

**TOWN OF PROVOST
BYLAW NO. 04/2006**

**BEING A BYLAW OF THE COUNCIL OF THE TOWN OF PROVOST TO
PROVIDE FOR THE PREVENTION, ABATEMENT AND REGULATION OF
NUISANCES, UNTIDY OR UNSIGHTLY PROPERTY OR PREMISES.**

The **Council** of the **Town** of Provost, duly assembled, by virtue of the power vested in it under of the Municipal Government Act, Being Chapter M-26, R.S.A. 1980 as amended, enacts as follows:

1. Title:

This Bylaw shall be known as the **Town** of Provost Regulation of Unsightly Premises and **Nuisance** Bylaw.

2. Definitions :

- a) **"Appeal Notice"** means; a notice in the form attached as Schedule "B",
- b) **"Appellant"** means; any **Person** who files an **Appeal Notice**,
- c) **"Council"** means; the **Municipal Council** of the **Town**,
- d) **"Directive"** means; a written **Directive** to remedy a **Nuisance** or unsightly **Property** from an **Officer** to an owner, tenant, or agent, in the form attached as Schedule "A",
- e) **"Litter"** means; rubbish, refuse, garbage, waste materials, paper, packages, containers, bottles, cans or any other thing or item that detract from the appearance of the premises that might normally be expected for similar premises,
- f) **"Nuisance"** means; a condition described in Section 3,
- g) **"Officer"** means a Bylaw Enforcement **Officer** or a Special Constable appointed by the **Town**, pursuant to the Act, to enforce **Town** Bylaws and includes a member of the Royal Canadian Mounted Police,
- h) **"Person"** means; the owner, lessee, occupier, tenant or agent of a **Property**,
- i) **"Property"** means; any lands, buildings or premises in the **Town**,
- j) **"Town"** means the **Town** of Provost.



3. Nuisance Defined:

A **Nuisance** is any condition on or around **Property** that is untidy, unsightly, offensive, dangerous to health or which interferes with the use or enjoyment of other **Property**, and includes:

- a) uncut grasses or weeds on the **Property** that are longer than 10 cm.,
- b) trees or shrubs that interfere with public works, any public utility or the safe passage of any citizen using the sidewalk,
- c) any **Litter**,
- d) smelly compost heaps,
- e) any material that creates unpleasant odors,
- f) animal remains, parts of animal remains, or animal feces
- g) wrecked or dismantled vehicles, or those that are unsightly and abandoned, unregistered or uninsured,
- h) household furniture or other household goods,
- i) automobile parts,
- j) any material likely to attract pests,
- k) industrial fluid, including engine oil, brake fluid or antifreeze stored in open containers,
- l) any other materials, including building materials, tires, boxes machines or machine parts.

4. Nuisance Not Allowed:

All **Person(s)** must prevent the occurrence of, or immediately remedy, any **Nuisance** .

5. Enforcement:

The **Town** is not required to enforce this Bylaw. In deciding whether or not to enforce this Bylaw, the **Town** may take into account any practical concerns, including available municipal budget and personnel resources.

6. Inspection:

Any **Officer** may enter any **Property** in the **Town** and may inspect for **Nuisances**.

7. Directive :

After inspection, an **Officer** may issue a **Directive**. The **Directive** must specify a deadline for compliance and may give any specific instructions to remedy the **Nuisance** including;

- a) removing any **Litter**,
- b) cleaning, stacking, and covering any material,
- c) cutting grass and/or weeds, and
- d) pruning trees or shrubs.



8. Service of Directive:

The **Town** must serve the **Directive** by delivering it or sending it by mail to the owner registered as owner of the **Property**, and may also;

- a) deliver it in person to any other **Person** at the **Property**,
- b) post it to the door of a building or in any other conspicuous place on the **Property**, and service is effected on the day of posting, or
- c) mail it to any other owner, tenant, or agent.

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

9. Fines and Penalties:

If the owner, tenant or any other **Person** at the **Property** has not complied with the **Directive** by the specified deadline, an **Officer** may issue a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000 c. P-24 for a fine of:

- a) \$250.00 for a first offence, and
- b) \$500.00 for any subsequent offences in a 24 month period.

10. Town May Remedy:

If the **Person** responsible for the **Property** has not complied with the **Directive** by the specified deadline, an **Officer** may do or direct any work to be done to remedy the **Nuisance**, including disposing of any **Litter** or materials, and may charge the **Person** responsible for that **Property** for the cost of the work done.

11. Failure To Pay For Work:

If the **Person** responsible for the **Property** fails to pay for the work done under Section 10, the **Town** may;

- a) recover the cost as a debt due to the **Town**, or
- b) charge the cost against the land as taxes due and recover the cost as taxes.

The cost of the work done is charged in addition to any fine imposed under Section 9.

12. No Liability:

The **Town**, any **Officer** 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 **Directive**.

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13. Appeal Of A Directive :

Any **Person** who believes that a **Directive** unfairly affects them may appeal to **Council** by delivering an **Appeal Notice** in **Person** or sending it by mail to:

Town of Provost
Box 449, 4904 – 51 Avenue
Provost, AB, T0B 3S0

Within 14 days after service of the **Directive**.

14. Date of Appeal:

If the **Town** receives an **Appeal Notice** within 14 days after service of that **Directive**, the **Town** must place the **Appeal Notice** on the agenda for the next available **Council** meeting.

When the matter has been placed on the agenda, the **Town** 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 of the **Property**, the **Town** must also send this written notice to that owner.

If the **Town** receives the **Appeal Notice** after the 14 day period referred to in (a), the **Town** will not place the **Appeal Notice** on the **Council** agenda. The **Town** will notify the **Appellant** at the address given in the **Appeal Notice** that the appeal will not be heard.

15. Decision Of Council:

After hearing the appeal, the **Council** may confirm the **Directive** or, if it is satisfied that the **Directive** is unreasonable, unjust or in any manner contrary to the intent and meaning of this section, set aside, vary or modify the **Directive**.

16. Service Of Decision:

The **Town** must serve written notice of the **Council's** decision by delivering it or sending it by mail to the **Appellant**, and the owner of the **Property**.

17. Appeal To Court:

Any **Persons** who are affected by the **Council's** decision may appeal to the Court of Queen's Bench as allowed under the Municipal Government Act. The appeal must be filed with the Court of Queen's Bench and served on the **Town** within 30 days after service of the **Council's** decision.

18. Other:

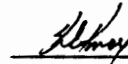
Bylaw No. 12/93, A Bylaw Respecting **Nuisance(s)** and Unsightly and Untidy Properties and all Bylaws amending it are repealed.

This Bylaw shall come into effect upon final passage thereof.

Read for a first time this the 18th day of July, 2006.

Read for a second time this the 18th day of July, 2006.

Read for a third time and passed this the 18th day of July, 2006.



Mayor



Town Manager

**TOWN OF PROVOST
BYLAW NO. 04/2006**

SCHEDULE "B"

APPEAL NOTICE

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

DATED: _____

TO: The Town of Provost
Box 449, 4904 - 51 Ave
Provost, AB, T0B 3S0

I am appealing the Directive dated _____, concerning
(Date on Directive)

(Property Address)

Reason(s) for your appeal:

(Use a separate sheet if necessary)

Signature

Name Printed

Street Address

Phone Numbers
Home: _____

PROVOST, ALBERTA, T0B 3S0

Work: _____

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

