



**VILLAGE OF RYCROFT  
BYLAW #93-09**

**“A BYLAW OF THE VILLAGE OF RYCROFT, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSES OF REGULATING, CONTROLLING AND REDUCING UNTIDY, UNSAFE AND UNSIGHTLY AND DANGEROUS PREMISES AND NUISANCES WITHIN THE VILLAGE OF RYCROFT**

**WHEREAS** the *Municipal Government Act, R.S.A. 2000, cM-26*, and amendments thereto, provides that a Council of a Municipality may pass Bylaws for municipal purposes including for the safety, health and welfare of people and in relation to the regulation of unsightly, untidy and unsafe premises and nuisances within its boundaries;

**AND WHEREAS** the *Safety Codes Act, R.S.A. 2000, c.S-1*, and amendments thereto, provides that a Council of a Municipality may establish minimum standards for the maintenance of buildings and structures;

**AND WHEREAS** the *Weed Control Act, R.S.A. 2000, c. W-5*, and amendments thereto, provides that a Council of a Municipality may pass bylaws identifying and regulating restricted, noxious or nuisance weeds;

**AND WHEREAS** the Council of the Village of Rycroft deems it expedient to make such rules and regulations;

**NOW THEREFORE** the Council of the Village of Rycroft, in the Province of Alberta, duly assembled enacts as follows:

1. **Title**

1.1 This Bylaw may be cited as the “Untidy, Unsafe & Unsightly Premises Bylaw”.

2. **Definitions**

2.1 In this Bylaw:

- (a) **“Abandoned Equipment”** means equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or the deterioration of its mechanical condition and includes, but is not limited to, any household appliances stored outside of a residence or other structure, regardless of whether the household appliance is in an inoperative condition;
- (b) **“Abandoned Vehicle”** means the entirety or any portion of any motor vehicle, where that vehicle;
  - i. is in a rusted, wholly or partially, wrecked, dismantled, or inoperative condition, and is not located within a structure or located on Property such that it can be concealed from view; or
  - ii. has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year; and
  - iii. is inoperative by reason of missing or disassembled parts or equipment and is not located within a structure or located on Property such that it can be concealed from view;
- (c) **“Act”** means the *Municipal Government Act, R.S.A. 2000, c. M-26*, as amended or repealed and replaced from time to time;
- (d) **“Building Materials”** means all construction and demolition material accumulated on a property while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such construction, alteration or repair;
- (e) **“Bylaw Enforcement Officer”** means the Bylaw Enforcement Officer appointed by the Village pursuant to the *Act*, to enforce the Village’s Bylaws, and includes a member of the Royal

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Canadian Mounted Police, a person appointed as a weed inspector under the *Weed Control Act*, and any Community Peace Officer employed by the Village;

- (f) **“Chief Administrative Officer” or “CAO”** means the Person appointed to the position of Chief Administrative Officer by the Council of the Village and includes any Person that the CAO may appoint as his/her designate for the purpose of carrying out his/her duties under this Bylaw and further includes any Person that may be appointed to act in the absence of the CAO;
- (g) **“Composting”** means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create useable soil conditioner;
- (h) **“Council”** means the Mayor and Councillors of the Village of Rycroft for the time being elected pursuant to the provisions of the *Act*, whose time is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the *Act*;
- (i) **“Designated Officer”** means for the purposes of this Bylaw, the CAO, Bylaw Enforcement Officer, or Building Inspector of the Village;
- (j) **“Land Use Bylaw”** means the Village of Rycroft Land Use Bylaw No. 77-07, as amended or repealed and replaced from time to time;
- (k) **“Motor Vehicle”** means a motor vehicle, as defined in the *Traffic Safety Act*;
- (l) **“Notice”** means the written notice from a Designated Officer of the Village;
- (m) **“Noxious Weed”** means a noxious weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001, as amended or repealed and replaced from time to time;
- (n) **“Nuisance”** means any condition or use of Property which, in the opinion of a Designated Officer, constitutes an unreasonable interference with the use and enjoyment of other Property and may include the physical condition of, a use of, or an emission from, Property or a structure which constitutes an unreasonable interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, an Unightly Premises ;
- (o) **“Nuisance Weed”** means a nuisance weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001, as amended or repealed and replaced from time to time;
- (p) **“Occupant”** means any person other than the registered Owner who is in possession of the Property, including but not restricted to, a lessee, licensee, tenant, or agent of the Owner;
- (q) **“Order”** means an Order issued by a Designated Officer pursuant to section 545 or section 546 of the *Act*, as applicable;
- (r) **“Owner”** means
  - i. any person registered as the Owner of Property under the *Land Titles Act*;
  - ii. a Person who is recorded as the Owner of Property on the Assessment Roll of the Village;
  - iii. a Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement , whether they have purchased or otherwise acquired directly from the Owner or from another Purchaser, and who has not yet become the Registered Owner thereof;
  - iv. a Person holding himself/herself out as the Person exercising the power or authority of Ownership or, who for the time being exercises the powers and authority of Ownership over the Property;
  - v. a Person in control of Property under construction; or
  - vi. a Person who is the Occupant of the Property under a lease, license or Permit.

