

**COUNTY OF LETHBRIDGE  
IN THE PROVINCE OF ALBERTA**

**BY-LAW NO. 1402**

**Bylaw No. 1402 - For the Purpose of Preventing  
and Compelling the Abatement of Nuisances  
and Untidy and Unsightly Premises**

WHEREAS, under authority and subject to the provision of the *Municipal Government Act*, R.S. A. 2000, c. M-26, as amended, the Council of the County of Lethbridge duly assembled enacts as follows:

**DEFINITIONS**

1. In this By-Law unless the context otherwise requires:

- (a) "Owner" means the legal or registered owner, an agent, lessee, or occupier of any lands or premises;
- (b) "Occupant" means a person occupying or exercising control or having the right to occupy or exercise control over Premises, including but not restricted to a lessee, or agent of an Owner;
- (c) "Enforcement Officer" means the Community Peace Officer, RCMP, Development Officer, or any other officer, employee, or agent of the County of Lethbridge designated as an Enforcement Officer by Council or the duly authorized assistant of such persons;
- (d) "County" means the County of Lethbridge or the area contained within the boundaries of the County of Lethbridge as the context required.
- (e) "Premises" means land, building, or property, whether real or personal;
- (f) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of Vehicles and includes:
  - (i) A sidewalk (including boulevard portion thereof);
  - (ii) Where a ditch lies adjacent to and parallel with a roadway, the ditch, and
  - (iii) Where a Highway right of way is contained within fences or between a fence and one side of a roadway all the land between the fences or all the land between the fence and edge of the roadway as the case may be, but does not include a place declared within this By-law not to be a Highway;
- (g) "Nuisance" means any activity or condition within the municipal boundaries of the County of Lethbridge which interferes with, annoys, disturbs, injures, or endangers the safety, comfort, peace, or health of others including, but without restricting the generality of the foregoing:
  - (i) Emissions of opaque or dense smoke or dust;
  - (ii) 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.

- (h) "Garbage" means material composed of organic matter which is or may become decomposed, including the by-products from the preparation, consumption, or storage of food;
- (i) "Untidy or unsightly condition" means lands or premises which, in the opinion of the Enforcement 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 it may be a fire hazard;
  - (ii) Growths of noxious weeds and plants as those defined as noxious prohibited weeds in the *Weed Control Act*, R.S.A. 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) Having two (2) or more unregistered vehicles on the property which are visible from public property;
  - (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 fabrics and the like;
  - (vi) The accumulation of animal material, yard material, ashes or scrap building material; or
  - (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 staked or stored in an orderly manner.
  - (viii) All buildings, structures, and improvements to property in residentially zoned lands 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 Enforcement Officer's sole discretion.
  - (ix) The following situations or activities are exempt from Section 1(i):
    - (A) Bona fides and permitted commercial, industrial, agricultural, construction, demolitions, renovations, landscaping, clean-up, or related activities, for which any applicable municipal, provincial, or federal permits have been granted, if required;
    - (B) The County's activities;
    - (C) Landfills within the County; and
    - (D) Any operation or activity operating under a valid County development approval conditions.
    - (E) Lands that are in the Rural Agricultural District are exempt from the manure prohibition under Section 1. (i) (v), as long as the *Agricultural Operation Practices Act (AOPA)* regulations, which sets manure management standards for all operations that handle manure, are being adhered to

(j) "Order" means a written notice of a contravention of the By-law directing the actions an Owner or Occupant is to take regarding the contravention;

(k) "Violation Ticket" means an offence notice issued by means of a Violation Ticket as described in Part 2 of the Provincial Offences Procedure Act.

### **NUISANCE AND UNSIGHTLY PREMISES**

2. Subject to Section Seven (7), no Owner or Occupant of lands or premises within the County shall:

(a) Permit thereon or allow the existence of any activity which constitutes a nuisance; or

(b) Permit the lands or premises to be or remain in an untidy or unsightly condition.

3. Any Enforcement Officer is hereby authorized to enter any lands, buildings, or premises to inspect for conditions that may contravene or fail to comply with the By-Law.

### **VIOLATIONS**

4. Where any condition or activity on lands or premises within the County is found to be a contravention of this By-Law, the Enforcement Officer may cause an Order of Compliance to be served upon the Owner or Occupant of such premises to abate the activity or to remedy the condition within 14 days of receiving an Order of Compliance.

