

TOWN OF RAYMOND
Dangerous and Unsightly Property
Bylaw 1034-17

A BYLAW OF THE TOWN OF RAYMOND, IN THE PROVINCE OF ALBERTA TO PROMOTE THE MAINTENANCE OF PROPERTY AND PROVIDE FOR THE REMEDY OF DANGEROUS AND UNSIGHTLY PROPERTY WITHIN THE TOWN OF RAYMOND.

WHEREAS the *Municipal Government Act*, c.M-26.1, of the Revised Statues of Alberta 2000, authorizes municipalities to deal with nuisances, including Dangerous and Unsightly Property within the Town of Raymond.

NOW THEREFORE, the Council of the Town of Raymond, in the Province of Alberta duly assembled, thereby enacts as follows:

NAME OF BYLAW

1. This bylaw may be cited as the **Dangerous and Unsightly Property Bylaw**.

DEFINITIONS

2. For the purposes of this Bylaw, the following words mean:
 - (1) **Act** means the **Municipal Government Act**, S.A. 1994, c.M-26.1, as amended.
 - (2) **Administrator** means the Chief Administrative Officer of the Town of Raymond.
 - (3) **Animal Permit** means a permit obtained in accordance with Bylaw 970-10, Animal Regulations Bylaw.
 - (4) **Council** means the Municipal Council of the Town of Raymond.
 - (5) **Dangerous and Unsightly Property** means property as described in section 3 of this Bylaw.
 - (6) **Derelict Vehicle** means a motor vehicle as defined in the Traffic Safety R.S.A. 2000, c T-6 as amended and which is dilapidated, partially or completely dismantled, or not capable of operating under its own power.
 - (7) **Designated Officer** means the Chief Administrative Officer, Bylaw Enforcement Officer, RCMP Officer, Peace Officer, and or Fire Chief of the Town of Raymond or his duly authorized assistants.
 - (8) **Emergency** means a situation in which there is imminent danger to public safety or of serious harm to property.
 - (9) **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, a mobile unit, and machinery and equipment.
 - (10) **Length of Grass and/or Weeds** means any property as described in clause 3.(2)(a) of this Bylaw.
 - (11) **Order** means a written order in accordance with subsection 546 of the **Act**.

- (12) **Owner** means in respect of land, the person who is registered under the **Land Titles Act** as the owner of the fee simple estate in the land, and in respect of property other than land, the person in lawful possession of it.
- (13) **Property** means a parcel of land, an improvement, or a parcel of land and the improvements to it.
- (14) **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 land.
- (15) **Town** means the Municipal Corporation of the Town of Raymond.

DANGEROUS AND UNSIGHTLY PROPERTY

3. (1) Dangerous and Unsightly Property is property that, in the opinion of a Designated Officer, is detrimental to the surrounding area because of its unsightly or dangerous condition.

(2) Some factors that may be considered by a Designated Officer in determining whether property is dangerous and or unsightly include but are not limited to the following:

- (a) the presence of uncut grass or weeds longer than 20cm, or longer than 76cm for properties with a current Animal Permit;
- (b) the presence of trees, shrubs or other vegetation in such a manner that they interfere with the use of or obstruct visibility of street signage, sidewalks, roadway clearance, municipal works or public utilities;
- (c) the presence of a derelict or unregistered vehicle, unless enclosed in a building or in a back yard. A maximum of two derelict and/or unregistered vehicles may be in a back yard;
- (e) the storage or accumulation of garbage, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture or appliances, machinery, machinery parts or other similar materials or items;
- (f) specific or general lack of repair or maintenance including but not limited to:
 - (i) significant deterioration of improvements or portions of improvements;
 - (ii) broken or missing windows, siding, shingles, shutters, eaves or other building materials; or

- (iii) significant fading, chipping or peeling of painted areas of improvements,
- (g) the location, zoning, use and visibility of property;
- (h) any property, improvement, structure, excavation or hole, which is dangerous to public safety or that constitutes a fire hazard because of its dangerous condition;
- (i) Property not in keeping with the surrounding properties within a one block radius, of the same Land Use District under the Towns Land Use Bylaw;

GENERAL PROHIBITION

4. No Person being the owner of any property or structure within the Town shall permit one's property or structure to be or remain in a dangerous or unsightly condition.

