

**VILLAGE OF WARNER
BYLAW NO. 612-23**

A BYLAW OF THE VILLAGE OF WARNER IN THE PROVINCE OF ALBERTA TO REGULATE DANGEROUS AND UNSIGHTLY PROPERTY.

WHEREAS the Municipal Government Act RSA 2000, c M-26 and regulations as amended, provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people; the protection of people and property; nuisances, including unsightly property; services provided by or on behalf of the municipality; public utilities and the enforcement of bylaws;

AND WHEREAS no Owner or Occupant in control of Property, land, premises or building shall permit, suffer, continue or allow to be continued an unsightly condition on that Property, land, premises or building;

AND WHEREAS Section 546 of the Municipal Government Act RSA 2000, c M-26 and regulations as amended, authorizes Council to require the owner of the property that is in an unsightly condition to improve the appearance of the property.

NOW, THEREFORE, the Council of the Village of Warner, in the Province of Alberta, hereby enacts as follows:

1. TITLE

1.1. This Bylaw may be referred to as the "Dangerous and Unsightly Property Bylaw".

2. DEFINITIONS

2.1. In this Bylaw, unless the content otherwise requires:

"**Act**" means the Municipal Government Act RSA 2000 c-M-26 and regulations made under the Municipal Government Act as amended;

"**Council**" means the Municipal Council of the Village of Warner;

"**Dangerous and Unsightly Property**" means property as described in section 3 of this Bylaw.

"**Designated Officer**" means the Chief Administrative Officer, Bylaw Enforcement Officer, RCMP Officer, Peace Officer, and/or Fire Chief of the Village of Warner or their duly authorized assistants.

"**Emergency**" means a situation in which there is imminent danger to public safety or of serious harm to property.

"**Improvement**" means a structure or anything attached or secured to a structure that would be transferred without special mention by a transfer or sale of the structure, including but not limited to a manufactured home or mobile home, or machinery and equipment.

"**Occupant**" means any person other than the Owner who is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.

"**Order**" means a document issued by a Designated Officer pursuant to sections 545 or 546 of the *Act*.



"Owner" means in respect of land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land, and in respect of property other than land, the person in lawful possession of it.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Property" means a parcel of land; an improvement, or; a parcel of land and the improvements to it.

"Structure" means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land.

"Unsightly Property" property described in Section 3 of this Bylaw.

"Village" means the Village of Warner, a Municipal Corporation in the Province of Alberta.

"Violation Ticket" means a ticket issued pursuant to Part 2 or Part 3 of the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended or repealed and replaced from time to time, and any Regulations thereto.

3. DANGEROUS AND UNSIGHTLY PROPERTY

- 3.1. Unsightly Property is Property that, in the opinion of the Designated Officer, is detrimental to the surrounding area because of its unsightly condition.
- 3.2. Some factors which may be considered by a Designated Officer in determining whether property is Unsightly Property include the following:
 - 3.2.1. the presence of uncut grass or weeds longer than 20 cm;
 - 3.2.2. the presence of trees, shrubs or other vegetation in such a manner that they interfere with the use of or obstruct visibility of street signage, sidewalks, roadway clearance, municipal works or public utilities;
 - 3.2.3. the presence of wrecked or dismantled vehicles, including vehicles that are inoperable and unregistered, unless they are enclosed in a structure or in a back yard out of public view. A maximum of 2 inoperable and/or unregistered vehicles may be on the Property;
 - 3.2.4. the storage or accumulation of waste, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture or appliances, machinery, parts or other similar materials or items;
 - 3.2.5. specific or general lack of repair or maintenance including but not limited to:
 - 3.2.5.1. significant deterioration of Improvements or portions of Improvements;
 - 3.2.5.2. broken or missing windows, siding, shingles, shutters, eaves or other building materials; or,
 - 3.2.5.3. significant fading, chipping or peeling of painted areas of improvements;

3.2.3 any property, improvement, structure, excavation or hole, which is Dangerous to public safety or that constitutes a fire hazard because of its Dangerous condition;

3.2.4 the location, zoning, use and visibility of property.

4. GENERAL PROHIBITION

4.1. No Person being the Owner of any property or structure within the Village shall permit one's Property or structure to be or remain in a Dangerous or unsightly condition.

5. INSPECTION

5.1. A Designated Officer may inspect after giving reasonable written Notice to the Owner or Occupant of the land for the purposes of determining whether:

5.1.1. Property is Unsightly Property under this Bylaw because its unsightly condition is detrimental to the surrounding area;

5.1.2. there has been compliance with an Order issued under Section 6 of this Bylaw;

5.1.3. there has been compliance with an Order.

