

TOWN OF DRAYTON VALLEY

BYLAW NO. 86-13

Being a bylaw of the Town of Drayton Valley, in the Province of Alberta, for the preventing and compelling of nuisances generally and regulating untidy and unsightly premises.

WHEREAS under the authority of the Municipal Government of Alberta, being Chapter M-26 of the Revised Statutes of Alberta and amendments thereto, the Council of a municipality may pass bylaws for preventing of nuisances generally, and regulating untidy and unsightly private and public premises,

AND WHEREAS the Council deems it expedient to pass a bylaw pursuant to Chapter M-26 of the Municipal Government Act,

NOW THEREFORE the Council of the Town of Drayton Valley, in session duly assembled, enacts as follows:

I. Title

- a. This Bylaw may be cited as the "Nuisance Bylaw".

II. Definitions:

- a. "Boulevard" means that portion of a street which lies between the roadway and the front property line of the land abutting said street.
- b. "Bylaw Enforcement Officer" means a person authorized by Council to carry out the provisions of this bylaw.
- c. "Council" means the Council of the Town of Drayton Valley.
- d. "Litter" as defined by the Litter Act Chapter L-19 means:
 - any solid or liquid material or product or combination of solid or liquid materials or liquid materials or products, including but not limited to:
 - any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement or sewage or the whole or a part of an animal carcass, or
 - the whole or part of any article, raw or processed material, motor vehicle or other machinery that is disposed of.
- e. "Nuisance" means any act or deed, or omission, or thing, which is, or could reasonably be expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and/or his property, or anything troublesome or bothersome to other people for which complaints are received.
- f. "Occupant" means any person occupying any property, whether he is the owner or lessee

of such property or whether such person resides thereon or conducts a business thereon.

- g. "Owner" means a person having title to, or legal possession of any property, or who possesses property under a purchase agreement.
- h. "Pest" means any animal, bird, reptile or insect which causes or could reasonably be expected to cause annoyance or damage or injury to any person, or animal or plant.
- i. "Rubbish" means and includes any paper product, or fabric, or wood, or plastic, or glass, or metal and/or any matter or substance of any kind which has been discarded, or abandoned, or in any way disposed of.
- j. "Town" means the Town of Drayton Valley.
- k. "Untidy" or "unsightly" means any property or part of it on which there is litter or rubbish which causes the property or any part of it to look untidy or unsightly.

III. Regulations:

- a. Every occupant or owner of any real property within the Town of Drayton Valley, or if such property is unoccupied, the owner thereof shall:
 - i. not permit the land or premises of which such person is the owner, agent or occupier to be or to remain a nuisance.
 - ii. not permit the land or premises of which such person is the owner, agent or occupier to be untidy or unsightly.
 - iii. no person being the owner, agent, lessee or occupier of any land or premises within the Town shall permit any building structures or erection of any kind whatsoever, or any excavation, depression, drain or ditch, watercourse, pond, surface water refuse or other matter or thing upon any private land, street or road or in or about any building or structure of which such person is the owner, agent, lessee or occupier to be or to remain a nuisance and/or dangerous to the public safety or health.
 - iv. eradicate dandelions, noxious weeds or noxious plants, or to do such other things as the Council or the Bylaw Enforcement Officer in their discretion deems necessary for the prevention or abatement of a nuisance or for the remedying of an untidy or unsightly condition on any premises.
 - v. eradicate or control any weeds growing

on such property to prevent propagation and the spreading from such plants or weeds of any seeds, or roots, or rhizomes, or spores, to the property of other persons.

- vi. Ensure that branches, roots, stems or trunks of trees or shrubs, whether on private property or otherwise shall not in any way interfere with or endanger the lines, poles, conduits, pipes, sewers or other works of a utility serving or owned by the Town of Drayton Valley; Council or the Bylaw Enforcement Officer may direct the owner, agent, lessee or occupier of the property on which such tree or shrub stands to remove or prune the tree or shrub, or to take such other steps as Council or the Bylaw Enforcement Officer may deem necessary to alleviate the interference with or danger to such works.
- vii. Cut or mow the grass on any boulevard situated on Town owned land adjoining, or abutting or adjacent to property owned or occupied by him, to prevent such grass from growing to such a height as to be untidy or unsightly.
- viii. Remove from such property any dead grass or brush or rubbish which may be untidy or unsightly or that may harbour vermin or pests.
- ix. Cut the grass on such property before said grass reaches such a height as to be untidy or unsightly.
- x. Keep the land free from debris, including any vehicle, tractor, or object which is in a wrecked, discarded, dilapidated or abandoned condition.
- xi. When requested to do so by written notice, clean up an untidy or unsightly property within the time period set out in the notice.

IV. Control of Litter

- a. No person shall place, deposit, throw or cause to be placed, deposited or thrown any litter (grass, tree stumps, branches, etc.) upon any street, land, sidewalk, parking lot, park or other public place or water course; or on property not his own; except in a receptacle provided for such purpose.
- b. All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance, and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property.

- c. A person who has placed, deposited or thrown or caused to be placed or thrown any litter upon any street, lane, sidewalk, parking place, park or other public place or water course or on any property not his own shall forthwith remove it.
- d. If any person fails to remove any litter or any materials or objects referred to in this section or any other obstruction deposited by him, off and from the highways or streets, lanes, alleys and byways, property not his own or public places of the Town, the Bylaw Enforcement Officer or Peace Officer shall cause such removal to be done at the expense of such person and the expense of so doing shall be recoverable from such person in any court of competent jurisdiction.

V. Salvage Yards Fenced

- a. All outdoor salvage yards, auto wreckers or other businesses which by their nature appear to be untidy, shall be obscured by approved screening from surrounding property.

