

**BYLAW #521-18  
VILLAGE OF HUSSAR**

**A BYLAW OF THE VILLAGE OF HUSSAR IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF  
REGULATING, CONTROLLING AND ABATING NUISANCES AND REMEDYING UNSAFE AND  
UNSIGHTLY PROPERTIES**

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000 c.M-26 as amended or replaced from time to time, the council of a municipality may pass bylaws for preventing of nuisances generally, and regulating untidy and unsightly private and public premises, and eliminating conditions on properties that are dangerous to public safety;

AND WHEREAS, the Village of Hussar Council deems it expedient and in the public interest to pass a bylaw to establish and enforce minimum standards relating to the state of maintenance of property and to regulate, control and abate nuisances and unsafe and unsightly properties;

AND WHEREAS, Council feels that it is important to maintain a high standard of property maintenance so that the community is kept and well cared for and believes that with the cooperation of property owners, this could be an important way to showcase the Village to residents and visitors alike;

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

**BYLAW TITLE**

1. This bylaw may be referred to as the "Unsightly Premise Bylaw."

**DEFINITIONS**

2. In this Bylaw, unless the context requires otherwise:
  - a. "Act" means the *Municipal Government Act*, R.S.A. 2000 c.M-26 and associated regulations as amended or replaced;
  - b. "Abandoned Equipment" means equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or mechanical condition, or any household appliance stored outside of a residence or other structure regardless of whether or not it is in an inoperable condition;

- c. "Abandoned Vehicle" means the whole or any part of any motor vehicle that is in a rusted, wrecked, partially wrecked, dismantled, partially dismantled, or inoperative condition, and is not located within a structure or is located on a premises such that it can be concealed from view;
- d. "Animal Material" means any animal carcass, animal excrement including manure or any other form of waste litter, and includes any material accumulated on premises from pet pens or pet yards, stables, veterinary clinics, animal hospitals, kennels or feed lots;
- e. "Ashes" means the powdery residue accumulated on a property left after the combustion of any substance and includes any partially burnt wood, charcoal or coal or any other combustible substance;
- f. "Boulevard" means that portion of a street which lies between the roadway and the front property line of the land abutting said street;
- g. "Building Material" means all construction and demolition material accumulated on a property while storing, constructing, altering, repairing or demolishing any structure and includes, but is not limited to new or used metal, steel, aluminum, or tin, or earth, Vegetation or rock displaced during such construction, alteration or repair;
- h. "Bylaw Enforcement Officer" means a person authorized by Council to carry out the provisions of this bylaw and includes the Chief Administrative Officer, a member of the Royal Canadian Mounted Police, or a Peace Officer;
- i. "Chief Administrative Officer" means that individual appointed by Council as Chief Administrative Officer for the Village in accordance with the *Municipal Government Act*;
- j. "Council" means the council of the Village of Hussar;
- k. "Day" means a continuous period of twenty four (24) hours;
- l. "Nuisance" means any condition or unauthorized use of Property which, in the opinion of a Bylaw Enforcement Officer constitutes an unreasonable interference with the enjoyment, use or value of other Property or the quality of life of Village residents;

- m. "Occupant" means any Person occupying, and/or residing on Property pursuant to a lease agreement, license agreement or other form of permit or permission;
- n. "Owner" means a person registered under the *Land Titles Act* as being the owner of a Property;
- o. "Person" means any individual, firm, partnership, association, corporation, company, society or other legally constituted organization;
- p. "Property" means any land, buildings, structures, or premises or any personal property located thereupon;
- q. "Pest" means any animal, bird, reptile or insect which causes or could reasonably be expected to cause annoyance, damage or injury to any person, animal or plant;
- r. "Refuse" means all solid and liquid waste including but not limited to: any paper product, fabric, wood, plastic, glass, metal, organic waste, or any matter, substance or thing, which has been or appears to have been discarded, abandoned, or in any way disposed of;
- s. "Remedial Order" means a written order issued pursuant to section 545 or 546(0.1) of the *Municipal Government Act*;
- t. "Roadway" means any land as shown as a road on a plan or survey that has been filed or registered in a land titles office or used as a public road and includes an alley, lane or bridge forming part of a public road, and any structure incidental to a public road, or is used for parking or travel by vehicles;
- u. "Sidewalk" means the part of a pathway or Roadway especially adapted to the use of or ordinarily used by pedestrians;
- v. "Unsafe Condition" means Property that, in the opinion of a Bylaw Enforcement Officer, poses or constitutes an undue or unreasonable hazard or risk to the safety, health or welfare of any Person or other Property including, but not limited to, a structurally unsound condition, fire or explosive hazard;

