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BYLAW # 3.31
OF THE VILLAGE OF COWLEY
IN THE PROVINCE OF ALBERTA

AUTHORITY

Whereas Sections 110, 112, 160 and 161 and 162 of the Municipal Government Act, R.S.A. 1980, provides that the Council of the Village of Cowley may pass bylaws regulating matters of peace, order and good government, as well as the promoting of health, safety, morality and good welfare for its residents;

And whereas pursuant to the above sections of the Municipal Government Act R.S.A. 1980, Council may pass bylaws regulating the following matters;

- a) Untidy or Unsightly Premises
- b) The Control of Nuisances Generally,

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF COWLEY, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

TITLE

- 1) This bylaw may be cited as "The Control of Unsightly Premises and Nuisances Bylaw"

DEFINITION

- 2) In this Bylaw, unless the context otherwise requires:
 - (1) "Officer" means the Bylaw Officer of the Village of Cowley or his authorized assistants
 - (2) "Administrator" means the Administrator of the Village of Cowley
 - (3) "Owner" includes agent, lessee or occupier of any land or premises.
 - (4) "Village" means the Village of Cowley
 - (5) "Untidy and unsightly premises" means
 - a) a premise not in keeping with the surrounding properties within a similar Land Use District under the Land Use Bylaw # 317 of the Village of Cowley
 - b) the condition of permitting a motor vehicle used for stock car races, a motor vehicle which has all or part of its superstructure removed, or a motor vehicle of the parts thereof which is in a dilapidated or unsightly condition to remain outside a building or an approved fenced area.

(k.1) The presence of, or encroaching of, trees, shrubs, weeds or other vegetation which as a result of its location on the Property has caused, or is potentially dangerous to adjacent property, including Municipal or Public Lands;

- c) the external storage of more than one motor vehicle, within the Village, not bearing a valid Alberta licence plate.
- d) the external storage of electrical appliances and heating appliances including, but not limited to, refrigerators, stoves, fireplaces, wood heaters, furnaces, deep freezers, washers and dryers not in operable condition.
- e) the unscreened accumulation of metal, concrete, garbage or construction materials, scrap metal, industrial or structural steel materials, unless approved for storage under the Land Use Bylaw # 317, for more than 30 days upon any land or property
- f) the discarding of any carcass in an unapproved manner.
- g) the uncontrolled growth of grass on any boulevard which abuts or flanks a property occupied by him.
- h) the growth of dandelions and noxious weeds
- i) the uncontrolled growth of grass on lawns
- j) the accumulation of any debris or materials which may serve as a breeding ground for mosquitos or pests,
- k) the uncontrolled growth of any trees or shrubs that in any way interferes with or endangers the lines, poles, conduits, pipes, sewers or other works of the Village or other public utilities.
- l) the discarding, storage, or keeping of household garbage or refuse without proper receptacles
- m) notwithstanding the definitions of an "untidy and unsightly premise" contained in 5 (a) to (l) in this Bylaw, any other untidy or unsightly premise that in the opinion of Council is not consistent with the acceptable standards of the Municipality.

SECTION A UNTIDY OR UNSIGHTLY PREMISES

UNTIDY OR UNSIGHTLY LAND OR PREMISES

- 3) No person being the owner of any land or premise within the Village of Cowley shall permit the land or premises to be or remain in an untidy or unsightly condition

NOTICE BY OFFICE

- 4) Where any lands or premises in the Village of Cowley are found to be in an untidy or unsightly condition, the Officer or Administrator may give notice in writing to a person who is under a duty imposed by this Bylaw to prevent such a condition to remedy the same, and the Officer or Administrator may direct this to be done in such a manner as he deems advisable on or before a day to be named in the notice.

INSPECTIONS

- 5) The Officer or Administrator is hereby authorized to enter, at any reasonable hour, on any lands to inspect for conditions that may contravene or fail to comply with any of the provisions of this Bylaw.

DATE OF DELIVERY OF NOTICE

- 6) The Office or Administrator shall not give less than seven (7) days from the date of delivery of the notice for its compliance.

FORM AND SERVICING OF NOTICE

1) A notice to owner given by the Officer or Administrator under the provisions of this Bylaw shall be in writing and in quadruplicate in Form "A" set out as a Schedule to this Bylaw.

