

**BYLAW NO. 96-08
VILLAGE OF ANDREW**

**A BYLAW OF THE VILLAGE OF ANDREW
IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF PREVENTING AND COMPELLING THE ABATEMENT
OF NUISANCES GENERALLY AND REGULATING UNTIDY AND UNSIGHTLY PREMISES
OF THE VILLAGE OF ANDREW**

WHEREAS, Sections 160-162 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1989 and amendments thereto, authorizes a Council to pass a Bylaw preventing and compelling the abatement of nuisances generally and regulating untidy and unsightly premises; and

WHEREAS, said Section 160 further provides that in any Bylaw passed under said section, Council may make any provisions that it considers necessary to carry out the purposes of the Bylaw; and

WHEREAS, the Council of the Village of Andrew deems it expedient and in the public interest to pass such a Bylaw;

NOW THEREFORE, the Council of the Village of Andrew duly assembled, enacts as follows:

1. DEFINITIONS

- (a) "Council" shall mean the Council of the Village of Andrew.
- (b) "Peace Officer" shall mean
 - i) a member of the Royal Canadian Mounted Police,
 - ii) a member of a municipal police service,
 - iii) a special constable.
- (c) "Municipal Bylaw Enforcement Officer" shall mean a person appointed as such by Village Council.
- (d) "Occupant" shall mean the owner, agent, lessee, manager, or tenant of any property or premises within the Village of Andrew whether actually occupying or legally responsible for any property or premises.
- (e) Words in the plural shall import the singular and vice versa.
- (f) "Rubbish" shall mean any waste material or refuse.
- (g) "Unsightly Premises Committee" shall be composed of at least two Council members and one member at large from the community.
- (h) "Village" or "Village of Andrew" shall mean all lands within the corporate limits of the Village of Andrew.

2. ENFORCEMENT

- 2.1 All occupants shall remove or prune any trees or shrubs thereon that in any way interfere with or endanger any lines, poles, conduits, pipes, sewers, signs, roadways, or any other works of the Village of Andrew or any other public utility.
- 2.2 No occupant shall permit the accumulation of dirt, stone, old implements or automobiles, scrap iron, lumber, old buildings, or any other rubbish so as to cause an unsightly or untidy condition, a hazard, or a nuisance.
- 2.3 No person shall dump or cause to be dumped, any rubbish, garbage, waste petroleum products (either liquid or solid), or to dispose of any material whatsoever in, about, or upon any area within the Village of Andrew except at such place or places specifically designated by Council and in such a manner as may be from time to time prescribed by Council.
- 2.4 All existing gas, electrical, water, sewer or other services to the site of an abandoned building, structure, erection, or excavation shall be shut off. Said gas, electrical, water, sewer, electrical, water, sewer, or other service shall be capped by plugs, caps, place, if deemed necessary by the Council or its duly appointed agents.
- 2.5 No person shall cause or allow dust to become a nuisance to the public as a result of operations being done in a residential area.
- 2.6 Any Bylaw Enforcement Officer, Royal Canadian Mounted Police, or any duly authorized officer of Council is hereby authorized to enter any lands, buildings, or premises within the Village of Andrew to inspect for conditions that may constitute a nuisance or contravene or fail to comply with the provisions of this Bylaw.
- 2.7 Any person who enters property to remedy any condition as directed by Council shall be deemed to have the authorization of Council and shall not incur any liability therefore.
- 2.8 When, in the opinion of the officer set forth in Section 2.6 of this Bylaw, a condition exists which is in contravention of any provisions of this Bylaw, the officers shall issue a warning notice personally or double registered mail or certified mail to the owner, agent, lessee, or occupier of the land or premises in question, advising of the condition and directing that the condition be rectified within fourteen (14) days.
- 2.9 If the owner, agent, lessee or occupant fails, neglects, or refuses to remedy any condition of his land or premises that does not comply with the provisions of this Bylaw within the time period pursuant to Section 2.8 of this Bylaw, then Council may by resolution cause such work to be done as it considers necessary to remedy the condition.
- 2.10 Where Council has caused the condition to be remedied pursuant to Section 2.9 of this Bylaw, Council shall charge the costs of the work done to remedy the condition to the owner, agent, lessee, or occupier concerned. An administration fee as determined from time to time by resolution by Village Council will be charged against every lot that requires enforcement by this Bylaw 96-08. In the default of payment the Village of Andrew may:
 - i) charge the same against the land concerned as taxes due and owing in respect of that land, and recover the same as such.

