

BYLAW 383-00

A BYLAW OF THE VILLAGE OF STIRLING, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REMEDY OF DANGEROUS AND UNSIGHTLY PROPERTY IN THE VILLAGE OF STIRLING.

WHEREAS, by the authority of the Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta, 1994, a council may pass a bylaw respecting dangerous and unsightly property.

WHEREAS, it is deemed necessary by the Mayor and Council of the Village of Stirling to provide for the remedy of dangerous and unsightly property, and

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

TITLE:

1. This bylaw may be cited as "The Dangerous and Unsightly Property Bylaw."

DEFINITION:

2. In this bylaw, unless the context otherwise requires:
 - a) A "Designated Officer" means the Chief Administrative Officer, Bylaw enforcement Officer, RCMP Officer and or Fire Chief of the Village of Stirling or his duly authorized assistants.
 - b) "Administrator" means the Chief Administrative Officer of the Village of Stirling or his duly authorized assistants.
 - c) "Owner" includes agent, lessee or occupier of any lands or premises, not withstanding that the agent, lessee or occupier is not the registered legal owner.
 - d) "Council" means the Municipal Council of the Village of Stirling.
 - e) "Dangerous or Unsightly Property" means any property or structure that is dangerous or unsightly, including:
 - i. any property or part of it which is characterized by visual evidence of a lack of general maintenance and upkeep.
 - ii. Any property or part of it which is being used for the keeping, collecting or storing of any junk, scrap metal, hay, straw, constructive material, white goods, or old automobiles which have all or part of their upper structure removed or a motor vehicle or the parts thereof which is in a dilapidated or unsightly condition which is stored outside a building. Only two vehicles, that are not licensed and insured, will be allowed to be stored on the owner's property, outside. These vehicles must be complete and/or in running order.
 - iii. Any property, buildings, structures, excavation or hole which is dangerous to public safety or property because of its unsightly condition or is detrimental to the surrounding areas.
 - iv. Any property that has remained unkempt in so far as the cutting of weeds and tall grass, the removal of dead trees, shrubs, hedges, etc. inasmuch as it may become a public safety or fire hazard to the surrounding area.
 - v. A property not in keeping with the surrounding properties within a one block radius, of the same Land Use Distcription under the Land Use Bylaw of the Village of Stirling.

GENERAL PROHIBITION:

3. **NO PERSON** being the owner of any property or structure within the Village of Stirling shall permit this property or structure to be or remain in a dangerous or unsightly condition.

INSPECTION

4. A Designated Officer of the Village of Stirling may, after giving reasonable notice to the owner or occupier of land or the structure, enter into any property, building or structure within the Village of Stirling to inspect for conditions that may constitute a dangerous or unsightly property or contravene or fail to comply with the provisions of this Bylaw.

NOTICE BY DESIGNATED OFFICER:

5. If, in the opinion of a Designated Officer, any property or structure is a Dangerous or Unsightly Property, the Designated Officer may by written notice:
 - a) require the Owner of the structure to eliminate the danger to public safety in a manner specified, or remove or demolish the structure and level the site;
 - b) require the Owner of the land that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;
 - c) require the Owner of the property that is in an unsightly condition to improve the appearance of the property in the manner specified, or if the property is a structure, remove or demolish the structure and level the site.

WRITTEN NOTICE/ORDER:

6. An notice/order to remedy Dangerous or Unsightly Property,
 - a) Shall be in writing, shall be served on the person which has allowed a dangerous or unsightly condition, to the registered owner of the property, and a copy of the notice shall be retained at the Village Office.
 - b) A notice given by the Designated Officer pursuant to any of the provisions of this Bylaw shall be deemed to have duly given and served on the person to whom it is addressed:
 - i) on the notice being personally delivered to the person to whom it is addressed
 - ii) on leaving the notice with a person apparently over the age of eighteen (18) years at the place of abode of the person to whom the notice is addressed
 - iii) on sending the notice by double registered mail addressed to the last postal address, or address shown on the assessment roll, as the case may be, in which case the date of service shall be deemed to be two business days following the date the notice is posted.
 - c) The notice may state a time within which the person must comply with the order,
 - d) The notice may state the fine for not complying with the order within the specified time.

NONCOMPLIANCE WITH NOTICE:

7. Any person that does not comply with a written notice pursuant this bylaw shall be guilty of an offense and shall be fined,
 - a) for the first offense, to a fine of one hundred (\$100.00) dollars and costs;
 - b) for the second and subsequent offense to a fine of five hundred (\$500.00) dollars and costs.

- c) Costs shall include legal fees on a solicitor/client basis, together with all disbursements incidental thereto.
8. The Designated Officer is hereby authorized and empowered to issue a violation ticket pursuant to part II of the Provincial Offenses Procedure Act of the Statutes of Alberta 1998, being Chapter P-21.5 and as amended.

COUNCIL REVIEW OF ORDER

9. The Owner or person who receives an order pursuant to this bylaw may request Council to review the order by written notice within 14 days of the date the order is received or deemed to have been received.
- a) The Owner or person who receives an order pursuant to this bylaw must provide the Administrator with a written request for Council to review the order.
 - b) The written request for review of an order issued pursuant to this bylaw must be received by the Administrator within 14 days of receipt of the order.
 - c) The Owner or person who receives an order pursuant to this bylaw may appear before Council in person or by representative.
 - d) After receiving the order, Council may confirm, vary, substitute or cancel the order.

NOTICE OF DECISION OF COUNCIL REVIEW:

10. a) Notice of decision of the Council review shall be served on the person who requested for the review of the order by Council.
- b) Notice of decision of the Council review pursuant to any of the provisions of this bylaw shall be deemed to have been duly given and served on the person to whom it is addressed:
- i) on the order being personally delivered to the person to whom it is addressed
 - ii) on leaving the order with a person apparently over the age of eighteen years at the place of abode of the person to whom the notice is addressed
 - iii) on sending the order by double registered mail addressed to the last known postal address, or shown on the assessment roll, as the case may be; or
- c) The Notice of Decision of the Council review may state a date within which the person must remedy the dangerous or unsightly property, this date shall not be less than 30 days from the date the Notice of Decision of Council Review is received by the the person who requested the Review.

APPEAL OF COUNCIL REVIEW:

11. An owner or person affected by the decision of a Council review of an order pursuant to this bylaw may appeal to the Court of Queen's Bench. This appeal must be made within 30 days of the date the decision of the Council review is served on the person.

REMEDYING DANGEROUS AND UNSIGHTLY PROPERTY:

12. If Dangerous and Unsightly Property has not been remedied by the date required in the Notice of Decision of Council Review, and appeal periods respecting the Order and Notice of Decision of Council Review, Council and the Village of Stirling may take whatever actions or measures are necessary to eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of property.

Village of Stirling, Dangerous and Unightly Premise Bylaw ...4

13. If a structure is being removed or demolished by the Village of Stirling under this Bylaw, the Village may use reasonable force to remove occupants.

EMERGENCIES:

14. Despite the provisions of this bylaw, in an emergency Council and the Village of Stirling may take whatever actions or measures necessary to eliminate the emergency.

RECOVERY OF COSTS:

15. The expenses and costs 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 which the remedial action was taken.

16. Bylaw 364-96 is hereby repealed.

This Bylaw shall come into force upon the passing thereof.

Read a first time this 25th day of October, 2000.

Read a second time this 22nd, day of November 2000.

Read a third time this 22nd, day of November 2000.

VILLAGE OF STIRLING

Mayor



Chief Administrative Officer

