



City of Chestermere
PROVINCE OF ALBERTA

Bylaw #021-26

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Unsightly and Nuisance Premises Bylaw

1. TITLE.....	3
2. DEFINITIONS.....	3
3. APPLICATION.....	8
4. UNSIGHTLY PREMISES	9
5. NUISANCE PREMISES AND NUISANCE ACTIVITY	11
6. WASTE AND GARBAGE.....	11
7. RESIDENTIAL STANDARDS.....	12
8. EXCLUSIONS AND EXEMPTIONS	12
9. PROJECT REQUIREMENTS AND RESTRICTIONS.....	13
10. GENERAL OFFENCES.....	14
11. REMEDIAL ORDERS	14
12. APPEAL OF REMEDIAL ORDERS.....	16
13. PENALTIES	16
14. VIOLATION TICKETS	17
15. INVESTIGATION OF COMPLAINTS.....	18
16. SEVERABILITY	18
SCHEDULE "A"	20
SPECIFIED PENALTIES.....	20

**A BYLAW OF THE CITY OF CHESTERMERE, IN THE PROVINCE OF ALBERTA TO
REGULATE UNSIGHTLY AND NUISANCE PREMISES IN THE CITY OF CHESTERMERE.**

WHEREAS the *Municipal Government Act, RSA 2000, c M-26* authorizes a municipality to pass Bylaws respecting the safety, health, and welfare of people and the protection of people and property;

WHEREAS the *Municipal Government Act, RSA 2000, c M-26* authorizes a municipality to pass Bylaws respecting Nuisances, including Unsightly properties;

AND WHEREAS Council deems it necessary to provide for an efficient means of regulating and encouraging the remediation of Unsightly Premises and Nuisance Activity within the City of Chestermere;

**NOW, THEREFORE THE COUNCIL OF THE CITY OF CHESTERMERE, DULY ASSEMBLED,
HEREBY ENACTS AS FOLLOWS:**

1. TITLE

1.1 This Bylaw may be cited as the “Unsightly and Nuisance Premises Bylaw”.

2. DEFINITIONS

2.1 “**Act**” or “**MGA**” means the *Municipal Government Act, RSA 2000, c M-26*, as amended;

2.2 “**Animal**” means any domestic bird, reptile, amphibian or mammal and excludes humans;

2.3 “**Chief Administrative Officer**” or “**CAO**” means the Chief Administrative Officer of the City of Chestermere, Alberta appointed by Council, or their designate pursuant to the *Act*;

2.4 “**Chronic Nuisance**” or “**Chronic Nuisance Activity**” means the founded allegations of a Nuisance or Nuisance Activity more than 4 separate times within a 12-calendar-month period;

2.5 “**Chronically Unsightly**” means the carrying on of an Unsightly condition or Unsightliness more than 4 separate times within a 12-calendar-month period;

- 2.6 “City”** means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere’s corporate limits, as the context requires;
- 2.7 “City Employee”** means any employee of the City of Chestermere engaged in any outdoor maintenance, roads maintenance, construction or waste collection and includes seasonal employees;
- 2.8 “Contract Worker”** means any worker engaged by a Peace Officer for a specific project, or period of time, to assist the Peace Officer with the enforcement of this Bylaw;
- 2.9 “Corrective Action”** means any action or actions taken by the City pursuant to Section 549 or Section 551 of the *MGA*;
- 2.10 “Council”** means the duly elected Mayor, and Councillors of the City of Chestermere;
- 2.11 “Emergency”** means the same as in Section 541 of the *MGA*;
- 2.12 “Highway”** means any thoroughfare, street, road, trail, avenue, parkway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place or any part of any of them, whether publicly or privately owned, that the public are ordinarily entitled or permitted to use for the passage of Vehicles and includes:
- 2.12.1** a sidewalk, including the boulevard adjacent to the sidewalk;
 - 2.12.2** a ditch if it lies adjacent to and parallel with the roadway; and
 - 2.12.3** a Highway if the right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be, but does not include any place not declared to be a Highway;
- 2.13 “Infrastructure”** means any physical Structure, facility or public work owned or maintained by the City, including, but not limited to:
- 2.13.1** buildings;
 - 2.13.2** fences;
 - 2.13.3** barriers;
 - 2.13.4** light standards;
 - 2.13.5** signs;
 - 2.13.6** power lines;
 - 2.13.7** power poles;
 - 2.13.8** conduit;
 - 2.13.9** pipes;
 - 2.13.10** water mains and lines;