- w. "Unightly Condition" means any Property or part thereof that, in the opinion of a Bylaw Enforcement Officer, shows signs of neglect, or which otherwise exhibits a significant lack of general maintenance, clean-up, or upkeep, and includes:
- i. Property having an excessive, unusual, or unreasonable accumulation of:
    - A. Abandoned Equipment;
    - B. Abandoned Vehicles;
    - C. Animal Material;
    - D. Ashes;
    - E. Building Material;
    - F. Refuse; or
    - G. Vegetation;
  - ii. Any building, structure, or other improvement that exhibits significant physical deterioration, including buildings and structures that suffer from:
    - A. Broken or missing windows, siding, shingles, shutters, eaves, roofing, or finishing materials; or
    - B. Clearly visible exterior or structural deterioration, damage or decay, including significant fading, chipping or peeling of painted surfaces;
- x. "Vegetation" means grass, weeds, bushes, shrubs, trees or any other plant;
- y. "Village" means the Village of Hussar;
- z. "Violation Tag" means a Bylaw Violation Tag issued pursuant to the *Municipal Government Act*;
- aa. "Violation Ticket" means a ticket issued under Part 2 of the *Provincial Offences Procedure Act*;
- bb. "Warning Letter" means a letter issued by a Bylaw Enforcement Officer advising an Owner or Occupant that a Property is in contravention of this Bylaw and directing the actions that the Owner or Occupant must take in order to remedy the contravention, stating a time frame in which the Owner or Occupant must comply with the directions and advising if the Owner or Occupant does not comply with the directions within the specified time frame that the Village may pursue further enforcement action;

### UNSIGHTLY PREMISES

3. No Owner or Occupant of a Property shall cause, permit or allow the Property to become or to continue to be in an Unsightly Condition.
4. No Owner or Occupant of a Property shall cause, permit or allow the Property to become or continue to be in an Unsafe Condition.
5. No Owner or Occupant of a Property shall cause, permit or allow the Property to become or continue to be a Nuisance.
6. If there is more than one Owner or Occupant of a Property, all Owners or Occupants of the Property are jointly and severally responsible to ensure that the Property complies with this Bylaw.
7. The Owner of a Property is ultimately responsible for ensuring that the Property complies with all provisions of this Bylaw.

### VEGETATION

8. An Owner or Occupant of a Property shall control all weeds and grass on the Property, and on any Boulevard which abuts or adjoins the Property, including up to the centre of lanes or alleys at the rear or side of the Property, by preventing them from growing to a height of more than six (6) inches.
9. Trees and bushes whose branches overhang a road, lane or alley shall not encroach over the property line so as to allow unobstructed flow of traffic through these thoroughfares.
10. Trees and bushes whose branches overhang a sidewalk shall be pruned so as to not encroach onto or over the sidewalk or obstruct or prevent the flow of pedestrian traffic.

### GARBAGE

11. No Owner or Occupant of a Property, whether presently occupied or not, shall permit or allow Refuse, Abandoned Vehicles, Abandoned Equipment or any other matter to be placed or remain on a Property that may allow the Property be considered, in the opinion of the Bylaw Enforcement Officer, to be or become an Unsightly Property.
12. No Owner or Occupant of a Property, shall permit or allow Refuse, garbage, debris, Building Material, yard material, or other material to be blown off or otherwise scattered beyond the boundary of the Property.

