

BY-LAW 686-23, OF THE VILLAGE OF INNISFREE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REESTABLISHING AN UNSIGHTLY PREMISES BYLAW FOR THE VILLAGE OF INNISFREE

WHEREAS, under the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Village of Innisfree may pass Bylaws respecting the health and safety of the community and for controlling dangerous and untidy properties;

AND WHEREAS under the provisions of the *Municipal Government Act*, the Council of the Village of Innisfree may pass Bylaws and may make provisions that it deems necessary to carry out the purposes of the Bylaw;

AND WHEREAS the Council of the Village of Innisfree deems it desirable and necessary to promote the maintenance of properties, within the corporate limits of the Village of Innisfree;

AND WHEREAS, under the provisions of the Alberta *Weed Control Act*, the Council of the Village of Innisfree may pass Bylaws with regards to the enforcement of the *Act* and *Regulations* thereunder;

NOW THEREFORE, the Council of the Village of Innisfree, in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE

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

2. DEFINITIONS

2.1 “**Building Material**” means all construction and demolition material accumulated on a premises while storing, constructing, altering, repairing, or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such storing, construction, alteration or repair.

2.2 “**Council**” means the Municipal Council of the Village of Innisfree.

2.3 “**Corporate Limits**” shall mean all the lands within the Corporate Limits of the Village of Innisfree.

2.4 “**Chief Administrative Officer**” shall mean the Chief Administrative Officer of the Village of Innisfree.

2.5 “**Detrimental to the Surrounding Area**” means causing the decline of the market value of property to the surrounding area.

2.6 “**Dismantled Vehicle**” means a motor vehicle or trailer that has become dilapidated or disassembled which may include but is not limited to flat tires, missing tires and rims, fenders, doors, windows, hoods, trunks, and boxes.

- 2.7 **“Emergency”** shall mean any situation in which there is an imminent danger to the general public or a potential danger to the property or surrounding properties.
- 2.8 **“Garbage”** means any rubbish, refuse, papers, container, bottles, cans, manure, animal or human excrement or sewage or the whole or part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous material, disassembled equipment or machinery, broken household furnishings or appliances, boxes, cartons, discarded fabrics, any materials composed or organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food.
- 2.9 **“Inspector”** means any person(s) designated by the Village of Innisfree to enter and inspect property in accordance with the provisions of this Bylaw.
- 2.10 **“Motor Vehicle”** shall mean a vehicle propelled by any power other than muscular power or a moped but does not include a bicycle, aircraft, implement of husbandry or a motor vehicle that runs only on rails.
- 2.11 **“Municipal Tag”** means a tag or similar document issued by the Village pursuant to the *Municipal Government Act* that alleges a Bylaw offence and provides the Person the opportunity to pay an amount to the Village in lieu of prosecution;
- 2.12 **“Notice to Maintain”** means a notice issued pursuant to the provisions of this bylaw requiring an owner/occupant to maintain any condition of a property or premises.
- 2.13 **“Noxious Weeds”** means a weed, as defined, and identified in the *Weed Control Act* and *Weed Control Regulation*.
- 2.14 **“Peace Officer”** means:
- (a) any member of the Royal Canadian Mounted Police;
 - (b) any member of a Municipal Police Service;
 - (c) any Community Peace Officer;
 - (d) any Bylaw Enforcement Officer; the CAO or their Designated Officer.
- 2.15 **“Prohibited Weed”** shall mean a prohibited weed, as defined, and identified by the *Weed Control Act* and *Weed Control Regulation*.
- 2.16 **“Property Owner”** means a person or persons, a firm, company, or corporation that is registered on the Tax Roll of the Village of Innisfree and Alberta Land Titles office.
- 2.17 **“Property”** are any lands, buildings, or premises in the Village of Innisfree.
- 2.18 **“Recreational Vehicle”** means a vehicle or trailer that is designed, constructed, and equipped, either temporarily or permanently as a temporary accommodation for travel, vacation, or recreational use, and includes duly

licensed travel trailers, motorized homes, slide-in campers, chassis mounted campers, tent trailers, boats, and all-terrain vehicles.

2.19 **“State of Disrepair”** means:

- (a) the significant deterioration of buildings, structures or improvements, or portions of buildings, structures, or improvements;
- (b) broken or missing windows, siding, shingles, shutters, eaves, or other building material, or;
- (c) significant fading, chipping, or peeling of painted areas of buildings, structures, or improvements on property;

2.20 **“Unsightly Premises”** shall mean any structure or property located within the Village that, in the opinion of the Inspector, Peace officer or Chief Administrative Officer, is unsightly to such an extent as to detrimentally affect the amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Municipal Government Act*;

2.21 **“Village”** or **“Village of Innisfree”** means the Municipal Corporation of the Village of Innisfree.

2.22 **“Weed Control Act”** shall mean the *Weed Control Act*, RSA 2008, C.W-5. and amendments thereto.

2.23 **“Weed Control Regulation”** shall mean Alberta Regulation 19/2010 pursuant to the *Weed Control Act* and amendments thereto.

3. GENERAL

3.1 The property owner of any real property is ultimately responsible for all activities on the property which may constitute prohibition of this bylaw.

