

BYLAW #07-2007

A BYLAW OF THE VILLAGE OF HAY LAKES, IN THE PROVINCE OF ALBERTA, TO REGULATE NUISANCES

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, provides the Council of the Village of Hay lakes with the authority to pass bylaws respecting Nuisances;

AND WHEREAS the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time provides the Council of the Village of Hay lakes with the authority to establish minimum standards for the maintenance of buildings and structures;

NOW THEREFORE the Council of the Village of Hay lakes, pursuant to the authority conferred upon it by the laws of the Province of Alberta, hereby enacts as follows:

SECTION 1 – SHORT TITLE

1. This bylaw may be referred to as The Village of Hay lakes "Nuisance Bylaw".

SECTION 2 – DEFINITIONS

2. The following words shall be defined terms for the purpose of this bylaw:
 - 2.1 "Abandoned Equipment" means equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or mechanical condition, and includes, but is not limited to, any household appliance stored outside of a residence or other Structure regardless of whether or not it is in an inoperative condition.
 - 2.2 "Abandoned Vehicle" means the whole or any part of any Motor Vehicle or farm implement that is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition, and is not located in a Structure or located on Property such that it can be concealed from view.
 - 2.3 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Village, pursuant to the *Municipal Government Act*, for the purpose of

- 2.14 "Refuse" means all solid and liquid waste including, but not limited to: organic and inorganic household, yard and garden waste, building materials, tires, boxes or any other form of waste or garbage.
- 2.15 "Structure" means a building, improvement or other thing erected or placed in, on, over or under land.
- 2.16 "Violation Tag" means a tag or similar document issued by the Village pursuant to the *Municipal Government Act* for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow.
- 2.17 "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*.

3. **SECTION 3 – NUISANCES**

- 3.1 No Person shall cause or allow Property or his use of Property to constitute a Nuisance.
- 3.2 Conditions in, on, or around Property that constitute a Nuisance shall include, but not be limited to:
 - 3.2.1 the accumulation of Refuse;
 - 3.2.2 the presence of Abandoned Vehicles and Abandoned Equipment;
 - 3.2.3 grass or weeds in excess of ten centimeters in length;
 - 3.2.4 the presence of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
 - 3.2.5 the presence of trees, shrubs, or other vegetation that interferes with civic works or any public utilities and shall include the obstruction of a sidewalk, highway or public place;
 - 3.2.6 the failure to keep Property in a Reasonable State of Repair; and
 - 3.2.7 the presence of excavations, structures, materials or any other hazard or condition which poses a danger to public safety.

- 5.4 Where contravention of this Bylaw has occurred or is occurring, a designated officer may issue an Order to the Owner of the Property or any other Person responsible for the contravention, or both of them.
- 5.5 An Order issued by a Designated Officer under Section 5.4 may:
 - 5.5.1 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;
 - 5.5.2 direct the Person to take any action or measure necessary to remedy the contravention of this Bylaw, including but not limited to improving the appearance of the Property or Structure, cutting or removing trees and shrubs, and removing or demolishing a Structure that is in contravention of this Bylaw;
 - 5.5.3 state a time period within which the Person must comply with the directions stated in the Order;
 - 5.5.4 state that if the Person does not comply with the directions provided in the Order within a specified time the Village may take any action or measure reasonably necessary to remedy the contravention and may charge the Person for costs incurred to remedy the contravention.
- 5.6 An Order issued by a designated officer under Section 5.4 shall notify the Person to whom the Order is issued of the right to apply by written notice for a review of the Order by Council, and the required fee for such application as set out in Schedule "B".
- 5.7 An Order issued under this Bylaw may be served
 - 5.7.1 in the case of an individual:
 - 5.7.1.1 personally to the individual, or
 - 5.7.1.2 by leaving it for the individual at his residence with a Person on the premises who appears to be at least eighteen (18) years of age;
 - 5.7.2 in the case of a partnership or corporation, personally or by registered mail to either the registered office or business address of the partnership or corporation.

- 7.3 Upon review of the Order, Council may confirm, vary, substitute or cancel the Order.
- 7.4 A Person affected by a decision of Council under Section 7.2 may appeal to the Court of Queen's Bench, in accordance with Section 548 of the *Municipal Government Act*.

8. **SECTION 8 – OFFENCES**

- 8.1 Any Person who fails to comply with an Order issued under Section 5 is guilty of an offence.
- 8.2 Notwithstanding whether an Order has been issued under Section 5, 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".

9. **SECTION 9 – VIOLATION TAG**

- 9.1 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.
- 9.2 A Violation Tag shall be served in a manner set out in Section 5.7 above.
- 9.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - 9.3.1 the name of the Person to whom the Violation Tag is issued;
 - 9.3.2 a description of the Property upon which the offence has been committed, if applicable;
 - 9.3.3 a description of the offence and the applicable Bylaw Section;
 - 9.3.4 the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;

recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

11. **SECTION 11 – SEVERABILITY and COMING INTO FORCE**

11.1 Should any provision of this Bylaw be invalid, then the invalid provision shall be severed and the remainder of this Bylaw shall be maintained.

11.2 This Bylaw shall come into force upon receipt of its third and final reading.

12. **REPEAL**

Bylaw No. 6-98 and any amendments thereto are hereby repealed by passage of this Bylaw.

COMMENCEMENT OF ENFORCEMENT

READ a first time this 17th day of September, 2007.

READ a second time this 17th day of September, 2007.

READ a third time and passed this 24th day of September, 2007.

This Bylaw shall come into full force and effect on the 24th day of September 2007.

**THE VILLAGE OF HAY LAKES
PER:**

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Schedule "B"

Fees

A written notice requesting review of an Order by Council pursuant to Section 7 shall be accompanied by a fee of \$50.00 that shall only be returned to the applicant in the event that the whole of the Order is revoked by Council.