



**TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW #1711**

A Bylaw of the **Town of Claresholm** to **regulate and abate Nuisances and Unsightly Premises and regulate Property standards in the community.**

WHEREAS, the Municipal Government of Alberta, being Chapter M-26 of the Revised Statutes of Alberta, R.S.A. 2000 and amendments thereto, authorizes a Council to pass bylaws for the preventing of Nuisances generally, and regulating untidy and Unsightly private and public Premises;

AND WHEREAS, the Municipal Government of Alberta, being Chapter M-26 of the Revised Statutes of Alberta, R.S.A. 2000 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or a place that is open to the public;

AND WHEREAS the Council deems it necessary to provide for an efficient means of regulating and encouraging the abatement of Unsightly Premises within the Town of Claresholm;

AND WHEREAS the Council believes the regulation of Nuisances through a Property Standards Bylaw would benefit the community as a whole;

AND WHEREAS, section 66(2) of the Safety Codes Act, R.S.A. 2000, c. S-1, authorizes a Council to pass bylaws respecting minimum maintenance standards for buildings and structures and Unsightly or derelict buildings or structures;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF CLARESHOLM, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 TITLE OF BYLAW

- 1.1 This Bylaw may be cited as the “**Unsightly Premises and Property Standards Bylaw.**”

SECTION 2 DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:

- a) “**Administration Fee**” means a fee added to actual expenses incurred by the Town for measures taken pursuant to this Bylaw and such fee is equal to the greater of \$25.00 or 15% of actual expenses incurred by the Town;
- b) “**Alley**” means a narrow Highway or public thoroughfare, which provides a secondary means of access to a lot or lots intended chiefly to provide access to the rear of buildings and parcels of land.
- c) “**Animal Material**” means any animal excrement and Includes all material accumulated on a Premises from pet pens or pet Yards, stables, veterinary clinics, animal hospitals, kennels or feed lots;
- d) “**Building**” includes anything constructed or placed on, in over or under land.
- e) “**Building Material**” means material or debris which may result from the construction, renovation or demolition of any building or other structure and Includes, but is not limited to, wood, gypsum board, roofing, vinyl siding, metal, packaging material and containers of Building Material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any building or other structure;
- f) “**Chief Administrative Officer (CAO)**” means a municipal official employed by the Town of Claresholm in the position of Chief Administrative Officer or, in his/her absence, the Person appointed as Acting Chief Administrative Officer;
- g) “**Control**” in reference to Weeds means:
 - i) Cut, mow or carry out measures designed to inhibit propagation of the weed, or

- ii) Destroy the weed if specified by a Community Peace Officer, Bylaw Enforcement Officer or Weed Inspector employed by the Town of Claresholm;
- h) **“Council”** means the Council of the Town of Claresholm;
- i) **“Court”** means the Provincial Court of Alberta;
- j) **“Damaged, Dismantled or Derelict Vehicle”** means:
 - i) The whole or any part of any Vehicle which is not currently registered or licensed in accordance with Alberta Motor Vehicle Registries for the current year;
 - ii) Any Vehicle which is inoperative or incapable of movement under its own power by reason of disrepair, removed parts or missing equipment; or,
 - iii) And that is not located in an enclosed structure such that the whole or any part of the Vehicle is visible from the Highway.
- k) **“Designated Officer”** means a Person authorized by Council to act as Designated Officer pursuant to Section 210 of the Municipal Government Act, including but not limited to performing inspections and any other action required to enforce the provisions of this Bylaw. For the purpose of this Bylaw, the Designated Officer shall be the Enforcement Officer.
- l) **“Enforcement Officer”** means a Community Peace Officer, Bylaw Enforcement Officer, RCMP Constable or other Person appointed by the Town who is authorized to enforce Bylaws of the Town of Claresholm;
- m) **“Front Yard”** means the same as defined in the Town of Claresholm’s Land Use Bylaw;
- n) **“Garbage”** means any household or commercial rubbish including, but not limited to, boxes, cartons, bottles, cans, containers, packaging, wrapping material, waste paper, cardboard, food, discarded clothing or fabric and discarded household items;
- o) **“Graffiti”** means words, figures, letters or drawings scribbled, scratched, painted or sprayed upon any surface without the consent of the Owner of the building or Property on which such Graffiti is placed;
- p) **“Highway”** is as defined in the *Traffic Safety Act*;
- q) **“Including”** or **“Includes”** when introducing a list of items, does not limit the meaning of the words to those items or to items of a similar kind;
- r) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended;
- s) **“Notice”** means a Notice issued pursuant to this Bylaw directing an Owner or Occupant of a Property to remedy a condition that is not in compliance with a provision of this Bylaw;
- t) **“Nuisance”** means any use of or activity on land which demonstrates a disregard for the general maintenance and upkeep of Property so as to produce a material annoyance, inconvenience or discomfort to other Persons, whether or not it is detrimental to the surrounding area, some examples of which include, but are not limited to, the following:
 - i) excessive accumulation of material including but not limited to Building Materials, appliances, household goods, boxes, tires, Vehicle parts, Garbage or refuse, or Animal Material, whether of any apparent value or not;
 - ii) loose litter, Garbage, construction debris, Yard Material or refuse whether located in a storage area, collection area or elsewhere on the land;
 - iii) Damaged, Dismantled or Derelict Vehicles;
 - iv) smelly or messy compost heaps;
 - v) grass or Weeds higher than 15 centimeters (approximately 6 inches);
 - vi) production of excessive dust, dirt or smoke;
 - vii) production of any generally offensive odours;
 - viii) open or exposed storage of industrial fluids, including engine oil, brake fluid or anti-freeze;
 - ix) use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;

