

**BY-LAW NO. 002-09
OF THE
TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

**A BY-LAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF
ALBERTA FOR THE PURPOSE OF CONTROLLING AND ABATING
NUISANCES AND REGULATING UNTIDY, UNSIGHTLY, AND DANGEROUS
PREMISES**

UNDER authority of and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto:

WHEREAS, it is desirable to regulate and prevent untidy, unsightly, dangerous and nuisance properties,

AND WHEREAS, it is desirable to respect a variety of matters including providing for safety, health and welfare of people and protection of people and property,

NOW THEREFORE, the Council of the Town of Smoky Lake, duly assembled, enacts as follows:

SECTION 1 – SHORT TITLE

- 1.1 This Bylaw may be cited as the Town of Smoky Lake “Nuisance Bylaw”.

SECTION 2 – DEFINITIONS

- 2.1 “Nuisance” means a condition, of the use of, or an emission from Property which, in the opinion of the Bylaw Enforcement Officer or the Designated Officer, constitutes an unreasonable interference with the use and enjoyment of other private or public property.
- 2.2 “Bylaw Enforcement Officer” means a Bylaw Enforcement Officer appointed by the Town of Smoky Lake pursuant to the Municipal Government Act to enforce the Town’s Bylaws, and includes a member of the Royal Canadian Mounted Police, and any special constable employed by the Town.
- 2.3 “Designated Officer” means a Bylaw Enforcement Officer, or any Person who has been appointed by Council.
- 2.4 “Council” means the Municipal Council for the Town of Smoky Lake
- 2.5 “Owner” means:
- Any Person registered as the owner of Property under the Land Titles Act;
 - Any Person who is recorded as the owner of Property on the Tax Role;
 - Any Person in control of Property under construction;
 - Any Person who is the Occupant of the Property under a lease agreement;

- Any Person who has entered into a Purchase/Sale Agreement whether they have purchased or otherwise acquired directly from the owner or from another Purchaser, and who has not yet become the registered owner thereof.
- 2.6 “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.
- 2.7 “Person” means any corporation, partnership, or individual, and the heirs, executors, administrators or other legal representatives of an individual.
- 2.8 “Property” means any lands, buildings, structures or premises or any personal property located thereupon, within the municipal boundaries of the Town.
- 2.9 “Abandoned Equipment” means any equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age, or the deterioration of its mechanical condition, and includes, but is not limited to, an household appliances stored outside of a residence or other structure, regardless of whether the household appliance is in an inoperative condition.
- 2.10 “Abandoned Vehicle” means the entirety or any portion of any motor vehicle, where that the vehicle:
- Is in a rusted, wholly or partially wrecked, dismantled, or inoperative condition and is not located within a structure or located on Property such that it can be concealed from view.
 - Has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year.
 - Is inoperative by reason of missing or disassembled parts or equipment, is not located within a structure or located on property such that it can be concealed from view.
- 2.11 “Unightly Premises” means any property, whether land, buildings, improvements to lands and buildings, personal property or any other combination of the above, located within the Town that, in the opinion of the Bylaw Enforcement Officer or Designated Officer, shows signs of significant physical deterioration, and shows signs of serious disregard for general maintenance and upkeep or is otherwise detrimental to the surrounding area.
- 2.12 “Detrimental to the Surrounding Area” means any action or inaction which causes the decline of the market value of property in the surrounding area.
- 2.13 “Dangerous Property” means lands, buildings, structures or premises or any personal property that, in the opinion of the Bylaw Enforcement Officer or Designated Officer, shows signs of significant threat of injury, harm, or loss or the chance of involving injury, harm or loss to Persons or Property.
- 2.14 “Refuse” means all solid and liquid waste including, but not limited to broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, abandoned vehicles, tires, manure, or other forms of waste or litter.

- 2.17 "Violation Tag" means a tag or similar document issued by the Town 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.
- 2.18 "Order" means an order issued by a Bylaw Enforcement Officer or Designated Officer, as defined in Sections 545(1) and 545(2) of the Municipal Government Act.