VI. No Dust in the Air

No person shall cause or permit any opaque or dense dust to be emitted to the atmosphere from any operations on the premises of such person.

This section does not apply to any person, firm or corporation in possession of a valid permit issued for that operation, pursuant to the provisions of the Clean Air Act, being Chapter C-12 of the Revised Statutes of Alberta, 1980, and amendments thereto.

VII. Posters on Walls, etc.

- a. No person shall post or exhibit, or cause, permit or allow to be posted or exhibited on a highway or public place, any placard, any playbill, poster, printed or other notice, sign writing or picture, without the prior written permission of the Town Manager.
- b. The Bylaw Enforcement Officer is hereby authorized to remove and destroy any such placard, playbill, poster, printed or other notice, sign, writing or picture erected or maintained without the permission required by subsection (a) hereof.

VIII. No Piling, Storing Material or Equipment on Town Property

- a. No person shall place, pile or store any material or equipment on Town property without first applying for and obtaining a permit for such purpose from the Town Manager. The Town Manager is hereby authorized to make provisions and regulations for the granting of such permits and to set

the charges and terms in respect thereof.

- b. Any person placing or causing to be placed, any dirt, gravel, concrete equipment or any such obstruction on Town property without a permit shall remove or cause the removal thereof within twenty-four hours (24). If the person fails to remove such matter within 24 hours after being notified to do so, Council may authorize the removal of the obstruction and completion of any necessary repairs, and charge the costs thereof to the person causing the obstruction.

IX. Authority to Enter and Enforce

- a. Council, or the Bylaw Enforcement Officer, may declare that any property within the Town of Drayton Valley in contravention of this bylaw is a nuisance and/or is dangerous to public safety or health, and direct that the nuisance or danger be removed, pulled down, filled up, abated or otherwise dealt with by the owner for the prevention or abatement of a nuisance, or for the remedying of an untidy or unsightly condition of any premises.
- b. Wherever Council or the Bylaw Enforcement Officer directs that an owner, agent, lessee, occupier or other person shall do any matter or thing, and in default of its being done, the owners, agent, lessee, occupier or other person or any of them shall be liable to prosecution.
- c. Notwithstanding conviction of an offence pursuant to Section IX, Subsection (a) hereof, in any case where an owner, agent, lessee, or occupier fails, neglects or refuses to remedy any condition directed to be remedied, the Council may cause any work necessary to remedy the condition to be done, and may charge the cost of the work to the owner, agent, lessee or occupier concerned, and in default of payment may:
 - i) recover the same as a debt to the Town;
 - ii) charge the same against the land concerned as taxes due and owing in respect of that land and recover the costs as such.
- d. If an authorized person cannot obtain consent to enter land or a building, or having obtained consent is obstructed or interfered with in any way, he may apply to the Court of Queen's Bench of Alberta for an order authorizing entry or restraining any person from preventing, interfering with or obstructing an authorized person from entering the land or a building, or both;
- e. Any application aforesaid shall be made by way of originating notice and a copy of the

same, together with a copy of each affidavit in support, shall be served not less than three (3) days before the day named in the notice for hearing the application.

- f. If the judge of the Court of Queen's Bench of Alberta is satisfied that the person applying for the order is an authorized person and the authorized person needs to enter the land or building to determine whether this bylaw is being complied with, may make an order aforesaid.

X. Penalties

- a. Every person who violates any provisions of this bylaw for which no other provision for penalty has been made is guilty of an offence and is liable on Summary Conviction:
 - i. For a first offence to a fine of not less than one hundred dollars (\$100.00), or more than two hundred dollars (200.00), and costs, and in default of payment, to be imprisoned for a term not exceeding thirty (30) days, or
 - ii. For a second or subsequent offence, to a fine of not less than two hundred dollars (\$200.00), or more than five hundred dollars (\$500.00), and costs, and in default of payment to be imprisoned for a term not exceeding sixty (60) days.

XI. APPEAL PROVISIONS

- a. A person who considers himself aggrieved by a direction given pursuant to this bylaw, may appeal the direction to the Council.
- b. An appeal under this section shall be delivered in person or sent by certified mail to the Municipal Secretary within Ten (10) days of the date on which the direction was served on the owner, lessee, occupier or agent.
- c. Council may hear the appeal or it may authorize a committee appointed under Section 456 of the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 1980, as amended, to hear the appeal.
- d. After considering the appeal, Council or the committee authorized to hear the appeal, may confirm the direction or if it is satisfied that the direction is unreasonable, unjust or in any manner contrary to the intent and meaning of this bylaw, set aside, vary or modify the direction.
- e. If a person considers himself aggrieved by a decision under subsection (d), he may appeal the decision by originating notice to the Court of Queen's Bench within Ten (10) days


of the date on which the decision is served on him.

- f. The Court may confirm the decision of the Council or the committee or may set aside, vary or modify the direction.

This Bylaw shall repeal Bylaw No 84-07 of the Town of Drayton Valley.

This Bylaw shall have force and effect upon the date of third and final reading thereof.

Read a first time this 5th day of September A.D., 1986.



Mayor



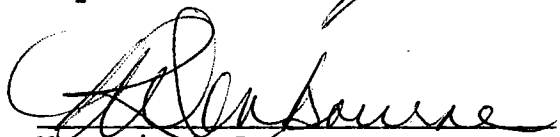
Municipal Secretary

S E A L

Read a second time this 14th day of May A.D., 1987.



Mayor




Municipal Secretary

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Read a third and final time this 18 day of February A.D., 1988



Mayor



Municipal Secretary

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