

VILLAGE OF GLENWOOD

BYLAW # 264-2024

Unightly Premises and Property Standards Bylaw

A bylaw of the Village of Glenwood to regulate and abate Nuisances and Unightly Premises and Regulate Property Standards in the Community.

WHEREAS the *Municipal Government Act* of Alberta, Revised Statutes of Alberta, R.S.A. 2000, Chapter M-26 and amendments thereto, authorizes a Council to pass bylaws for the preventing of Nuisances and regulating untidy and unsightly private and public premises;

AND WHEREAS the Council deems it necessary to provide for an efficient means of regulating and encouraging the abatement of Unightly Premises within the Village of Glenwood;

AND WHEREAS the Council believes the regulation of Nuisances through a Property Standards Bylaw would benefit the community as a whole;

AND WHEREAS Section 66(2) of the Safety Codes Act, R.S.A. 2000, c.S-1, authorizes a Council to pass bylaws respecting minimum maintenance standards for buildings and structures and unsightly or derelict buildings or structures;

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF GLENWOOD, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 – TITLE OF BYLAW

1.1 This Bylaw may be cited as the “Unightly Premises and Property Standards Bylaw.”

SECTION 2 – DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:
- a) “**Administration Fee**” means a fee added to actual expenses incurred by the Village for measures taken pursuant to this Bylaw and such fee is equal to the greater of \$50.00 or 15% of the actual expenses incurred by the Town;
 - b) “**Alley**” means a narrow highway or public thoroughfare, which provides a secondary means of access to a lot, or lots, intended chiefly to provide access to the rear of buildings and parcels of land;
 - c) “**Animal Material**” means any animal excrement and includes all materials accumulated on a premises from pet pens, pet yards, stables kennels or feed lots;
 - d) “**Building**” includes anything constructed or placed on, in, over, and under land.

- e) **"Building Material"** means material or debris which may result from the construction, renovation or demolition of any building or other structures and includes, but is not limited to wood, drywall, roofing, vinyl siding, metal, packing material, including materials in containers, gravel, concrete, asphalt, earth, rocks and vegetation displaced during construction, renovation or demolition of any building or other structure;
- f) **"Burnable Grass"** means dry grass, foliage or weeds, with an extensive fuel load, that is not intended for grazing or haying, during the current season.
- g) **"Chief Administrative Officer" (CAO)** means a municipal official employed by the Village of Glenwood in the position of Chief Administrative Officer, or designate;
- h) **"Council"** means the Council of the Village of Glenwood;
- i) **"Damaged, Dismantled or Derelict Vehicle"** means:
- i) The whole or any part of any Vehicle which is not currently registered or licensed with Alberta Motor Vehicle Registries or the registries of another provincial jurisdiction, for the current year; and
 - ii) Any vehicle which is inoperative or incapable of movement under its own power by reason of disrepair, removed parts or missing equipment; or
 - iii) Any unregistered or inoperative vehicle not housed in an enclosed structure.
- j) **"Designated Officer"** means a Person authorised by Council to act as Designated Officer pursuant Section 210 of the *Municipal Government Act*, to perform inspections and any other action required to enforce the provisions of this bylaw and shall also be known as the Enforcement Officer;
- k) **"Enforcement Officer"** means a Chief Administrative Officer, Community Peace Officer, Bylaw Enforcement Officer, RCMP Officer or other person appointed by the Village who is authorized to enforce bylaws for the Village of Glenwood.
- l) **"Garbage"** means any household or commercial rubbish including, but not limited to boxes, cartons, bottles, cans, containers, paper, cardboard, food, clothing, wood, metal, or discarded household items;
- m) **"Graffiti"** means words, figures, letters or drawings scribbled, scratched, painted or sprayed upon any surface without the consent of the owner of the building or property on which such Graffiti is placed;
- n) **"Highway"** means any roadway as defined in the *Traffic Safety Act*;
- o) **"Nuisance"** means any use of land or activity on land which disregards the general upkeep of property that produces a material annoyance, or inconvenience to other persons, whether or not it is detrimental to the surrounding area, including, but not limited to:
- i) excessive accumulation of materials including, but not limited to, building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, animal materials, regardless of apparent value;
 - ii) construction materials, yard refuse, and any other materials that are likely to attract vermin or nuisance animals;
 - iii) compost piles that create a smell or result in large unused piles;
 - iv) **Burnable grass** higher than 15 centimeters or approximately 6 inches as referred to in Bylaw 220-2008;
 - v) damaged, derelict or dismantled vehicles;

