



**BYLAW NO. 2009-880
OF THE TOWN OF TWO HILLS**

(hereinafter referred to as “the Municipality”)
IN THE PROVINCE OF ALBERTA

**A BY-LAW OF THE TOWN OF TWO HILLS, IN THE PROVINCE OF ALBERTA,
CANADA, TO REGULATE AND CONTROL UNSIGHTLY AND DANGEROUS PREMISES.**

WHEREAS the Town of Two Hills 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 Town of Two Hills deems it desirable and necessary to promote the maintenance of properties, within the corporate limits of the Town of Two Hills, in a tidy, pleasant and safe condition.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF TWO HILLS, 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 Town of Two Hills.
 - e) “Direction Notice” means a written direction to remedy a Nuisance from the Town 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 Town of Two Hills 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:
 - i. 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;
 - ii. is registered as owner of the Property under the Land Titles Act;
 - iii. has purchased or otherwise acquired the Property, whether directly from a previous owner or from another purchaser and has not yet registered ownership;
 - iv. the person listed as owner of the Property on the current assessment roll;
 - v. any person(s) controlling the Property under construction;
 - vi. any person(s) who is the occupant of the property under a lease, license or permit, or
 - vii. a person 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 Town of Two Hills.
- k) “Town” means the municipal corporation of the Town of Two Hills.
- l) “Town Administrator” means the person designated by Council as its Chief Administrative Officer or his or her designate.
- m) “State of Disrepair” shall mean
 - i. the significant deterioration of buildings, structures or improvements, or portions of buildings, structures or improvements,
 - ii. broken or missing windows, siding, shingles, shutters, eaves or other building material, or
 - iii. significant fading, chipping or peeling of painted areas of buildings, structures or improvements on property;



- n) “Reasonable State of Repair” shall mean the condition of being
 - i. structurally sound,
 - ii. free from damage,
 - iii. free from rot or other deterioration, and
 - iv. safe for its intended use;
- o) “Unsightly Premises” shall mean any structure or property located within the Town that in the opinion of the Inspector or Town Administrator, is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Municipal Government Act*;
- p) “Vehicle” shall mean a self-propelled wheeled conveyance that does not run on rails, such as car, truck, motorcycle, ATV, snowmobiles, or motor home.

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 one (1) unregistered, uninsured vehicles on any one residential property; regardless of their condition or how neatly they might be stored; or
 - h) wrecked, inoperable or dismantled vehicles, or those that are unsightly and abandoned; or
 - i) any loose materials including garbage and building materials.
- 3.2 No Owner shall cause or allow any building or structure to become an unsightly premise or in a condition where its appearance or condition is detrimental to the surrounding area.



- 3.3 No Owner shall permit the accumulation of piles of dirt, stone, garden waste, turf, trees, shrubbery, old implements, disassembled or broken vehicles, inoperable off highway vehicles, scrap iron, lumber, glass, furniture, appliances, bicycles, lawn mowers, food containers, waste paper or cardboard on his or her property.
- 3.4 No Owner shall dump or cause to be dumped any rubbish, garbage, waste petroleum products (either liquid or solid), or dispose of any material in an area within the Town except at locations specifically designated by Council.
- 3.5 All existing natural gas, electrical, water, sewer or other services to the site of an abandoned building, structure, or excavation shall be shut off. All external natural gas, electrical, water, sewer lines shall be capped. Cleanout caps shall be properly secured, caulked, or soldered into place.
- 3.6 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 Town, shall ensure that any building(s) in a State of Disrepair shall be demolished and removed from the property.
- 4.2 If any building(s) are in a Reasonable State of Repair shall be restored to a useable and safe condition in accordance with the Building Standards and Codes and with the required demolition or building permits.
- 4.3 No property owner shall cause or allow his or her property to be a danger to public safety through the presence of excavations, structures, materials or any other hazard or condition posing a risk to public safety.
- 4.4 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 Town Administrator 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 Town of Two Hills, 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 Town of Two Hills and may inspect for Nuisances.
- 5.2 After inspection, the Town Administrator or Inspector may issue a Direction Notice. The Direction Notice shall specify a deadline for compliance and may give any specific instructions to remedy the Nuisance.