- 2.13.11** sewers;
- 2.13.12** gutters;
- 2.13.13** culverts;
- 2.13.14** pathways;
- 2.13.15** a Traffic Control Device; or
- 2.13.16** a Highway;

2.14 “Nuisance” or “Nuisance Activity” means, in the opinion of a Peace Officer and having regards for the totality of circumstances, a condition or activity that is egregious in nature and unreasonably deprives the Owner or Occupant of another Premises, a Public Place, an Open Space Area or a Highway the right to the enjoyment of that Premises, a Public Place, an Open Space Area or a Highway, and includes but is not limited to:

- 2.14.1** generation of excessive smoke;
- 2.14.2** generation of excessive ash;
- 2.14.3** generation of excessive dust;
- 2.14.4** strong offensive, foul or noxious odours;
- 2.14.5** directed water flow, whether or not the water is pumped or draining naturally;
- 2.14.6** the depositing of any unwanted thing from a Premises onto an adjacent Premises where the thing does not constitute an Unsightly condition, including but not limited to garbage, waste, feces, household items and unwanted appliances;
- 2.14.7** the obvious encroachment of weeds from one Premises to another Premises;
- 2.14.8** garbage being blown from one Premises onto another Premises; or
- 2.14.9** any conditions or combination of conditions which, in the opinion of a Peace Officer, are sufficiently egregious in nature and unreasonably deprive the Owner or Occupant of another Premises, a Public Place, an Open Space Area or a Highway the right to the enjoyment of that Premises, a Public Place, an Open Space Area or a Highway;

2.15 “Occupant” means a person located at or in a Premises or holding out that they are in control of a Premises;

2.16 “Owner” means, as the context of the Bylaw requires:

- 2.16.1** a Person who is registered as the Owner of land under the *Land Titles Act*, RSA 2000, c. L-4, as amended or replaced from time to time;
- 2.16.2** a Person who is recorded as the Owner of a Premises on the tax assessment roll of the City;
- 2.16.3** a Person who is the registered Owner of a Vehicle; or
- 2.16.4** a Person who is leasing a Premises and the lease has been provided;

2.17 “Open Space Area” means any of the following:

- 2.17.1** any land in the City which is developed, controlled, managed, leased or used by the City such as a public park, sports field, playground or recreational area, including, without restricting the generality of the foregoing, all lands in the City which are jointly controlled or managed by the City and an Educational Authority or other Government owned property for any of the purposes previously described;
- 2.17.2** any land acquired by the City through the subdivision process as reserve or public utility lot;
- 2.17.3** any land used as a Highway buffer strip, whether on a permanent or temporary basis;
- 2.17.4** any land designated by resolution of Council as an Open Space Area for the purposes of this Bylaw; or
- 2.17.5** any land developed by the City as a pathway;

2.18 “Peace Officer” means a member of the Royal Canadian Mounted Police, a member of the Police of Jurisdiction, a Peace Officer as defined in the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or replaced from time to time; and the regulations thereof, as amended or replaced from time to time and a Bylaw Enforcement Officer as defined in the *MGA*, as amended or replaced from time to time;

2.19 “Person” means an individual or any business entity including an association, company, corporation, firm, partnership, or society;

2.20 “Premises” means the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;

2.21 “Public Place” means any place, including privately owned or leased property to which the public reasonably has or is permitted to have access;

2.22 “Recreation Vehicle” means:

- 2.22.1** a Vehicle or Trailer designated, constructed, modified, or equipped as a permanent or temporary dwelling, living abode, or sleeping place;
- 2.22.2** any Structure designated, constructed and equipped as a permanent or temporary dwelling or sleeping place and intended or capable of being loaded onto or carried upon a Vehicle or Trailer; and
- 2.22.3** does not include a truck tractor unit;

2.23 Remedial Order” means an order issued pursuant to Section 545 of the *MGA* to require a Person responsible for a contravention of a Bylaw to remedy the contravention;