- vi) storage of exposed industrial fluids, including but not limited to, engine oil, brake fluid, or anti-freeze;
 - vii) spraying of insecticides, pesticides or herbicides which has significant detrimental or environmental effects on surrounding Property or areas;
 - viii) trees, shrubs, weeds, or other vegetation cuttings that obstruct roadways, sidewalks, or infringe on properties other than the owners or has any rot, disease or deterioration or dead or dying trees that could create a public safety hazard;
 - ix) accessible excavations, unclaimed wells, ditches or standing water that could reasonably pose a danger to the general public;
 - x) unfinished construction that does not meet the time requirements of the Village of Glenwood Land Use Bylaw, or if no development permit was issued within two (2) years of the start of construction.
- p) **"Occupy" or Occupies"** means residing on or in apparent possession or control of a Property.
- q) **"Occupant"** means a Person or Persons who are residing or in apparent possession or control of the Property.
- r) **"Owner"** of a property means:
- i) a person registered under the *Land Titles Act* as the Owner of the land;
 - ii) a person recorded as an Owner on the Village tax assessment roll;
 - iii) a person who has purchased the land and has not yet become the registered owner of the said lands;
 - iv) a person controlling the property while under construction or the occupant of the property pursuant to a rental or lease agreement, licence or permit; or
 - v) a person holding him/herself as the person having powers and authority of ownership of the property.
- s) **"Person"** means an individual or business including a firm, partnership corporation, company or society;
- t) **"Property"** means any land located in whole or in part within the Village and includes all buildings and land;
- u) **"Recreational Vehicle"** means the definition referred to in the Village Land Use Bylaw as a transportable living unit, designed to be moved on its own wheels or by other means (including units permanently mounted on trucks), designed or constructed to be used for sleeping or living purposes on a short-term, temporary basis. Such living units are subject to highway safety standards rather than housing standards. Typical units include, but are not limited to motor homes, campers, holiday trailers, travel trailers, fifth wheel trailers, tent trailers and park model trailers. These units are not permitted as permanent dwellings.
- v) **"Residential Building"** means a structure used as a residence containing one or more dwelling units, including a house, secondary suites within a residence, multi-family dwelling, apartment building, lodging house, or mobile home which contains cooking facilities, food preparation areas, sleeping and sanitary facilities.

w) **"Unsightly"** means:

- i) a property because of its condition or the accumulation of refuse, is detrimental to the use and enjoyment of the surrounding area or neighboring Property;
- ii) a property that meets the definition of Section 546 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26;
- iii) a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep or repair and constitutes a Nuisance;
- iv) a structure that presents a danger to public safety or presents a fire hazard and does not meet any building standards of which could result in imminent collapse; or
- v) a structure that is not secure due to missing doors, broken or missing windows, or holes in the roof and could result in the inhabitation by animals such as, but not limited to, skunks, feral cats, stray dogs, foxes or other wild animals.

x) **"Vehicle"** has the same meaning as defined in the *Traffic Safety Act* and includes any motorized vehicle that is unable to move under its own power;

y) **"Village"** means the Village of Glenwood.

z) **"Weeds"** means noxious weeds as defined by the *Weed Control Act*.

aa) **"Yard"** means the property owned as vacant land or property surrounding buildings, as shown on the Certificate of Title for such property.

bb) **"Yard Material"** means waste materials of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities and includes grass, tree and hedge cuttings, waste sod, and decomposing plants, leaves and Weeds.

SECTION 3 – NUISANCE AND UNSIGHTLY LANDS

3.1 A Person shall not cause or permit a Nuisance to exist on land they own or Occupy.

3.2 A Person shall not allow Property which they own or Occupy to be or to become Unsightly.

3.3 No Owner or Occupant of a Property shall have or allow in or on the Property, the accumulation of:

- a) any material that creates an unpleasant odour;
- b) any material likely to attract animals, pests or wildlife; or
- c) any animal remains, parts of animal remains or animal feces.

3.4 A Person shall not have or allow the following to accumulate on Property which they Own or Occupy such that the accumulation is visible to a Person viewing from outside the property;

- a) loose Garbage and bagged Garbage;
- b) bottles, cans, boxes or packing materials;
- c) household or institutional furniture or other household or institutional goods;
- d) abandoned Recreational Vehicles or Vehicles or Vehicle parts;
- e) parts of or disassembled machinery or equipment;
- f) construction materials not being used for a permitted construction use;
- g) animal carcasses, offal or animal hides;
- h) household or institutional appliances, including but not limited to refrigerators, freezers, washing machines, clothes dryers, and stoves;
- i) biological waste including but not limited to Yard Material; or
- j) any other abandoned waste that creates a Nuisance or fits the definition of Unsightly.

