



Village of Coutts
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March 15, 2021

RE: Dangerous and Unsightly Yards

In response to the surveys that were collected in the process of rewriting our Municipal Development Plan, and from complaints received at the Village office it is evident that most residents feel The Village has not enforced the unsightly yard bylaw well.

Residents want to live in a community that looks inviting to them and to visitors. Proper maintenance of yards is one of the main factors in how a town is perceived.

Council has created a new bylaw that will be used for this purpose and it is attached. It has received 1st reading by council. We will be accepting your written comments/opinions, whether they be in favor or against, along with reasons, until April 5th, 2021. Due to COVID restrictions we are unable to hold a public meeting, so if you have comments, please get them to the office in writing.

After the Bylaw is passed, which could be at the April 13th Council Meeting, a Peace Officer will be inspecting all properties and a letter will be sent to all affected residents. The letter will describe what needs to be done to their property to avoid action. Owners will have one year from the passing of the bylaw to conform without any enforcement measures.

We are looking forward to seeing the results this action will make in creating a safe and appealing environment for all.

Thank you for taking the time to send in your comments.

Sincerely,

Lori Rolfe
CAO – Village of Coutts

VILLAGE OF COUTTS

DANGEROUS AND UNSIGHTLY PROPERTY

BYLAW 578

A BYLAW OF THE VILLAGE OF COUTTS, IN THE PROVINCE OF ALBERTA TO PROMOTE THE MAINTENANCE OF PROPERTY AND PROVIDE FOR THE REMEDY OF DANGEROUS AND UNSIGHTLY PROPERTY WITHIN THE VILLAGE OF COUTTS.

WHEREAS the *Municipal Government Act*, c.M-26-1, of the Revised Statutes of Alberta 2000, authorizes municipalities to deal with nuisances, including Dangerous and Unsightly Property within the Village of Coutts.

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

NAME OF BYLAW

1. This bylaw may be cited as the **Dangerous and Unsightly Property Bylaw**.

DEFINITIONS

2. For the purposes of this Bylaw, the following words mean:
 - a. **Act** means the **Municipal Government Act**, S.A. 1994, c.M-26-1, as amended.
 - b. **Administrator** means the Chief Administrative Officer of the Village of Coutts
 - c. **Council** means the Municipal Council of the Village of Coutts.
 - d. **Dangerous and Unsightly Property** means the property as described in section 3 of this Bylaw.
 - e. **Derelict Vehicle** means a motor vehicle as defined in the Traffic Safety R.S.A. 2000, c T-6 as amended and which is dilapidated, partially or completely dismantled, or not capable of operating under its own power.
 - f. **Designated Officer** means the Chief Administrative Officer, Bylaw Enforcement Officer, RCMP Officer, Peace Officer, and or /Fire Chief of the Village of Coutts or his duly authorized assistants.
 - g. **Emergency** means a situation in which there is imminent danger to public safety or of serious harm to property.
 - h. **Improvement** means a structure, or anything attached or secured to a structure that would be transferred without special mention by a transfer or sale of the structure, a mobile unit and machinery and equipment.
 - i. **Length of Grass and/or Weeds** means any property as described in clause 3(b)(i) of this Bylaw.
 - j. **Order** means a written order in accordance with subsection 546 of the Act.
 - k. **Owner** means in respect of land, the person, who is registered under the **Land Titles Act** as the owner of the fee simple estate in the land, and in respect of property other than land, the person in lawful possession of it.
 - l. **Structure** means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of land.
 - m. **Village** means the Municipal Corporation of the Village of Coutts.

DANGEROUS AND UNSIGHTLY PROPERTY

3.
 - (a) Dangerous and Unsightly Property is property that, in the opinion of a Designated Officer, is detrimental to the surrounding areas because of its unsightly or dangerous condition.
 - (b) Some factors that may be considered by a Designated Officer in determining whether property is dangerous and or unsightly include but are not limited to the following.
 - i) the presence of uncut grass or weeds longer than 20cm

- ii) the presence of trees, shrubs or other vegetation in such a manner that they interfere with the use of or obstruct visibility of street signage, sidewalks, roadway clearance, municipal works or public utilities.
- iii) the presence of a derelict or unregistered vehicle, unless enclosed in a building. A maximum of two derelict and/or unregistered vehicles may be in a back yard; this applies in the residential land use district only.
- iv) the storage or accumulation of garbage, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture, or appliances, machinery, machinery parts or other similar materials or items.
- v) specific or general lack of repair or maintenance including but not limited to:
 - a. significant deterioration of improvements or portions of improvements;
 - b. broken or missing windows, siding, shingles, shutters, eaves or other building materials; or
 - c. significant fading, chipping or peeling of painted areas of improvements.
- vi) the location, zoning, use and visibility of property;
- vii) any property, improvement, structure, excavation or hole, which is dangerous to public safety or that constitutes a fire hazard because of its dangerous condition;
- viii) property not in keeping with the surrounding properties within a one block radius of the same Land Use District under the Village's Land Use Bylaw

GENERAL PROHIBITION

- 4. No Person being the owner of a property or structure within the Village shall permit one's property or structure to be or remain in a dangerous or unsightly condition.

