

**Village of Barons  
IN THE PROVINCE OF ALBERTA  
BYLAW 657**

**A BYLAW OF THE VILLAGE OF BARONS IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES AND TO RESCIND BYLAW #614.**

**WHEREAS** the Municipal Government Act, R.S.A. 2000, c.M-26, as amended or repealed and replaced from time to time, provides the Council of the Village of Barons the authority to pass bylaws respecting Nuisances and Dangerous and Unsightly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

**AND WHEREAS**, the Council of the Village of Barons deems it expedient and in the public's interest to pass a Bylaw to establish and enforce minimum standards relating to the state of maintenance of property and to regulate, control, and abate Nuisances, and dangerous and unsightly premises within the Village of Barons;

**NOW THEREFORE** the Village of Barons pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

**1. SHORT TITLE**

This Bylaw may be cited as the Village of Barons "Nuisance and Unsightly Premises Bylaw"

**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 inoperative condition.

2.2 "Abandoned Vehicle" means the whole or/and part of any motor vehicle or farm implement that:

2.2.1 is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition, and is not located in a building or located on the property such that it can be concealed from view; or

2.2.2 has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year; and,

2.2.3 is inoperative by reason of removed parts or equipment, and is not located within a building or located on property such that it can be concealed from view.

- 2.3 “Peace Officer” means a Chief Administrative Officer or a Bylaw Enforcement Officer appointed by the Village pursuant to the Municipal Government Act, a member of the Royal Canadian Mounted Police, and a Community Peace Officer authorized to act within the Village of Barons.
- 2.4 “Municipal Government Act” means the Municipal Government Act, R.S.A. 2000, c. M-26 as amended or repealed and replaced from time to time.
- 2.5 “Nuisance” means any condition or use of Property which, in the opinion of a Peace Officer constitutes an unreasonable interference with the use and enjoyment of other Property and includes, without limiting the forgoing, those conditions set out in Section 3.4.
- 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 “Order” means an order described in Section 545 or Section 546 or the Municipal Government Act.
- 2.8 “Owner” means;
- 2.8.1 Any Person registered as the owner of the property under the Land Title Act, R.S.A 2000, c.L-4, as amended or repealed and replaced from time to time;
- 2.8.2 A Person who is recorded as the Owner of the Property on the assessment roll of the Village
- 2.8.3 A Person who has purchased or otherwise acquired the Property, whether he has purchased or otherwise acquired directly from the Owner or from another purchaser, and has not become the registered Owner thereof;
- 2.8.4 A Person holding himself out as the person having the powers and authority of ownership or for whom the time being exercises the powers and authority of ownership;
- 2.8.5 A Person controlling the Property under construction; or
- 2.8.6 A Person who is the Occupant of the Property under a lease, license, or permit.
- 2.8.7 “Person” includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual
- 2.9 “Property” means any lands, buildings, structures, or premises, or any personal property located thereupon, within the Village of Barons.

- 2.10 “Provincial Offences Procedures Act” means the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 2.11 “Refuse” means all solid and liquid wastes including, but not limited to, broken dishes, can, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, unusable building material, abandoned vehicles, abandoned equipment, tires, manure or any other form of waste or litter.
- 2.12 “Reasonable State of Repair means the condition of being:
- 2.12.1 Structurally sound;
  - 2.12.2 Free from damage;
  - 2.12.3 Free from rot or other deterioration; and
  - 2.12.4 Safe for its intended use.
- 2.13 “Unsightly Premises” means any Property, whether land, building, improvement to lands or buildings, personal property, or any other combination of the above, located on land within the Village, that in the opinion of a Peace Officer is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding Property in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or is an unsightly condition as defined by the Municipal Government Act.
- 2.14 “Violation Ticket” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, and any Regulations thereunder.
- 2.15 In this Bylaw, whenever the male gender is specified it shall be interpreted as meaning both male and female as applicable.

### **3. PROHIBITIONS**

- 3.1 An Owner or Occupant of Property shall not cause or allow that Property or his use of that Property to constitute a Nuisance.
- 3.2 An Owner or Occupant of Property shall not cause or allow that Property to be a danger to public safety or an Unsightly Premise.
- 3.3 No Person shall cause, permit, or allow Refuse, Abandoned Equipment, or more than one (1) Abandoned Vehicles to collect, accumulate or be stored upon Property owned or occupied by him, or under his responsibility, or upon adjoining Property owned or occupied by him or under his responsibility.
- 3.4 Conditions constituting a Nuisance, danger and/or Unsightly Premise may include, but shall not be limited to:
- 3.4.1 The accumulation of rubbish, Refuse or other waste products on the Property

- 3.4.2 Uncut grass or the presence of weeds, which in the opinion of a Peace Officer, are excessive or which demonstrate neglect by the Owner
- 3.4.3 The accumulation of animal material, yard material, ashes or scrap building material
- 3.4.4 The accumulation of more than one (1) Abandoned Vehicle, Abandoned Equipment or household appliances
- 3.4.5 The presence or accumulation of animal carcasses, hazardous material, noxious fumes, manure or sewage
- 3.4.6 The lack of repair or maintenance of buildings, structures or Property, including but not limited to:
  - 3.4.6.1 The significant deterioration of buildings, structures or improvements, or portions of building, structures or improvements; or
  - 3.4.6.2 Broken or missing windows, siding, shingles, shutters, eaves or other building material.

#### **4. MAINTENANCE STANDARDS**

- 4.1 All buildings, structures and improvement to Property shall be maintained so that:
  - 4.1.1 The foundations
  - 4.1.2 Exterior walls;
  - 4.1.3 Roof;
  - 4.1.4 Windows, including frames, shutters and awnings;
  - 4.1.5 Doors, including frames and awnings;
  - 4.1.6 Steps and sidewalks; and
  - 4.1.7 Fences;**Are kept in a Reasonable State of Repair.**

#### **5. ENFORCEMENT**

- 5.1 A Peace Officer, for the purpose of ensuring that the provisions of this Bylaw are being complied with, may enter in or upon any Property, in accordance with Section 542 of the Municipal Government Act, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the Municipal Government Act, or other statute.
- 5.2 When exercising his authority to enter onto the Property for inspection or enforcement under Section 5.1, a Peace Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the Municipal Government Act.
- 5.3 Any Owner or Occupant who contravenes this Bylaw may be issued an Order by a Peace Officer to remedy the contravention in any manner deemed necessary in the circumstance pursuant to Section 545 of the Municipal Government Act, in the case of a Nuisance, or Section 546 of the Municipal Government Act, in the case of a danger to public safety or Unsightly Premise.

**6. OFFENCES AND PENALTIES**

6.1 Notwithstanding whether an Order has been issued under Part 5 of the Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to pay a penalty of not less than Three Hundred Dollars (\$300.00).

6.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

**7. VIOLATION TICKET**

7.1 A Peace Officer is authorized and empowered to issue a Violation Ticket, pursuant to Part 2 of the Provincial Offences Procedure Act, to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

**8. SEVERABILITY**

Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining bylaw shall be maintained.

**9. EFFECTIVE DATE**

This Bylaw shall come into effect after the third reading and upon being signed.

READ a first time this 10<sup>th</sup> day of February, 2009

READ a second time 10<sup>th</sup> day of February, 2009

READ a third time and finally passed 10<sup>th</sup> day of February, 2009

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date