2.24 “Structure” means the same as in Section 284 of the *MGA*;

2.25 “Traffic Control Device” means any sign, signal, marking or device placed, marked or erected under the authority of the *TSA* for the purpose of regulating, warning or guiding traffic;

2.26 “Trailer” means a Vehicle so designed that it:

2.26.1 may be attached to or drawn by a Vehicle or tractor; and

2.26.2 is intended to transport Property or Persons and includes any Vehicle defined by regulation as a Trailer but does not include machinery or equipment solely used in the construction or maintenance of Highways;

2.27 “Unsightly” or “Unsightliness” means the significant or visual deterioration of a Premises and includes, but is not limited to:

2.27.1 grasses exceeding 30 centimeters in height, except on lands defined in the Land Use Bylaw as being Large Lot Rural Residential District (LLR), Rural Residential District (RR), Urban Transition District (UT) or Special Recreation District;

2.27.2 the deterioration of a dwelling house or other Structure to such a degree that it no longer complies with Section 7 of this Bylaw;

2.27.3 the excessive, unusual, or unreasonable accumulation of waste, refuse, garbage, papers, containers, packages, bottles, cans, boxes, cartons, discarded fabrics, scrap, litter, trash, waste or the like; or,

2.27.4 the accumulation of Animal feces, human excrement, sewage or Animal carcasses;

2.27.5 the presence of industrial equipment, components thereof, or heavy machinery;

2.27.6 the excessive, unusual, or unreasonable accumulation of manure or Animal material;

2.27.7 the excessive, unusual, or unreasonable accumulation of dirt, sod, soil, gravel, rocks or compost;

2.27.8 the presence of weeds, noxious or otherwise, or yard material which, is demonstrative of neglect by the Owner or Occupant; or

2.27.9 the presence of an inoperative Vehicle that is not actively under repair or reconstruction;

2.27.10 Vehicle parts, equipment, machinery, household appliances, rendered inoperative by reason of disassembly, age or mechanical condition;

2.27.11 Vehicles in an obvious state of disassembly or the parts thereof that are not actively under repair or reconstruction;

2.27.12 surplus, disused, damaged or stored Vehicles, Trailers, motorcycles, bicycles, boats and Recreation Vehicles;

2.27.13 the open or exposed storage of any industrial fluid, engine oil, brake fluid, antifreeze or any other petroleum products;

- 2.27.14** the excessive, unusual, or unreasonable accumulation of building or construction materials, whether new or used;
 - 2.27.15** any other condition or combination of conditions which, in the totality of circumstances and in the opinion of a Peace Officer, is detrimental to the surrounding area; and
 - 2.27.16** is visible from a Public Place without the need for visual enhancement or assistance; or
 - 2.27.17** causes significant negative impact to the value of another Premises, the burden of proof of which lies with the Owner of the negatively affected Premises;
- 2.28 “Vehicle”** means a device in, on or by which a Person or thing may be transported or drawn on a Highway and includes a combination of Vehicles but does not include a mobility aid;
- 2.29 “Violation Ticket”** means a summons Violation Ticket issued under Part 2 or Part 3 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended; and
- 2.30 “WID”** means the corporation of the Western Irrigation District and any successor organization.

3. APPLICATION

- 3.1** The following rules apply to interpretation of this Bylaw:
- 3.1.1** Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other Bylaw, any requirement of any lawful permit, order, or license.
 - 3.1.2** Headings, titles, and margin notes in this Bylaw are for ease of reference only.
 - 3.1.3** All the schedules attached to this Bylaw shall form a part of this Bylaw.
 - 3.1.4** Gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires.
 - 3.1.5** A copy of a City record, certified by a Designated Officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the Person signing.

- 3.1.6** This Bylaw shall not apply to any Premises owned by:
 - 3.1.6.1** the Crown in right of Canada;
 - 3.1.6.2** the Crown in right of Alberta;
 - 3.1.6.3** the City; or
 - 3.1.6.4** the WID.
- 3.1.7** Despite the existence of this Bylaw, nothing shall restrict or prevent a Peace Officer from carrying out enforcement and Corrective Action, in relation to an Unsightly Premises, using Section 546 of the *MGA*.
- 3.1.8** Despite the existence of this Bylaw, nothing shall restrict or prevent the City from seeking injunctive relief, in relation to an Unsightly Premises, using Section 551 of the *MGA*.