- (s) **“Person”** means a corporation, partnership, or individual, and their heirs, executors, administrators or other legal representative of an individual;
- (t) **“Pest”** means an animal, bird, reptile, or insect that may, in the opinion of a Designated Officer, cause annoyance, or harm to a person, animal, or plant and includes any organism declared as a pest or nuisance pursuant to the *Agricultural Pest Act* R.S.A. 2000, c. A-8, as amended or repealed and replaced from time to time;
- (u) **“Property”** means any lands, buildings, structures or premises, or any personal Property located thereupon, within the municipal boundaries of the Village;
- (v) **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time;
- (w) **“Reasonable State of Repair”** means the condition of being:
- i. structurally sound
  - ii. free from significant damage
  - iii. free from rot or other deterioration;
  - iv. safe for its intended use; and
  - v. so as not to present an unsightly condition or appearance.
- (x) **“Refuse”** means articles including but not limited to, the following; solid and liquid wastes, loose litter, debris, junk, household waste, waste paper, cardboard, food containers, grass cuttings, shrubbery and tree pruning’s, weeds and garden waste, abandoned vehicles, vehicle parts or accessories, tires, residential furnishings, household appliances, machinery or parts of furnishings, appliances or machinery, construction materials, animal feces, or garbage bags;
- (y) **“Restricted Weed”** means a restricted weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001, as amended or repealed and replaced from time to time;
- (z) **“Unsightly Premises”** means any Property, whether land, buildings, improvements to lands and buildings, or any other combination of the above, located within the Village that, in the opinion of a Designated Officer, is unsightly to such an extent as to detrimentally affect the proposed amenities, use, value or enjoyment of the surrounding Properties in reasonable proximity to the Unsightly Premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Act*;
- (aa) **“Village”** means the Village of Rycroft, in the Province of Alberta;
- (bb) **“Violation Tag”** means a tag or similar document issued by the Village pursuant to the *Act* for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;
- (cc) **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;
- (dd) **“Weed Control Act”** means the *Weed Control Act*, R.S.A. 2000, c. W-5, as amended or repealed and replaced from time to time;
- (ee) **“Weeds”** means any Noxious, Nuisance or Restricted Weed as prescribed in the *Weed Control Act*, and *Alberta Regulation 171/2001*, as amended or repealed and replaced from time to time.
- (ff) The Owner of any Property, as noted on the Certificate of Title for the Lands is ultimately responsible for all activities on the Property and for ensuring that the Property is not or does not become a Nuisance or Unsightly Property and for remedying any contravention of this Bylaw.