- 5.3 The Town must serve the Direction by delivering it or sending it by mail to the Owner(s) of the Property, by way of:
- a) delivering it in person to the owner, or
 - 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) ordinary mail, or
 - d) registered mail.

PENALTIES

- 6.1 If the Owner has not complied with the Direction by a specified deadline the Town 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.
- 6.2 If the Owner fails to pay for the work done under section 6.1, the Town shall charge the cost against the land as taxes due and recover the cost as taxes.
- 6.3 The cost of the work done, as stated under section 6.1, is charged in addition to an administrative fee, as set out in Schedule "C".
- 6.4 Service/administration fees, as set out in Schedule "C", may be changed by resolution of Council from time to time.
- 6.5 The Town, any Inspector who inspects any Property under this Bylaw, or any person who performs any work on behalf of the Town 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.
- 6.6 Any person who contravenes a provision of the Bylaw is guilty of an offence punishable upon summary conviction and shall be liable to a fine as set out in Schedule "C".

APPEAL

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

Town of Two Hills Administration Office
4712 – 50 Street
P.O. Box 630
Two Hills, AB T0B 4K0

Appeal Notice Form may be picked up at Town of Two Hills Administration Office.

- 7.2 If the Town Administrator receives an Appeal Notice within 14 days after date of the Direction, the Town 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 Town 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 Town Administrator must also send this written notice to that Owner.
- 7.4 If the Town Administrator receives the Appeal Notice after the 14 day period referred to in Section 7.2 above, the Town Administrator will not advise Council nor will Council set a hearing date, but the Town 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 Town 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 that such void or unenforceable sections be severed from this Bylaw and the balance remain in full force and effect.

REPEAL OF OLD BYLAWS

9. Bylaw 2004-820, Bylaw 2008-867 and all amendments thereto are hereby repealed.

DATE OF EFFECT

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

Bylaw No. 2009-880 be given a first reading this 14th day of December, 2009.

Bylaw No. 2009-880 be given a second reading this 11th day of January 2010.

Bylaw No. 2009-880 be given third and final reading and passed this 11th day of January 2010

MAYOR

CHIEF ADMINISTRATIVE OFFICER



SCHEDULE "A"
DIRECTION NOTICE
(Pursuant to Section 546 of the Municipal Government Act)

Date

File:

Name & Address

Dear Sir/Madam:

The condition of your property located at Address: _____;
Legal: Plan _____, Block _____, Lot(s)

_____ is in contravention of Bylaw No. 2009-880.

In order to keep the Town of Two Hills safe, clean and attractive, the Town is asking for your cooperation.

The following steps must be taken in order to remedy the condition of the property:

- 1.
- 2.
- 3.

If the work is not completed by _____, the Town of Two Hills will have the work done by a contractor at the owner's expense. In addition, the Town of Two Hills will apply a **\$40.00 service/administration fee per lot.**

Any person(s) who believe that a Direction unfairly affects them may appeal to Council by delivering an Appeal Notice in person to address noted above. Appeal Notice Form(s) may be picked up at Town of Two Hills Administration Office.

Please give this matter your immediate attention. If you have any questions, contact the undersigned at 780-657-3395.

Sincerely

TOWN OF TWO HILLS



SCHEDULE "B"

APPEAL NOTICE

(If you want to appeal the Direction you must serve this Appeal Notice by delivering it to the Town of Two Hills within 14 days after the Direction was served on you)

DATED: _____	
TO: TOWN OF TWO HILLS 4712 – 50 STREET P.O. Box 630 Two Hills, AB T0B 4K0	
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	Administrative Fee (per structure/building)	\$100.00
Section 6	Administrative Fee (per lot)	\$ 40.00
	Penalty – First Offence	\$100.00
	Penalty – Second Offence	\$250.00
	Penalty – Third and Subsequent Offences	\$500.00

Note: Penalties incurred under section 6.6 of \$100.00 for first offence, \$250.00 for second offence and \$500.00 for subsequent offences, are within a one year period.