- x) any trees, shrub, other type of vegetation or any structure:
 - (1) that obstructs any Sidewalk adjacent to the land;
 - (2) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land; or
 - (3) that has any rot, disease or other deterioration;
- xi) the failure to destroy prohibited Weeds or Control noxious or Nuisance Weeds;
- xii) any accessible excavation, ditch, drain or standing water that could pose a danger to the public;
- xiii) any construction project or activity not completed within 3 years of the date the building permit for the project or activity was issued by the Town or, if no permit was issued or required, within 3 years of starting construction; and
- xiv) any conditions likely to attract Nuisance animals, pests or other vermin
- u) **“Occupy”** or **“Occupies”** means residing on or to be in apparent possession or Control of Property;
- v) **“Owner”** of a Property means:
 - i) a Person who is registered under the *Land Titles Act* as the Owner of the land;
 - ii) a Person who is recorded as the Owner of the Property on the tax assessment of the Town;
 - iii) a Person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the Owner or from another purchaser, and has not yet become the registered Owner thereof;
 - iv) a Person holding himself out as the Person having the powers and authority of Ownership of the Property or who for the time being exercises the powers and authority of Ownership; or
 - v) a Person Controlling the Property under construction, or a Person who is the occupant of the Property pursuant to a rental or lease agreement, license or permit;
- w) **“Person”** means an individual or any business entity Including a firm, partnership, association, corporation, company, or society;
- x) **“Property”** means any land situated in whole or in part within the Town Including the external surfaces of all buildings and land immediately adjacent to any building or buildings and Includes any land or buildings owned or leased by the Town;
- y) **“Provincial Offences Procedures Act”** means the *Provincial Offences Procedure Act*, RSA 200, Chapter P-34, and the regulations thereof, as amended;
- z) **“Rear Yard”** means the same as defined in the Town of Claresholm’s Land Use Bylaw;
 - aa) **“Recreation Vehicle”** means a Vehicle, trailer, water craft or off road Vehicle that is utilized for recreational purposes and includes any motor home, travel trailer, tent trailer, watercraft and trailer, fifth wheel trailer, a camper when it is not mounted on a truck but placed on the ground or stand, utility trailer, or any similar Vehicles, or any Vehicle as determined by an Enforcement Officer to be intended for predominantly recreation purposes that would not typically be seen as use directly related to the Property.
 - bb) **“Residential Building”** means a structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, apartment building, hospital, lodging house, hotel, motel, mobile home, tent, trailer, motor home, camper, or recreational Vehicle of any type;
 - cc) **“Residential Development”** means any land that is the site of one or more Residential Buildings, excepting farms, ranches, and other land which is used for primarily agricultural purposes;
 - dd) **“Secondary Front Yard”** means the secondary side of properties with more than one street frontage, typically corner lots.
 - ee) **“Side Yard”** means the same as defined in the Town of Claresholm’s Land Use Bylaw.

