

**SUMMER VILLAGE OF HORSESHOE BAY
PROVINCE OF ALBERTA**

BY-LAW NO. 81/2007

**A By-Law of the Summer Village of Horseshoe Bay in the Province of Alberta,
to Regulate Unsightly Property.**

WHEREAS, the Municipal Government Act RSA 2000, c M-26 and regulations as amended, provides that Council may pass by-laws for municipal purposes respecting the safety, health and welfare of people; the protection of people and property; nuisances; services provided by or on behalf of the municipality; public utilities; and the enforcement of bylaws; and

WHEREAS, no Owner or Occupant in control of property, land, premises or building shall permit, suffer, continue or allow to be continued an unsightly condition on that property, land, premises or building; and

WHEREAS, Section 546 of the Municipal Government Act RSA 2000, c M-26 and regulations as amended, authorizes Council to require the owner of the property that is in an unsightly condition to improve the appearance of the property.

NOW THEREFORE, the Council of the Summer Village of Horseshoe Bay, in the Province of Alberta, duly assembled, enacts as follows:

Section 1- Title

- a) This Bylaw is cited as “**The Unsightly Property By-Law**” of the Summer Village of Horseshoe Bay

Section 2 - Definitions

- a) In this By-Law, unless the context otherwise requires, the word, term or expression:

“**Act**” means the Municipal Government Act RSA 2000 c M-26 and regulations made under the Municipal Government Act as amended.

“**By-law Enforcement Officer**” means a person appointed to enforce the provisions of this By-Law, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.

“**Council**” means the Municipal Council of the Summer Village of Horseshoe Bay.

“**Designated Officer**” is defined under Section 210 of the Municipal Government Act.

“**Improvement**” means a structure or anything attached or secured to a structure that would be transferred without special mention by a transfer or sale of the structure, including but not limited to a manufactured home or mobile home, or machinery or equipment.

“**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.

“Order” means a document issued by a Designated Officer pursuant to Section 5 of this By-Law, or Section 545 or Section 546 of the Act, requiring any Person to take any action necessary to remedy the contravention of this By-Law or the Act.

“Owner” includes the Person shown as the owner on the Land Title for a property, the occupant of a premises, the lessee or tenant of a premises, a property management company which holds itself out as the Person responsible for the maintenance of a premises, or the owner or operator of a Commercial Operation, as the case may require;

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Property” means a parcel of land; an improvement, or; a parcel of land and the improvements to it.

“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.

“Unsightly Property” is as described in Section 3 of this By-Law.

Section 3 – Unsightly Property

- a) Unsightly Property is Property that, in the opinion of the Designated Officer, is detrimental to the surrounding area because of its unsightly condition as defined at Section 546 of the Act.
- b) Some factors which may be considered by a Designated Officer in determining whether property is Unsightly Property include the following:
 - (i) the presence of uncut grass or weeds;
 - (ii) the presence of wrecked or dismantled vehicles, including vehicles that are inoperable and unregistered;
 - (iii) the storage or accumulation of waste, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture or appliances, machinery, parts or other similar materials or items;
 - (iv) specific or general lack of repair or maintenance including but not limited to:
 - a. significant deterioration of improvements or portions of improvements
 - b. broken or missing windows, siding, shingles, shutters, eaves or other building materials; or,
 - c. significant fading, chipping or peeling of painted areas of improvements;
 - (v) the location, zoning, use and visibility of property.

Section 4 - Inspection

- a) A Designated Officer may inspect Property in accordance with Section 542 of the Act for the purposes of determining whether:
 - (i) property is Unsightly Property under this By-Law because its unsightly condition is detrimental to the surrounding area in accordance with Section 546 of the Act;
 - (ii) there has been compliance with an Order issued under Section 5 of this By-Law;
 - (iii) there has been compliance with an Order issued in accordance with subsection 546(1)(c) of the Act.
- b) The Summer Village may apply to the Court of Queen's Bench to authorize inspection and enforcement in accordance with Section 543 of the Act if a person refuses to allow or interferes with entry for inspection.

Section 5 - Order

- a) 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 subsection 546 (1) (c) of the Act to the Owner or Occupant of the Property to improve the appearance of the Property in the manner specified within a period of seven (7) days from the date of the issuance of the Order.

Section 6 – Remedy Unsightly Condition of Property

- a) If an Order has been issued under Section 5 of this By-Law and not complied with within the time period set out in that Order, the Summer Village of Horseshoe Bay may take whatever actions or measures are necessary to:
 - (i) deal with the unsightly condition of the Property in accordance with Section 550 of the Act; and
 - (ii) collect the expenses and costs of the action or measure taken by the Village under Section 550 of the Act as an amount owing to the Village by the Person who was required to do something by the Order under Section 546 of the Act.
- b) In the event that the amount owing is not paid within sixty (60) days after mailing of a notice by the Summer Village to the Owner, the unpaid amount will be added to the tax roll of said parcel of land and will be deemed for all purposes to be taxes due and owing under Division 2 of Part 10 of the Act.

Section 7 - Severability

- a) It is the intention of Council that each separate provision of this By-Law shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this By-Law is declared invalid, all other provisions hereof shall remain valid and enforceable.

This By-Law shall come into force and effect upon it being read a third time and passed.

Read a first time in Council this 18 day of Aug, A.D. 2007.

Read a second time in Council this 18 day of Aug, A.D. 2007.

Read a third time in Council this 18 day of Aug, A.D. 2007.

Original signed by: Gary Burns

Mayor

Original signed by: Darlene Smereka

Administrator

