

AMENDED
By #1707
July 9/07

**TOWN OF PEACE RIVER
BYLAW No. 1703**

**BEING A BYLAW OF THE TOWN OF PEACE RIVER
IN THE PROVINCE OF ALBERTA TO AMEND BYLAW
NO.1426, BEING THE BYLAW TO REGULATE UNTIDY AND
UNSIGHTLY PREMISES.**

WHEREAS, under section 7 of the Municipal Government Act, Chapter M-26-1, the Council of the Town of Peace River may pass bylaws regulating untidy premises;

AND WHEREAS, unsightly premises are a detriment to surrounding properties and the general appearance of the Town of Peace River;

AND WHEREAS, the Council of the Town of Peace River deems it advisable to amend Bylaw No. 1426, to regulate untidy and unsightly premises;

NOW THEREFORE, the Council of the Town of Peace River, duly assembled, hereby ENACTS as follows:

Remove sections 1 – 12 and replace with the following:

1. This Bylaw shall be cited as the Untidy and Unsightly Premises Bylaw.
2. In this Bylaw, unless the context otherwise requires, the term:
 - a) “building material” means all construction and demolition material accumulated on a premises while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such construction, alteration or repair;
 - b) “Chief Administrative Officer” means the person designated by Council as its Chief Administrative Officer;
 - c) “Clean up order” means an order issued under this Bylaw by an Enforcement Officer with respect to an unsightly premises within the Town;
 - d) “Council” means the Council of the Town of Peace River;
 - e) “Enforcement Officer” means the Town of Peace River Bylaw Enforcement Officer, or any individual or agency designated by the Council to provide this service on behalf of the Town;

- f) "Garbage" means material composed of organic matter which is, or may become decomposed, including the by-products from the preparation, consumption or storage of food;
- g) "Owner" means:
- I. a person, business or company who is registered under the Land Titles Act as the owner of the land;
 - II. the person, business or company who is recorded as the owner of the property on the assessment role of the Town;
 - III. a person, business or company who has purchased, or otherwise acquired the land, whether they have purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not become the registered owner thereof;
 - IV. a person, business or company holding themselves out as having the powers and authority of ownership, or who for the time being exercises the powers and authority of ownership;
 - V. a person, business or company controlling the property under construction; or
 - VI. a person, business or company occupying the property under a lease, license or permit.
- h) "premises" means the external surfaces of all buildings and the whole or part of any land, including land immediately adjacent to any building, or buildings, storage areas, situated in whole, or in part in the Town and includes any land or buildings owned or leased by the Town;
- i) "right of access" means the right of an Enforcement Officer to enter onto a property to inspect the property to determine whether to issue a Clean Up Order, or to allow work forces access to the property for the purpose of enforcing a Clean Up Order;
- j) "Town" means the Town of Peace River;

- k) “unsightly premises” means any premises, or any part of them which are characterized by visual evidence of a lack of general maintenance and upkeep, which are of untidy appearance, together with unsightly external storage areas, poorly maintained signs, unsightly or vacant sites that are visually prominent, or by the excessive accumulation on the premises of:
- I. any rubbish, refuse, garbage, papers, packages, containers, bottles, cans, manure, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household items, boxes, cartons and discarded fabrics;
 - II. the whole, or part of any motor vehicle, or vehicles
 - a) which has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year, and
 - b) which is inoperative by reason of removed parts, or equipment;
 - III. equipment or machinery which has been rendered inoperative by reason of its disassembly, age or mechanical condition and includes any household appliances;
 - IV. yard material, building material and garbage, as defined in this Bylaw, together with yards with uncut grass and weeds that are considered to detract from the appearance of the neighbourhood;
 - V. all forms of waste, refuse and litter.
- l) “Unsightly Premises Appeal Board” means the appeal board constituted and established by this Bylaw that is empowered to hear and determine appeals lodged against Clean Up Orders issued by an Enforcement Officer. The Board shall consist of members of the Subdivision and Development Appeal Board;
- m) “work forces” means Town employees or contract workers engaged by the Town for the purposes of enforcing a Clean Up Order;