SECTION 4 – BOULEVARDS AND ALLEYS

- 4.1 A Person shall maintain any boulevard or Alley adjacent to the Property they own or Occupy by:
- a) keeping any **Burnable Grass** cut to a length of no more than 15 centimeters (approximately 6 inches) where topography allows said grass to be safely removed;
 - b) removing any accumulation of fallen leaves, branches, refuse or debris; and
 - c) replacing dead or diseased lawn with new grass.
- 4.2 Subject to obtaining written permission from the Village any Owner who chooses to use any landscaping material other than natural grass such as crushed rock, boulders, mulch, artificial turf, or cement on a boulevard or Alley or any other publicly owned premises or Property adjacent to their Premises assumes responsibility for all maintenance and repair of any damage to the landscaping material regardless of cause.
- 4.3 If the Village is required to damage, disturb or remove landscaping material placed on a boulevard or Alley by an Owner, due to the need to repair public utilities or infrastructure, the Village will only be responsible for the cost to repair the damage caused by the disturbance by the placement of natural grass. Any and all other damage to landscaping material placed on the boulevard or Alley shall be at the cost of the Owner of the Property adjacent to the boulevard or Alley.

SECTION 5 – BUILDINGS

- 5.1 No Person shall cause or permit a Nuisance to exist in respect of any Building on land they Own or Occupy.

- 5.2 A Nuisance in respect of a Building means a Building showing signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surround area, such as the items listed but not limited to:
- a) any damage to the Building;
 - b) any rot or other deterioration within the Building; and
 - c) any penetration of air, moisture or water into the Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, holes in walls or the roof, or unsecured entrances.

SECTION 6 – CONSTRUCTION SITES

- 6.1 Each construction site, whether residential, commercial or industrial shall have a secure waste container on site to ensure waste construction materials are placed in the container to prevent any materials from being blown around or away from the construction site.
- 6.2 Waste containers shall be emptied at a landfill licenced to take such waste on a regular basis to ensure materials are properly disposed of.
- 6.3 No Person shall allow the accumulation of Building Materials on a Property they Own or Occupy, whether new or used, unless they can establish that a construction or renovation is being carried out on the Property and that:
- a) the project for which the Building Materials are stockpiled has begun or the beginning of the work is imminent;
 - b) the Building Materials relate to the project taking place on the Premises are in a quantity and quality reasonable to complete the project; and
 - c) the work on the project has not been suspended or ceased for a period in excess of one hundred twenty (120) days from the date of placement of the Building Materials on the site.

SECTION 7 – REPAIR OF MOTOR VEHICLES

- 7.1 A Person shall not conduct any Vehicle repair work, including mechanical repairs, auto body work, collisions repair, auto painting or modifications to the body or rebuilding of a Vehicle on any land in a residential district, for profit, unless approved by way of a development permit.
- 7.2 This prohibition as stated in Subsection 7.1 shall not apply to routine maintenance work performed on any Vehicle owned, operated or registered in the name of a Person, provided that:
- a) there is no escape of noxious odors, fumes or smoke from the Property;
 - b) Vehicle fluids, oil, gasoline or other hazardous materials are properly

- contained and disposed of and not swept, poured or washed into lanes, streets, or into storm sewers;
- c) Vehicle parts and materials are properly stored in a building and disposed of when no longer useable;
- d) no washing of motor, power train or other Vehicle parts which may cause petroleum products to run off in the storm water system; and
- e) all Building and fire codes are met.

SECTION 8 – EXEMPTIONS

- 8.1 The provisions of this Bylaw shall not be interpreted to prevent permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up or other related activities from being carried out on a Property, however, said activities referred to in this Section shall be carried out in a manner to ensure all reasonable steps are taken to minimize the duration, visual impact, unsightliness, and untidiness that may impact adjacent Properties.

SECTION 9 – ENFORCEMENT AND REVIEW OF ORDERS

- 9.1 Where an Owner or Occupant of a Property is found, by an Enforcement Officer, to be in non-compliance with any provision of the Bylaw, the Owner or Occupant of the Property may be issued an Order containing the following;
- a) the address and/or legal description of the Property where remedial action is required;
 - b) the condition(s) that are not in compliance with this Bylaw;
 - c) the remedial action required to bring the Property into compliance;
 - d) the deadline for completion of the remedial action required which is not less than seven (7) days after the date of service of the Notice and not greater than thirty (30) days after the date of service of the Notice; and
 - e) a statement that the Village may carry out the required remedial action at the Owner's expense if the required work is not completed within the allowed time, and if the costs remain unpaid, they may be added to and form part of the taxes on the Property, in accordance with Section 546, 549(5) (a) and (b) and 553 (1)(c) of *The Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26.
- 9.2 An application for an extension of the deadline provided for the completion of the remedial action issued pursuant to Section 9.1 of this Bylaw may be provided, in writing to the Enforcement Officer, not more than fourteen (14) days after the date service of the Notice. The application shall include the reasons for the request for the extension and the anticipated date of compliance, which shall not be extended more than sixty (60) days after the dead line provided in the original Notice.