INSPECTION

5. A Designated Officer of the Town, after giving reasonable written notice to the owner or occupier of land, improvement or structure, may enter into any property, improvement or structure within the Town to inspect for conditions that may constitute a dangerous and or unsightly property or contravene or fail to comply with the provisions of this Bylaw.

ORDER BY DESIGNATED OFFICER

6. If, in the opinion of a Designated Officer, any property, improvement, structure, excavation or hole is dangerous to public safety or property because of its unsightly condition, or is detrimental to the surrounding area, the Designated Officer may issue a written Order that:
 - (a) requires the owner of the structure to eliminate the danger to public safety in a manner specified, or remove or demolish the structure and level the site;
 - (b) requires the owner of the land that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;
 - (c) requires the owner of the property that is in an unsightly condition to improve the appearance of the property in the manner specified, or if

the property is a structure, remove or demolish the structure and level the site.

WRITTEN ORDER

7. An Order to remedy dangerous or unsightly property,

- (a) shall be in writing and shall be served to the registered property owner, and to the tenant if applicable, and a copy of the notice shall be retained at the Town Office.
- (b) given by the Designated Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person to whom it is addressed:
 - (i) on the Order being personally delivered to the person to whom it is addressed;
 - (ii) on leaving the Order with a person apparently over the age of eighteen (18) years at the place of abode of the person to whom the notice is addressed;
 - (iii) on sending the Order by registered mail with Post Office Confirmation of Delivery, addressed to the last known postal address, or address shown on the assessment roll, as the case maybe;
 - (iv) on the Order being sent by any electronic means so long as it is possible to make a copy of the document from the electronic signals used by the electronic means;
 - (v) In the case where the property is a rental:
 - a) On the tenant or any adult person (18 years of older) who apparently resides with the tenant, or
 - b) If the tenant or adult residing at the property or the property owner cannot be served, then by posting the notice, order or document in a conspicuous place on some part of the premises.

- (c) may state a time within which the person must comply with the Order;
- (d) may state the fine for not complying with the Order within the specified time; and
- (e) may state that if the person does not comply with the order within a specified time, the Town will take the action or measure at the expense of the owner.

NONCOMPLIANCE WITH AN ORDER

- 8. Any person that does not comply with a written Order pursuant to this bylaw shall be guilty of an offence and shall be fined as outlined in **Appendix A**, which is attached to and forms a part of the Bylaw.
- 9. The Designated Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act of the Revised Statutes of Alberta 2000, being Chapter 34 and amendments thereto.

COUNCIL REVIEW OF ORDER

- 10. The owner or person who receives a written Order pursuant to this bylaw may request Council to review that Order by written notice.
 - (a) The owner or person who receives an Order pursuant to this bylaw must provide the Administrator with a written request for Council to review the Order.
 - (b) The written request for a review of an Order issued pursuant to this bylaw must be received by the Administrator within 14 days of receipt of the Order.
 - i) In the case of a repeat non-compliance of Section 3(2)(a), the owner or person who receives a written Order shall have 7 days to submit a written request for a review of said Order.

a) A repeat offence occurs when the owner contravenes Section 3(2)(a) for the same property more than once in a lifetime.

(c) The owner or person who receives an Order pursuant to this bylaw may appear before Council in person or by a representative.

(d) After reviewing the Order, the Council may confirm, vary, substitute or cancel the Order.

NOTICE OF DECISION OF COUNCIL REVIEW

11. Notice of decision of the council review:

(a) shall be served on the person who requested the review.

(b) pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person to whom it is addressed:

(i) on the Notice of Decision being personally delivered to the person to whom it is addressed;

(ii) on sending the Notice of Decision with a person apparently over the age of eighteen (18) years at the place of abode of the person to whom the notice is addressed;

(iii) on sending the Notice of Decision, by registered mail with Post Office Confirmation of Delivery, addressed to the last known postal address, or shown on the assessment roll, as the case may be; or

(c) may state a date within which the person must remedy the dangerous or unsightly property, this date shall not be less than 15 days from the date the Notice of Decision of Council Review is received by the owner.

i) In the case where the Owner is in repeated non-compliance of Section 3(2)(a), may state a date within which the person must remedy the dangerous or unsightly property, this date shall not be less than 7 days from the date the Notice of Decision of Council Review is received by the owner.