4. UNSIGHTLY PREMISES

- 4.1** No Person, being the Owner or Occupant of a Premises, shall cause or allow the Premises to become Unsightly.
- 4.2** No Person, being the Owner or Occupant of a Premises, shall, as a result of an Unsightly condition, cause or allow the Premises to cause an Emergency relating to:
 - 4.2.1** a Public Place
 - 4.2.2** an Open Space Area;
 - 4.2.3** a Highway; or
 - 4.2.4** another Premises.
- 4.3** No Person, being the Owner or Occupant of a Premises shall cause or allow an Unsightly condition on a Premises to interfere with or obstruct a Traffic Control Device Placed upon a Highway.
- 4.4** No Person, being the Owner or Occupant of a Premises shall cause or allow an Unsightly condition on a Premises to:
 - 4.4.1** interfere with or obstruct;
 - 4.4.2** damage; or
 - 4.4.3** destroy any City Infrastructure.
- 4.5** No Person, being the Owner or Occupant of a Premises, shall cause or allow an Unsightly condition to interfere with:
 - 4.5.1** an Open Space Area; or
 - 4.5.2** a Public Place.
- 4.6** No Person shall allow a receptacle designed for the keeping or transportation of garbage to become Unsightly.

- 4.7** No Person shall allow a receptacle placed on a Highway, for the purpose of servicing a Premises, to become Unsightly.
- 4.8** For greater clarity, a receptacle referred to in Section 4.6 and Section 4.7 may include but is not limited to:
- 4.8.1** a roll off garbage bin;
 - 4.8.2** a residential garbage bin or can;
 - 4.8.3** a Trailer; or
 - 4.8.4** any other type of receptacle where the receptacle is obviously being used to store garbage.
- 4.9** For greater clarity, a Premises referred to in Section 4.7 shall be the closest Premises adjacent the receptacle.
- 4.10** Despite Section 4.9, it shall be a defence where an Owner or Occupant of a Premises can demonstrate to the satisfaction of a Peace Officer that the receptacle does not service their Premises.
- 4.11** No Person, being the Owner or Occupant of a Premises, shall store a Vehicle on a Premises in any location directly adjacent a Highway.
- 4.12** Despite Section 4.11, an Owner or Occupant of a Premises may store a Vehicle on a Premises in a location adjacent a Highway if that location has been developed as a driveway or parking pad and is not a lawn or green space.
- 4.13** Despite Section 4.12, No Person, being the Owner or Occupant of a Premises, shall store a Recreation Vehicle, or any structure, substructure or component there of, on a Premises within 30 centimeters of the edge of a Highway.
- 4.14** Where a Recreation Vehicle or Trailer is stored on a driveway or parking pad in accordance with Section 4.13, no Owner or Occupant of a Premises shall store a Recreation Vehicle or Trailer in a manner that, in the opinion of a Peace Officer, impairs the line of sight a Vehicle or other user of a Highway, or causes a hazard, or causes an Emergency.
- 4.15** Where a Premises engages in Chronic Unsightliness, a Peace Officer may declare the Premises Chronically Unsightly, in writing, and Section 13.8 shall apply.

5. NUISANCE PREMISES AND NUISANCE ACTIVITY

- 5.1** No Person, being the Owner or Occupant of a Premises, shall allow the Premises to become a Nuisance in relation to:
 - 5.1.1** another Premises;
 - 5.1.2** a Public Place;
 - 5.1.3** an Open Space Area; or
 - 5.1.4** a Highway.
- 5.2** No Person shall engage in Nuisance Activity on a Premises and cause a Nuisance in relation to:
 - 5.2.1** another Premises;
 - 5.2.2** a Public Place;
 - 5.2.3** an Open Space Area; or
 - 5.2.4** a Highway.
- 5.3** Where a Premises is a Chronic Nuisance or engages in a Chronic Nuisance Activity, a Peace Officer may declare the Premises a Chronic Nuisance, in writing and Section 13.9 shall apply.

