

VILLAGE OF CAROLINE

BYLAW NO.

BYLAW 2013-004

Being a bylaw to regulate and abate nuisance premises of an unsightly nature and to require timely snow removal within the Village of Caroline, Alberta.

WHEREAS, Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 permits the Council to pass bylaws respecting nuisances, including unsightly property; the safety, health and welfare of people; and the protection of people and property; and

WHEREAS, the Council deems it necessary to provide for an efficient means of regulating and encouraging the abatement of unsightly premises within the Village of Caroline; and

WHEREAS, the Council deems it necessary to require the timely removal of ice and snow from the sidewalks located within the Village of Caroline; and

WHEREAS, the Council deems it necessary to repeal and replace other BYLAWS HERE

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF CAROLINE IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as the "Property Standards Bylaw".

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:
 - a. "Administration Fee" means a fee added to expenses incurred by the Village of Caroline for measures taken pursuant to Section 12 of this Bylaw. Any and all charges for work performed by staff of the Village of Caroline will be recorded in terms of whole hours.
 - b. "Designated Officer" means a BYLAW Enforcement Officer of the Village of Caroline as appointed and/or person(s) designated by Chief Administration Officer from time to time for enforcement of the provisions of this BYLAW;

- c. "Structure" means a building or other thing erected or placed in, on or over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of land;
- d. "Owner" means the registered Owner of the land on which a Structure, hole or excavation referred to herein is located or which is in the opinion of the Designated Officer unsightly and includes the Owner of the Structure if he is not the Owner of the land on which the Structure is located;
- e. "Unsightly premise" means any property or part of it that exhibits visual evidence of a lack of general maintenance and upkeep, including the excessive accumulation on the premises of:
 - i. garbage, animal or human excrement, sewage, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, petroleum products, hazardous materials, disassembled equipment or machinery, broken household chattels or goods;
 - ii. the whole or any part of any vehicle or vehicles which are not registered with the Motor Vehicle Registry for the current year and which are inoperative by reason of disrepair, removed parts or missing equipment;
 - iii. equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances;
 - iv. animal material, ashes, building material, garbage, and yard material as defined in this Bylaw; or
 - v. any other form of scrap, litter, trash, or waste of any kind;
- f. "Vehicle" has the same meaning as defined in the Traffic Safety Act;
- g. "Yard material" means waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities and includes grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds.

GENERAL PROHIBITION

- 3. No Owner or Owners of a Premise shall cause, allow or permit the Premise to become or to continue to be an Unsightly Premise as defined in this Bylaw.
- 4. If, in the opinion of a Designated Officer, a Structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the Designated Officer may by written order

- a. require the Owner of the structure to
 - i. eliminate the danger to public safety in the manner specified, or
 - ii. remove or demolish the Structure and level the site;
 - b. require the Owner of the land that contains the excavation or hole to
 - i. eliminate the danger to public safety in the manner specified, or
 - ii. fill in the excavation or hole and level the site;
 - c. require the Owner of the property that is in an unsightly condition to:
 - i. improve the appearance of the property in the manner specified, or
 - ii. if the property is a Structure, remove or demolish the Structure and level the site.
5. Determination of fact:
- a. Whether or not a particular Premise exhibits visual evidence of a lack of general maintenance, including the excessive accumulation of the materials listed in Section 2(e) of this Bylaw, are questions of fact to be determined by a Court hearing a prosecution, pursuant to the provisions of this Bylaw.
 - b. When making the determination during a trial as to whether a particular Premise constitutes an “Unsightly Premise” the Court’s considerations shall include any admissible evidence as to:
 - i. the general condition and state of tidiness of the neighbouring or surrounding Premises,
 - ii. the period of time the Premise has been in the state complained of;
 - iii. whether or not the Premise is undergoing construction or renovation as authorized by the Village of Caroline, and the period of time that such activity has been ongoing; and
 - iv. any other circumstances or factors relating to the Premise which the Court deems are relevant to the said determination.

WEEDS, GRASS AND TREES

- 6. An Owner of a Premise is required to control all weeds and grass on the Premise, and on any area which abuts or adjoins the Premise, including up to the center of lanes or alleys at the rear or side of the Premise.
- 7. An Owner of a Premise is required to remove any and all trees that, due to deterioration of condition or for any other reason, are a public safety hazard.

SNOW ON SIDEWALKS

8. An Owner of a Premise shall ensure the removal from any improved public sidewalk located adjacent to the Premise, including private driveway crossings, all snow and ice deposited, whether from natural or unnatural means, within 48 hours of deposit.
9. For the purpose of Section 8, snow and ice will be considered removed when the sidewalk is cleaned for the entire width of the sidewalk to the sidewalk surface as completely as reasonably possible.
10. For the purpose of Section 8, in the case of a sidewalk being below grade resulting in repeated coverage by ice or water through drainage of melted snow or rain, the sidewalk must be cleaned as completely as reasonably possible and a non-slip, non-corrosive and salt-free material such as sand or similar material must be scattered on the surface of the sidewalk as frequently as required to maximize traction for pedestrians.
11. For the purpose of Section 8, where an Owner of a Premise reasonably anticipates being absent, the Owner must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw.

ENFORCEMENT

12. Where a Premise is found to be in non-compliance with any provision of this Bylaw, the Owner of the Premise may be served with a Notice containing the following:
 - a. The address and/or physical location where remedial action is required;
 - b. The condition or conditions that are not in compliance with this Bylaw;
 - c. The remedial action that is required; and
 - d. The deadline for completion of the remedial action required.
13. Any Notice issued pursuant to Section 12 will be deemed to have been sufficiently served upon the Owner of the Premise:
 - i. When posted at a conspicuous location on the Premise;
 - ii. When given verbally by an Enforcement Officer to the Owner or any occupant of the Premise who is 18 years or older, and where said verbal Notice includes all the information required by Section 12; or
 - iii. When mailed by regular or registered mail to the Owner of the Premise using the address provided by the Owner and on record with the Village of Caroline.

It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

EFFECTIVE DATE

14. This bylaw shall come into force and effect upon it receiving third reading by Council.

Read a first time this 3 day of SEPTEMBER, 2013.

Read a second and third and final time this 17 day of SEPTEMBER, 2013.

Laura Budmore
Mayor Date

[Signature] 9/17/13
Staff Date

NOTICE PURSUANT TO BYLAW # 2013-004

Whereas I, _____, the officer designated under the BYLAW #2013-004, hold the opinion that _____

located on the property municipally described as _____ is

a violation due to:

You, _____, the registered owner of the structure and of the land on which it is located are required to on or before the _____ day of _____ eliminate the violation.

The site will be inspected after the _____ day of _____ to confirm compliance with this Order. If you do not comply with the requirements of this Order by the dates specified, the Village of Caroline may take those actions necessary to correct the violation. The expense and administration fee of these actions will be charged to you. The municipality, pursuant to s. 553 (1) of the Municipal Government Act Of Alberta may add the amount of the expense incurred to the tax roll of the parcel of land on which the structure was located.

You may, by way of written notice delivered to the attention of the offices of the Village of Caroline within seven(7) days of the date of your receipt of this Order, request Council to review this Order. Council may confirm, vary, substitute or cancel the Order.