

BY-LAW #1057

A BY-LAW OF THE TOWN OF MAGRATH IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ABATEMENT OF UNTIDY AND UNSIGHTLY PREMISES IN THE TOWN OF MAGRATH.

WHEREAS

Section 160 of the Municipal Government Act, Chapter M-26.1 RSA 1994 with amendments, provides that the Council of a Town may pass by-laws regulating untidy and unsightly premises;

NOW

the Council of the Town of Magrath, in the Province of THEREFORE Alberta, duly assembled, thereby enacts as follows:

1. TITLE

This by-law may be cited as "The Untidy and Unsightly Premises ByLaw".

2. DEFINITION

In this by-law, unless the context otherwise requires,

1. "Building Inspector" means the Building Inspector of the Town of Magrath or his duly authorized assistants;

2. "By-Law Enforcement Officer" means the By-Law Enforcement Officer of the Town of Magrath or his duly authorized assistants;

3. "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Magrath or his duly authorized assistants;

4. "Owner" includes agent, lessee or occupier of any land or premises;

5. "Fire Chief" means the Fire Chief of the Town of Magrath or any of his duly authorized assistants;

6. "Council" means the Municipal Council of the Town of Magrath;

7. "Untidy and Unsightly Premises" means:

a) any premises which have fallen into a state of dilapidation and is not in keeping with the zoning under the Land-Use By-Law of the Town of Magrath ;

b) any premises which are being used for the keeping, collecting or storing of any junk, scrap metal, hay, straw, lumber or automobiles which have all or part of their superstructure removed or a motor vehicle or parts thereof which is in a dilapidated or unsightly condition which is stored outside a building;

c) any premises which have old and dilapidated buildings or structures which pose a public health, safety or fire hazard to the surrounding area;

d) any premises that have remained unkept insofar as the cutting of weeds and tall grass, the removal of dead trees, shrubs, hedges, etc. inasmuch as it may become a public health, safety or fire hazard to the surrounding area;

3. NO PERSON being the owner of any land or premises within the Town of Magrath shall permit the land or premises to be or remain in any untidy or unsightly condition.

4. INSPECTION

The Building Inspector and/or By-Law Enforcement Officer, Medical Officer, Fire Chief, or any inspector employed by the Town of Magrath are hereby authorized to enter into any lands, buildings or premises within the Town of Magrath to inspect for conditions that may constitute untidy or unsightly premises or contravene or fail to comply with the provisions of Section 2.7 of this By-Law.

The By-Law Enforcement Officer may issue cleanup orders to to regulate and control nuisances and premises in an untidy and unsightly condition as follows:

- a) to prevent or compel the abatement of nuisances general and to regulate untidy and unsightly premises;
- b) to provide for the eradication or control of dandelions and noxious weeds and plants and the cutting of grass on public or private property;
- c) to provide for the removal or pruning of trees and shrubs on private or public property, that in any way interfere with or endanger the lines, poles, conduits, pipes, sewers or other works of the Town or of other public utilities;
- d) to provide for the removal or trimming of hedges that may protrude on town property or obstruct the view of people using the sidewalks, streets or lanes;
- e) to provide for the cutting of grass or the control of noxious weeds on the boulevard which abuts or flanks a public or private property;
- f) to provide for the removal of any object which is in a wrecked, discarded, or abandoned condition or any accumulation of dirt, stones, old implements or automobiles, iron, rubbish or other litter on any premises;

When in the opinion of a Bylaw Enforcement Officer an untidy or unsightly condition exists, the Bylaw Enforcement Officer may issue a cleanup order to the owner, lessee, occupier or agent of the owner or person in control of the property, land, premises or building on, or in which the untidy or unsightly condition exists and the cleanup notice may require the person to whom it is addressed, within a period of seven (7) days from the date of issuing the cleanup notice;

- a) to remedy the untidy or unsightly condition in a manner and to the extent directed by the cleanup order;
- b) to demolish or remove any litter causing or contributing to the untidy or unsightly condition;
- c) to construct anything to prevent the untidy or unsightly condition from being viewed from outside the said land, property, building or premises;
- d) to do anything to remedy the untidy or unsightly condition, or;
- e) to do all or any of the matters specified in Section 6 (a) to Section 6 (d).