13. No Person shall personally, nor by his employee, servant or agent, discard, place deposit or leave any Refuse, garbage, debris or other material upon any private Property, without the permission of the owner of such Property.

#### FENCES

14. All fences, barriers and retaining walls around or upon the Property shall be kept in a reasonable state of repair. No Owner or Occupant shall allow a structure or fence to become a safety hazard.

#### VEHICLES

15. One (1) vehicle that does not bear a current registration may be stored on a Property, as long as that vehicle is not considered by the Bylaw Enforcement Officer to be an Abandoned Vehicle.

- a. A vehicle stored under this section must not be parked on the front lawn of the Property.

16. A Bylaw Enforcement Officer may provide approval for additional vehicle storage on a Property taking into account any or all of the following:

- a. Screening of the vehicles from adjacent properties;
- b. Maintenance of Vegetation around the vehicles;
- c. Size and lot coverage of the Property;
- d. Number of vehicles;
- e. Length of time the vehicles will be stored;
- f. Whether or not the vehicles will be covered with a vehicle tarp; and
- g. Any other factors the Bylaw Enforcement Officer deems appropriate;

Approval will be provided on a case-by-case basis and may be with or without conditions.

#### PESTS

17. Any permanent opening in a basement, cellar, crawl space, accessory building, or other structure that might permit the entry of rodents, vermin or other Pests shall be screened or covered so as to completely cover the opening in a way that does not allow access to these Pests.
18. Where a Property or portion thereof is infested with vermin, insects, rodents or other Pests, all necessary steps shall be taken to eliminate the Pests in order to prevent their reappearance.

## CONSTRUCTION

19. An Owner or Occupant of a Property under construction, renovation or demolition shall ensure that Building Material and waste Building Materials on the Property are contained and secured in such a manner that prevents such material from being blown off or scattered throughout or from the Property.
20. A Nuisance, Unsightly Condition or Unsafe Condition may include the accumulation of Building Materials, whether new or used unless the Owner or Occupant can establish that a construction or renovation undertaking is being carried out on the Property and that the undertaking has begun or the beginning of work is imminent and that the material is stacked or stored in an orderly manner.

## SNOW REMOVAL

21. The Owner or Occupant of a Property adjacent to a Sidewalk or pathway shall remove ice and snow from that portion of the Sidewalk or pathway adjacent to the Property so that the Sidewalk is cleared within 48 hours after the snow or ice has been deposited to ensure that the Sidewalk does not remain in an Unsafe Condition.
22. A Person may, in such a way as to not injure or unduly interfere with any other Person lawfully using the Sidewalk, use a power driven device that is sufficiently light and of such construction that it will not injure the surface of the Sidewalk to remove snow or ice from any portion of a Sidewalk.
23. Where a person uses an ATV or other vehicle to remove snow from a Sidewalk, as provided for above, approval for such use will be required from the Village. In order to obtain this permission the Village may require the following:
  - a. The operator of the ATV must be at least 16 years of age;
  - b. The operator must provide proof of insurance and registration for the ATV;
  - c. The operator must provide a map of the area to be cleared by the ATV; andthe operator may be held liable for any damages to private Property or Village Property, including, but not limited to, Sidewalks and Roadways.
24. A Person who removed snow or ice from public or private Sidewalks or Property shall not deposit said snow or ice upon any Sidewalk, Roadway, or public or private Property without permission from the Owner of such Property and, shall not impede storm water runoff, including runoff caused by melting snow or ice, or block access to any fire hydrant, driveway, or wheelchair ramp.