ff) "Town" means the municipal corporation of the Town of Claresholm in the Province of Alberta, or the area located within the Town of Claresholm's corporate limits, as the context so requires;

gg) "Unsightly" means:

i) A Property that because of its condition or the accumulation of refuse is detrimental to the use and enjoyment of the surrounding area or neighboring properties;

ii) In respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep or repair, or which constitutes a Nuisance;

iii) In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep or which constitutes a Nuisance; or

iv) In an Unsightly condition within the meaning of s.546 of the Municipal Government Act.

hh) "Vehicle" has the same meaning as defined in the *Traffic Safety Act*, and Includes any motorized Vehicle that is unable to be moved under its own power;

ii) "Weeds" Includes dandelions, Nuisance and noxious Weeds as defined by the *Weed Control Act*;

jj) "Yard" means the same as defined in the Town of Claresholm's Land Use Bylaw

kk) "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.

SECTION 3 NUISANCE AND UNSIGHTLY LANDS

- 3.1 A Person shall not cause or permit a Nuisance to exist on land they Own or Occupy.
- 3.2 A Person shall not allow Property which they Own or Occupy to be or to become Unsightly.
- 3.3 No Owner or Occupant of a Property shall have or allow in or on the Property, the accumulation of:
- a) Any material that creates unpleasant odour;
 - b) Any material likely to attract animals, pests or wildlife; or
 - c) Animal remains, parts of animal remains or animal feces.
- 3.4 A Person shall not have or allow the following to accumulate on Property which they Own or Occupy such that the accumulation is visible to a Person viewing from outside the Property:
- a) Loose Garbage and bagged Garbage;
 - b) Bottles, cans, boxes or packaging materials;
 - c) Household furniture or other household goods;
 - d) Automobile parts;
 - e) Parts of or disassembled machinery, equipment or appliances;
 - f) Yard waste, including grass, tree and hedge cuttings, leaves and other refuse; or
 - g) Any items or material of a similar nature.
- 3.5 No Person shall keep or permit in any part of any Yard within any Residential Premises or Property any Vehicle, loaded or unloaded, of a gross Vehicle weight in excess of 5,500 kg for longer than is reasonably necessary to load or unload the Vehicle.
- 3.6 No Person shall permit any Recreational Vehicle to be used as a dwelling unit on any Residential Development or Property.
- 3.7 No Person shall keep or permit on any Residential Development or Property any Recreational Vehicle unless the Recreational Vehicle is parked:

- a) During the months of May to September inclusive, in a Front Yard or a Secondary Front Yard and located on a hard-surfaced, gravel, or rock parking area with a setback of at least 1.0 m from the sidewalk or curb if there is no sidewalk abutting the road; and
- b) At anytime during the year, in a Rear Yard or Side Yard and maintained to prevent the tracking of mud or debris onto adjacent roadways.

SECTION 4 BOULEVARDS AND ALLEYS

- 4.1 A Person shall maintain any Boulevard or Alley adjacent to the Property they own or Occupy by:
 - a) Keeping any grass cut to a length of no more than 15 cm (approximately 6 inches);
 - b) Removing any accumulation of fallen leaves or other refuse or debris;
 - c) Replace dead or diseased lawn with grass or other landscaping material approved by the Town per section 4.2; and
 - d) Notifying the Town if tree maintenance is required.
- 4.2 No Person shall remove or prune trees located on a Boulevard or Alley without prior approval from the Town.
- 4.3 Subject to obtaining written permission from the Town, any Owner who chooses to utilize any landscaping material other than natural grass (e.g. crushed rock, mulch, artificial turf, hard-surfacing, plantings, etc.) on a Boulevard, Alley or any other publicly owned Premises or Property adjacent to their Premises or Property assumes responsibility for all maintenance of such landscaping material and the repair of damage to such landscaping material, regardless of cause.
- 4.4 Notwithstanding Section 4.1, if the Town is required to damage, disturb or remove landscaping material placed on a Boulevard or Alley as a result of repair of public utilities, the Town will only be responsible for the cost to repair the damage, disturbance or removal with natural grass.