6. WASTE AND GARBAGE

- 6.1** No Person shall cause an Unsightly condition on a Premises through the act of discarding, depositing or placing any garbage, refuse, waste or litter on that Premises.
- 6.2** No Person found in contravention of Section 6.2 shall fail to comply with a demand of a Peace Officer to remove the garbage, refuse, waste or litter from the affected Premises.
- 6.3** As it pertains to the enforcement of Section 6.1 of this Bylaw, except for offences where the driver is identified during a traffic stop, the Owner of a Vehicle, including the registered Owner of that Vehicle involved in an offence under this Bylaw is deemed to be guilty of that offence.
- 6.4** Despite Section 6.3, if the Owner of the Vehicle referred to in that Section satisfies the court that, at the time the Vehicle was involved in the offence:
 - 6.4.1** The Owner of the Vehicle was not driving the vehicle; and
 - 6.4.2** No other Person was driving the Vehicle with the Owner's expressed or implied consent,the Owner shall not be liable for the offence

7. RESIDENTIAL STANDARDS

7.1 The Owner or Occupant of a Premises shall ensure that all Structures or erections on a Premises shall be maintained in a visually good state of repair and that the appearance of the Premises is not inconsistent with that of the surrounding area, in the opinion of a Peace Officer.

7.2 For greater clarity, the Structures and erections referred to in Section 7.1 include, but are not limited to:

- 7.2.1** fences and their structural members;
- 7.2.2** protective or decorative finishes applied to a fence;
- 7.2.3** foundations or foundation walls;
- 7.2.4** exterior walls of a Structure;
- 7.2.5** any exterior siding or applications to the Structure;
- 7.2.6** the roof and shingles of a Structure;
- 7.2.7** any entrance to the Structure, whether the entrance is for a Person or Vehicle;
- 7.2.8** windows and the glass contained therein;
- 7.2.9** stairs;
- 7.2.10** landings;
- 7.2.11** balconies;
- 7.2.12** porches; and
- 7.2.13** decks.

7.3 Where a Premises does not comply with the requirements of Section 7.1, and the clarity provided in Section 7.2, Section 4 shall apply to the Premises, as appropriate to the circumstances.

8. EXCLUSIONS AND EXEMPTIONS

8.1 This Bylaw shall not apply to any property that is in possession of a Permit issued pursuant to the Land Use Bylaw, as amended or replaced, which otherwise allows for the carrying on of any activity, including any thing related to the permitted activity, that would otherwise be contrary to this Bylaw.

8.2 This Bylaw shall not be interpreted so as to apply to:

- 8.2.1** permitted commercial operations;
- 8.2.2** permitted industrial operations;
- 8.2.3** agricultural operations;
- 8.2.4** insurance claim related operations; or
- 8.2.5** any other related activity for which any applicable municipal, provincial or federal permits have been granted for the activity to be carried out on the Premises.

- 8.3** This Bylaw shall not be interpreted to apply to active:
- 8.3.1** construction projects;
 - 8.3.2** demolition projects;
 - 8.3.3** renovation projects;
 - 8.3.4** landscaping projects; or
 - 8.3.5** clean-up projects;
- unless the project fails to comply with the requirements of Section 9.

9. PROJECT REQUIREMENTS AND RESTRICTIONS

- 9.1** The Owner or Occupant of a Premises shall ensure that, during a bona fide renovation or construction project, the onus to establish which lies with the Owner or Occupant, they:
- 9.1.1** shall ensure that the site is well maintained;
 - 9.1.2** the storage of material related to project is orderly;
 - 9.1.3** do not store material that is not demonstrably related to the project;
 - 9.1.4** take any reasonable measure to minimize the impact of the project on any adjacent Premises;
 - 9.1.5** do not contravene Section 5 of this Bylaw, at any time; and
 - 9.1.6** complete the project within a reasonable amount of time.
- 9.2** For Greater clarity, a reasonable amount of time, as referred to in Section 9.1.6 shall be as follows:
- 9.2.1** 2 months for landscaping projects or clean-up projects;
 - 9.2.2** 4 months for demolition projects;
 - 9.2.3** 6 months for renovation projects;
 - 9.2.4** 12 months for construction projects solely contained within a Structure; and
 - 9.2.5** 24 months for construction projects where an entire Structure is being built or rebuilt on a Premises.
- 9.3** Despite Section 9.2, where an Owner or Occupant of Premises contravenes Section 9.2 but can articulate to the satisfaction of a Peace Officer a reasonable explanation as to why the project was delayed or not completed within the established amount of time, the Peace Officer, at their sole discretion, may:
- 9.3.1** waive the requirements of Section 9.2; and
 - 9.3.2** establish a new deadline for the project.
- 9.4** Where a project does not comply with the requirements of either Section 9.1 or 9.2, and Section 9.3 has not been invoked by a Peace Officer, Section 4 shall apply to the Premises, as appropriate to the circumstances.

