

**MOUNTAIN VIEW COUNTY**

**BYLAW NO. 11/23**

**UNSIGHTLY PROPERTY**

**Mountain View County  
Province of Alberta**

**Bylaw No. 11/23**

**A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE  
ABATEMENT AND CONTROL OF UNSIGHTLY PROPERTY WITHIN MOUNTAIN VIEW COUNTY.**

**SECTION 1 – AUTHORITY**

- 1.01 The Municipal Government Act provides that a Council of a Municipality may pass bylaws for municipal purposes respecting nuisances, including unsightly properties; and
- 1.02 The Council of Mountain View County wishes to establish regulations and penalties for the maintenance and upkeep of private property within the County; and
- 1.03 The Council of Mountain View County wishes to establish penalties and procedures for the abatement of unsightly conditions that affect the safety, health and welfare of persons and the surrounding neighborhood;
- 1.04 Now, Therefore, the Council of Mountain View County, duly assembled, enacts as follows:
- 1.05 This bylaw may be cited as the “Unsightly Property Bylaw”.

**SECTION 2 - DEFINITIONS**

- 2.01 In this Bylaw, unless the context otherwise requires:
  - a. **“Adjacent”** means land that is contiguous to the land that is the subject of a complaint and includes land or a portion of land that would be contiguous if not for a public road, railway, river or stream;
  - b. **"Animal Material"** means any animal excrement, offal, carcasses or parts thereof, including all material accumulated on a Property from pet pens, yards, stables, veterinary clinics, hospitals, kennels or feed lots;
  - c. **"Building Material"** means materials from a construction or demolition site that are or include reinforced concrete, asphalt, lumber, timber, metal framing materials, reinforcing steel, glass, ductwork, plaster, drywall, or similar materials, or earth, vegetation, or rock displaced during such construction, alteration, or repair;
  - d. **“Compliance Order”** means an Order described in Section 545 or Section 546 of the Municipal Government Act;
  - e. **"Council"** means the duly elected Council of Mountain View County;
  - f. **“County”** means Mountain View County duly established pursuant to the laws of Alberta.
  - g. **"Court"** means a Court of competent jurisdiction in the Province of Alberta;
  - h. **"Dangerous Property"** means any condition on a Property which, in the opinion of a Designated Officer, may create or constitute a danger to public safety;

- i. **"Derelict Equipment"** means equipment or machinery that is inoperative by reason of its disassembly, age, or mechanical condition, including any household appliance stored outside of a building regardless of whether it is in an inoperative condition;
- j. **"Derelict Vehicle"** means the whole or any part of a motor vehicle or farm equipment that:
  - i. is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition and is not located in a building or on a Property such that it can be concealed from view;
  - ii. has no current license plate attached to it and has not been issued a registration certificate for the current year; or
  - iii. is inoperative by reason of removed parts or equipment and is not located within a building or on a Property such that it can be concealed from view;
- k. **"Designated Officer"** means a Development Officer, Bylaw Enforcement Officer, Peace Officer, or any other official appointed by Council to enforce the provisions of this Bylaw or as established by the Approving Authorities Bylaw of Mountain View County.
- l. **"Enforcement Officer"** means a member of the Royal Canadian Mounted Police (R.C.M.P), a Community Peace Officer appointed by the Solicitor General of Alberta in accordance with the Peace Officers Act, SA 2006, c P-3.5, as amended from time to time, or a Bylaw Enforcement Officer employed by Mountain View County in accordance with the Municipal Government Act;
- m. **"Mountain View County"** means Mountain View County as a municipal corporation established pursuant to the laws of the Province of Alberta and the area within the jurisdictional boundaries of Mountain View County, as the context of this Bylaw so requires;
- n. **"Municipal Government Act"** means the *Municipal Government Act*, RSA 2000, Chapter M-26 and the respective regulations thereafter and as amended from time to time;
- o. **"Nuisance"** means the physical condition of, use of, or an emission from a Property which, in the opinion of a Designated Officer, constitutes an unreasonable interference with the use and enjoyment of other private or public Property, including, without limiting the foregoing, Unsightly Property and Dangerous Property;
- p. **"Occupant"** means any Person, including the Owner of the Premises, who is in possession or control of the Premises, including but not limited to, a lessee, licensee, tenant, contractor or agent of the Owner;
- q. **"Owner"** means the person as registered on title at the Land Titles Office RSA 2000, c L-4, as amended from time to time;
- r. **"Person"** means an individual or any business entity including a firm, partnership, association, corporation, company, or society.
- s. **"Pest"** means an animal, bird, reptile, or insect that may, in the opinion of a Designated Officer, cause annoyance or harm to a Person, animal, plant, or other Property, including but not limited to an organism declared as a Pest or a Nuisance pursuant to the Agricultural Pests Act, RSA 2000, c A-8 as amended from time to time;