- n) "yard material" means organic matter formed as a result of gardening or horticultural pursuits and includes grass, tree and hedge cuttings and clippings.
3. No owner of a premises shall have an unsightly premises, or shall allow their premises to become unsightly as defined in this Bylaw.
 4. In determining whether a premises is an unsightly premises as defined in this Bylaw, the Enforcement Officer shall consider the use and location of the property.
 5. If an Enforcement Officer has reason to believe that any property is an unsightly premises, he/she may exercise a right of access to the property in order to inspect the premises to determine whether the property contravenes the provisions of this Bylaw.
 6. (1) If an Enforcement Officer considers any premises to be an unsightly premises, the Enforcement Officer may issue a Clean Up Order, as shown on attached Schedule "A".
 - (2) Each Order:
 - (a) shall describe the premises by
 - (i) name, if any, and
 - (ii) the municipal address and/or legal address
 - (b) shall state that the premises contravenes the provisions of this Bylaw.
 - (c) shall give reasonable particulars of the extent of the clean up, removal, clearing or other actions required to be made.
 - (d) shall state the date by which the clean up, removal, clearing or other actions are to be done.
 - (e) shall state that if the actions are not done by the date specified, the owner may be fined and the Town may carry out the actions required and charge the cost thereof against the person or company to whom the Order is directed. The cost of the work will be charged in addition to any fine imposed. If such person, or company does not pay the costs, the costs

shall be charged against the property concerned as taxes due and owing in respect of that property, and recovered as such.

- (f) shall state that an appeal lies from the issuance of this Order to the Unsightly Premises Appeal Board if an appeal is lodged in writing with the Municipal Secretary within fourteen (14) days.

7. (1) A copy of the Order shall be served upon the owner of the premises and may be served on any person shown by the records of the Land Titles Office to have an interest in the premises. The Order shall be accompanied by an Appeal Notice, shown in Schedule "B".

(2) An Order referred to in subsection (1) may be served on the owner

(a) by being delivered personally to the person or company who is intended to be served,

(b) by being left with a person apparently over eighteen (18) years at the premises of the person or company who is intended to be served, or

(c) by being sent by registered mail to the last known address of the person or company who is intended to be served as shown on the assessment roll of the Town and the Order shall be deemed to be served upon the expiry of seven (7) days after the mailing of the Order.

(3) If, in the opinion of the Enforcement Officer, service under subsection (2) cannot reasonably be effected, the Enforcement Officer may post the Clean Up Order, or a copy of the Order in a conspicuous place on the land or premises to which the Order relates, or on the private dwelling place of the person who is intended to be served.

8. The Clean Up Order may require the person or company to whom it is addressed, within a period of time that shall not be more than sixty (60) days from the date of the making of the Order, but not less than fourteen (14) days:

- (a) to remedy the condition of the premises in a manner and to the extent directed in the Order,
 - (b) to remove any material, structure, or object causing or contributing to the unsightliness of the premises,
 - (c) to place in waste receptacles any material causing or contributing to the unsightliness of the premises,
 - (d) to fence that premises with a close boarded fence, a minimum of six (6) feet in height, or any such height that is considered necessary to adequately screen the unsightly premises, and said fence shall be suitably painted.
 - (e) to do all or any of the matters specified in Clauses (a) to (d)
9. The Chief Administrative Officer may extend the time for doing anything that is required to be done by the terms of the Clean Up Order.
10. If the owner does not comply with the Direction of the Clean Up Order by the specified deadline, the Enforcement Officer, in consultation with the Chief Administrative Officer, may issue a fine of:
 - (a) \$1000.00 for a first offence by that owner, and
 - (b) \$2500.00 for any subsequent offences by that owner.
11.
 - (1) Where a Clean Up Order is issued pursuant to Section 6, such Clean Up Order may be appealed within a period of fourteen (14) days of the date of the service of the Order to the Unsightly Premises Appeal Board.
 - (2) Where a Clean Up Order is appealed pursuant to subsection (1), the Order is stayed, pending a final decision on the merits of the appeal by the Board.
12.
 - (1) The Board that hears an appeal may confirm, vary, or revoke the Clean Up Order, or may substitute its decision in place of the Clean Up Order which was issued.
 - (2) The Unsightly Premises Appeal Board may extend the time within which

anything required to be done by the Clean Up Order is to be performed.