3.2 Nothing in this bylaw relieves a person from complying with Federal or Provincial law or regulation, other bylaw, or any other requirements of any lawful permit.

3.3 Where this bylaw refers to another act, bylaw, regulation, or agency, it includes reference to any act, bylaw, regular or agency that may be substituted, therefore.

3.4 Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

3.5 All schedules attached to this bylaw shall form part of this bylaw.

4. NUISANCE

4.1 A nuisance, for the purposes of this Bylaw, is any condition on or around a Property that is untidy, unsightly, offensive, and dangerous to health and safety of any person, or has or may have a detrimental impact upon any person

or other property in the neighborhood, or which interferes with the use and enjoyment of other adjacent property, and without limiting the generality of the foregoing includes the following:

- (a) trees or shrubs that interfere with driver visibility, civic works, or any public utilities;
- (b) dense or opaque dust emitted into the atmosphere;
- (c) compost heaps that emit foul odors or attract pests or vermin;
- (d) the storage or accumulation of dilapidated or derelict vehicles or the storage of more than two (2) unregistered motor vehicles on any one residential property regardless of their condition or how neatly they may be stored, except for motor vehicles that are being stored in a permitted accessory building or a temporary structure with approved Municipal permits;
- (e) wrecked, inoperable or dismantled vehicles, or those that are unsightly and abandoned;
- (f) no person shall park a vehicle or recreational vehicle on private property within one (1) metre of a sidewalk;
- (g) no person shall park a motor vehicle or recreational vehicle in the front portion of the living space of a residential property. Failure to comply with this section shall result in the motor vehicle or recreational vehicle being towed at the Registered Owners expense;
- (h) any loose materials including garbage and building materials.

4.2 The following sets out the standards by which grass, and weeds must be kept:

- (a) uncut grass or weeds on any parcel of land shall be maintained at a height not to exceed 15cm (6 inches) in length;
- (b) property owners are required to maintain the front, rear and/or side portions or boulevards adjacent to their Property.
- (c) property owners are required to maintain prohibited and noxious weeds, pursuant the *Weed Control Act* and *Weed Control Act Regulations*.

4.3 No property owner shall cause or allow any building, and/or structure, or fence to become an unsightly premise or in a condition where its appearance and/or condition is a safety hazard or is detrimental to the surrounding area.

4.4 No property owner shall permit the accumulation of piles of dirt, stone, garden waste, turf, trees, shrubbery, old implements, disassembled or broken vehicles, inoperable off highway vehicles, scrap iron, lumber, glass, furniture, appliances, bicycles, lawn mowers, food containers, wastepaper, or cardboard on his or her property.

4.5 No property owner shall dump or cause to be dumped any rubbish, garbage, or waste petroleum products (either liquid or solid) or dispose of any material in

an area within the Village except at locations specifically designated by the Chief Administrative Officer.

- 4.6 All existing natural gas, electrical, water, sewer, or other services to the site of an abandoned building, structure, or excavation shall be shut off. All external natural gas, electrical, water and sewer lines shall be capped. Cleanout caps shall be properly secured, caulked, or soldered into place.
- 4.7 Property owners, tenants and agents must prevent the occurrence of, or immediately remedy, any Nuisance.
- 4.8 If a Notice to Maintain is issued under this section of the Bylaw including, Prohibited or Noxious Weeds, must be complied with, within seven (7) days of the date of the notice.

5. DANGEROUS BUILDINGS AND STRUCTURES

- 5.1 The property owner(s) of properties in the Village shall ensure that any building(s) in a state of disrepair shall be demolished and removed from the property.
- 5.2 If any building(s) is in a state of disrepair, it shall be restored to a useable and safe condition in accordance with the Building Standards and Codes and with the required demolition and/or building permits.
- 5.3 No property owner shall cause or allow his or her property to be a danger to public safety through the presence of excavations, structures, materials or any other hazard or condition posing a risk to public safety.
- 5.4 If a notice under this section of the Bylaw is not complied with or actioned within fourteen (14) days of the date of this notice, (as per Schedule A) the Inspector shall have the right to direct any person to do the work as required by the order.

6. INSPECTION AND DIRECTION

- 6.1 Any Inspector may give a notice to enter any public or private property to conduct an inspection within the Village and may inspect for nuisances, dangerous buildings and/or structures or prohibited/noxious weeds.
- 6.2 After inspection, the Inspector may issue:
 - 6.2.1 a Notice to Maintain (**Schedule A**), which shall specify a deadline(s) for compliance and shall outline specific instructions to remediate the situation.
 - 6.2.2 a Notice of Entry per Schedule B
 - 6.2.3 A Municipal Tag per Schedule C, and
 - 6.2.4 apply a Penalty and/or an Administrative Fee per Schedule D.

- 6.3 The Village must serve the Notice to Maintain by delivering it or sending it by mail to the property owner(s) by way of:
- (a) delivering it in person to the owner(s)
 - (b) posting it to the door of a building or in any other conspicuous place on the property and is effective on day of posting.
 - (c) hand deliver.
 - (d) regular mail.
 - (e) email.