SECTION 3 – NUISANCES, UNTIDY, UNSIGHTLY, AND DANGEROUS PREMISES

- 3.1 An Owner or Occupant of property shall not cause or allow that property to constitute a Nuisance. Conditions constituting a Nuisance include, but are not limited to:
- Accumulation of Refuse or other waste products on Property.
 - Grass in excess of ten (10) centimeters in length or the presence of weeds which in the opinion of the Bylaw Enforcement Officer or Designated Officer demonstrates neglect by the owner.
 - Accumulation of animal material, yard material or scrape building material.
 - Accumulation of Abandoned Vehicles, equipment, or household appliances.
 - Accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage.
- 3.2 An Owner or Occupant of a property shall not cause or allow that property to become a danger to public safety or an Unsightly Premise.
- 3.3 No Owner or Occupant of a property shall permit or allow Refuse Abandoned Equipment or Abandoned Vehicles to collect, accumulate or to be stored upon Property owned or occupied by him.
- 3.4 Owners or Occupants will be required to prune or remove any trees, shrubs, or vegetation which as a result of its location has caused or is causing damage to adjacent properties, or which is obstructing a sidewalk, highway or public place, including the obstruction of sight necessary for the safe operation of motor vehicles on highway within the Town.
- 3.5 No Owner or Occupant of a Property shall permit or allow that Property to become a Dangerous Property. Conditions constituting a Dangerous Property include, but are not limited to:
- The significant deterioration of buildings, structures or improvements, or portions of buildings, structures or improvements.
 - Broken or missing windows, siding, shingles, shutters, eaves
 - The significant deterioration of foundations, exterior walls, roofs, steps and sidewalks.
 - The significant deterioration of all fixtures, porches, decks, patios, landings, balconies, porches and renovations.



SECTION 4 – OFFENCES, PENALTIES AND ENFORCEMENT

- 4.1 The Bylaw Enforcement Officer or Designated Officer may for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter upon any Property or into any structure, in accordance with Section 542 of the Municipal Government Act, in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw, Municipal Government Act or any other statute.
- 4.2 Before conducting an inspection pursuant to Section 4.1, the Bylaw Enforcement Officer or Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the Municipal Government Act.
- 4.3 An Order issued by a Bylaw Enforcement Officer or Designated Officer may:
- Direct the Owner or Occupant to take any action or measure necessary to remedy the contravention of this Bylaw, including removing trees, shrubs, and foliage, and the removal demolition of structures or improvements that are in contravention of this Bylaw and if necessary to prevent the reoccurrence of the contravention.
 - State a time period within which the Owner or Occupant must comply with directions stated in the Order.
 - State if the Owner or Occupant does not comply with the directions provided within the Order within the time period specified, that the town may take any action or measures reasonably necessary to remedy the contravention at the expenses of the person responsible, with such expenses being recoverable against the Property.
 - Direct the Owner or Occupant to improve the appearance of the Property in the manner specified.
 - Direct the Owner or Occupant to eliminate the danger to public safety in a manner specified.
- 4.4 A Person to whom an Order is issued pursuant to Section 4.3 may request a review of the Order by written notice Council within fourteen (14) days of the Order, Council may confirm, vary, substitute, or cancel the Order.
- 4.5 A Violation Tag may be issued by a Bylaw Enforcement Officer or Designated Officer, to a person who has violated a provision of this bylaw and the said Violation Tag may provide for payment within twenty one (21) days from the date of issue to the Town in the amounts specified part 4.2. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution of the offence.
- 4.6 Any Occupant be it Owner, agent, lessee or occupier who receives a Violation Tag, or contravenes or fails to comply with this bylaw and who thinks themselves aggrieved may appeal within ten (10) days to the Provincial Court.



4.7 Any person who contravenes the provisions of this bylaw, by means of Abating Nuisances, is guilty of an offense and liable upon summary conviction for the following fines:

- 1st offence not less than \$100.00
- 2nd offence not less than \$200.00
- Each subsequent offence after that not less than \$500.00
- Up to a maximum of \$1000.00

4.8 That Bylaw 470 be rescinded upon the final passing of this Bylaw.

READ A FIRST TIME THIS 4th DAY OF FEBRUARY, 2009.



Dave Franchuk
Mayor



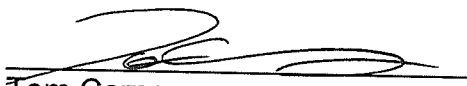
Tom Carney
Chief Administrative Officer

READ A SECOND TIME THIS 18th DAY OF FEBRUARY, 2009

READ A THIRD TIME AND PASSED IN COUNCIL THIS 18th DAY OF FEBRUARY
,2009



Dave Franchuk
Mayor



Tom Carney
Chief Administrative Officer