INSPECTION

- 5. A Designated Officer of the Village after giving reasonable written notice to the owner or occupier of land, improvement, or structure, may enter onto the property, improvement or structure within the Village to inspect for conditions that may constitute a dangerous and or unsightly property or contravene or fail to comply with the provisions of the Bylaw.

ORDER BY DESIGNATED OFFICER

- 6. If, in the opinion of a Designated Officer, any property, improvement, structure, excavation or hole is dangerous to public safety or property because of its unsightly condition, or is detrimental to the surrounding area, the Designated Officer may issue a written Order that:
 - (a) Requires 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) Requires 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) Requires 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 ORDER

7. An Order to remedy dangerous or unsightly property.

- (a)** Shall be in writing and shall be served to the registered property owner, and to the tenant if applicable, and a copy of the notice shall be retained at the Village Office.
- (b)** Given by the Designated Officer 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 (18) years at the place of abode of the person to whom the notice is addressed;
 - iii)** on sending the Order by registered mail with Post Office Confirmation of Delivery addressed to the last known postal address, or address shown on the assessment roll, as the case may be;
 - iv)** on the Order being sent by any electronic means so long as it is possible to make a copy of the document from the electronic signals used by the electronic means;
 - v)** in the case where the property is a rental;
 - a)** With the tenant or any adult person (18 years or older) who apparently resides with the tenant, or
 - b)** If the tenant or adult residing at the property or the property owner cannot be served, then by posting the notice, order or document in a conspicuous place on some part of the premises.
- (c)** may state a time within which the person must comply with the order;
- (d)** may state the fine for not complying with the order within the specified time; and
- (e)** may state that if the person does not comply with the order within a specified time, the Village will take the action or measure at the expense of the owner.

NONCOMPLIANCE WITH AN ORDER

- 8.** The Designated Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act of the Revised Statutes of Alberta 2000, being Chapter 34 and amendments thereto.

COUNCIL REVIEW OF ORDER

- 9.** The owner or person who receives a written Order pursuant to this bylaw may request Council to review that Order by written notice.
- (a)** The owner or person who receives an Order pursuant to this bylaw must provide a written request to the Administrator for Council to review the Order
 - (b)** The written request for a review of an Order issued pursuant to this bylaw must be received by the Administrator within 14 days of the receipt of the Order.
 - i)** In the case of a repeat non-compliance of Section 3(b)(i), the owner or person who receives a written Order shall have 7 days to submit a written request for a review of said Order.
 - a)** A repeat offence occurs when the owner contravenes Section 3(b)(i) for the same property more than once in a lifetime.

- (c) The owner or person who receives an Order pursuant to this bylaw may appear before Council in person or by a representative.
- (d) After reviewing the Order, the Council may confirm, vary substitute, or cancel the Order.

NOTICE OF DECISION OF COUNCIL REVIEW

10. Notice of decision of the council review:

- (a) Shall be served on the person who requested the review
- (b) 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 Notice of Decision being personally delivered to the person to whom it is addressed
 - ii) On sending the Notice of Decision 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 of Decision, by registered mail with the Post Office Confirmation of Delivery, addressed to the last known postal address or shown on the assessment roll, as the case may be; or
- (c) May state a date within which the person must remedy the dangerous or unsightly property, this date shall not be less than 15 days from the date the Notice of Decision of Council Review is received by the owner.
 - i) In the case where the Owner is in repeated non-compliance of Section 3(b)(i), may state a date within which the person must remedy the dangerous or unsightly property, this date shall not be less than 7 days from the date the Notice of Decision of Council Review is received by the owner.

APPEAL OF COUNCILS 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 /Queens Bench. This appeal must be made within 15 days of the date the decision of the Council review is served on the person, pursuant to Section 548(1.1)(b) of the Act.

REMEDYING UNSIGHTLY PROPERTY

- 12.** If the dangerous or unsightly property has not been remedied by the date required in the Notice of Decision of the Council review, and appeal periods respecting the Order and Notice of Decision of Council Review, the Village may take whatever actions or measures that are necessary to eliminate the danger to the public safety caused by structure, improvement, excavation, or hole or to deal with the unsightly condition of the property.
- 13.** If a structure is being removed or demolished by the Village under this Bylaw, the Village may use reasonable force to remove occupants.

Emergencies

- 14. Despite any revisions of the Bylaw, in an emergency the village 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 on which the remedial action was taken.


EFFECTIVE DATE


- 16. Current Property Owners will be given one year (1) from the final reading of this Bylaw to bring their properties up to standards listed herein before any action will be taken against them, other than a possible initial notification.

RECIND

- 17. Bylaw 401 is hereby rescinded.

READ A FIRST TIME ON MARCH 9, 2021


MAYOR


CAO

READ A SECOND AND FINAL (3RD) TIME ON

MAYOR

CAO

APPENDIX A

Any person that does not comply with a written notice pursuant to this bylaw shall be guilty of an offence and may be fined as outlined below:

- for the first offence, to a fine of five hundred (\$500.00) dollars and costs.
- For the second and subsequent offence to a fine of seven hundred and fifty (\$750.00) dollars and costs.