

## BYLAW NO. 891

**BEING a By-Law of the Town of Carstairs, in the Province of Alberta, to regulate untidy and unsightly property and for the prevention and compelling of nuisances generally.**

**WHEREAS**, under the authority of the Municipal Government Act, being Chapter M-26.1 of the revised statutes of Alberta and amendments thereto, a Council may pass By-Laws for municipal purposes respecting nuisances, including unsightly property.

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

1. This By-Law may be cited as the “nuisance By-Law”.
2. In this By-Law, the following definitions will apply:
  - A) “Boulevard” means that portion of a street which lies between the roadway and the property line of the land abutting the said street.
  - B) “Council” means the Council of the Town of Carstairs.
  - C) “By-Law Enforcement Officer” means a person authorized by Council to carry out the provisions of this By-Law, or the Chief Administrative Officer of the Town of Carstairs, or a member of the Royal Canadian Mounted Police.
  - E) “Chief Administrative Officer” means a person appointed as such under the Municipal Government Act by the Town of Carstairs Council.
  - F) “Derelict vehicle” means any vehicle that has parts missing and appears un-drivable; or vehicle parts which are not attached to a frame of a vehicle.
  - G) “Designate Officer” means the person, peace officer or Municipal Government Official designated as such as per the Municipal Government Act.
  - H) “Litter” means:
    - i) any solid or liquid material or product or combination of solid or liquid materials or products, including but not limited to:  
  
any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement or sewage or the whole or a part of an animal carcass, or  
  
the whole or part of any article, raw or processed material which can be used for construction of buildings
  - I) “Nuisance” means any act or deed, or omission or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and/or his property, or anything troublesome or bothersome to other people for which complaints are received by the Carstairs Municipal Office or by the Royal Canadian Mounted Police or in the opinion of the Bylaw Enforcement Officer whether or not such act or deed or omission or thing constitutes nuisance at common law.
  - J) “Occupant” means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner or whether such person resides thereon or conducts a business thereon.
  - K) “Owner” means a person having title to or legal possession of any property or who possesses property under a purchase agreement.

L) "Peace Officer" means any person appointed as a peace officer, bylaw officer or member of the local policing authority of jurisdiction.

M) "Pest" means any animal, bird, reptile or insect which causes or could reasonably be expected to cause annoyance or damage or injury to any person, or animal or plant.

N) "Rubbish" means and includes any paper product, or fabric, or wood, or plastic, or glass, or scrap metal and/or any matter or substances of any kind which has been discarded, or abandoned, or in any way disposed of.

O) "Town" means Town of Carstairs.

P) "Unightly" means any property which because of deposits of rubbish; noxious weeds; rubbish; litter; or lack of general maintenance to a structure or property which impacts on the property values of the area.

Q) "Weeds" means any plants designated as restricted, noxious or nuisance weeds in accordance to The Weed Control Act, being a Statute of Alberta.

### 3. Regulations

A) Every occupant or owner of any property within the Town of Carstairs shall:

- i) not permit the land or premises of such property to be or remain to be a nuisance, or unsightly.
- ii) not permit any building structures or erection of any kind whatsoever (i.e. loose siding, loose shingles or unsightly fences), or any excavation, depression, drain or ditch, watercourse, pond, surface water or other matter or thing to remain a nuisance and/or dangerous to the public safety or health
- iii) cut the grass on property they own or occupy and to cut the grass on any boulevard which abuts, flanks or adjoins such property and this shall include lanes or alleys at the rear or side of such property so as not to be in an unsightly condition.
- iv) control weeds on property they own or occupy and to control weeds on any boulevard which abuts flanks or adjoins such property and this shall include lanes or alleys at the rear or side of such property.
- v) prune, remove or otherwise maintain trees and shrubs that interfere with or endanger traffic control devices, lines, poles, pipes, sewers, sidewalks, streets and alleyways or other works of the Town or Public Utility within or on such property.
- vi) not permit the accumulation of dirt, stones, old implements, automobiles and parts of automobiles, trailers and campers, scrap iron, lumber, building materials or any other rubbish so as to cause any unsightly condition or hazard or nuisance within or on such property.
- vii) not be allowed to keep or maintain in a residential district an unlicensed, dismantled or derelict vehicle for more than 48 hours.
- viii) shall not permit the proliferation of any insect or other pest that is likely to spread disease, be destructive or dangerous or otherwise become a nuisance.
- ix) shall not permit the accumulation of animal feces within or on the property

