



## BIG LAKES COUNTY BYLAW NO. 01-2020

**A BYLAW OF BIG LAKES COUNTY, IN THE PROVINCE OF ALBERTA,** to promote the maintenance of property and to address Unsightly Property within Big Lakes County.

**WHEREAS** the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, authorizes municipalities to deal with Unsightly Property.

**NOW THEREFORE,** the Council of Big Lakes County, in the Province of Alberta, duly assembled, enacts as follows:

### **SECTION 1 - SHORT TITLE**

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

### **SECTION 2 - DEFINITIONS**

2. For the purposes of this Bylaw:

- (a) "Act" means the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto.
- (b) "Council" means the Municipal Council of the Municipal District of Big Lakes.
- (c) "Designated Officer" means a designated officer in accordance with the Act.
- (d) "Direction" means a written direction in accordance with Section 4 of this Bylaw.
- (e) "Enforcement Officer" shall mean a member of the Royal Canadian Mounted Police or a Community Peace Officer or a Bylaw Enforcement Officer appointed under Bylaw # 04-2017.
- (f) "Improvement" means:
  - (i) a structure,
  - (ii) any thing attached or secured to a structure, that would be transferred without special mention by a transfer or sale of the structure,
  - (iii) a mobile unit, and



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- (iv) machinery and equipment.
- (g) "County" means Big Lakes County.
- (h) "Order" means a written order in accordance with the Act.
- (i) "Owner" 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 roll of the County;
  - (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;
  - (v) a Person controlling the Property under construction; or
  - (vi) a Person who is the occupant of the Property pursuant to a lease agreement, license or permit.
- (j) "Person" means an individual or any business entity including a firm, partnership, association, corporation, company, or society;
- (k) "Property" means:
  - (i) a parcel of land,
  - (ii) an improvement, or
  - (iii) a parcel of land and the improvements to it.
- (l) "Structure" means a building or other thing erected or placed in, on, 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 the land.



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- (m) "Unsightly Property" means property described in Section 3 of this Bylaw.

### SECTION 3 - UNSIGHTLY PROPERTY

- 3.1 Unsightly Property is property that, in the opinion of an Enforcement Officer, is detrimental to the surrounding area because of its unsightly condition.
- 3.2 Some factors which may be considered by an Enforcement Officer in determining whether property is Unsightly Property include the following:
- (a) the presence of uncut grass and / or weeds,
  - (b) the presence of trees, shrubs and / or other vegetation in such a manner that they interfere with the use of or obstruct visibility of signage, roads, sidewalks, roadway clearance, municipal works or public utilities,
  - (c) the presence of wrecked and / or dismantled vehicles, including vehicles that are inoperable and / or unregistered, (For clarity, a registered vehicle must have attached to it the corresponding license plate with a current year sticker attached. If the vehicle does not have attached to it the corresponding license plate with the current year sticker attached; the property owner must provide proof of registration of vehicles within their property),
  - (d) the storage and / or accumulation of garbage, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture and / or appliances, machinery, machinery parts and / or other similar materials and / or items,
  - (e) specified or general lack of repair and / or maintenance including but not limited to:
    - (i) significant deterioration of improvements and / or portions of improvements;
    - (ii) broken and / or missing windows, siding, shingles, shutters, eaves and / or other building materials; or
    - (iii) significant fading, chipping and / or peeling of painted areas of improvements,





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(f) the location, land use designation, use and visibility of property.

3.3 Subsection 3.2 is not intended to be an exhaustive list of factors which may be considered in determining whether property is Unsightly Property.

### **SECTION 4 - DIRECTION**

4.1 If an Enforcement Officer forms the opinion that a property is Unsightly Property, the Enforcement Officer may issue a written Direction to the Owner or occupier of the property. The Direction may require the Owner and / or occupier of the Unsightly Property to improve the appearance of the property in the manner specified and may state a time within which the person must comply with the Direction.

### **SECTION 5 - ORDERS**

5.1 If in the opinion of a Designated Officer, property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue a written Order in accordance with the Act.

### **SECTION 6 - SERVICE OF DIRECTION OR ORDER**

6.1 The Enforcement Officer or Designated Officer must serve the Direction or Order by delivering it or sending it by mail to the Owner registered as owner of the Property under the Land Titles Act, and may also deliver it in person to any other Owner, tenant, or agent and may also post it on the door of a building or in any other conspicuous place on the Property, and service is effected on the day of posting or may also mail it to any other Owner, tenant, or agent. If mailed, the Direction or Order is deemed to have been received 7 days after it is sent. An Appeal Notice must accompany the Direction or Order when it is served.

### **SECTION 7 - REMEDYING THE UNSIGHTLY CONDITION OF PROPERTY**

7.1 If an Order has been issued, the County may take whatever actions or measures necessary to deal with the unsightly condition of property and collect any unpaid costs or expenses incurred by the County in accordance with the Act.

7.2 The costs and expenses of the actions or measures taken by the County are charged in addition to any penalty imposed under this Bylaw.