2) One of the notices shall be served on the person to whom it is addressed, one on the assessed owner, one shall be kept by the Administrator and the fourth shall be retained by the Officer (when applicable).

3) A notice given by the Officer or Administrator pursuant to any of the provisions of this bylaw shall be deemed to have been duly given and served on the person to whom it is addressed:

- a) on the notice being personally delivered to the person to whom it is addressed;
- b) on leaving it with a person apparently over the age of sixteen (16) years at the place of abode of the person to whom the notice is addressed;
- c) on sending it by single registered mail in a prepaid cover addressed to the last known postal address of the person to whom the notice is addressed, or as shown in the assessment roll, as the case may be.

OWNER FAILURE TO REMEDY CONDITION

- 7) 1) If, after the day designated for the compliance in any notice given pursuant to this Bylaw the owner fails to remedy the condition stated in the notice, the Officer may report the same to Council.

NOTICE BY COUNCIL

2) Upon consideration of the report, Council may direct that a notice in writing be served upon the Owner involved in the infraction.

3) The notice shall be in Form "B" set out as a Schedule to this bylaw, with:

- a) a description of the land on which the infraction reported of is located;
- b) a description of the infraction reported;
- c) the date, time and place at which Council may consider the matter;
- d) that Council may make an Order declaring an infraction and ordering the remedy of the condition or the removal of the contravention;
- e) that the owner shall be entitled, before enactment of the Order, to make representation to the Council and set forth his reasons why an Order should not be made.

SERVING OF NOTICE

- 8) The notice shall be served upon the owner in the same manner as set out in Section 6 Subsection (3), not less than ten (10) days preceding the date of the order being considered by Council.

OWNER APPEARING BEFORE COUNCIL

- 9) The owner may appear before Council in person or by a representative.

ORDER IF INFRACTION

- 10) 1) If, following the hearing, Council is of the opinion that there is an infraction, it may declare it to be so and order that the condition be remedied, said Order to be in Form "C" set out as a Schedule to this Bylaw.

TIME TO REMEDY SITUATION

2) Any such Order may require the owner, within a period of time which shall not be less than fifteen (15) days from the date of making of the Order, to remedy the untidy or unsightly condition of the premises in the manner set forth in the Order.

COSTS OF REMEDYING CONDITIONS

3) If the owner does not remedy the condition, and the Village of Cowley incurs costs in remedying the condition, such costs are chargeable to the owner, and recoverable as a debt due to the Village.

CHARGE AGAINST LAND

4) Where the owner neglects or refuses to pay the Village of Cowley costs in obtaining compliance with the Order, the Village may cause these costs to be added to the tax roll as a charge against the lands of the owner in the same manner as taxes and with the same priority as to lien and to payment thereof as is in the case of ordinary municipal taxes.

MEANS OF APPEAL

- 11) any owner, agent, lessee or occupier who receives a notice, order or direction requiring him to remedy any condition that constitutes an untidy or unsightly premises, or that contravenes or fails to comply with this Bylaw and who thinks himself aggrieved, may appeal within ten (10) days to the Alberta court of Queen's Bench.
- 12) Every person who fails to comply with the provisions of any notice given under this Bylaw is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$500.00 exclusive of costs and in case of non-payment of the fine and costs, to be imprisoned in the nearest common gaol for a period not exceeding thirty (30) days.

SECTION B - THE CONTROL OF NUISANCES GENERALLY

Council may direct the Officer or Administrator to carry out any act or activity which is permitted by any section of the Municipal Government Act R.S.A.1980 in order to maintain peace, order and good government and to protect the right and property of the municipality and to promote and maintain the standards normally accepted in the municipality.

13) Bylaw # 177, being a Bylaw respecting Nuisances and Unsightly Premises in the Village of Cowley, is hereby repealed.

Read a first time this 2ND day of FEBRUARY 1993.

Robert Bergen
Mayor - Robert Bergen

Laurie Wilgosh
Admin. - Laurie Wilgosh

Read a second time this 2ND day of FEBRUARY 1993.

Robert Bergen
Mayor - Robert Bergen

Laurie Wilgosh
Admin. - Laurie Wilgosh

Read a third time and finally passed, this 2ND day of FEBRUARY 1993.

Robert Bergen
Mayor - Robert Bergen

Laurie Wilgosh
Admin. - Laurie Wilgosh