10. GENERAL OFFENCES

- 10.1** No Person shall tamper with, interfere with, remove or attempt to remove any materials removed from a Premises as the result of a Corrective Action undertaken by a Peace Officer.
- 10.2** Despite Section 10.1, a Person may do anything described in Section 10.1 where the Person has received the consent of a Peace Officer.
- 10.3** No Person shall interfere with or obstruct a City Employee or Contract Worker engaged in the performance of their duties in relation to a Corrective Action under this Bylaw, as directed by a Peace Officer.
- 10.4** No Person shall Obstruct a Peace Officer investigating a complaint made under or exercising their authority pursuant to this Bylaw.

11. REMEDIAL ORDERS

- 11.1** A Remedial Order may be issued to order compliance with the provisions of this Bylaw.
- 11.2** Every Remedial Order written with respect to this Bylaw shall:
 - 11.2.1** indicate the Person to whom it is directed;
 - 11.2.2** identify the property to which the Remedial Order relates by municipal address or legal description, if applicable;
 - 11.2.3** identify the date that it is issued;
 - 11.2.4** identify how the Person or Premises fails to comply with this Bylaw;
 - 11.2.5** identify the specific provisions of the Bylaw the Person or Premises contravenes;
 - 11.2.6** identify the nature of the remedial action required to be taken to bring the Person or Premises into compliance;
 - 11.2.7** identify the time within which the remedial action must be completed;
 - 11.2.8** indicate that if the required remedial action is not completed within the time specified, the City may take whatever action or measures are necessary to remedy the contravention;
 - 11.2.9** indicate that the expenses and costs of any action or measures taken by the City under this section are an amount owing to the City by the Person to whom the Remedial Order is directed;
 - 11.2.10** indicate that the expenses and costs referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time; and
 - 11.2.11** indicate that a Person to whom a Remedial Order is directed may seek a review of the Order by filing a request for review in writing with the City in accordance with Section 547 of the *MGA*.

- 11.3** A Remedial Order written pursuant to this Bylaw shall be served on the Owner by:
- 11.3.1** delivering the Remedial Order personally to the Person named in the Order;
 - 11.3.2** leaving the Remedial Order at the residence of the named Person with a Person who is at least 18 years of age;
 - 11.3.3** posting the Remedial Order in a conspicuous place on the Premises known or declared to be the residence of the named Person. The Remedial Order shall be deemed to be served 7 days after the Remedial Order is posted;
 - 11.3.4** sending the Remedial Order by registered mail to the last known address of the Owner, and the Remedial Order shall be deemed to be served upon confirmation of receipt or refusal of the registered mail; or
 - 11.3.5** sending the Remedial Order by regular mail to the last known address of the Owner, and the Remedial Order shall be deemed to be served 7 days after the date of mailing.
- 11.4** No Person shall fail to comply with a Remedial Order issued under this Bylaw.
- 11.5** Where a Remedial Order is issued by a Peace Officer or confirmed, varied or substituted as referred to in Section 12.3 and the Owner or Occupant of the Premises to whom the Remedial Order is directed fails to comply with the Remedial Order, the City may:
- 11.5.1** take Corrective Action to bring the Premises into compliance with this Bylaw; and
 - 11.5.2** add any unpaid costs to a tax roll pursuant to Section 553, Section 553.1 or Section 553.2 of the *MGA* as applicable to the circumstances.
- 11.6** Where the City undertakes a Corrective Action subsequent to a Remedial Order that is issued by a Peace Officer or confirmed, varied or substituted as referred to in Section 12.3, any materials removed from a Premises must be held in accordance with Section 610 of the *MGA*.

