

UNSIGHTLY AND UNSAFE PROPERTIES BYLAW

A BYLAW FOR OF THE TOWN OF ECKVILLE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION OF UNSIGHTLY AND UNSAFE PROPERTIES.

WHEREAS the Municipal Council of the Town of Eckville (“the Town”), duly assembled may pass a BYLAW and/or regulations pursuant to provisions of the Municipal Government Act, R.C.A., 1994, Chapter M-26.1 (“the Act”), and amendments thereto.

NOW THEREFORE, the Council duly assembled enacts as follows:

1. Definitions

- a) “Designated Officer” means a BYLAW Enforcement Officer of the Town as appointed and/or person(s) designated by the Town from time to time for enforcement of the provisions of this BYLAW;
 - b) “Structure” means a building or other thing erected or placed in, on or 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 land;
 - c) “Owner” means the registered Owner of the land on which a Structure, hole or excavation referred to herein is located or which is in the opinion of the Designated Officer unsightly and includes the Owner of the Structure if he is not the Owner of the land on which the Structure is located;
2. If, in the opinion of a Designated Officer, a Structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the Designated Officer may by written order
- (a) require the Owner of the structure to
 - i. eliminate the danger to public safety in the manner specified, or
 - ii. remove or demolish the Structure and level the site;
 - (b) require the Owner of the land that contains the excavation or hole to
 - i. eliminate the danger to public safety in the manner specified, or
 - ii. fill in the excavation or hole and level the site;
 - (c) require the Owner of the property that is in an unsightly condition to:
 - i. improve the appearance of the property in the manner specified, or

- (ii) if the property is a Structure, remove or demolish the Structure and level the site.
- 3. A person who receives a written order under paragraph 2 may request council to review the order by written notice within 14 days of the date the order is received. After reviewing the order the council may confirm, vary, substitute or cancel the order.
- 4. The Town may take whatever actions or measures necessary to eliminate the danger to public safety caused by a Structure, excavation or hole to deal with the unsightly condition of property if
 - (1)
 - (a) An order has been made under paragraph 2;
 - (b) the order contains the following statement:

“If you do not comply with this order on or before the date indicated, the Town of Eckville will take the action or measure indicated and it will be completed at your expense.”
 - (c) the person to whom the order is directed has not complied with the order within the time specified in the order, and
 - (d) the appeal periods respecting the order have passed, if an appeal has been made, the appeal has been decided and it allows the municipality to take the actions or measures.
 - (2) If a structure is being removed or demolished by a municipality under this section, the municipality may use reasonable force to remove occupants.
- 5. In an emergency, the Town will take whatever actions or measures are necessary to eliminate the emergency.
 - (1) This section applies whether or not the emergency involves a contravention of the *Municipal Government Act*, an enactment that the Town is authorized to enforce or a bylaw.
 - (2) A person who receives an oral or written order under this section requiring the person to provide labour, service, equipment or materials in an emergency must comply with the order.
 - (3) Any person who provides labour, services, equipment or materials under this section who did not cause the emergency is entitled to reasonable remuneration from the Town.
 - (4) The expenses and costs of the actions or measures, including the remuneration referred to in paragraph (4), are an amount owing to the municipality by the person who caused the emergency.

6. The Town may add the following amounts to the tax roll of a parcel of land:
 - (1) unpaid expenses and costs referred to in paragraph 2 relating to a dangerous structure, excavation or hole in respect of the parcel or unsightly property on the parcel that are owing by the owner of the parcel;
 - (2) unpaid expenses, costs and remuneration referred to in paragraph 5 if the parcel's owner caused the emergency and the cause of the emergency was located on all or a part of the parcel.
7. Without restricting in any way the direction of the designated Officer in forming his or her opinion with respect to what is an unsightly premises, failure to remove litter or debris as it accumulates or to cut and control grass, dandelions and other noxious weeds will render a property unsightly and it shall be considered a nuisance which warrants the issue of an order under this BYLAW.
8. This BYLAW rescinds Bylaw 599/97 and shall take effect and be enforceable upon enactment by council.

Read a first time this 14th day of June, 1999.

Read a second time this 14th day of June, 1999.

Read a third and final time this _____ day of June, 1999.

Mayor

Administrator



**ORDER PURSUANT TO BYLAW # 618/99 AND SECTION 546 OF THE
MUNICIPAL GOVERNMENT ACT OF ALBERTA**

Whereas I, _____, the officer designated under the BYLAW # 618/99, hold the opinion that the structure, specifically a _____
_____ located on the property municipally described as
_____ is dangerous to public safety for the following reasons:

You, _____, the registered owner of the structure and of the land on which it is located are required to on or before the _____ day of _____ eliminate the danger to the public safety by doing the following:

Or in the alternative you are required to remove and demolish the structure and level the site on or before the _____ day of _____, which is a date of at least 14 days later than the date of your receipt of this Order.

The site will be inspected on the _____ day of _____ to confirm compliance with this Order. If you do not comply with the requirements of this Order by the dates specified, the Town of Eckville will take those steps necessary to render the site safe or remove or demolish the structure and level the site, the expense of which will be charged to you. The municipality, pursuant to s. 553 (1) (d) of the *Municipal Government Act Of Alberta* may add the amount of the expense incurred to the tax roll of the parcel of land on which the structure was located.

You may, by way of written notice delivered to the attention of the Chief Administrative Officer at the Town of Eckville office within 14 days of the date of your receipt of this Order, request Council to review this Order. Council may confirm, vary, substitute or cancel the Order.

Designated Officer