



## **TOWN OF MANNING, ALBERTA**

### **BY-LAW 879- 20**

#### **UNSIGHTLY PREMISES AND NUISANCE**

A By-law of the Town of Manning, in the Province of Alberta to regulate and abate unsightly premises and other nuisances pursuant to the provisions of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2006.

**WHEREAS** Section 7 (a), (c) of the Municipal Government Act, RSA 2000, Chapter M-26, as amended (hereinafter referred to as the "Act") allows a Council to pass a bylaw respecting the safety, health and welfare of people and the protection of people and property; nuisances, including unsightly property;

**AND WHEREAS** Council deems it necessary to provide an efficient and effective means of regulating and encouraging the abatement of unsightly premises and other nuisances contained exclusively with the Town of Manning;

**AND WHEREAS** the Municipal Government Act, RSA 2000, Chapter M-26, 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 PURSUANT** to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Manning, Alberta, in regular session duly assembled, enacts as follows:

#### **SEVERABILITY**

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

#### **SECTION 1 – SHORT TITLE**

This By-law may be cited as the "Unsightly Premises and Nuisance By-law".

#### **SECTION 2 – DEFINITIONS**

- 2.1 "Abandoned Equipment" means equipment or machinery, which has been rendered inoperative by reason of its disassembly, age or mechanical condition, and includes any household appliance stored outside of a residence or other building regardless of whether or not in an operative 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 "Act" means the Municipal Government Act RSA 2000 cM-26 and regulations made under the Municipal Government Act as amended.
- 2.4 "Bylaw Enforcement Officer" means a person appointed to enforce the provisions of this By-law and includes a member of the Royal Canadian Mounted Police.
- 2.5 "Council" means the Council of the Town of Manning;
- 2.6 "CAO" means the Chief Administrative Officer of the Town of Manning;
- 2.7 "Graffiti" means words, figures, letters or drawings scribbled, scratched or sprayed on a surface with or without the consent of the owner of the improvement on which they are placed.
- 2.8 "Improvement" means a structure of 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 equipment.
- 2.9 "Town" means the Town of Manning.
- 2.10 "Occupant" means any person other than the Registered Owner who is in possession of the Property, including, but not restricted to a lessee, tenant or agent of the Owner.
- 2.11 "Order" means a document issued by a Designated Officer pursuant to Section 5 of this By-Law, requiring and person to take any action necessary to remedy the contravention of this By-Law or the Municipal Government Act.
- 2.12 "Owner" means any 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.
- 2.13 "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- 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.
- 2.14.1 "Structure" means a building, improvement or other thing erected or placed in, on, over or under land.

### **SECTION 3 – UNSIGHTLY PROPERTY**

- 3.1 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 in Section 546 (0.1) of the Municipal Government Act.
- 3.2 Some factors which may be considered by a Designated Officer in determining whether property is Unsightly Property include the following:
  - 3.2.1 the presence of uncut grass or weeds;
  - 3.2.2 the presence of wrecked or dismantled vehicles, including vehicles that are inoperable or unregistered;

- 3.2.3 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 of other similar materials or items;
- 3.2.4 specific or general lack of repair or maintenance including but not limited to: significant deterioration of improvements or portions of improvements
  - (i) broken or missing windows, siding, shingles, shutters, eaves or other building materials;
  - (ii) significant fading, chipping or peeling of painted areas of improvements.
- 3.2.5 the location, zoning, use and visibility of property;
- 3.2.6 the presence of graffiti.

## **SECTION 4 – INSPECTION AND ENFORCEMENT**

- 4.1 For the purpose of inspection and enforcement under this bylaw, a Bylaw Enforcement Officer is a designated officer.
- 4.2 A designated officer may enter any property in the Town in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the Act, or any other statute.
- 4.3 Prior to conducting an inspection or enforcement under Section 4.2, a designated officer shall provide the Owner or occupant of the Property with reasonable notice as required by the Act.
- 4.4 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.

## **SECTION 5 – ORDER**

- 5.1 An Order issued by a Designated Officer under Section 4.4 may:
  - 5.1.1 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;
  - 5.1.2 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;
  - 5.1.3 state a time period within which the person must comply with the directions stated in the order;
  - 5.1.4 state that if the person does not comply with the directions provided in the order within a specified time the town may take action or measure reasonably necessary to remedy the contravention and may charge the person for costs incurred to remedy the contravention.
- 5.2 The Order issued by a designated officer under Section 4.4 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.
- 5.3 An Order issued under this Bylaw may be served
  - 5.3.1 in the case of an individual:
    - 5.3.1.1 personally to the individual, or
    - 5.3.1.2 by leaving it for the individual at his residence with another person on the premises who appears to be at least eighteen (18) years of age;
  - 5.3.2 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.