3. SCHEDULES

3.1 "Schedule A" Form Letter

3.2 "Schedule B" Administration Fee and Appeal Procedure Fee

4. APPEAL PROCEDURE

4.1 A person who considers himself aggrieved by a direction given from a Section in this Bylaw may appeal the order to the Unsightly Premises Committee by delivering the notice of the appeal personally or by double registered mail or certified mail to the Municipality Secretary. This shall be done within the time specifies in the notice for doing the thing required by the notice or 10 days, whichever is less.

4.2 A notice of appeal shall be in writing and shall set out

- i) the name and address of the appellant,
- ii) a copy of the notice in respect of which the appeal is being taken,
- iii) the legal description of the land affected, and
- iv) the grounds for appeal
- v) a notice of appeal shall be accompanied by a deposit in the amount set out in the regulations set out in the regulations Schedule "B"
- vi) the deposit made under Subsection (v) shall be refunded if the appellant is successful in his appeal under this Section or in review under Section 9.

5. The Village of Andrew appealed to shall have 30 days upon receipt of the notice of appeal to appoint a committee to hear and determine the appeal.

6. As soon as possible after the delivery of a notice of appeal, the Unsightly Premises Committee shall:

- i) fix a place for the hearing of the appeal,
- ii) fix a time for the hearing of the appeal, and
- iii) cause a notice of the place and the time to be sent out to the appellant

7. The Unsightly Premises Committee may confirm, rescind or vary the notice that was given.

8. The Municipal Secretary shall, on determination of the appeal, send a copy of the decision together with the written reasons, if any, by double registered mail or certified mail to the appellant.

9. Any appellant who thinks himself aggrieved may appeal within 10 days to the Court of Queen's Bench of Alberta and if the Court of Queen's Bench of Alberta is satisfied that the Council has

acted unreasonably or unjustly or in the manner contrary to the intent and meaning of this Bylaw, it may set aside, vary or modify the notice, order or direction of Council.

10. EFFECTIVE DATES

10.1 This Bylaw shall come into effect on the date of final reading thereof.

READ for a first time this *22nd* day of *MAY*, 1996 A.D.
READ for a second time this *22nd* day of *MAY*, 1996 A.D.
READ for a third time this *22nd* day of *MAY*, 1996 A.D.

Eldon Feniak MAR 24/99

ELDON FENIAK, Mayor

John K. Woychuk

JOHN K. WOYCHUK, Municipal Administrator

BYLAW NO. 96-08
SCHEDULE "A"

Dear Sir/Madam:

A recent inspection of your property, Lot _____, Block _____, Plan _____, Address _____ has shown the condition of your property is of an unsightly nature.

In order to keep the Village of Andrew clean and attractive, the Village is asking your cooperation by keeping the lot clean. Cleanup is requested to be done within fourteen (14) days of the mailing of this letter.

Should you fail, neglect or refuse to remedy this condition, the Village will cause work to be done at the owner's expense. Along with the contractor's bill, a \$40.00 Administration cost per lot will be added onto the initial fee.

Please give this matter you immediate attention. Your cooperation in this matter is greatly appreciated.

Sincerely,

KEN PODOBOROZNY
Bylaw Enforcement
Officer

KP/als

BYLAW NO. 96-08
SCHEDULE "B"

Section No.

Amount

FEEs

3.2	Administration fee for every lot requiring enforcement of Bylaw no. 96-08	\$ 40.00
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APPEAL PROCEDURE

4.2(v)	Notice of Appeal Deposit	\$100.00
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