE

1.1 This Bylaw shall be known and may be cited as the “Nuisance Bylaw.”

2.0 DEFINITIONS

2.1 The following terms shall have the following meanings:

- (a) “Administrator” means the Chief Administrative Officer of the County duly appointed by Council;
- (b) “Agent” means any person who represents or is employed by an Owner;
- (c) “Bylaw Enforcement Officer” means:
 - i. Any member of the Royal Canadian Mounted Police;
 - ii. Any Community Peace Officer; and
 - iii. The Administrator of the County or any person designated by the Chief Administrative Officer to enter and inspect Property in accordance with the provisions of this bylaw;
- (d) “Council” means the Council of the County;
- (e) “County” means the County of Two Hills No. 21;
- (f) “Detrimental to the Surrounding Area” includes the causing the decline of market value to the surrounding area;
- (g) “Dismantled Vehicle” means a motor vehicle or trailer that has become dilapidated or disassembled which may include but is not limited to flat tires, missing tires and rims, fenders, doors, windows, hoods, trunks, and boxes;
- (h) “Emergency” means any situation in which there is imminent danger to the general public or potential danger to the Property or surrounding properties;
- (i) “Garbage” means any rubbish, refuse, papers, packages, containers, bottles, cans, manure, animal or human excrement or sewage or the whole or part of an animal carcass; dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household furnishings or appliances, boxes cartons, discarded fabrics, any material composed of organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food;
- (j) “Noxious Weeds” means Noxious Weeds as defined in the *Weed Control Act*;

- (k) “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;
- (l) “Property” means any land, building or premises within the municipal boundaries of the County;
- (m) “Occupant” means any person other than the Owner who has a legal or equitable interest in land or other Property, including, but not restricted to a lessee, Occupant or Agent of the Owner;
- (n) “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 and, the person in lawful possession of it;
- (o) “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 that has been erected on two or more lots or blocks shown on a plan of subdivision that has been registered in a land titles officer, 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 certificate of title;
- (p) “Property” means any personal or real Property, including Parcels of Land;
- (q) “Unsightly” means any Property which in the opinion of the Bylaw Enforcement Officer is untidy, offensive, dangerous to health and safety of any person, or has or may have a detrimental effect upon any person or other surrounding lands, the neighbourhood or which interferes with the use and enjoyment of other adjacent Property;
- (r) “State of Disrepair” means:
- i. The significant deterioration of buildings, structures, or improvements, or portions of buildings, structures or improvements;
 - ii. Broken or missing windows, siding, shingles, shutters, eaves, or other building material; or
 - iii. Significant fading chipping, or peeling of painted areas of buildings, structures or improvements on Property.

3.0 APPLICATION OF THE BYLAW

- 3.1 Every Owner and Occupant of Property within the municipal boundaries of the County shall ensure that the Property complies with this Bylaw.
- 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 Bylaw.

4.0 UNSIGHTLY CONDITIONS

4.1 Unsightly Conditions, for the purpose of this Bylaw, is any condition on or around a Property which in the opinion of the Bylaw Enforcement Officer is Unsightly;

A Property Owner shall keep grass and weeds in accordance with the following standards:

a) Uncut grass or weeds on any Property, and upon any boulevard adjacent to the front, rear or side of the Property shall be maintained at a height not to exceed fifteen centimeters (six inches) in length;

4.2 No Property Owner shall cause or allow any Property to be in an Unsightly condition or in a condition where it's appearance and/or condition is a Nuisance, safety hazard or is detrimental to the surrounding area;

4.3 No Property Owner shall allow the growth of trees or shrubs to interfere or endanger visibility to street signage, sidewalks, or roadway clearances, lines, poles, conduits, pipes, sewers or other works or a municipal or public utility;

4.4 No Property Owner shall permit the accumulation in piles or otherwise of dirt, stone, garden waste, old implements, disassembled or broken vehicles, scrap iron, lumber, glass, furniture, appliances, food containers, waste paper or cardboard on their Property;