- 5.4 Notwithstanding subsection 5.3, a copy of the Order may be posted in a conspicuous place on the Property referred to in the Order if service cannot otherwise reasonably be affected.

## **SECTION 6 – REMEDY OF UNSIGHTLY PROPERTY CONDITION**

- 6.1 If an Order has been issued under Section 5 of this Bylaw and not complied with within the time period set out in that Order, the town may take whatever actions or measures are necessary to:
- 6.1.1 deal with the unsightly condition of the property in accordance with Section 550 of the Act; and
  - 6.1.2 collect the expense and costs of the action or measure taken by the town under Section 550 of the Act as an amount owing to the town by the Person who was required to do something by the Order under Section 5 of this Bylaw;
- 6.2 In the event that the amount owing is not paid within sixty (60) days after mailing of a notice by the town 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 – REVIEW OF THE ORDER**

- 7.1 A Person to whom an Order is issued pursuant to Section 4.4 may request a review of the Order by written notice to Council within fourteen (14) days of the day on which the Order is received by that Person.
- 7.2 A Notice under Section 7.1 shall state the Person's reasons for disagreement with the Order and set out the relief sought from Council in the review.
- 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 Act.

## **SECTION 8 – OFFENCE**

- 8.1 Any person who fails to comply with this Bylaw or with an Order issued under this Bylaw is guilty of an offence.
- 8.2 Any person who is guilty of an offence under this Bylaw shall be liable to a fine in an amount not less than as set out in Schedule "A". Each day such violation continues, shall constitute a separate offence and shall be punishable as such.
- 8.3 In lieu of prosecution, a person who has contravened any provision of this Bylaw may, within thirty (30) days of the issuance of a Violation Ticket, elect to voluntarily pay a penalty as set out in Schedule "A" of this Bylaw.
- 8.4 Where a conflict arises between the requirements of this Bylaw and any other Bylaw of the town, the more stringent regulations shall apply.

## **SECTION 9 – REPEAL**

- 9.1 This By-law hereby repeals By-law #776-08.

**SECTION 10 – EFFECTIVE DATE**

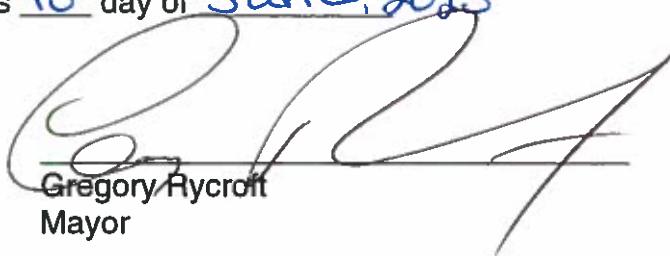
10.1 This By-law shall come into effect the date upon third and final reading.

READ A FIRST TIME this 10 day of June, 2020

READ A SECOND TIME this 10 day of June, 2020

MOVED AND PASSED UNANIMOUSLY THAT THE “UNSIGTLTY PREMISES AND NUISANCE,” BE PRESENTED FOR THIRD AND FINAL READING

READ A THIRD AND FINAL TIME this 10 day of June, 2020



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Gregory Rycroft  
Mayor



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April Doll  
Chief Administrative Officer

## **SCHEDULE A**

### **PENALTIES**

Any Person that breaches a provision of the Town of Manning's Unsightly Premises and Nuisance Bylaw or an Order made there under may be subject to a fine as follows:

First Offence	\$250.00
Second and subsequent offences, Within one year of the first offence	\$500.00

Should any property owner, agent, lessee or occupier fail, neglect, or refuse to remedy the condition as directed by the Bylaw Enforcement Officer, or Authorized Person, the Town of Manning may cause the work to be performed to remedy the condition and charge the costs of such work (a minimum charge of \$50.00) plus a \$30.00 Administration Fee as follows:

- i. To recover the same as a debt due to the Town of Manning
- ii. To charge the cost against the land and recover the cost as such.



## Town Of Manning

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### NOTICE OF ENTRY

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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Pursuant to Section 542 of the *Municipal Government Act*, you are hereby notified that a Bylaw Enforcement Officer will be entering the property at **Legal / Residential**

**Address:**

\_\_\_\_\_ in \_\_\_\_\_, Alberta

On \_\_\_\_\_ in order to conduct **Inspection or Remedial Action**

Pursuant to the Bylaw 879-20: **Unsightly Premises and Nuisance** and the *Municipal Government Act* and Section \_\_\_\_\_.

All costs incurred by the Town as a result of any remedial action effected pursuant to orders issued under the *Municipal Government Act* will become the financial responsibility of the property owner and may be added to the tax roll of the property. If you require additional information regarding this matter, please contact the Bylaw Enforcement Officer at (780) 836-3606

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**Bylaw Enforcement Officer**