- t. **"Premises or Property"** means any lands, buildings, structures, or premises, or any personal property located thereupon, within the jurisdictional boundaries of Mountain View County;
- u. **"Provincial Offences Procedure Act"** means the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended from time to time;
- v. **"Reasonable State of Repair"** means buildings and structures that are:
  - i) structurally sound;
  - ii) free from damage or deterioration;
  - iii) free from graffiti visible to public view;
  - iv) safe for their intended use; and
  - v) so as not to present as a Nuisance;
- w. **"Secretary"** means the Secretary of the Unightly Property Abatement Committee.
- x. **"Unoccupied Building"** means buildings or structures normally intended for human occupancy but are currently vacant;
- y. **"Unightly Property Abatement Committee"** means the Council committee established in accordance with the *Municipal Government Act* having the delegated authority of Council to conduct a review of the Order under Section 547 of the *Municipal Government Act*.;
- z. **"Unightly Property" or "Unightly Condition"** means any Premises whether land, Buildings, improvements to land or Buildings, Personal property or any combination of the above, located on lands within Mountain View County, which, in the opinion of a Designated Officer, is unsightly to such a degree as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the Unightly Premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Municipal Government Act*, and includes, without limiting the foregoing, **may include** but are not limited to the following:
  - i) the failure to cut or control grass and vegetation on the premises; including the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or roadway clearance;
  - ii) the failure to keep buildings or structures in a Reasonable State of Repair; permitting a building or structure to deteriorate, become damaged or exist in a ruinous or derelict state;
  - iii) accumulation of Animal Material, Building Material or Yard Material on the premises;
  - iv) failure to remove dead or hazardous trees or vegetation which is dangerous to the public safety and affecting public lands;
  - vi) the storage or accumulation of derelict vehicles or derelict equipment on the premises.
  - vii) the storage, stockpile or accumulation of rubbish, garbage, refuse, waste or other article or material including, but not restricted to, discarded or derelict furniture or household appliances, scrap metals, scrap lumber, tires, motor vehicle parts and other like objects whether of any apparent value or not and whether located in a storage area or elsewhere upon the premises;
  - ix) allowing a hole, excavation or accumulation of material that may be dangerous to public safety or health, to exist on premises;
  - x) allowing conditions that result in an infestation of pests on the premises;
  - xi) presence of graffiti that is visible from any surrounding Property;

- aa. **"Violation Ticket"** means a ticket issued pursuant to the Provincial Offences Procedure Act;
  - bb. **"Yard Material"** means organic matter formed as a result of gardening or horticultural activities, including grass, tree, and hedge cuttings and clippings.
- 2.02 The Owner of property is ultimately responsible for all activities on the property which may constitute prohibitions of this Bylaw.
- 2.03 Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial Law or Regulation, other bylaw or any requirements of any lawful permit, order or license.

### **SECTION 3 - GENERAL PROHIBITIONS**

- 3.01 An Owner shall not cause or allow their Property to be a Nuisance, Unsightly Property, or Dangerous Property.
- 3.02 In determining whether a Property is Unsightly as defined in this Bylaw, an Enforcement Officer shall regard the normal use and location, as well as the Agricultural identity and operations, of the Property.
- 3.03 Notwithstanding Section 2.01(c) of this Bylaw, the accumulation of Building Material or equipment on a Property where valid Permits exist shall not constitute an Unsightly Property so long as:
- a. the Building Material and equipment are related to the work authorized under a Building Permit; and
  - b. in the opinion of a Designated Officer, the work is currently in progress, the accumulation is not excessive, and all reasonable steps are being taken to minimize the Nuisance, Unsightly, or Dangerous nature of the Property.
- 3.04 The accumulation of Animal Material on Property designated or permitted for use as agricultural lands shall not constitute a Nuisance or Unsightly Property under this Bylaw so long as, in the opinion of a Designated Officer, the accumulation is not considered excessive given the scope and scale of the agricultural activity.

