

**VILLAGE OF STIRLING
IN THE PROVINCE OF ALBERTA
BYLAW NO. 545-24**

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WHEREAS, the Municipal Government Act RSA 2000, Chapter M-26 as amended or repealed or replaced, a council may pass a bylaw respecting the remedy of dangerous and unsightly property;

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 "Dangerous and Unsightly Property Bylaw."

DEFINITION:

2. In this bylaw, unless the context otherwise requires:
 - a) "Administrator" means the Chief Administrative Officer of the Village of Stirling or his duly authorized assistants.
 - b) "Designated Officer" means a Peace Officer as defined by the Criminal Code of Canada, or a Peace Officer as defined by the Alberta Peace Officer Act, Statutes of Alberta, 2006 Chapter P-3.5, as amended from time to time.
 - c) "Owner" means the legal or registered owner, an agent, lessee, or occupier of any lands or premises.
 - d) "Occupant" means a person occupying or exercising control or having right to occupy or exercise control over Premises, including but not restricted to a lessee, or agent of an Owner.
 - e) "Council" means the Municipal Council of the Village of Stirling.
 - f) "Dangerous or Unsightly Property" means lands or premises which, in the opinion of the Designated Officer, are not in keeping with the standard of the surrounding properties including but without limiting the generality of the foregoing, lands, or premises on which there exists:
 - i. Unduly long grass which is not in keeping with the standard of the surrounding property or may be considered a fire hazard and not to exceed 20 centimeters in length;
 - ii. Growths of noxious weeds and plants as those defined as noxious prohibited weeds in the Weed Control Act, RSA 2008, c. W-51 and regulations hereto;

- iii. Equipment or machinery that has been rendered inoperative by reason of disassembly, age, or mechanical condition, including household appliances;
 - iv. Unregistered or derelict vehicles. No more than two unregistered vehicles will be permitted on land where a dwelling or business resides.
 - v. The accumulation of rubbish, refuse, garbage, papers, packages, containers, bottles, cans, manure, animal feces, sewage, animal carcasses, dirt, soils, gravel, rocks, sod, petroleum products, hazardous recyclables, substances and wastes as defined in the Environmental Protection and Enhancement Act, broken furniture, chattels or goods, discarded household materials and the like;
 - vi. The accumulation of yard materials such as branches, leaves, or scrap building materials;
 - vii. The accumulation of building materials, whether new or used, unless the owner can establish that a construction or renovation undertaking is being carried out on the property or that the beginning work is imminent, and that the material is stacked or stored in an orderly manner.
 - viii. All buildings, structures, and improvements to the property shall be maintained consistent with the surrounding area so that they are kept in a reasonable state of repair and do not constitute a safety hazard; the determination of which shall be in the Designated Officer's sole discretion;
 - ix. A condition of a land, building, or excavation which in the opinion of the Designated Officer forms a Dangerous Condition.
 - x. Placing, depositing, or allowing to be placed or deposited any garbage, rubbish, or refuse upon or along any highway, street, land, alley, or boulevard abutting or flanking lands which exist between the legal property line of an owner to the edge of the nearest adjacent roadway.
- g) "Order" means a written order as prescribed by the Municipal Government Act RSA 2000, Chapter M-26, to remedy a dangerous or unsightly condition.
- h) "Premises" means land, buildings, or property, whether real or personal.
- i) "Village of Stirling" means the corporate boundaries of the Village of Stirling in the Province of Alberta.
- j) "Violation Ticket" means a part 2 or part 3 offence notice as described in the Provincial Offences Procedures Act P-34 RSA 2000.

GENERAL PROHIBITION:

3. No Owner or Occupant of a premises within the Village of Stirling shall permit a dangerous or unsightly condition.

INSPECTION

4. A Designated Officer after giving reasonable notice to the owner or occupant of a premises may enter into any property, building or structure to inspect for conditions that may contravene or fail to comply with the Bylaw.

ORDER TO REMEDY:

5. The Order to remedy shall be done as required by the Municipal Government Act section 546 and shall include all the required statements found within the Municipal Government Act, and must include:
 - a) The name of the Owner of the premises;
 - b) The civic and legal land address of the premises;
 - c) State the premises contravenes a provision of the Bylaw ;
 - d) Give reasonable particulars of the extent of the clean-up, removal, clearing, or other actions required to be made;
 - e) State the time within which the clean-up, removal, clearing, or other actions are to be done;
 - f) State if the required actions are not done within the time specified, the Village of Stirling may;
 - i. Carry out the actions required and charge the cost thereof against the Owner; and/or
 - ii. Cause a Violation ticket to be served upon the owner or occupant.
 - g) State that an appeal lies from the Order and shall be required to be filed within 7 days, as per the Municipal Government Act, of receiving the Order to the Village of Stirling Administration Office.
 - h) An appeal must be signed and in writing and must contain the following to be considered:
 - i. The reason the appellant believes the order is not valid, or any condition the appellant believes does not violate the bylaw and why; and
 - ii. A copy of the order issued to the appellant.
 - iii. Upon receipt of an appeal the appellant shall appear in person or by representative before Council on the date provided for the appeal.
 - iv. Upon hearing the appeal Council may confirm, vary, substitute, or cancel the Order.
 - i) Any appeal filed outside of the time permitted by the Municipal Government Act shall not be heard by Council.

NONCOMPLIANCE WITH AN ORDER TO REMEDY:

6. If an Owner or Occupant served with an Order fails to comply with the provisions of the Order, or with the decision of Council upon appeal, or with an Order issued by the Court of King's Bench within the time prescribed to perform any of the actions required:
 - a) A Designated Officer may issue a violation ticket;
 - b) A Designated Officer shall cause any work necessary to remedy the condition(s) to be done and;
 - i. Charge the cost of the work done to remedy the condition(s) to the owner of the property.
 - ii. In default of payment the cost shall be applied against the property as taxes due and owing in respect to that property and recover the cost of

said priority as to lien and to payment thereof as in case of other Municipal Taxes.

SERVICE OF AN ORDER TO REMEDY

7. An Order shall be deemed served:
 - a) If served personally upon the Owner or Occupant of the premises;
 - b) If posted in a conspicuous place on the premises; or
 - c) Sent by registered mail to the Owner or Occupant of the premises.

PENALTIES

8. Any person who is found guilty of an offence for any provision of this Bylaw shall be subject to a fine of not less than the specified penalty formed in Schedule A of this Bylaw.

REPEALS

9. Upon third and final reading Bylaw 545-24 shall repeal Bylaw 383-00.

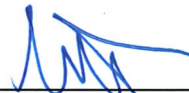
Read a first time this 21 day of February 2024.

Read a second time this 6 day of March 2024.

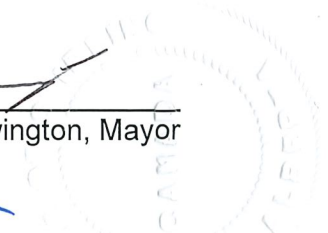
Read a third time and passed this 6 day of March 2024.



Trevor Lewington, Mayor



Scott Donselaar, CAO



**Schedule A
Specified Penalties
Any Provision of the Bylaw**

Minimum Penalty 1st Offence

\$250.00

Minimum Penalty Each Subsequent Offence

\$500.00