APPEAL OF COUNCILS REVIEW

12. An owner or person affected by the decision of a Council review of an Order pursuant to this bylaw may appeal to the Court of Queen's Bench. This appeal must be made

within 15 days of the date the decision of the Council review is served on the person, pursuant to section 548 (1.1) (b) of the Act.

REMEDYING UNSIGHTLY PROPERTY

13. If the dangerous or unsightly property has not been remedied by the date required in the Notice of Decision of the Council review, and appeal periods respecting the Order and Notice of Decision of Council Review, the Town may take whatever actions or measures that are necessary to eliminate the danger to public safety caused by a structure, improvement, excavation or hole or to deal with the unsightly condition of property.

14. If a structure is being removed or demolished by the Town under this Bylaw, the Town may use reasonable force to remove occupants.

EMERGENCIES

15. Despite any provisions of this Bylaw, in an emergency the Town may take whatever actions or measures necessary to eliminate the emergency.

RECOVERY OF COSTS

16. The expenses and cost incurred by the Town to remedy the dangerous or unsightly property become the responsibility of the owner. All unpaid amounts as of December 31st of the year the Order is given shall be placed on the tax roll of the property on which the remedial action was taken.

REPEAL

17. Bylaw 898-02 is hereby repealed.

18. Bylaw 908-04 is hereby repealed.

AMENDMENTS

Amended on the 20th day of November, 2018

Read a first time this 6th day of November, 2018.

Read a second time this 20th day of November, 2018.

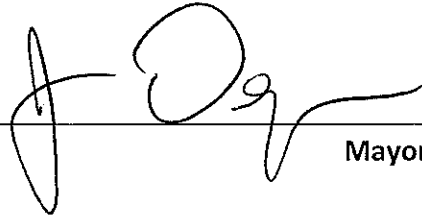
Read a third time this 20th day of November, 2018.

Amended on the 7th day of January, 2020

Read a first time this 17th day of December, 2019.

Read a second time this 7th day of January, 2020.

Read a third time this 21st day of January, 2020.



Mayor – Jim Depew



Chief Administrative Officer – Kurtis Pratt

APPENDIX A

Any person that does not comply with a written notice pursuant to this bylaw shall be guilty of an offence and may be fined as outlined below:

- for the first offence, to a fine of five hundred (\$500.00) dollars and costs.
- For the second and subsequent offence to a fine of seven hundred and fifty (\$750.00) dollars and costs.

(Date)

RE: Bylaw 1034-17, Dangerous and Unsightly Property

(Owner's Name)

(Owner's Address and Legal Description)

Dear (Owner's Name),

Subject: Order to Remedy Dangerous and Unsightly Property

Please be advised that a designated officer of the Town of Raymond has determined that your property is detrimental to the surrounding area because of its dangerous and or unsightly condition. You are directed to:

If you do not remedy the nuisance as directed before (date) you will be fined \$500.00 for a first offence and \$750.00 for subsequent offences and the Town may do the work set out above and charge you for the cost of the work. The estimated cost to remedy the dangerous and or unsightly condition is (\$). If not paid, the remedy costs may be collected in the same manner as property taxes.

Town of Raymond

Per:

(Officer Name)

Ridge Regional Public Safety Services

cc: (Occupant, if other than Owner)

APPEAL NOTICE

If you want to appeal the Order to Remedy Dangerous and Unsightly Property, you must serve this Appeal Notice, requesting a Council Review, by mailing or delivering it to the Chief Administrative Officer within ___14 days or 7 days ___ after the Order was served on you.

Dated: _____

To: Town of Raymond
Office of Chief Administrative Officer
210N 200W
Raymond, AB
TOK 2S0

I am appealing the Order to Remedy Dangerous and Unsightly Property, which was served on me on the following date: _____.

The reasons for my appeal: (Use a separate sheet if necessary)

(Signature)

(Print Name)

(Street Address of Property on Order)

(Your Address (if different than above) and Post Office Box Number)

(Home Phone Number)

(Work Phone Number)

NOTE: Only Appeals filed within the period designated above will be reviewed by Town Council. You will be notified by mail of the date of the Review Hearing.