5. NOTICE BY OFFICER.

Where any lands or premises in the Town of Magrath are found to be in any untidy or unsightly condition, as determined by Council, the Bylaw Enforcement Officer shall give notice in writing to a person who is under a duty imposed by the Bylaw to prevent such a condition to remedy the same and the Bylaw Enforcement Officer may direct that this be done in such a manner as determined by Council on or before the day named in the notice.

6. DATE OF DELIVERY OF NOTICE.

The Council shall not give less than seven (7) days from the date of delivery of the notice for its compliance.

7. FORM AND SERVICE OF NOTICE.

1. A Notice to Owner given under direction of Council by the Bylaw Enforcement Officer 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 delivered to the Administrator and the fourth shall be retained by the official giving the notice;
3. A notice given under direction of Council by the Bylaw Enforcement Officer 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; or shown in the Assessment Roll. as the case may be, or
 - d) on posting the notice in a conspicuous place on the land referred to in the notice or on any buildings or erections thereon, when the Bylaw Enforcement Officer has reason to believe:
 - i)-that the person to whom the notice is addressed is evading service thereof, or
 - ii)-for any reason it is improbable that the notice will be received by the person to whom it is addressed within three (3) days of the date of the notice if it is delivered in any of the ways mentioned in this section.

8. FAILING TO REMEDY CONDITION (S).

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 Bylaw Enforcement Officer may report the same to Council.

2. ORDER BY COUNCIL. Upon consideration of the report Council may direct that an Order in writing be served upon the owner involved in the infraction.

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9. ORDER IF INFRACTION.

1. If, 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 to be in Form "B" set out as a schedule to this Bylaw .

2. TIME TO REMEDY SITUATION. Any such Order may require owner, within a period of time which shall not be less than seven (7) 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;

3. IF THE OWNER does not remedy the condition within the period specified within the Order, the said person authorized in the Order shall remedy the condition to the extent directed in the Order;

4. THE OWNER, AGENT, LESSEE OR OCCUPIER of any land or premises within the Town of Magrath;

a) who fails to remedy in such manner as Council may direct, any condition of his land that constitutes an untidy or unsightly premises, or

b) who contravenes or fails to comply with the provisions of the Bylaw, shall be guilty of an offence hereunder and liable on summary conviction to a fine not less than \$100.00 and not exceeding \$500.00.

10. NOTWITHSTANDING conviction of an offense pursuant to Section 9 hereof, in any case where an owner, agent, lessee or occupier fails, neglects or refuses to remedy such conditions the Council may cause such work to be done as Council deems to be necessary to remedy it; and

a) charge the costs of the work done to remedy the condition to the owner, agent, lessee or occupier concerned and in default of payment may,

i) recover the same as a debt to the Town of Magrath, or

ii) charge the same against the land concerned as taxes due and owing in respect of the land and recover the same as such.

11. APPEAL.

Any person who considers himself aggrieved by a direction given pursuant to this Bylaw may appeal to Council by delivering written notice in person or by certified mail to the Municipal Secretary of the Town within ten (10) days of the date on which the cleanup order was served upon the owner, lessee, occupier or agent.

After considering the appeal, the Council may confirm the cleanup order or, if it is satisfied that the cleanup order is unreasonable, unjust or in any manner contrary to the intent and meaning of the Bylaw, set aside, vary or modify the cleanup order.

If a person considers himself aggrieved by a decision under Section 9, he may appeal the decision by Originating Notice of Motion to the Court of Queen's Bench of Alberta, Judicial District of Lethbridge/Macleod, within ten (10) days of the date on which the decision is served on him.