- 9.3 Any Notice issues pursuant to Section 9.1 of this Bylaw shall be deemed to have been served upon the Owner or Occupant of the Property when the Notice is:
- a) served personally upon the Owner or Occupant, or served upon any Person who is 18 years of age or older and who resides on the Property; or
 - b) served personally upon the Property manager or Person apparently in charge of the Property, if the Property is not occupied or managed by the Owner; or
 - c) posted at a conspicuous place near the main entrance of the Property; or
 - d) mailed by regular mail to the Owner of the Property at the address on record with the Village, and the date of service shall be deemed to be seven (7) days after the date of mailing.
- 9.4 The Owner or Occupant of a Property who has been served with a Notice issued pursuant to this Bylaw shall fully comply with the Notice within the time stated or within the time provided by an extension given, in writing, by the Enforcement Officer.
- 9.5 Where an Enforcement Officer has reasonable grounds to believe a Person contravened any provision of this bylaw, they may commence enforcement of the Bylaw by:
- a) issuing a written warning stating the conditions deemed to be unsightly, and providing a date by which the remedial action required is to be completed by, and if the remediation is not completed in the allotted time;
 - b) issuing the Person a Violation Ticket in a form as approved by the Chief Administrative Officer;
 - c) if the Violation Ticket penalty is not paid within the specified period, the Person shall be issued an additional Violation Ticket pursuant to the provisions of Part Two (2) of the Provincial Offences Procedures Act (POPA);
 - d) Penalties issued under this Bylaw shall be in accordance with Schedule "A" of this Bylaw;
- 9.6 When an Enforcement Officer issues a Person a Violation Ticket in accordance with this bylaw the Person shall have the following options:
- a) to pay the Violation Ticket within the time frame provided and adhere to the requirements of the Order issues for the remediation of the Property; or
 - b) request an appeal of the Order, in writing, to appear before the Council of the Village to have one or more the conditions of the Order set aside, and the decision of the Council shall be binding upon the Person served; or
 - c) attend a Court appearance, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act, where the Enforcement Officer reasonably believes that such appearance is in the public interest.
- 9.7 No provision of this bylaw or action taken pursuant to any provision of this bylaw shall restrict, prevent, or limit an Enforcement Officer or the Village from pursuing any other remedy in relations to a Property or a Nuisance as provided by the Municipal Government Act, or any other law of the Province of Alberta, or any other Bylaw of the Village.

- 9.8 No provision of this bylaw, or action taken pursuant to any provision of this bylaw, shall prevent the recover of costs for actions taken by the Village to bring the Property into compliance with this bylaw, in accordance with the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26, Sections 552 and 553.
- 9.9 Council may review Orders under Section 547 of the *Municipal Government Act*.
- 9.10 A Person who receives an Order may request the Council to review the Order, in accordance with Section 547 of the *Municipal Government Act*, by written notice delivered to:
The Chief Administrative Officer (or their designate)
Village of Glenwood – Administration Building
Box 1084 59 Main Avenue NW
Glenwood, Alberta T0K 2R0 within 7 days of the receipt of the order.
- 9.11 **The fee for a review by the Council of an Order issued under this bylaw shall be \$100.00 and that amount shall accompany the written appeal, submitted to the Chief Administrative Officer.**
- 9.11 After reviewing the Order, Council may confirm, vary, substitute or cancel the Order in accordance with subsection 547(2) of the *Municipal Government Act*.

SECTION 10 – GENERAL PENALTY PROVISIONS

- 10.1 Any Person who violates any provision of this bylaw is guilty of an offence and is liable upon conviction to a maximum fine of ten thousand dollars (\$10,000.00).

SECTION 11 – GENERAL

- 11.1 Each provision of this bylaw shall be considered as being separate and severable from all other provisions and if any section or provision of this bylaw shall be found to have been improperly enacted, such section or provisions shall be regarded as being severed from the rest of this bylaw and the remainder of this bylaw shall remain in effect and enforceable.

SCHEDULE “A” MINIMUM AND SPECIFIED PENALTIES AND FEES

1. The minimum and specified penalty for any violation of this bylaw is a fine in the amount of:
 - a) First Offence – Written Warning
 - b) Second Offence - \$100.00
 - c) Third Offence - \$250.00

2. The minimum and specified penalty for any violation of this bylaw four (4) times or more for each subsequent offence shall be a fine in the amount of \$500.00.
3. There shall be no fee to appeal a written order to the Council of the Village of Glenwood.

Read a FIRST time this 8th day of May, 2024.

Read a SECOND time this 8th day of May, 2024.

Read a THIRD time and finally passed this 12th day of June, 2024.



Linda Allred, Mayor



Cynthia Vizzutti, Chief Administrative Officer