

BYLAW NO. 2008- 06

A BYLAW OF THE TOWN OF RAINBOW LAKE WITH RESPECT TO NUISANCE PROPERTY WITHIN THE BOUNDARIES OF THE TOWN OF RAINBOW LAKE.

WHEREAS, by virtue of the power conferred on it by the *Municipal Government Act*, R.S.A. 2000 c.M-26.1, as amended, the Council of the Town of Rainbow Lake, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1. - SHORT TITLE

- 1.1 This Bylaw may be cited as the ‘Nuisance Property Bylaw’ of the Town of Rainbow Lake

SECTION 2. - DEFINITIONS

- 2.1 “Business” means any person or corporation providing services for sale or hire within the Town of Rainbow Lake.
- 2.2 “Bylaw Officer” means any Bylaw Officer appointed by the Town of Rainbow Lake and includes a member of the Royal Canadian Mounted Police and a Peace Officer.
- 2.3 “Council” means the elected council of the Town of Rainbow Lake.
- 2.4 “Derelict Vehicle” means any abandoned vehicle, any dilapidated vehicle, any stripped vehicle, or any part of a vehicle or a vehicle NOT in running condition.
- 2.5 “Garbage” means any material taken for disposal at the Municipal Landfill, unwanted or useless material, trash, animal entrails, rubbish, and junk.
- 2.6 “Highway” means as the meaning ascribed by the Traffic Safety Act.
- 2.7 “Litter” means any discarded or deposited garbage which creates or contributes to untidiness or unsightliness, except in a proper garbage receptacle or Landfill site.
- 2.8 “Motor Vehicle” or “Vehicle” means as the meaning ascribed by the Traffic Safety Act.
- 2.9 “Municipality” means the Town of Rainbow Lake.
- 2.10 “Nuisance” means any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighborhood, and without limiting the generality of the foregoing, includes, but is not limited to, the following:
- a) the failure to cut grass or weeds, including ditches, or the portion of the ditch land that lies between the boundary of the owner or occupiers land up to and including the edge of the roadway.
 - b) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds.
 - c) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk and roadway clearance.
 - d) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of six (6) minutes in any one (1) hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by Council by resolution or bylaw.
 - e) the causing of any offensive odor emitted from excessive idling of vehicles or machines.

- f) the generation of excessive dust and permitting such dust to escape from the property.
 - g) the use of any pesticide or herbicide which has significant detrimental or environmental effect on surrounding areas.
 - h) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life.
 - i) the storage or accumulation of dilapidated vehicles or the storage of vehicles in excess of the number of vehicles permitted under the Land Use Bylaw.
 - j) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, scrap metals, scrap lumber, tires, buildings, building parts and motor vehicle parts.
 - k) the failure to dispose of any rubbish or garbage accumulated upon any property.
 - l) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall or any other property or parked vehicle, where the same are accumulated and become dilapidated and unsightly.
 - m) any litter.
 - n) failure to control any offensive odor.
 - o) failure to remove any animal waste or defecation.
 - p) failure to control any offensive or disturbing noise.
- 2.12 "Occupant" means the person residing on or in lands or buildings, the person entitled to its or their possession if there is no person residing on or in the land or buildings and a leaseholder of lands or buildings.
- 2.13 "Person" includes any corporation, joint stock company and partnership and the heirs the executors, successors, administrators or other legal representative.
- 2.14 "Private Property" means any real property owned or under control or management of any person or business other than the Town of Rainbow Lake.
- 2.15 "Property Owner" means the person who has any right, title, estate or interest in land or improvements other than that of an occupant, tenant, mortgagee or lessee.
- 2.16 "Proprietor" means, the person who ultimately controls, the activity carried on within any premises referred to in this Bylaw and includes the person in charge as a manager, owner or operator of a business.
- 2.17 "Public Property" means any real property owned or under control or management of the Town of Rainbow Lake.
- 2.18 "Residential Property" means the property owned by any property owner which is principally used as a dwelling house or apartment complex.
- 2.19 "Roadway" means that part of a highway intended for use by vehicle traffic.