### 3. **Nuisance and Unsightly Premises**

- 3.1 No Person being the Owner or Occupant of any Property within the Village shall cause, permit or allow that Property or his or her use of that Property to constitute a Nuisance.
- 3.2 No Person being the Owner or Occupant of any Property within the Village shall cause, permit or allow that Property to become a danger to public safety or an Unsightly Premises.
- 3.3 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to collect, accumulate or to be stored upon Property owned or occupied by him or her.
- 3.4 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to accumulate in any building or structure within the Village, except in appropriate containers provided for the temporary storage of Refuse or other waste materials for pick-up and disposal at a sanitary landfill, recycling centre or other waste management facility, or except as other permitted pursuant to a statutory or this, or another bylaw.
- 3.5 Conditions constituting a Nuisance which no Person shall cause, permit or allow include, but are not limited to:
- (a) the accumulation of Refuse or other waste products on the Property;
  - (b) grass in excess of fifteen (15) centimeters in length, or the presence of Weeds, or the presence of other vegetation which in the opinion of a Bylaw Enforcement Officer or Designated Officer, are excessive or which demonstrate neglect by the Owner;
  - (c) grass in excess of fifteen (15) centimeters in length, or the presence of Weeds, or the presence of other vegetation on the boulevard, lane or alleys that abuts or flanks the Property which in the opinion of a Bylaw Enforcement Officer or Designated Officer, are excessive or which demonstrate neglect by the Owner;
  - (d) the accumulation of animal material, yard material, ashes or scrap Building Material;
  - (e) domestic animal feces or animal parts in a Composting pile or a Composting container;
  - (f) the accumulation of Abandoned Vehicles or Abandoned Equipment;
  - (g) the presence or accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
  - (h) the presence of shrubs, trees, Weeds or other vegetation which, as a result of its location on the Property has caused or is causing damage to adjacent properties, public property, or which is obstructing a sidewalk, highway or public place, including the obstruction of sight lines necessary for the safe operation of motor vehicles on a highway within the Village;
  - (i) the presence or failure to destroy Restricted Weeds, control Noxious Weeds or prevent the spread or scattering of Nuisance Weeds pursuant to the terms and conditions of the *Weed Control Act*;
  - (j) the failure to control and eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
  - (k) the presence of motor vehicles on any part of a Property other than a designated parking area as prescribed in the Land Use Bylaw;
  - (l) the failure to dispose of Refuse or other waste products accumulating in temporary storage containers upon the Property;
  - (m) Composting, which in the opinion of a Bylaw Enforcement Officer or a Designated Officer, are excessive or attracts Pests;

- (n) dense or opaque smoke emitted into the atmosphere for more than SIX (6) minutes per hour or dense or opaque dust emitted into the atmosphere;
- (o) the presence of standing water on the Property, which in the opinion of a Designated Officer or Bylaw Enforcement Officer, is excessive or attracts Pests;
- (p) the failure to keep Property in a Reasonable State of Repair, including a lack of repair or maintenance of buildings, structures or Property, which includes but is not limited to:
  - (i). the significant deterioration of buildings, structures or improvements, or portions of buildings, structures, or improvements, including but not limited to foundation, exterior walls, the roof doors, steps and sidewalk, fences, exterior stairs, porches, decks, patios, landings, balconies and other similar structures;
  - (ii). broken or missing windows including frame and awning, siding, shutters, eaves or other Building Material;
  - (iii). significant fading, chipping, peeling or absence of painted areas of buildings, structures or improvements on Property; and
  - (iv). conditions that may create a danger to public safety in the opinion of a Designated Officer.
- (q) the failure to keep outdoor salvage yard, auto wreckers, auto repair or other businesses which, in the opinion of a Designated Officer, by its very nature appears untidy, unsafe or unsightly, obstructed from view of adjacent properties and public property;
- (r) the storage or placement of any material or equipment on Village owned Property unless prior written approval has been obtained from the Village which allows the storage or placement of the material or equipment on Village Property.

#### 4. **Enforcement**

- 4.1 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter upon any Property or into any structure, in accordance with section 542 of the *Act*, in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Act*, or any other statute.
- 4.2 Before conducting an inspection pursuant to section 4.1 of this Bylaw, a Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the *Act*.
- 4.3 For the purposes of this Bylaw, Forty Eight (48) Hours shall be deemed reasonable notice.
- 4.4 Where a contravention of this Bylaw has occurred or is occurring, a Designated Officer may issue an Order to the Owner, Occupant, or Person responsible for the contravention, or any or all of them, pursuant to section 545 of the *Act* in the case of a Nuisance, or pursuant to section 546 of the *Act* in the case of a danger to public safety or an Unsightly Premises.
- 4.5 An Order issued by a Designated Officer under section 4.4 of this Bylaw may, in the case of a Nuisance:
  - (a) direct the Person to whom the Order is issued to stop doing something, or change the way in which the Person is doing that thing;
  - (b) direct the Person to take any action or measure necessary to remedy the contravention of this Bylaw, including but not limited to the cessation of an activity, the cutting or removal of vegetation, and the removal or demolition of the structure or improvement that is in contravention of this Bylaw and, if necessary, to prevent the reoccurrence of the contravention;
  - (c) state a time period within which the Person responsible must comply with the directions stated in the Order;

