

BY-LAW # 07-09

A BY-LAW OF THE VILLAGE OF MYRNAM, IN THE PROVINCE OF ALBERTA, CANADA, TO REGULATE AND CONTROL UNSIGHTLY AND DANGEROUS PREMISES.

WHEREAS the Village of Myrnam Council has the authority under the Municipal Government Act, RSA 2000, Chapter M-26, to enact Bylaws respecting nuisances including unsightly and dangerous premises;

AND WHEREAS unsightly and dangerous properties are a detriment to surrounding properties and the immediate neighborhood generally;

AND WHEREAS the Council of the Village of Myrnam deems it desirable and necessary to promote the maintenance of properties, within the corporate limits of the Village of Myrnam, in a tidy, pleasant and safe condition.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF MYRNAM, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the “Unsightly Premises Bylaw”.

DEFINITIONS

2. In this Bylaw:
 - a) “Appeal Notice” means a notice under section 7 in the form attached as Schedule “B”.
 - b) “Appellant” means any person who files an Appeal Notice.
 - c) “Building Material” means all construction and demolition material accumulated on a premises while storing, constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such storing, construction, alteration or repair.
 - d) “Council” means the Municipal Council of the Village of Myrnam.
 - e) “Direction Notice” means a written direction to remedy a Nuisance from the Village Administrator to an owner, tenant,

or agent, in the form attached as Schedule “A”.

- f) “Garbage” means any rubbish, refuse, papers, packages, containers, bottles, cans, manure, animal or human excrement or sewage or the whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household furnishings or appliances, boxes, cartons, discarded fabrics, any materials composed or organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food.
- g) “Inspector” means any person(s) designated by the Village of Myrnam to enter and inspect Property in accordance with the provisions of this Bylaw.
- h) “Nuisance” means a condition described in section 3.
- i) “Owner” means a person who:
 - a. holds out to be the person having the powers and authority of ownership or who currently exercises the powers and authority of ownership over the Property;
 - b. is registered as owner of the Property under the Land Titles Act;
 - c. has purchased or otherwise acquired the Property, whether directly from a previous owner or from another purchaser and has not yet registered ownership;
 - d. the person listed as owner of the Property on the current assessment roll;
 - e. any person(s) controlling the Property under construction; or
 - f. any person(s) who is the occupant of the property under a lease, license or permit.
- j) “Property” means and included any lands, buildings or premises in the Village of Myrnam.
- k) “Village” means the municipal corporation of the Village of Myrnam.
- l) “Village Administrator” means the person designated by Council as its Chief Administrative Officer or his or her designate.

NUISANCE

3.1 A Nuisance is any condition on or around a Property that is untidy, unsightly, offensive, and dangerous to health and safety, or which interferes with the use and enjoyment of other Property, and includes but is not limited to:

- a. uncut grass or weeds, including responsibility for the land at the front of the property to the centre of the

- Street/Avenue and at the alley to the center of the alley; or
- b. the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds in accordance with the terms and conditions as set out in the Weed Control Act, W-5, R.S.A. 2000; or
 - c. trees or shrubs that interfere with driver visibility, civic works or any public utilities; or
 - d. dense or opaque smoke emitted into the atmosphere for more than 6 minutes per hour; or
 - e. dense or opaque dust emitted into the atmosphere; or
 - f. compost heaps that emit foul odors or attract pests or vermin; or
 - g. the storage of more than two (2) unregistered, uninsured or in-operational vehicles on any one residential property; regardless of their condition or how neatly they might be stored; or
 - h. wrecked or dismantled vehicles, or those that are unsightly and abandoned; or
 - i. any loose materials including garbage and building materials.

3.2 Owners, tenants and agents must prevent the occurrence of, or immediately remedy, any Nuisance.

DANGEROUS BUILDINGS AND STRUCTURES

4.1 The owner(s) of properties in the Village, shall ensure that unoccupied residences, no longer in use or in a safe condition for occupancy and old sheds and garages and other buildings in run down/poor condition and unsafe be demolished and removed from the property, or restored to a useable and safe condition in accordance with the Building Standards and Codes and with the required demolition or building permits.

4.2 If a Direction Notice under this section of the Bylaw is not complied with within Fourteen (14) days of the date of the notice, the Inspector shall have the right to direct any person to do the work required by the order. The cost of doing the work required, plus an administration fee (as per Schedule "C"), may be recovered from the Owner of the property as debt due to the Village of Myrnam, or such costs may be charged against the property taxes due and owing, pursuant to the Municipal Government Act, R.S.A. 2000, M-26, Section 553.

INSPECTION AND DIRECTION

5.1 Any Inspector may enter any public or private property within the Village of Myrnam and may inspect for Nuisances.

5.2 After inspection, the Village Administrator may issue a Direction Notice. The Direction Notice shall specify a deadline for compliance and may give any specific instructions to remedy the Nuisance including but not limited to:

- a. removing any materials,
- b. screening any part of the Property, including specifying the type and size of screen,
- c. cleaning, stacking, and covering any material,
- d. cutting grass or weeds, and
- e. removing or destroying noxious weeds.

5.3 The Village must serve the Direction by delivering it or sending it by mail to the Owner of the Property, and may also include:

- a. delivering it in person to the owner,
- b. posting it to the door of a building or in any other conspicuous place on the Property, and services is effected on the day of posting, or
- c. mailing it to the tenant.