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On appeal, the Court may confirm the decision of Council or may set aside, vary or modify the decision.

Bylaw #979 is hereby appealed.

Read a first time this 22 day of June, A.D. 1999.

Read a second time this 13 day of July, A.D. 1999.

Read a third time this 13 day of July, A.D. 1999.

Wayne Davis
MAYOR

Rodney By
C.A.O

FORM "A"

TO:

RE: THOSE PREMISES LOCATED AT
IN THE TOWN OF MAGRATH,
PROVINCE OF ALBERTA

WHEREAS Section _____ of the By-Law No. _____, "The Untidy and Unsightly Premises By-Law of the Town of Magrath, provides:

"No person being the owner of any land or premises within the Town shall permit the land or premises to be or remain in an untidy or unsightly condition"

AND WHEREAS Section _____, Subsection _____ thereof defines "untidy and unsightly premises" means:

- a) any premises which has fallen into a state of dilapidation and is not in keeping with the zoning under the Land Use By-Law of the Town of Magrath;
- b) any premises which is being used for the keeping, collecting or storing of any junk, scrap metal, hay, straw or automobiles which has all or part of its superstructure removed or a motor vehicle or the parts thereof which is in a dilapidated or unsightly condition which is stored outside a building;
- c) any premises which has old and dilapidated buildings or structures which pose a public health or fire hazard to the surrounding area;
- d) any premises that has remained unkept insofar as the cutting of weeds and tall grass, the removal of dead trees, shrubs, hedges, etc. inasmuch as it may become a public health or fire hazard to the surrounding area.

AND WHEREAS a complaint has been received in respect to the above premises.

NOW THEREFORE, pursuant to By-Law No. _____, "The Untidy and Unsightly Premises By-Law", TAKE NOTICE that those premises located at:

in the Town of Magrath, Province of Alberta, have been found to be untidy and unsightly premises in that they:

AND FURTHER TAKE NOTICE that if the said untidy and unsightly condition is not remedied on or before:

that the matter may be reported to Council requesting an Order directing you to do the said work.

DATED at the Town of Magrath, in the Province of Alberta, this _____ day of _____, A.D. 1999.

TOWN OF MAGRATH

BY-LAW ENFORCEMENT OFFICER or
authorized agent

FORM "B"

TO:

RE: THOSE PREMISES LOCATED AT:

IN THE TOWN OF MAGRATH,
PROVINCE OF ALBERTA

WHEREAS at its regular meeting of Council held the ____ day of _____, A.D. 1999, the Council of the Town of Magrath considered a report of the By-Law Enforcement Officer indicating an infraction of By-Law No. _____, "The Untidy and Unsightly Premises By-Law" occuring in respect to the above premises.

AND WHEREAS after reviewing the said report and hearing presentations, it is Council's opinion that the said premises located at:

in the Town of Magrath, Province of Alberta, is in contravention of By-Law No. _____ "The Untidy and Unsightly Premises By-Law" in that

FORM "C"

NOW THEREFORE BE IT ORDERED THAT THE OWNER, NAMELY:

NAME:

ADDRESS:

does on or before the _____ day of _____, A.D. _____, remedy the said untidy and unsightly condition on those premises described as:

ADDRESS:

BY:

AND IT IS FURTHER ORDERED that if the said condition on the said premises is not remedied in the manner above stated by the said date above established, that the Administrative Staff of the Town of Magrath take immediate and necessary works to remedy the condition in the manner above stated.

AND IT IS FURTHER ORDERED that if the said owner does not remedy the condition and the Town of Magrath incurs costs remedying the condition, such costs are due and owing as a debt to the Town of Magrath. In default of payment such costs will be charged against the land concerned as taxes due and owing in respect of that land and the Town of Magrath will recover the same as such.

ORDERED BY COUNCIL of the Town of Magrath, this _____ day of _____ A.D. _____.

TOWN OF MAGRATH

MAYOR