5.2 The Village may apply to the Court of Queen's Bench to authorize inspection and enforcement in accordance with Section 543 of the Act if a person refuses to allow or interferes with entry for inspection.

6. ORDER

6.1. If, in the opinion of a Designated Officer, Property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue a written Order to the Owner or Occupant of the Property to improve the appearance of the Property in the manner specified within a period of seven (7) days from the date of the issuance of the Order.

7. REMEDY UNSIGHTLY CONDITION OF PROPERTY

7.1. If a written Order has been issued and not complied with within the time period set out in that Order, the Village may take whatever actions or measures are necessary to:

7.1.1. deal with the unsightly condition of the Property; and,

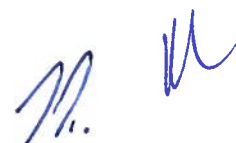
7.1.2. collect any unpaid costs or expenses incurred by the Village in accordance with the Act.

7.2 The costs and expenses of the actions or measures taken by the Village are charged in addition to any penalty imposed under this Bylaw.

8. REVIEW OF ORDERS

8.1. A Person who receives an Order may by written notice within seven (7) days after the Order is received, request Council to review the Order.

8.2. After reviewing the Order, Council may confirm, vary, substitute or cancel the Order



9. APPEAL TO COURT

9.1. A Person affected by the decision of Council may appeal to the Court of Queen's Bench in accordance with Section 548 of the Act.

10. OFFENCES AND PENALTIES

10.1. Any Person who is in non-compliance of this Bylaw is guilty of an offence, and upon summary conviction, shall be liable to the specified penalties set out at Schedule "A" of this Bylaw, as amended by resolution of Council from time to time.

10.2. Any Person who contravenes any provision of this Bylaw is guilty of an offence and liable:

10.2.1. a Designated Officer is hereby authorized and empowered to issue a Violation Ticket to any Person who the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

10.3 A Violation Ticket may be issued to such Person:

10.3.1 personally; or

10.3.2 by mailing a copy to such Person at their last known post office address; or

10.3.3 if being issued to a corporation by serving the Violation Ticket personally upon the manager, secretary, receptionist or other officer or Person in charge at any premises of the corporation, or by mailing a copy to such corporation by registered mail.

10.4 The Violation Ticket shall state:

10.4.1 the name of the Person;

10.4.2 the municipal or legal description of the land on or near where the offence took place;

10.4.3 the offence;

10.4.4 the penalty for the offence as set out in Schedule A of this Bylaw;

10.4.5 that the penalty shall be paid within seven (7) days of the issuance of the Violation Ticket; and

10.4.6 any other information as may be required by the Chief Administrative Officer or by the provisions of the Act.

10.5. Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by a Designated Officer provided, however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.

10.6. Where the Violation Ticket is issued pursuant to this Bylaw, the Person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Violation Ticket.

10.7. A Violation Ticket issued pursuant to this Bylaw shall be issued in the form and manner specified by Part 2 or Part 3 of the Provincial Offences Procedure Act RSA 2000, c P-34, to any Person who the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

11. EMERGENCIES

11.1 Despite any provisions of this Bylaw, in an emergency the Village may take whatever actions or measures necessary to eliminate the Emergency.



12. RECOVERY OF COSTS

12.1 The expenses and cost incurred by the Village to remedy the Dangerous or unsightly property become the responsibility of the Owner. All unpaid amounts as of December 31st of the year the Order is given shall be placed on the tax roll of the property on which the remedial action was taken.

13. SEVERABILITY

13.1. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

14. REPEAL OF BYLAW

14.1. That Bylaw No. 530-11 and amendments thereto are hereby repealed.

15. EFFECTIVE DATE

15.1. This Bylaw shall take effect at the date of final passing thereof.

Read a first time this 19th day of April, 2023.

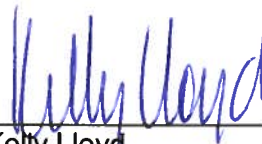
Read a second time this 19th day of April, 2023.

Unanimous consent given for consideration for third reading this 19th day of April, 2023.

Read a third and final time this 19th day of April, 2023.



Tyler Lindsay
Mayor



Kelly Lloyd
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 19th day of April, 2023.



SCHEDULE 'A'

BYLAW NO. 612-23

Penalties

Offence

Section 10

First Offence by that Person \$300.00

Subsequent Offence by that Person \$500.00