### **ORDERS**

5. Any Order given pursuant to this By-Law shall be deemed to have been duly given and served on the owner or occupant:

(a) On it being personally delivered to the owner; or

(b) On leaving it with a person apparently over the age of 16 years and apparently residing on the lands and premises; or

(c) By posting it in a conspicuous place on the lands or Premises and in such case by also sending it by double registered prepaid mail to the owner as shown on the assessment roll.

6. Each Order Shall:

(a) Describe the Premises by its municipal address and legal description;

(b) State that the Premises contravenes the provisions of this By-law;

(c) Give reasonable particulars of the extent of the clean-up, removal, clearing, or other actions required to be made;

(d) State the time within which the clean-up, removal, clearing, or other actions are to be done;

(e) State that if the required actions are not done within the time specified, the County may;

(i) Carry out the actions required and charge the cost thereof against the Owner or Occupant; or

(ii) Cause a Violation Ticket to be served upon the Owner or Occupant pursuant to Part 2 of the Provincial Offences Procedures Act;

(f) State that an appeal lies from the Order upon the filing of a Notice of Appeal within 7 days of receiving an Order.

### **APPEAL OF ORDER**

7. An Owner or Occupant may appeal an Order issued pursuant to Section 4 of this By-Law by filing of Notice of Appeal to County Council.

(a) A Notice of Appeal shall be in writing, be signed by the appellant or by an agent on behalf of the appellant, and shall state:

(i) The date;

(ii) The name and address of the appellant and the agent, if any;

(iii) The interest of the appellant to the Premises;

(iv) A copy of the Order of Compliance in respect of which the appeal is being taken;

(v) The legal land description of the Premises affected;

(vi) The grounds for appeal.

(b) A Notice of Appeal shall be delivered personally or sent by double registered mail to the County within 7 days of receiving the Order of Compliance.

(c) Within 30 days of receipt of a Notice of Appeal County Council shall hear and determine the appeal.

(d) Council County may confirm, rescind, or vary the Order of Compliance that was issued.

### **FAILURE TO COMPLY**

8. 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 of the Order, within the time fixed by the Order or Council:

(a) An Enforcement Officer may cause a Violation Ticket to be served upon the Owner or Occupant pursuant of Part 2 of the Provincial Offences Procedure Act.

(b) An Enforcement Officer may cause any work necessary to remedy the condition to be done and;

(i) Charge the cost of the work done to remedy the condition to the owner of the property, and in default of payment Council may;

(A) Recover the cost of the debt due to the County; or

(B) Charge the cost against the property concerned 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 the case of other municipal taxes.

9. Any person(s) who enters a property at the direction of Council or Enforcement Officer, to remedy a condition which constitutes the contravention of the By-Law in accordance with the provisions herein, shall be deemed to have the authorization of Council shall not incur any liability therefore.

10. A person served with a Violation Ticket may make a voluntary payment in respect of the summons pursuant to Part 2 of the Provincial Offences Procedures Act.

11. A Violation Ticket issued pursuant to section 8 of this By-law shall impose fines as follows:

(a) \$250.00 for a first violation by an Owner or Occupant; and


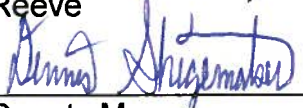
(b) \$500.00 for any subsequent violation by and Owner or Occupant.

12. The expense and cost incurred by the County pursuant to section 8 (b) of the Bylaw may be charged to an Owner or Occupant in addition to any payment made pursuant to Section 11 and 12 of this Bylaw.

THAT this By-Law shall come into force and effect September 5, 2013 and;

THIS By-Law shall hereby rescind previous By-Law 1029.

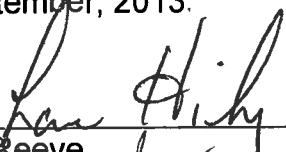
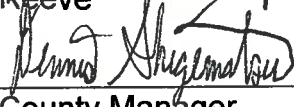
GIVEN first reading this 5<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
Reeve  
  
\_\_\_\_\_  
County Manager

GIVEN second reading this 5<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
Reeve  
  
\_\_\_\_\_  
County Manager

GIVEN third reading this 19th day of September, 2013.

  
\_\_\_\_\_  
Reeve  
  
\_\_\_\_\_  
County Manager