An Appeal Notice form must accompany the Direction Notice when it is served.

PENALTIES

6.1 If the Owner has not complied with the Direction Notice by the specified deadline, the Village Administrator shall issue a penalty in accordance with Schedule "C".

6.2 If the Owner has not complied with the Direction by a specified deadline the Village Administrator may direct any work to be done to remedy the Nuisance, including disposing of any materials, and will charge the Owner, for the cost of work done.

6.3 If the Owner fails to pay for the work done under section 6.2, the Village shall charge the cost against the land as taxes due and recover the cost as taxes.

6.4 The cost of the work done is charged in addition to any fine imposed under section 6.1 above.

6.5 The Village, any Inspector who inspects any Property under this Bylaw, or any person who performs any work on behalf of the Village to remedy a Nuisance is not liable for any damages caused by the inspection, the work, or disposing of anything in order to complete the work set out in the Direction.

APPEAL

7.1 Any person(s) who believe that a Direction unfairly affects them may appeal to Village Council by delivering an Appeal Notice in

person or sending it by mail to:

Village of Myrnam
Administration Office
5007 – 50 Street
P.O. Box 278
Myrnam, AB T0B 3K0

7.2 If the Village Administrator receives an Appeal Notice within 14 days after service of the Direction, the Village Administrator must advise Council.

7.3 Council will set a date for an appeal hearing, and when Council has set a date for the hearing, the Village Administrator must send written notice of the date of the hearing to the Appellant at the address given in the Appeal Notice and, if the Appellant is not the Owner registered under the Land Titles Act, the Village Administrator must also send this written notice to that Owner.

7.4 If the Village Administrator receives the Appeal Notice after the 14 day period referred to in Section 7.2 above, the Village Administrator will not advise Council nor will Council set a hearing date, but the Village Administrator will notify the Appellant at the address given in the Appeal Notice that the appeal will not be heard.

7.5 After hearing the appeal, Council may confirm, vary, substitute or cancel the Direction.

7.6 The Village must serve written notice of Council's decision by delivering it or sending it by mail to the Appellant, and the Owner registered under the Land Titles Act.

TRANSITIONAL

8. Should any provision of this Bylaw be found void or unenforceable, then it is the express intention of Council of the Village of Myrnam that such void or unenforceable sections be severed from this Bylaw and the balance remain in full force and effect.

DATE OF EFFECT

30. This Bylaw shall take effect on the final passing thereof by Council.

Moved that By-Law #07-09 be given first, second, and by unanimous consent of Council, third and final reading and that it be declared finally passed and the Mayor and the Administrator be instructed to sign affix the Corporate Seal of the Village of Myrnam this ____ day of _____, A.D., 2009.

Mayor

Administrator

SCHEDULE "A"

VILLAGE OF MYRNAM

5007 – 50TH STREET, P.O. BOX 278, MYRNAM, AB T0B 3K0
PHONE: 780-366-3910 FAX: 780-366-2172

DIRECTION NOTICE

Village of Myrnam Bylaw 07-09

A BY-LAW OF THE VILLAGE OF MYRNAM, IN THE PROVINCE OF ALBERTA, CANADA, TO REGULATE AND CONTROL UNSIGHTLY AND DANGEROUS PREMISES.

Date: _____ Time: _____

Owner/Occupant Civic Address: _____

Plan: _____ Block: _____ Lot: _____

<input type="checkbox"/> Grass	<input type="checkbox"/> Front yard
<input type="checkbox"/> Weeds	<input type="checkbox"/> Rear yard
<input type="checkbox"/> Trees/Shrubs	<input type="checkbox"/> Side yard
<input type="checkbox"/> Compost	<input type="checkbox"/> Interior (whole yard)
<input type="checkbox"/> Vehicles	<input type="checkbox"/> Alley
<input type="checkbox"/> Loose materials	<input type="checkbox"/> Street/Avenue
<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

Comments: _____

If an order of the Village Administrator is not complied with within Fourteen (14) days after service of this order, the Village Administrator shall have the right to direct any person to do the work required by the order and the cost of doing that work may be recovered from the owner of the property as debt due to the Village of Myrnam or such may be charged against the property as taxes due and owing.

You the above mentioned owner/occupants are hereby requested to undertake the above improvement(s) by _____, 20____, to avoid further action.

Village of Myrnam
Administrator

SCHEDULE "B"

APPEAL NOTICE

(If you want to appeal the Direction you must serve this Appeal Notice by mailing or delivering it to the Village of Myrnam within 14 days after the Direction was served on you)

DATED: _____

TO: VILLAGE OF MYRNAM
5007 – 50 STREET
P.O. Box 278
Myrnam, AB T0B 3K0

I am appealing the Direction (_____), about
(Date on Directive)

(Property Address)

You must give reasons for you appeal: _____

(Use a separate sheet if necessary)

Signature

Name Printed

Street Address

Mailing address

NOTE: ONLY appeals filed WITHIN THE 14 DAY PERIOD will be heard by Council. You will be notified by mail of the hearing date.

SCHEDULE "C"

SPECIFIED PENALTIES

Section 4	Dangerous Buildings and Structures Administrative Fee	\$50.00
Section 6	Penalties	
	1 st Non-Compliance	\$100.00
	2 nd Non-Compliance Offence	\$200.00
	3 rd Non-Compliance and Subsequent Offences	\$500.00