- (d) state that if the Person does not comply with the directions provided within the Order within the time period specified, that the Village may take any action or measure reasonable necessary to remedy the contravention at the expense of the Person responsible, with such expenses being recoverable against the Person responsible, in accordance with the provisions of the *Act*; and
  - (e) notify the Person responsible of the right to apply by written notice for a review of the Order by Town Council, and any fee required for such an application, as set by Council from time to time;
- 4.6 An Order issued by a Designated Officer under section 4.4 of this Bylaw may, in the case of a dangerous condition or an Unightly Premises:
- (a) require the Owner of the structure to eliminate the danger to public safety or Unightly Premises in a manner specified or to remove or demolish the structure and level the site;
  - (b) in the case of an excavation or hole, require the Owner of the Property upon which the excavation or hole is located to eliminate the danger to public safety in any manner specified, including filling in the excavation or hole and leveling the site;
  - (c) state a time frame within which the Owner must comply with the directions provided in the Order;
  - (d) state that if the Owner does not comply with the Order within the time frame specified, the Village may take any action or measure reasonably necessary to remedy the condition of the Lands, structure or improvement, at the expense of the Owner with such expenses being recoverable in accordance with the provisions of this Bylaw and the *Act*; and
  - (e) shall notify the Owner of the right to apply by written notice for a review of the Order by Council, and the required fee for such an application, as set by Council from time to time.
- 4.7 A Person to whom an Order is issued pursuant to section 4.4 may request a review of the Order by written notice to Council within fourteen (14) days of the date on which the Order is received by that Person in the case of a Nuisance or Unightly Premises.
- 4.8 A Person to whom an Order is issued pursuant to section 4.4 may request a review of the Order by written notice to Council within seven (7) days of the date on which the Order is received by that Person in the case of a dangerous condition.
- 4.9 Upon a review of an Order pursuant to sections 4.7 or 4.8 of this Bylaw, Council may confirm, vary, substitute or cancel the Order.
- 4.10 Any costs or expenses of any action or measure taken by the Village pursuant to this Bylaw are an amount owing to the Village by the Owner, Occupant or any other Person responsible for the contravention, to whom an Order was issued, or any or all of them.
- 4.11 If the Village sells all or a part of a structure or improvement, or the contents of a structure or improvement, that have been removed pursuant to this Bylaw, the proceeds of the sale must be used to pay the costs and expenses incurred by the Village in the enforcement of the Order issued, and any excess proceeds must be paid to the Owner, Occupant or Person responsible for the contravention, if entitled to them.
- 4.12 The expenses and costs incurred by the Village in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll for the Property pursuant to the *Act*.
- 4.13 The Village may register a caveat pursuant to the *Land Titles Act* and the *Act* in respect to any Order issued under this Bylaw, against the Certificate of Title for the Property that is the subject of the Order.
- 4.14 If a caveat is registered pursuant to section 4.13 of this Bylaw, the Village must discharge the caveat when the Order has been complied with, or when the Village has performed the actions or measures necessary to remedy the contravention as stated in the Order.

- 4.15 An Order issued pursuant to this Bylaw is deemed to have been served on the Person to whom it is addressed when the Order has been:
- (a) in the case of an individual, delivered Personally to the individual, or left for the individual at his or her residence with a Person on the Premises who appears to be at least eighteen (18) years of age;
  - (b) upon confirmation of receipt of the Order by the Person to whom it is addressed by registered mail;
  - (c) in the case of a partnership or corporation, by registered mail or Personal delivery to either the registered officer or business address of the partnership or corporation;
  - (d) in the event that the Village is unsuccessful in its attempts to serve the Order pursuant to subsections 4.15(a), (b) or (c) above, a Designated Officer may post a copy of the Order in a conspicuous place on the Property referred to in the Order, when the Designated Officer has reason to believe that the Person to whom the Order is addressed is evading service, and that there is no other reasonable means of service available.