### **SECTION 4 - PROPERTY STANDARDS AND MAINTENANCE**

- 4.01 Every Owner or Occupant shall ensure that the Premises is maintained in a Reasonable State of Repair, including but not limited to the repair or maintenance of:
- a. significant deterioration of any buildings, structures, or improvements, or portions thereof;
  - b. broken or missing windows, siding, shingles, shutters, eaves troughs, or other related improvements;
  - c. every Owner or Occupant of a Premises shall ensure that Graffiti placed on the Premises is removed, painted over, or otherwise blocked from public view.
- 4.02 Every Owner of an Unoccupied Building shall ensure that any door or window is secured

in such a manner that:

- a. complies with Section 4.01 of this Bylaw; and
- b. does not contribute to the Property becoming Unsightly.

4.03 Every Owner shall take reasonable steps to prevent attracting, sustaining, or the breeding of Pests on their Property.

#### **SECTION 5 - COMPLAINT PROCESS – ISSUANCE OF A NOTICE OR COMPLIANCE ORDER**

5.01 Unsightly premises complaints shall be referred to a Designated Officer.

5.02 If the Designated Officer determines a complaint to be valid, the Designated Officer shall attempt to have the unsightly condition remedied by serving a notice as set out in Schedule “A” of this bylaw to the Owner or other Person responsible for the property or both. The Notice may include but is not restricted to providing the following directions to the Owner or occupant of the property:

- a. cease the activity which causes the unsightly condition;
- b. change the way in which such person is carrying out any activity;
- c. direct any person to take any action or measure necessary to compel the elimination or abatement of the unsightly condition, including:
  - i) the removal of any thing or matter from the property, which constitutes the unsightly condition;
  - ii) the construction, installation or repair of a screen or enclosure; and
  - iii) enter into an agreement in a form for the abatement of the unsightly condition.
- d. specify the time within which such person must comply with the directions contained in the notice;
- e. offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the County to keep the premises clean, tidy and free of unsightly conditions; and
- f. specify the time limits within which the actions must be completed.

5.03 Notwithstanding Section 5.02, if the Designated Officer determines a complaint to be valid, they may at their unfettered discretion, proceed with the immediate issuance of an Compliance Order under Section 5.05 of this Bylaw.

5.04 If the Designated Officer determines a complaint to not be valid, the complainant shall be notified in writing of this finding. The complainant may appeal this finding, by way of written request to the Secretary of the Unsightly Property Abatement Committee not more than Fourteen (14) Days from the date the Designated Officer’s report is mailed to the complainant and by paying a fee prescribed in Schedule “C”.

- 5.05 If the unsightly condition is not remedied through issuance of a Notice, the Designated Officer shall issue an Compliance Order under Section 545 or 546 of the Municipal Government Act and register that Compliance Order to the subject Property's Land Title.
- 5.06 An owner or occupier of property may appeal an Compliance Order to the Unsightly Property Abatement Committee by way of a written request to the Committee with applicable fee prescribed in Schedule "C", received by the Secretary of the Committee not more than Fourteen (14) Days for a 545 Order and Seven (7) Days for a 546 Order from the date the Compliance Order was served.

## **SECTION 6 – APPEAL PROCESS**

- 6.01 If an appeal is brought to the Unsightly Property Abatement Committee under Section 5.04 or 5.06 of this bylaw, the Committee shall:
- a. set a time and place, within 30 days of receipt of the appeal notice, to hear the results of the investigation.
  - b. notify the complainant, the owner, and occupier of the property in question, and the owner of land that is adjacent to land that is subject of the complaint, of the time and place set to hear the results of the investigation; at which time the complainant, the owner, and occupier of the property in question, and the owner of land that is adjacent to the land that is subject of the complaint, or a person acting on behalf of that person, and the Designated Officer may appear before the Committee to give information regarding the complaint.
- 6.02 The Committee hearing a complaint under 6.01 is not required to hear from any persons other than the persons notified pursuant to 6.01 (b).
- 6.03 The Committee shall provide its decision in writing together with reasons for the decision within 15 days after concluding the hearing.
- 6.04 If the Unsightly Property Abatement Committee determines the order to be valid and that an unsightly condition exists on the property, the Committee shall notify the owner, or occupant of the subject property in writing and require the owner, or occupant of the subject property to remedy, in such manner as the Committee may direct, any condition that constitutes the unsightly condition.
- 6.05 The order shall remain registered to the subject Property's Land Title until such time the order has been complied with or when the County has performed the actions or measures necessary to remedy the contravention as stated in the order. At such time, the caveat shall be discharged from the Land Title by the County.
- 6.06 Any order made by the Unsightly Property Abatement Committee under this part shall require the owner to remedy the condition constituting the unsightly condition within a period of 30 days, or such other time period that the Committee determines, from the date on which the order made by the Unsightly Property Abatement Committee is served upon the person.