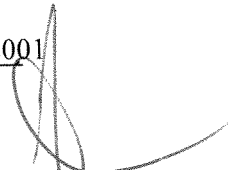
- (3) The Board may direct anything to be done that the Enforcement Officer can direct to be done either in addition to, or in substitution for the direction in the Order appealed from.
13.
 - (1) Appellants must submit notice of their appeal in writing to the Municipal Secretary within fourteen (14) days of the date of the issuance of the Clean Up Order.
 - (2) Each Notice of Appeal shall:
 - (a) be submitted on the Appeal Notice Form, as shown on "Schedule "B" ;
 - (b) state with reasonable exactness the grounds of appeal;
 - (c) be dated and signed by the appellant, or on their behalf by an agent and, if signed by an agent, shall state the name and address of the agent.
 - (3) The appeal shall be accompanied by a fee of \$200.00, that shall only be returned to the appellant in the event that the whole of the Clean Up Order is revoked by the Board.
14. The Board shall be composed by members of the Town of Peace River Subdivision and Development Appeal Board, duly appointed, from time to time.
15. The Municipal Secretary shall, upon receipt of the Appeal Notice, set a date for the hearing of the appeal which shall be held within thirty (30) days of the receipt of the Appeal Notice by the Municipal Secretary.
16. Any three members of the Board shall constitute a quorum and as such, shall have jurisdiction to hear appeals before the Board.
17. The Board shall consider each appeal having regard to the circumstances and merits of the case and the applicable provisions of this Bylaw.

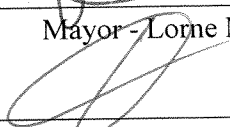
18. The owner to whom an Order is directed shall comply with the directions of the Order of the Enforcement Officer or the requirements or directions set out in any decision of the Unsightly Premises Appeal Board.
19. Any owner that does not comply with the directions set out by the Unsightly Premises Appeal Board may be subject to a further fine of:
 - (a) \$2500.00 for the first offence by that owner; and
 - (b) \$5000.00 for any subsequent offences by that owner
20.
 - (1) If a person or company to whom an Order is directed under this Bylaw fails to carry out the Order within the time stated in such Order, in the case of an Order that is not appealed, or within the time limited by the Board in the case of an Order that is appealed, the Enforcement Officer may exercise a right of access to the unsightly premises and may, with whatever work forces as necessary, enter the premises against which the Order has been issued and carry out the Order.
 - (2) The Town, the Enforcement Officer who inspects any premises under this Bylaw, or any person or work force who performs any work on behalf of the Town in relation to a Clean Up Order is not liable for any damages caused by the inspection, the work, or disposing of anything in order to complete the work set out in the Order.
 - (3) The expenses incurred by the Town in carrying out an Order under this Bylaw constitute a debt due to the Town that may be charged against the property as taxes due and owing.
 - (4) Within thirty (30) days of ascertaining the amount of the expenses incurred by the Town in carrying out the Order, the Municipal Secretary shall send a demand for payment of these expenses to the owner to whom the Order was directed.
 - (5) Where the Town carries out an Order under this Bylaw, the work forces shall deposit any material removed from an unsightly premises at a location designated by the Chief Administrative Officer.
 - (6) When material removed from an Unsightly premises under subsection (5) is removed to a location specified by the Chief Administrative Officer, the Chief

Administrative Officer may direct that the material be disposed of if the owner to whom an Order has been issued does not remove the material within fourteen (14) days of being requested to do so by the Municipal Secretary.

21. This Bylaw shall come into force and effect upon receiving third and final reading.

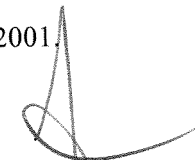
Read a first time this 26 day of February, 2001

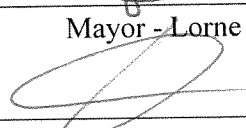


Mayor - Lorne Mann


CAO - Kelly Bunn


Read a second time this 26 day of February, 2001

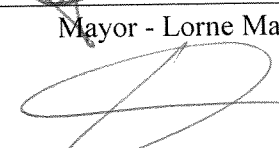


Mayor - Lorne Mann


CAO - Kelly Bunn

Read a third and final time this 9 day of APRIL, 2001.



Mayor - Lorne Mann


CAO - Kelly Bunn