5. **Offences and Penalties**

- 5.1 Regardless of whether an Order has been issued pursuant to this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in Schedule "A" herein.
- 5.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.
- 5.3 Notwithstanding section 5.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within (1) year of committing a first offence under this Bylaw, is liable, upon summary conviction to double the fine set out in Schedule "A" of this Bylaw, for that offence.

6. **Violation Tags**

- 6.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.2 A Violation Tag shall be served:
- (a) upon the Person personally, or by leaving it with the Person on the Premises who has the appearance of being at least eighteen (18) years of age; or
  - (b) in the case of a corporation or partnership, by serving the Violation Tag personally upon the Manager, Corporate Secretary or other Officer, or Person apparently in charge of a branch office, or by mailing a copy to such Person by Registered Mail.
- 6.3 A Violation Tag shall be in a form approved by the CAO, and shall state:
- (a) the name of the Person to whom the Violation Tag is issued;
  - (b) a description of the Property upon which the offence has been committed, if applicable;
  - (c) a description of the offence and the applicable bylaw section;
  - (d) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - (e) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - (f) any other information as may be required by the CAO.

6.4 Where a Violation Tag has been issued pursuant to section 6.1, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village Office, the penalty specified on the Violation Tag.

7. **Violation Tickets**

7.1 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to a person to whom the Violation Ticket was issued.

7.2 Notwithstanding sections 6.1 and 7.1, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

7.3 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

7.4 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" of this Bylaw.

7.5 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 7.4 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of a fine in the amount of the specified penalty.

8. **Severability**

8.1 If any section or parts of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

9. **Repeal**

9.1 That Bylaw 42-96 Untidy, Unsightly & Unsafe Premises Bylaw is now repealed

10. **Effective Date**

10.1 This Bylaw shall come into full force and effect upon third and final reading.

Read a first time in Council this \_\_\_\_ day of \_\_\_\_\_, 2009.

Read a second time in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Received third and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Original signed by the Mayor & CAO on the \_\_\_\_\_ of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Matt Dika  
MAYOR

\_\_\_\_\_  
Monique Jeffrey  
CHIEF ADMINISTRATIVE OFFICER



## Schedule "A" – Specified Penalties

Specified Penalties

<b>Offence</b>	<b>Specified Penalty</b>	
Contravention of any provision of this Bylaw	\$	
Second or subsequent offence within one year	\$	
OR		
<b>Offence</b>	<b>Specified Penalty</b>	<b>Section</b>
Causing, permitting or allowing property to be Nuisance	\$	3.1
Causing, permitting or allow property to become dangerous or Unsightly	\$	3.2
Causing, permitting or allowing Refuse, etc. to collect, accumulate or to be stored on Property	\$	3.3
Causing, permitting or allowing Refuse, etc. to Accumulate in any building or structure	\$	3.4
Accumulation of Refuse or waste products on Property	\$	3.5(a)
grass in excess of 15 centimeters on Property	\$	3.5(b)
grass in excess of 15 centimeters on boulevard lane or alley abutting Property	\$	3.5(c)
accumulation of animal material, yard material, etc. on the Property	\$	3.5(d)
domestic animal feces or animal parts in a Compositing pile or container	\$	3.5(e)
Accumulation of Abandoned Vehicles or equipment	\$	3.5(f)
Presence or accumulation of animal carcasses, hazardous materials, etc.	\$	3.5(g)
Presence of shrubs, trees, Weeds or other vegetation interfering with public property	\$	3.5(h)
presence or failure to destroy Restricted Weeds, control Noxious Weeds or prevent the spread or scattering of Nuisance Weeds	\$	3.5(i)
failure to control or eliminate pests	\$	3.5(j)
presence of motor vehicles other than in designated parking areas	\$	3.5(k)
failure to dispose of Refuse in temporary storage containers	\$	3.5(l)

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composting which is excessive or causes a Nuisance	\$	3.5(m)
dense or opaque smoke or dust	\$	3.5 (n)
presence of standing water which is excessive or causes a Nuisance	\$	3.5(o)
failure to keep property in a Reasonable State of Repair	\$	3.5(p)
failure to keep business obstructed from view	\$	3.5(q)
storage or placement of material or equipment on Village owned Property	\$	3.5(r)
Second or subsequent offence within one year	Double	