12. APPEAL OF REMEDIAL ORDERS

- 12.1** A Person to whom a Remedial Order is directed may seek a review of the Order by filing a request for review in writing with the City in accordance with Section 547 of the *MGA* and paying the applicable administrative fee.
- 12.2** A review requested pursuant to this section must state the name of the appellant, the municipal address of the property to which the Remedial Order being appealed from relates, a daytime telephone contact number at which the appellant may be reached, and an address at which documents in relation to the appeal may be delivered.
- 12.3** Upon review of the Remedial Order, Council may confirm, vary, substitute, or cancel the Remedial Order.
- 12.4** Council may direct Administration to provide their decision in writing to the appellant.
- 12.5** The CAO may serve the decision to the appellant in the same manner as a Remedial Order in Section 11.3.
- 12.6** If a request for review of a Remedial Order is received after the applicable deadline, no review will be scheduled, and the appellant will be informed of such.

13. PENALTIES

- 13.1** Any Person who contravenes any of the provisions of this Bylaw by doing any act or thing which the Person is prohibited from doing is guilty of an offence.
- 13.2** In the case of an offence that is of a continuing nature, each day or part of a day on which it continues constitutes a separate offence.
- 13.3** Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00, or a term of imprisonment not exceeding 1 year or both fine and imprisonment and, in default of payment, to imprisonment for not more than 1 year.
- 13.4** Where there is a specified penalty listed for an offence in Schedule "A" of this Bylaw, that amount is the specified penalty for the offence.
- 13.5** Where there is a minimum penalty listed for an offence in Schedule "A" of this Bylaw, that amount is the minimum penalty for the offence.

- 13.6** If a Person is convicted twice of the same provision of this Bylaw within a 36-month period, the minimum penalty for the second conviction within a 36-month period shall be twice the amount of the specified penalty found in Schedule “A”.
- 13.7** If a Person is convicted a third time of the same provision of this Bylaw within a 36-month period, the minimum penalty for the third conviction within a 36-month period shall be three times the amount of the specified penalty found in Schedule “A” but not more than \$10,000.00 dollars.
- 13.8** If a Person is the Owner or Occupant of a Premises declared Chronically Unsightly pursuant to Section 4.16, the penalty shall be twice the specified penalty in either Section 13.4, Section 13.6 or Section 13.7, as applicable to the conviction.
- 13.9** If a Person is the Owner or Occupant of a Premises declared a Chronic Nuisance pursuant to Section 5.3, the penalty shall be twice the specified penalty in either Section 13.4, Section 13.6 or Section 13.7, as applicable to the conviction.
- 13.10** No Person shall fail to comply with or fail to do anything that a Person is required to do pursuant to the provisions of this Bylaw.

14. VIOLATION TICKETS

- 14.1** Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, they may commence proceedings by issuing a Violation Ticket in accordance with the *Provincial Offences Procedure Act*, RSA 2000, c. P-34.
- 14.2** This section shall not prevent any Officer from issuing a Violation Ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, or from relaying information instead of issuing a Violation Ticket.

15. INVESTIGATION OF COMPLAINTS

15.1 A Peace Officer may, at their discretion, refuse to investigate or take any action on a complaint if the Officer believes that:

- 15.1.1** the complaint is frivolous, vexatious, without merit or not in the public interest;
- 15.1.2** the complaint falls outside the scope of this Bylaw;
- 15.1.3** the complaint is not supported by evidence or information;
- 15.1.4** the complaint is more appropriately dealt with by another authority or agency; or
- 15.1.5** the Person making the complaint is not directly impacted by the Unsightly Premises, Nuisance or Nuisance Activity complaint being made.

15.2 A Peace Officer who refuses to investigate or take any action on a complaint under this section shall not be held liable for any damages or losses arising from the refusal, unless appealed, unless otherwise provided by law.

15.3 Nothing in this section shall limit or affect the right of any Person to seek redress or relief through any other legal or administrative process.