## ENFORCEMENT

25. When making the determination as to whether a Property is in an Unsightly Condition or Unsafe Condition, or as to whether the Owner or Occupant of a Property has allowed the Property to become or continue to be a Nuisance, the Bylaw Enforcement Officer may consider:

- a. The general condition and state of upkeep and tidiness of other Properties located in the same neighbourhood, community or vicinity;
- b. The nature, size, location and permitted use of the Property, and whether or not the Property is located within a predominantly residential area;
- c. The nature of the Unsightly Condition, Unsafe Condition or Nuisance condition complained of, and the period of time that such condition has persisted;
- d. Whether the Property is undergoing construction, renovation, or demolition, and the period of time that such activity has been ongoing;
- e. Whether the Owner or Occupant of the Property had been previously notified of compliance with the provisions of this Bylaw; and
- f. Any other circumstances or factors relating to the Property which the Bylaw Enforcement Officer considers to be relevant to the subject determination.

26. A Bylaw Enforcement Officer is a designated officer of the Village for the purposes of ensuring that the provisions of this Bylaw are being complied with and may enter in or upon any Property or structure in accordance with section 542 of the *Municipal Government Act*, to carry out an inspection, enforcement, remedial action or other action authorized or required by this Bylaw or the *Municipal Government Act*.

27. No provision of this Bylaw nor any action taken pursuant to any provisions of this Bylaw shall restrict, limit, prevent or preclude the Village from pursuing any and all other remedy in relation to contravention of this Bylaw provided by the *Municipal Government Act*, or any other law in the Province of Alberta.

28. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

## WARNING LETTER

29. The Bylaw Enforcement Officer may issue a Warning Letter to any Person who contravenes this Bylaw.

30. If the Person to whom the Warning Letter was issued does not comply with the Warning Letter, the Bylaw Enforcement Officer may issue a Remedial Order to the Person requiring that the Person bring the Property into compliance with this Bylaw and/or the *Municipal Government Act*.



## REMEDIAL ORDER

31. Regardless of whether or not a Warning Letter has been issued, at any time where a Bylaw Enforcement Officer finds that a Person is contravening this Bylaw, the Bylaw Enforcement Officer may issue a Remedial Order to that Person. The Remedial Order may:
- a. Direct the Person to stop doing something or change the way in which the Person is doing it;
  - b. Direct the Person to take any action or measures necessary to remedy the contravention of this Bylaw or the *Municipal Government Act*;
  - c. State a time within which the Person must comply with the directions set out in the Remedial Order and provide proof of compliance to the Bylaw Enforcement Officer; and
  - d. That if the Person does not comply with the directions within a specified time, the Village may take action or measure at the expense of the Person.

## VIOLATION TAGS

32. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
33. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- a. The Person's name;
  - b. The offence;
  - c. The appropriate voluntary penalty for the offence as in this Bylaw;
  - d. That the voluntary penalty shall be paid within ten (10) Days of issuance of the Violation Tag in order to avoid further prosecution; and
  - e. Any other information as may be required by the Chief Administrative Officer.
34. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer provided, however, that no more than one Violation Tag shall be issued for each Day that the contravention continues.
35. Where a Violation Tag has been issued in accordance with this Bylaw, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village the specified penalty within the time frame specified in the Violation Tag.

#### SERVICE OF WARNING LETTERS, REMEDIAL ORDERS AND VIOLATION TAGS

36. In any case where the Bylaw Enforcement Officer issues a Warning Letter, Remedial Order or Violation Tag to any Person pursuant to this Bylaw, the Bylaw Enforcement Officer shall effect such service either:

- a. By causing a written copy of the Warning Letter, Remedial Order or Violation Tag to be delivered to and left in a conspicuous place at or about the Property; or
- b. By causing a written copy of the Warning Letter, Remedial Order or Violation Tag to be mailed or delivered to the last known address of the Owner or Occupant as disclosed in the land registry system established by the *Land Titles Act* or the Village's assessment roll for that Property, as shall appear to the Bylaw Enforcement Officer to be most appropriate in the circumstances.