## **SECTION 7 - SERVICE OF NOTICE OR COMPLIANCE ORDER**

- 7.01 An order issued for a contravention of this Bylaw may be served:
- a. in the case of an individual:

- i) by delivering it personally to the individual;
  - ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
  - iii) by registered mail addressed to the individual at their apparent place of residence or to any address for the individual listed on the tax roll of the County; or
- b. in the case of a corporation or partnership:
- i) by delivering it personally to any director or officer of the corporation or partner of a partnership;
  - ii) by delivering it personally to a Person apparently in charge of an office of the corporation or partnership at an address held out by the corporation or partnership to be its head-office; or
  - iii) by registered mail addressed to the registered office of the corporation or partnership.

7.02 In the event that the methods of service listed in Section 6 of this Bylaw prove, in the opinion of the Designated Officer, to be impractical or not likely to be successful, service can be effected by any other means that the Designated Officer determines to be appropriate, including but not limited to:

- a. posting to the Property;
- b. issuance by regular mail; or
- c. advertising in a local newspaper or similar publication.

#### **SECTION 8 – OFFENCE**

- 8.01 Regardless of whether a Notice or Compliance Order has been issued pursuant to this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a specified penalty as set out in Schedule "B" herein.
- 8.02 Any Person who fails to comply with an Notice or Compliance Order issued pursuant to this Bylaw is guilty of an offence and is liable, upon summary conviction, to a minimum and specified penalty as set out in Schedule "B" herein.
- 8.03 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

#### **SECTION 9 – ENFORCEMENT**

- 9.01 Where an Enforcement Officer has reasonable and probable grounds to believe that a Person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such Person by:



- a. issuing the Person a Violation Ticket pursuant to the Provincial Offences Procedure Act;
  - b. or swearing out an information and complaint against the Person.
- 9.02 Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 9.01 of this Bylaw, the Enforcement Officer may either:
- a. allow the Person to pay the minimum and specified penalty established in "Schedule B" for the offence by including the penalty in the Violation Ticket; or
  - b. require a Court appearance of the Person when the Enforcement Officer believes that it is in the public interest pursuant to the Provincial Offences Procedure Act.
- 9.03 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall in any way restrict, limit, prevent, or preclude the County from pursuing any other remedy in relation to an offence as may be provided by the Municipal Government Act or any other law of the Province of Alberta.

#### **SECTION 10 - FAILURE TO COMPLY WITH COMPLIANCE ORDER**

- 10.01 If a Person to whom an order is issued fails to remedy the Property:
- a. as directed in the order;
  - b. as required by the Unsightly Property Abatement Committee ; or
  - c. within the time specified, as determined by the County in its sole discretion acting reasonably;
- the County may, through its Designated Officers, employees, agents, or contractors, enter onto the Property in accordance with the Municipal Government Act in order to remedy the Property as specified under the order or to otherwise prevent the continuing contravention of this Bylaw.
- 10.02 Notwithstanding Section 10.01 of this Bylaw, the County may commence with an application for a permanent injunction or other orders pursuant to the Municipal Government Act instead of, or before proceeding to, entering onto the Property to remedy the contraventions on the Property.
- 10.03 The County shall not be responsible for any incidental damage that may occur to a Property subject to an order as a reasonable consequence of the County exercising its rights under this Bylaw.
- 10.04 In the event that the County comes into possession of any items as a consequence of exercising its rights under this Bylaw:
- a. the County shall store those items for a period of 30 days and shall not be required to return any items stored in accordance with this Section until the Person to whom an order was issued pays any removal and storage costs incurred by the County;

- b. After 30 days, any unclaimed items may be disposed of by the County in accordance with the Municipal Government Act and, if sold, the County may apply any monies realized from the sale to the expenses and costs incurred by it in accordance with Section 8 of this Bylaw;
- c. Notwithstanding Section 10.04 (i), if, in the opinion of a Designated Officer, the items are unsafe, unsanitary, and/or perishable, the items may be disposed of at any time.

**SECTION 11 - COUNTY COSTS**

11.01 Any expenses or costs incurred through any enforcement action or measure taken by the County under this Bylaw, including the receipt of legal advice, are amounts owing to the County by the Owner or any other Person responsible for the contravention of this Bylaw and may be collected as a civil debt or added to the tax roll for the Property pursuant to the Municipal Government Act.