SECTION 3. - OFFENCES

- 3.1 No person within the Town of Rainbow Lake shall:
- a) place any nuisance on private property.
 - b) cause any nuisance to be placed or take place on private property.
 - c) allow any nuisance to remain on private property.
- 3.2 The proprietor of any business which offers for sale food, refreshments, confectionary items, or tobacco shall:
- a) ensure that the business premises, including the building, land, and all adjoining public property is kept free of discarded cartons, containers, papers or other garbage originating from the business by collecting and disposing of garbage found in that area each day that the business is open for business.
 - b) provide garbage receptacles at each entrance and exit from the business, in the case of a building or at the sales counter.
 - c) ensure that the garbage receptacles provided pursuant to Section 3.3(b) are weighed or anchored to prevent the receptacle from being blown or knocked over; lids or covers are in place and are secure, are of sufficient size to contain all garbage generated from the business; placed in locations convenient for public use, emptied daily, to ensure that the receptacle is not full, into a garbage container for collection and disposal to the Municipal Landfill Site.
- 3.3 No person shall litter or cause litter to be deposited or remain on any public property.
- 3.4 No person shall place or cause to be placed any leaflets or other advertising material on or in a vehicle without the permission of the owner or the person in charge of the vehicle. This provision does not include parking tickets issued pursuant to the Town of Rainbow Lake Traffic Bylaw. This section applies whether the vehicle is on a highway or on any public or privately owned property.
- 3.5 No person shall remove snow or ice from their property and place the snow on a roadway or any public or private property without the consent of the owner or occupant of the property.

SECTION 4. - REMEDY/PENALTY

- 4.1 The Council hereby authorizes the Bylaw Officer to enter any lands, building or premises, excluding a dwelling, within The Town of Rainbow Lake to inspect for conditions that may constitute a contravention of this Bylaw.
- 4.2 The Council of the Town of Rainbow Lake hereby delegates to the Bylaw Enforcement Officer the authority to issue written directives to the property owner or proprietor, for any violation pursuant to Section 3. The Bylaw Officer shall in the directive provide five (5) working days within which any contravention may be remedied. Should the clean up area be substantial, the Bylaw Officer may provide an extension to the directive.
- 4.3 A person who fails to do anything which he is required to do pursuant to this Bylaw, or who does anything which he is prohibited from doing under this Bylaw is guilty of an offence and is liable on summary conviction to a penalty as specified in Schedule "A" of this Bylaw. The Bylaw Officer is authorized to issue a Municipal Tag or Provincial Violation Ticket in the amount specified above to any person who the Bylaw Officer has reasonable and probable

grounds to believe has contravened any provision of this Bylaw.

- 4.4 The Council or the Town of Rainbow Lake hereby delegates to the Bylaw officer the responsibility and power to issue a directive in writing to any property owner or proprietor, who has neglected or refused to remedy any violation pursuant to Section 4.2 of this Bylaw. The directive shall provide ten (10) working days from date of service to remedy the contravention.
- 4.5 Where the property owner or proprietor refuses or neglects to comply with the directive of the Bylaw officer, such work may be performed by the Municipality or it's designated contractor.
- 4.6 The cost of any work caused to be done pursuant to Section 4.5 of this By-Law shall be charged to the property owner, and in default of payment, The Town of Rainbow Lake, in addition to any other remedy:
 - a) recover the cost as a debt due to the Municipality, or
 - b) charge the cost against the land concerned as taxes due and owing in respect of the land and recover the cost as such.
- 4.7 Any person who considers himself aggrieved by a directive given pursuant to this Bylaw may appeal to Council by delivering a written appeal in person or by certified mail to the Chief Administrative Officer, within ten (10) days of the date on which the directive was served on the property owner or proprietor. Council may vary the directive or allow the directive to stand.

SECTION 5. - IN THE BYLAW

- 5.1 Any person who enters a property to remedy a condition as directed by the Bylaw Enforcement Officer shall be deemed to have the authorization of the Council and shall not incur any liability therefore.
- 5.2 Should any provision of this Bylaw be determined invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.
- 5.3 Bylaw 96-03 respecting nuisance and unsightly premises within the Town of Rainbow Lake is hereby repealed.

Bylaw 2008-06 with amendment to Section 2.10 (a) shall be passed and become effective when it receives third reading and is signed by the Mayor and Chief Administrative Officer.

READ A FIRST TIME THIS _____ DAY OF _____, A.D. 2009

READ A SECOND TIME THIS _____ DAY OF _____, A.D. 2009

READ A THIRD TIME THIS _____ DAY OF _____, A.D. 2009

CERTIFIED A TRUE COPY

CHIEF ADMINISTRATIVE OFFICER

MAYOR

Schedule A – Bylaw No. 2008-06

<u>Section of Bylaw</u>	<u>Specified Penalty</u>
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Section 3

All offences enumerated in section 3 of this Bylaw;

For a first offence	\$100.00
For a second offence within the same calendar year	\$200.00
For a third & subsequent offence within the same calendar year	\$500.00

Section 4

Failing to comply with a directive issued under <u>Section 4</u> of this Bylaw	\$300.00
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