16. SEVERABILITY

16.1 If any sections or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such section or parts shall be deemed to be severable and all other section or parts of this Bylaw shall be deemed to be separate and independent therefrom and enacted as such.

16.2 This Bylaw shall come into full force and effect upon the date of the third and final reading.

16.3 Bylaw #024-19, being the Unsightly Premises Bylaw is hereby repealed.

READ A FIRST TIME: July 28, 2026
READ A SECOND TIME: July 28, 2026
READ A THIRD TIME: July 28, 2026

RESOLUTION NUMBERS:

260728-17
260728-18
260728-20

A handwritten signature in blue ink, appearing to be 'SD' with a horizontal line extending to the right.

Mayor, Shannon Dean

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Chief Administrative Officer, Kent Edney

SCHEDULE "A"
SPECIFIED PENALTIES

Section	Offence	Minimum Penalty	Specified Penalty
4.1	Cause/allow Unsightly Premise(s)	\$500.00	\$1000.00
4.2.1	Cause an Emergency to a Public Place	\$1000.00	\$2000.00
4.2.2	Cause an Emergency to an Open Space Area	\$1000.00	\$2000.00
4.2.3	Cause an Emergency to a Highway	\$1000.00	\$2000.00
4.2.4	Cause an Emergency to another Premises	\$1000.00	\$2000.00
4.3	Unsightly condition interferes/obstruct Traffic Control Device	\$500.00	\$1000.00
4.4.1	Unsightly conditions interfere with/obstruct City Infrastructure	\$500.00	\$1000.00
4.4.2	Unsightly conditions damages City Infrastructure	\$1000.00	\$2000.00
4.4.3	Unsightly conditions destroy City Infrastructure	\$2000.00	\$4000.00
4.5.1	Unsightly conditions interfere with Open Space Area	\$500.00	\$1000.00
4.5.2	Unsightly conditions interfere with Public Place	\$250.00	\$500.00
4.6	Garbage receptacles become Unsightly	\$125.00	\$250.00
4.7	Garbage receptacle placed on Highway become Unsightly	\$125.00	\$250.00
4.11	Store a Vehicle on a Premises in any location directly adjacent a Highway	\$200.00	\$400.00
4.13	Store Recreation Vehicle structure/substructure/component w/i 30 centimeters of a Highway	\$200.00	\$400.00
4.14	Store Recreation Vehicle/Trailer on Premises impairing sightlines on Highway/cause hazard/cause Emergency	\$1000.00	\$2000.00
5.1.1	Allow Premises to become a Nuisance to another Premises	\$250.00	\$500.00
5.1.2	Allow Premises to become a Nuisance to a Public Place	\$325.00	\$750.00
5.1.3	Allow Premises to become a Nuisance to an Open Space Area	\$500.00	\$1000.00
5.1.4	Allow Premises to become a Nuisance to a Highway	\$500.00	\$1000.00

Section	Offence	Minimum Penalty	Specified Penalty
5.2.1	Engage in Nuisance Activity and cause a Nuisance in relation to another Premises	\$250.00	\$500.00
5.2.2	Engage in Nuisance Activity and cause a Nuisance in relation to a Public Place	\$325.00	\$750.00
5.2.3	Engage in Nuisance Activity and cause a Nuisance in relation to an Open Space Area	\$500.00	\$1000.00
5.2.4	Engage in Nuisance Activity and cause a Nuisance in relation to a Highway	\$500.00	\$1000.00
6.1	Cause Unsightly condition on Premises through act of dumping	\$1000.00	\$2000.00
6.2	Fail to comply with Demand of Peace Officer to remedy dumping	\$125.00	250.00
6.3	Owner of Vehicle liable for offence under 6.2	See applicable section	See applicable section
10.1	Tamper with/interfere with/remove/attempt to remove any materials removed from a Premises as the result of a Corrective Action	\$250.00	\$500.00
10.3	Obstruct a City Employee or Contract Worker engaged in the performance of their duties in relation to a Corrective Action	\$250.00	\$500.00
10.4	Obstructing a Peace Officer	\$250.00	\$500.00
11.4	Failing to comply with Remedial Order	\$1500.00	\$2500.00
13.10	Failing to comply with provision of Bylaw	\$50.00	\$100.00