4.5 No Property Owner shall dump or cause to be dumped any Garbage, waste, fecal matter, petroleum products (either liquid or solid), or dispose of any material in an area within the County except at locations specifically designated by the Administrator;

4.6 No Property Owner shall post or allow to be posted or exhibit on the Property unauthorized signs, posters, billboards, graffiti, obscene or offensive symbols, words, pictures or art;

4.7 Property Owners shall maintain all fixtures, improvements, renovations, or additions to any building, structure or improvement to a Property including exterior stairs, porches, decks, landings, balconies, and other similar structures.

4.8 Property Owners shall ensure that all foundations, exterior walls, roofs, windows, stairs, fences, and other similar structures are maintained in a reasonable state of repair;

4.9 Property Owners shall prevent the occurrence of, or promptly remedy, any Unsightly Conditions.

5.0 DANGEROUS BUILDINGS AND STRUCTURES

5.1 The Property Owner(s) of properties in the County shall ensure that any building(s) or attached feature(s) in a state of disrepair shall be restored or be demolished and removed from the Property;

5.2 If any building(s) in a state of repair is to be restored, it shall be restored to a useable and safe condition in accordance with the *Safety Codes Act* and with the required demolition or building permits;

5.3 No Property Owner shall cause or allow their Property to be a danger to public safety through the presence of excavations, structures, materials or any other hazard or condition posing a risk to public safety.

6.0 INSPECTION

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

7.0 ENFORCEMENT

7.1 Where Property does not comply with this Bylaw, 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*.

8.0 NOTICE

8.1 Any notice provided for in this Bylaw shall be in writing.

8.2 Service of notice provided for in this Bylaw 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 their behalf;
- c) Where 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 their behalf; or,
- d) As directed by the Court.

9.0 APPEAL

9.1 A person who considers themselves aggrieved by a written order given pursuant to this Bylaw may appeal the direction to the Council, under the terms prescribed by the *Municipal Government Act*.

9.2 A decision by Council shall be considered final, subject to the right of appeal to the Court of Queen's Bench provided by the *Municipal Government Act*.

10.0 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 their duties under this Bylaw.

11.0 PENALTIES

11.1 Any person who contravenes or fails to comply with the provisions of this Bylaw 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 offence pursuant to this Bylaw shall be liable to imprisonment.

12.0 EMERGENCIES

12.1 In accordance to the *Municipal Government Act*, and notwithstanding any provisions of this Bylaw, in an Emergency the County may take whatever actions or measures are deemed necessary to eliminate the Emergency.

13.0 EXEMPTIONS AND EXCEPTIONS

13.1 The provisions in this Bylaw shall not be interpreted to prevent legitimate work diligently carried out in accordance with a development permit issued by the Development Authority such as: commercial, industrial, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to a Property;

13.2 The County values and recognizes the contribution of the agricultural sector to regional growth and vitality. Thus, the County wishes to proceed working cooperatively with agriculturists to limit regulation whenever possible. Nothing in Sections 4 or 5 shall apply to or prevent legitimate agricultural practices from taking place;

13.3 The Owner of a Property that carries on or permits the carrying on of any activities referred to in Sections 4 and 5 of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact resulting in untidiness or unsightly conditions of a Property.

14 SEVERABILITY

14.1 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

15 EFFECTIVE DATE

15.1 This Bylaw shall come into force and take effect upon the third and final reading.

15.2 Bylaw No. 14-95 of the County of Two Hills No. 21 is hereby repealed.

MOVED BY COUNCIL - That Bylaw No. 05-2022 be given first reading this 30th day of March, 2022.

MOVED BY COUNCIL - That Bylaw No. 05-2022 be given second reading this 30th day of March, 2022.

MOVED BY COUNCIL - That Bylaw No. 05-2022 be given third and final reading and finally passed this 30th day of March, 2022.

REEVE

CAO