### SECTION 8 - UNOCCUPIED BUILDINGS

- 8.1 No person shall cause or permit an unoccupied building to become damaged or to deteriorate into a state of disrepair such that the building is an imminent danger to public safety.
- 8.2 The owner of a vacant building must maintain it in compliance with the standards set out in this Bylaw.
- 8.3 The owner of a vacant building must ensure that the building is secure from unauthorized entry by ensuring:
- 8.4 All exterior doors to the building are operational and fit tightly within their frames when closed and are locked so as to prevent entry. All windows are either permanently sealed or locked so as to prevent entry and all windows and doors are in good repair; or
- 8.5 All doors, windows and other openings at the basement and first floor levels are covered with a solid piece of plywood at least 11 (mm) 1/2(in) thick and secured with nails or screws. All doors, windows and other openings above the first floor are covered with a solid piece of plywood at least 8(mm) 1/4(in) thick and secured with nails or screws.
- 8.6 Where plywood is applied to openings, it is to be installed from the exterior, fitted within the doorframes in a manner that does not detract from the value of other properties in the immediate vicinity.

### SECTION 9 – VIOLATION COMPLAINTS

- 9.1 All complaints concerning violation of this Bylaw shall specify the exact property location, details of concern, and remedial expectations in relation to the complaint. All complaints shall be directed to the Designated Officer or the Enforcement Officer.
- 9.2 The Enforcement Officer shall investigate all written and oral complaints.





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### **SECTION 10 - INSPECTION**

- 10.1 An Enforcement Officer or Designated Officer may inspect property in accordance with the Act for the purposes of determining whether:
- (a) property is Unsightly Property under this Bylaw, or
  - (b) property, because of its unsightly condition, is detrimental to the surrounding area in accordance with the Act, or
  - (b) there has been compliance with a Direction issued under section 4 of this Bylaw, or
  - (c) there has been compliance with an Order issued in accordance with the Act.

### **SECTION 11 - REVIEW OF DIRECTIONS AND ORDERS**

- 11.1 A person who receives a Direction or an Order may request the Council to review the Direction or Order by completing the Appeal Notice, and delivering it to the following address:

Big Lakes County  
Box 239, 5305-56<sup>th</sup> Street  
High Prairie, Alberta  
T0G 1E0

within 14 days of the date the Direction or Order is received.

### **SECTION 12 - DECISION OF COUNCIL**

- 12.1 After reviewing the Direction, the Council may confirm, vary, substitute, or cancel the Decision.
- 12.2 After reviewing the Order, the Council may confirm, vary, substitute, or cancel the Order in accordance with section 547(2) of the Act.



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### **SECTION 13 - APPEAL TO COURT**

- 13.1 A person affected by the decision of the Council under section 11, with regards to an Order, may appeal to the Court of Queen's Bench in accordance with section 548 of the Act.

### **SECTION 14 - OFFENCE**

- 14.1 A person who fails to comply with:
- (a) a Direction issued in accordance with Section 4 of this Bylaw, or
  - (b) an Order issued in accordance with the Act, within the time specified therein, or
  - (c) or obstructs, interferes with or hinders any Enforcement Officer or Designated Officer in the carrying out of their duties and responsibilities under this Bylaw, is guilty of an offence.

### **SECTION 15 - PENALTY**

- 15.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) and not less than the specified penalty listed in this section and in default of payment of any fine imposed to imprisonment for a term not exceeding Six (6) months.
- 15.2 If an Enforcement Officer believes on reasonable and probable grounds that an offence has been committed under section 3 of this Bylaw, a Violation Ticket may be issued in respect of an alleged contravention, and the specified penalty payable shall be:
- (a) \$250.00 for a first offence by that person, and
  - (b) \$500.00 for any subsequent offence by that person.



### SECTION 16 – VIOLATION TICKET

- 16.1 An Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c.P-34, as amended, to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 16.2 Where there is a specified penalty listed for an offence in section 14 of this Bylaw, a Enforcement Officer may issue a violation ticket allowing for a voluntary payment of the specified penalty to be made pursuant to the Provincial Offences Procedures Act, RSA 2000 c.P-34, as amended, and such voluntary payment shall be accepted by the Municipal District in lieu of prosecution for the offence.
- 16.3 If the person upon whom a violation ticket is served fails to pay the required sum within the time specified in the violation ticket, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
- 16.4 This section shall not prevent any Enforcement Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provision of the Provincial Offences Procedures Act, RSA 2000 c.P-34, as amended.

### SECTION 17 - ENFORCEMENT OF THIS BYLAW

- 17.1 The County is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the County may take into account any practical concerns including available municipal budget and personnel resources.
- 17.2 This Bylaw shall apply only to property located in Hamlets and country residential subdivisions. Application of this bylaw shall be applied to other properties within the County with a council motion, thereby disqualifying the given property from utilizing the appeal process.
- 17.3 The Enforcement Officer shall investigate





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### SECTION 18 – EFFECTIVE DATE

18.1 This Bylaw hereby repeals Bylaw No. 06-2019..

18.2 This Bylaw shall come into force and effect upon third reading.

Read a first time this 22<sup>nd</sup> day of January 2020.

Read a second time this 22<sup>nd</sup> day of January 2020.

Unanimous consent for third reading given this 22<sup>nd</sup> day of January 2020.

Read a third and final time this 22<sup>nd</sup> day of January 2020.

Reeve

Chief Administrative Officer

Date of Final Signature