**SECTION 12 - AUTHORITY TO ENTER PREMISES**

12.01 A Designated Officer of the municipality may, as per the *Municipal Government Act*,

- a. enter such land or structure (other than a residence) at any reasonable time, and carry out the inspection, enforcement or action authorized or required by this bylaw,
- b. request anything be produced to assist in the inspection, remedy, enforcement or action, and,
- c. make copies of anything related to the inspection, remedy, enforcement or action.

12.02 Prior to exercising their authority to enter onto a Property to conduct an inspection, the Designated Officer shall provide the Owner with reasonable notice unless, in the opinion of the Designated Officer, an emergency or extraordinary circumstance exists pursuant to the *Municipal Government Act*.

**SECTION 13 – OBSTRUCTION**

13.01 No Person shall obstruct, hinder, or impede any Enforcement Officer, Designated Officer, or County employee, contractor, or agent in the exercise of any of their powers or duties under this Bylaw or make frivolous or vexatious complaints.

**SECTION 14 – GENERAL PENALTIES**

14.01 A person convicted of an offence against this bylaw is liable to a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) or to imprisonment of not more than 12 months, or to both fine and imprisonment.

**SECTION 15 – SEVERABILITY**

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

**SECTION 16 – REPEAL OF BYLAW**

16.01 Bylaw 04/19 is hereby repealed.

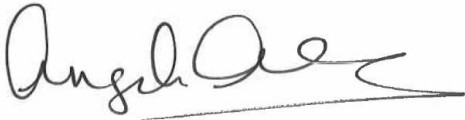
**SECTION 17 - EFFECTIVE DATE**

17.01. This Bylaw shall come into effect at such time as it has received third (3<sup>rd</sup>) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 12<sup>th</sup> day of April 2023.

Read the second time this 12<sup>th</sup> day of April 2023.

Read the third time this 26<sup>th</sup> day of April 2023.



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Reeve

May 3, 2023

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Date of Signing



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Chief Administrative Officer

**Bylaw No. 11/23  
Unsightly Property Bylaw**

**SCHEDULE "A"**

**MOUNTAIN VIEW COUNTY  
UNSIGHTLY PROPERTY ABATEMENT NOTICE**

Dated: \_\_\_\_\_

To: \_\_\_\_\_

And to: \_\_\_\_\_

With respect to those premises located at:

\_\_\_\_\_

Pursuant to the Unsightly Property Bylaw of Mountain View County, the *Municipal Government Act* and the *Provincial Offences Procedure Act*, the above referenced persons as owner, agent, lessee or occupier of land or premises within Mountain View County shall remedy the following condition(s) on the above-said land or premises on or before \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event the above conditions are not remedied within the deadline set out above, the County may thereafter immediately cause to be done any work necessary to remedy the condition, and the cost will be charged to you and other fines and penalties may result as permitted by the Unsightly Property Bylaw.

If you feel yourself aggrieved by this Notice, you may appeal the notice by delivering an appeal in person or sending an appeal by mail to the Secretary of the Unsightly Property Abatement Committee at Postal Bag 100, Didsbury, AB TOM OWO, within fourteen (14) days of the date of service of this Notice on you.

Thank you for your cooperation.

Community Peace Officer  
(403) 335-3311

**Bylaw No. 11/23  
Unsightly Property Bylaw**

**SCHEDULE "B"**

**MINIMUM AND SPECIFIED PENALTIES**

SECTION	OFFENCE	MINIMUM SPECIFIED PENALTY	SECOND OFFENCE	THIRD OFFENCE
3.01	No Person, including the Owner or Occupant of a Premises, shall cause or permit the Premises or use of the Premises to be a Nuisance, Unsightly Property, or Dangerous Property.	\$500.00	\$1,000.00	\$2,000.00
4.01	Fails to maintain Premises in a Reasonable State of Repair	\$500.00	\$1,000.00	\$2,000.00
4.02	Fails to secure Unoccupied Building	\$500.00	\$1,000.00	\$2,000.00
4.03	Fails to take steps to prevent pests	\$500.00	\$1,000.00	\$2,000.00
8.02	Failure to comply with Notice or Compliance Order	\$1,000.00	\$2,000.00	\$3,000.00
13.01	Obstruction	\$500.00	\$1,000.00	\$2,000.00

**Bylaw No. 11/23  
Unsightly Property Bylaw**

**SCHEDULE "C"**

**FEE SCHEDULE**

No fee shall be payable by Mountain View County.

Any appeal made pursuant to Section 5.04 or Section 5.06 shall be accompanied by a fee of \$425.00, which shall be refunded if the applicant's appeal is successful.