SECTION 5 BUILDINGS

- 5.1 No Person shall cause or permit a Nuisance to exist in respect of any Building on land they Own or Occupy.
- 5.2 For the purpose of greater certainty, a Nuisance in respect of a Building means a Building showing signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which Include the following:
 - a) Any damage to the Building;
 - b) Any rot or other deterioration within the Building; and
 - c) Any inappropriate infiltration of air, moisture or water into the Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building.
- 5.3 If a Building normally intended for human habitation is unoccupied then any door or window opening in the Building may be covered with a solid piece of wood, but only if the wood is:
 - a) Installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - b) Of a thickness sufficient to prevent unauthorized entry in the Building;
 - c) Secured in a manner sufficient to prevent unauthorized entry in the Building; and
 - d) Coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

SECTION 6 CONSTRUCTION SITE

- 6.1 Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.
- 6.2 No Person shall allow the accumulation of Building Materials on a Property they Own or Occupy, whether new or used, such that they are visible to a neighbor or from a Highway or

public space, unless they can establish that a construction or renovation is being carried out on the Property and that:

- a) The project has begun or the beginning of work is imminent;
- b) The materials found on the Property relate to the project taking place on the Premises in a quantity reasonable to complete the project; and
- c) The work on the project has not been suspended for a period in excess of one hundred and twenty days.

6.3 No Person shall allow loose construction material to be stored or accumulated on a construction site they Own or Occupy unless it is:

- a) Stacked or stored on the Property in an orderly manner; and
- b) Not capable of being blown around the construction area or off the construction site.

SECTION 7 REPAIR OF MOTOR VEHICLES

7.1 A Person shall not conduct any repair work on Motor Vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a Vehicle, on any land in a residential district, unless approved by way of development permit.

7.2 This prohibition shall not apply to routine maintenance work performed on any Vehicles owned, operated or registered in the name of the Person who Owns or Occupies the Property on which the work is being performed, provided that:

- a) There is no escape of offensive, annoying or noxious odors, fumes or smoke from the Property;
- b) Vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
- c) All discarded Vehicle parts and materials are properly stored out of public view and disposed of from the Property;
- d) No washing of motor, power train or other Vehicle parts which may cause petroleum product runoff into the storm water system on the Property; and
- e) All building and fire code regulations are met.

SECTION 8 EXEMPTIONS & EXCEPTIONS

8.1 The provisions of this Bylaw shall not be interpreted to prevent bona fide and permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to, a Property.

8.2 The Person who Owns or Occupies a Property that carries on, or permits the carrying on, of any activities referred to in Section 8.1 of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the Property.

SECTION 9 ENFORCEMENT

9.1 Where an Owner or Occupant of a Property is found by a Designated Officer or Enforcement Officer to be in non-compliance with any provision of this Bylaw, the Owner or Occupant of the Property may be issued an Order containing the following information:

- a) The address and/or legal description of the Property 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 to bring the Property into compliance;
- d) The deadline for completion of the remedial action required, which must not be less than seven (7) days after the date of service of the Notice and must not be greater than thirty (30) days after the date of service of the Notice; and
- e) A statement that the Town may carry out the required remedial action at the Owner's expense if the required work is not completed within the allowed time.