- x) remove from such property any dead grass or brush or other rubbish which may be unsightly or that may harbor pests
- xi) when requested to do so by written notice from the Town, clean up an untidy or unsightly property within the time period set out in the Order.

4. Control of Litter

- A) No person shall place, deposit, throw or cause to be placed, deposited or thrown any litter upon any street, land, sidewalks, parking lots, park, playground or other public place or water course or on property not his own, except in a receptacle provided for such purpose.
- B) All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent from blowing onto any other private or public property.
- C) A person who has placed, deposited or thrown or caused to be placed, deposited or thrown any litter upon any street, lane, sidewalk, parking place, park, playground or other public place or water course or on any property not his own shall forthwith remove it.

5. Salvage Yards Fenced

- A) All outdoor salvage yards, auto wreckers or other businesses which by their nature appear to be untidy or unsightly, shall be obscured from view by approved screening from surrounding property as consistent with the Land Use Bylaw.

6. Piling, Storing Material or Equipment on Town Property

- A) No person shall place, pile or store any material or equipment on Town owned property without first obtaining approval for such purposes from the Town.
- B) Any person placing or causing to be placed any litter, rubbish, material or equipment on any Town property without first obtaining approval shall remove or cause the removal thereof within twenty-four (24) hours.

7. Service

- A) Notice of entry shall be served utilizing a 542 entry order as per the Municipal Government Act.
- B) When in the opinion of the Peace Officer, or Authorized Designate and Unsightly condition exists the owner of the property will be served with a 545 or 546 Order to remedy the conditions as per the Municipal Government Act.
- C) Service of the Notice of entry shall be done in person to the Owner/Occupier and whereby the Occupier is not the owner the Owner shall have a copy of the Notice of Entry sent to them via registered mail.
- D) Service of an Order to Remedy shall be served either personally or by registered mail to the last known address of the Owner.

8. Penalties

- A) Any person who fails to remedy a violation of this bylaw after an Order has been served is guilty of an offence and shall be liable upon summary conviction to a fine of not less than Four Hundred (\$400.00) Dollars and not more than two thousand five hundred dollars (\$2500.00) and or six months in prison.
  
- B) Any person who violates any provision of section 4 is guilty of an offence and shall be liable upon summary conviction to a fine of not less than one hundred dollars (\$100.00) and not more than Two thousand five hundred dollars (\$2500.00) and or six months in prison.
  
- C) Any person who violates any provision of section 6 is guilty of an offence and shall be liable upon summary conviction to a fine of not less than two hundred dollars (\$200.00) and not more than Two thousand five hundred dollars (\$2500.00) and or six months in prison.

9. Severability

- A) Should any section or part of this By-Law is found to have been improperly enacted or ultra vireo, for any reason, then such section or part shall be regarded as being severable from the By-Law and the By-Law remaining after such severance shall be effective and enforceable as is the section found to be improperly enacted has not been enacted as part of this By-Law.

10. Rescinding of By-Law No 729

- A) This By-Law rescinds By-Law No.729

11. Effective Date

- A) This By-Law shall come into force and effect on the final date of passing thereof.

**READ A FIRST TIME THIS 23 DAY OF AUGUST, A.D. 2004.**

**READ A SECOND TIME THIS 23 DAY OF AUGUST, A.D. 2004.**

**BY UNANIMOUS CONSENT OF ALL COUNCIL PRESENT, READ A THIRD AND FINAL TIME THIS 23 DAY OF AUGUST, 2004.**

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**Lance Colby, Mayor**

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**Carl McDonnell, Chief Administrative Officer**