7. PENALTIES

- 7.1 If the property owner has not complied with a Notice to Maintain within the specified deadline(s), the Village of Innisfree will issue a penalty (as per Schedule 'D') and will issue a FINAL Notice to Maintain with an extended deadline of forty-eight (48) hours.
- 7.2 If the property owner has not complied with the FINAL Notice to Maintain within the specified deadline(s), the Inspector, Peace Officer or Chief Administrative Officer may direct any work to be done to remedy the specified issue and will charge the owner, for all costs associated with fulfilling the conditions of the order.
- 7.3 The cost of the work done, as stated under Section 7.1 and 7.2, is charged in addition to an Administration Fee, (as per Schedule 'D'), and may be recovered from the property owner as debt due to the Village of Innisfree. If an owner fails to pay for the work done, such costs may be charged against the owner's property tax account, pursuant to the Municipal Government Act, R.S.A. 2000, M-26, Section 553.
- 7.4 The Village, or any Inspector who inspects any property under this Bylaw, or any person who performs any work on behalf of the Village to remedy a nuisance is not liable for any damages caused by the inspection, the work, or disposition of any material in order to complete the work set out in a Notice to Maintain.

8. SEVERABILITY

- 8.1 If any clause of this Bylaw is found to be invalid, it shall be severed from the remainder of this Bylaw and shall not invalidate the whole Bylaw.

9. RESCIND

- 9.1 Unsightly Premises Bylaw 676-22 is hereby rescinded.

10. EFFECTIVE DATE

- 10.1 This bylaw shall come into full force and effect upon the date of the third and final reading.

READ for a first time this 18th day of July 2023 A.D.

READ for a second time this 18th day of July 2023 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this 18th day of July 2023 A.D.



E. Raycraft - Mayor



T. Rogers – Interim CAO



BYLAW 686-23

SCHEDULE A

NOTICE TO MAINTAIN PROPERTY

To: _____

File No.: _____

Date: _____

Dear Sir or Madam:

The condition of your property, specifically, per Section _____, located at _____, Lot(s) _____, Block _____, Plan _____, is in question, and you are being issued a formal letter regarding required remediation.

In order to keep the Village of Innisfree clean, attractive, and in a safe condition, and in accordance with the Unsightly Premises Bylaw No.686-23, Section _____ the Village is asking your cooperation by maintaining your property. Maintenance may be done by methods outlined in this notice within _____ days of the mailing of this letter.

The questioned area regarding your property and the suggested remedy is as follows:

Please give this matter your immediate attention. If you have any questions, contact the undersigned at (780) 592-3886.

If the work is not completed by _____, the Village of Innisfree will have the work done by a contractor at the owner's expense. In addition to the contractor's bill, an Administrative Fee per lot will apply as per Schedule D.

Sincerely,

CAO - VILLAGE OF INNISFREE
Encl. Unsightly Premises Bylaw 686-23

JK ER

BYLAW 686-23

SCHEDULE B

NOTICE OF ENTRY

To: _____

File No.: _____

Date: _____

Dear Sir or Madam:

In accordance with Section 542 of the Municipal Government Act, you are hereby notified that an Inspector or Peace Officer will be entering onto the Property located at _____, Lot(s) _____, Block _____, Plan _____ on Date: _____.

In accordance with the Village of Innisfree's Unsightly Premises Bylaw No. 686-23, all costs incurred for any remedial action, including a \$75.00 Administration Fee per lot as per Schedule D will be the responsibility of the property owner and may be added to the tax roll.

Please give this matter your immediate attention. If you have any questions, contact the undersigned at (780) 592-3886.

Sincerely,

CAO - VILLAGE OF INNISFREE

Encl. Unsightly Premises Bylaw 686-23

BYLAW 686-23

SCHEDULE C

**VILLAGE OF INNISFREE
MUNICIPAL TAG**

BYLAW 686-23

DATE: _____ TIME: _____ AM/PM

NAME OF OFFENDER: _____

ADDRESS OF OFFENDER: _____

This Tag is issued for breach of Bylaw No. 686/23

Offence: _____

Section: _____

Comment(s): _____

Penalty: _____

Penalty Due Date: _____

ISSUER: _____ Date _____

Signature

Print Name

*Please make payments to the Village of Innisfree.
Address: Village of Innisfree, Box 69, Innisfree, AB T0B 2G0
Contact Number: 780-592-3886*

Collection and use of personal information: This personal information is being collected in accordance with the Municipal Government Act, R.S.A. 2000, c.M-26, (MGA) and is protected by the privacy provisions of the Freedom of Information and Privacy Act, R.S.A. 2000, c.F25 (FOIP), unless disclosures are authorized under the MGA. This information will be used to address the request above. If you have any questions about the collection and use of your information, contact the Village of Innisfree at 780-592-3886.

BYLAW 686-23

SCHEDULE D

PENALTY

As per Section 7.2:

A penalty for each lot requiring enforcement of Bylaw 686-23 is \$150.00.

ADMINISTRATION FEE

As per Section 7.3:

Administration Fee for each lot requiring enforcement of Bylaw 686-23 is \$75.00