- 9.2 An application for an extension of the deadline provided for the completion of the remedial action required in a Notice issued pursuant to Section 9.1 of this Bylaw may be applied for in writing to an Enforcement Officer not later than seven (7) days after the service of the Notice. The application must include the reasons why the deadline extension is required, and the anticipated date for completion of the required remedial action. Any such deadline extension applied for may be allowed or refused at the sole discretion of the Enforcement Officer, and the extension shall not exceed sixty (60) days after the deadline provided in the Notice.
- 9.3 Any Notice issued pursuant to Section 9.1 of this Bylaw will be deemed to have been sufficiently served upon the Owner or Occupant of the Property when the Notice is:
- a) served Personally upon the Owner or Occupant, or served in substitution upon any Person who is 18 years of age or older who resides in the subject Property;
 - b) served Personally upon the Property manager or Person apparently in charge of the Property, if the Property is not occupied or managed by the Owner;
 - c) posted at a conspicuous location(s) near the main entry to the Property; or
 - d) mailed by regular mail to the Owner of the Property using the address provided by the Owner and/or on record with the Town of Claresholm as the mailing address for the Owner of the Property, in which case the deemed date of service is five (5) days after the date of mailing.
- 9.4 The Owner or Occupant of a Property who has been served with a Notice issued pursuant to this Section shall fully comply with the Notice within either the original or extended time allowed for compliance.
- 9.5 Where an Enforcement Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, he/she may commence enforcement of the Bylaw in relation to that Person by:
- a) Issuing the Person, a Violation Ticket in a form as approved by the Chief Administrative Officer;
 - b) Swearing out an Information and Complaint against the Person; or
 - c) In lieu of prosecution, issuing the Person a Bylaw Violation Tag, in a form as approved by the Chief Administrative Officer.
 - d) If the Violation Tag penalty is not paid within the specified period, the Person shall be issued a Violation Ticket pursuant to the provisions of Part Two (2) of the Provincial Offences Procedures Act (POPA);
 - e) Any penalties assessed shall be per "Schedule 'A' – Minimum Specified Penalties.
- 9.6 Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 9.5(a) of this Bylaw, the Enforcement Officer may either:
- a) Allow the Person to pay the specified penalty as provided for in Section 11 of this Bylaw by indicating such specified penalty on the Violation Ticket; or
 - b) Require a Court appearance of the Person, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act, where the Enforcement Officer reasonably believes that such appearance is in the public interest.
- 9.7 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude an Enforcement Officer or the Town from pursuing any other remedy in relation to a Property or Nuisance as provided by the Municipal Government Act, any other law of the Province of Alberta, or any other Bylaw of the Town.

SECTION 10 GENERAL PENALTY PROVISION

- 10.1 Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of ten thousand dollars (\$10,000), or in default of payment of the fine to imprisonment for a period not exceeding one (1) year, or to both fine and imprisonment in such amounts.



SECTION 11 GENERAL

- 11.1 It is the intention of the Council of the Town that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.
- 11.2 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.
- 11.3 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.

SECTION 12 REPEAL OF PREVIOUS BYLAW

- 12.1 Bylaw No. 1534, the "Unsightly Premises and Snow Removal Bylaw" and any amendments thereto, are hereby repealed.


SECTION 13 PASSAGE OF BYLAW

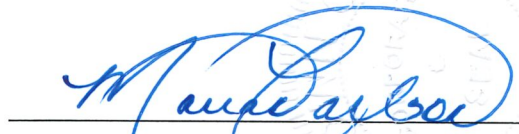
- 13.1 This Bylaw (except that mentioned in 13.2) shall come into effect upon the date of third and final reading.
- 13.2 Section 3.7 of this Bylaw shall come into effect on October 1, 2021.

Read a first time in Council this **7th** day of **December** 2020 A.D.

Read a second time in Council this **11th** day of **January** 2021 A.D.

Read a third time in Council and finally passed in Council this **11th** day of **January** 2021 A.D.


Doug MacPherson, Mayor


Marian Carlson, CAO

SCHEDULE "A" MINIMUM AND SPECIFIED PENALTIES AND FEES

1. The minimum and specified penalty for a violation of any provision of this Bylaw (excepting the provisions of Sections 3.4, 4, and 7) is a fine in the amount of:
 - First Offence: \$350.00
 - Second Offence: \$700.00
 - Third Offence: \$1,500.00
2. The minimum and specified penalty for a violation of Section 3.4 of this Bylaw is a fine in the amount of:
 - First Offence: \$500.00
 - Second Offence: \$1,000.00
 - Third Offence: \$1,500.00
3. The minimum and specified penalty for a violation of a provision of Sections 4 and 7 of this Bylaw is a fine in the amount of:
 - First Offence: \$250.00
 - Second Offence: \$500.00
 - Third Offence: \$1,000.00
4. The minimum and specified penalty for any violation of this Bylaw four (4) times or more and for each subsequent offence shall be a fine in the amount of one thousand five-hundred dollars (\$1,500.00).
5. The fee to appeal a written order shall be one hundred dollars (\$100).
6. The penalty in lieu of prosecution for a violation of any provision of this Bylaw proceeded with in accordance with Section 9.1(c) is one-half (50%) of the minimum and specified penalty provided for the particular offence by this Section.