#### VIOLATION TICKET

37. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

38. Where a Bylaw Enforcement Officer has reasonable and probable grounds to believe that a Person has violated any provisions of this Bylaw, the Bylaw Enforcement Officer may commence court proceedings against such Person by:

- a. Issuing a Violation Ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*; or
- b. Swearing out an Information and Complaint against the Person pursuant to Part 2 of the *Provincial Offences Procedure Act*.

39. Where a Bylaw Enforcement Officer issues a Person a Violation Ticket in accordance with this Bylaw, the Bylaw Enforcement Officer may either:

- a. Allow the Person to pay the specified penalty for the offence as listed in this Bylaw by including the penalty amount within the Violation Ticket; or
- b. Compel the Person to attend Court by way of a Part 2 Violation Ticket, without specified penalty, if the Bylaw Enforcement Officer believes that it is in the public interest pursuant to Part 2 of the *Provincial Offences Procedure Act*.

40. A Violation Ticket may be served on such Person who is an individual either:

- a. By delivering it personally to such Person; or
- b. By leaving a copy for such Person at his/her last known residence with an individual at the residence who appears to be at least 18 years of age;

and such service shall be adequate for the purposes of this Bylaw.

41. A Violation Ticket may be served on a Person which is a corporation either:

- a. By sending it by registered mail to the registered office of the corporation; or
- b. By delivering it personally to the manager, secretary or other executive officer of the corporation or the Person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address;

and such service shall be adequate for the purposes of this Bylaw.

42. Where a contravention of this Bylaw is of a continuous nature, a contravention shall constitute a separate offence in respect of each Day, or part of a Day, on which that offence continues.

#### PENALTIES

43. The minimum and specified penalty for a violation for any provision of this Bylaw shall be a fine in the amount of \$250.00.

44. If a Person violates the same provision of this Bylaw a second time within a twelve (12) month period of the date of the initial Violation Tag or Violation Ticket being issued the minimum specified penalty for the second, and any subsequent violation, shall be a fine in the amount of \$500.00

#### REQUEST FOR REVIEW OF REMEDIAL ORDER

45. Any Person who receives a Remedial Order to remedy a Property under this Bylaw, or the *Municipal Government Act*, may file a written notice with the Chief Administrative Officer requesting Council to review the Remedial Order in accordance with section 547 of the *Municipal Government Act*.

46. After reviewing the Remedial Order, Council may confirm, vary, substitute or cancel the Remedial Order.

APPEAL OF COUNCIL DECISION

47. Any Person affected by a decision of Council under section 547 of the *Municipal Government Act*, may appeal to the Court of Queen’s Bench as per section 548 of the *Act*.

REGISTERING A COMPLAINT

48. All complaints concerning violations of this Bylaw shall be in writing and must specify the exact Property location, details of concern, and remedial expectations in relation to the complaint. All complaints shall be directed to the Chief Administrative Officer.

49. Complaints may be received anonymously in respect to Property in an Unsafe Condition.

RECOVERY OF COSTS

50. Any expenses or costs of any Remedial Order or action or measure taken by the Village under this Bylaw are an amount owing to the Village by the Owner of a Property which is in contravention of this Bylaw.

51. The expenses and costs incurred by the Village in the enforcement of this Bylaw may be added to the tax roll of the Property which is the subject of any enforcement proceedings as per section 553 of the *Municipal Government Act*.

SEVERABILITY

52. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

REPEAL

53. This Bylaw repeals Bylaw 336-77; Bylaw 418-93; Bylaw 442-99 and any other bylaws of similar context or content.

EFFECTIVE DATE

54. This Bylaw shall come into full force and effect upon third and final reading.

READ a first time this 9 day of August, 2018.

READ second time this 13 day of September, 2018.

READ a third time this 13 day of September, 2018.



Signed this 19 day of September, 2018.

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Mayor 

\_\_\_\_\_  
Chief Administrative Officer 

