

**TOWN OF PROVOST  
PROVINCE OF ALBERTA  
BYLAW NO. 11-2019**

**A BYLAW OF THE TOWN OF PROVOST, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSES OF REGULATING, CONTROLLING AND REDUCING NUISANCES, AND UNSIGHTLY, AND DANGEROUS PREMISES WITHIN THE TOWN OF PROVOST AND COMMERCIAL AREAS.**

WHEREAS the *Municipal Government Act*, R.S.A 2000, c. M-26, as amended or repealed and replaced from time to time, grants the Town of Provost the authority to pass bylaws for municipal purposes including providing for the safety, health and welfare of people, and the regulation and prevention of Nuisances, including Noise and Unsightly and Dangerous Premises;

AND WHEREAS, the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time, grants the Town of Provost the authority to pass bylaws regarding maintenance standards for buildings and other structures;

AND WHEREAS, the *Weed Control Act*, R.S.A. 2008, c. W-5.1, as amended or repealed and replaced from time to time, grants the Town of Provost the authority to pass bylaws identifying and regulating restricted, noxious, or nuisance weeds;

NOW THEREFORE, the Council of the Town of Provost, in the Province of Alberta, duly assembled, enacts as follows:

**PART 1: SHORT TITLE**

1.1 This Bylaw may be cited as the "Nuisance and Unsightly Premises Bylaw".

**PART 2: DEFINITIONS**

2.1 "Abandoned Equipment" means equipment or machinery which has been rendered inoperative by reason of its disassembly, damage, age or the deterioration of its mechanical condition and includes, but is not limited to, any household appliances stored outside of a residence or other structure, regardless of whether the household appliance is in an inoperative condition.

2.2 "Abandoned Vehicle" means the entirety or any portion of any motor vehicle, where that vehicle:

(a) is in a rusted, wholly, partially wrecked, dismantled, or inoperative condition, and is not located within a structure or located on Property such that it can be concealed from view;

- (b) has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year; or is inoperative by reason of missing or disassembled parts or equipment, is not located within a structure or located on Property such that it can be concealed from view and has been placed or parked for 48 hours.
- 2.3 "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.4 "Building Material" means all construction and demolition material accumulated on a premises while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, wood debris, vegetation or rock displaced during such construction, alteration or repair;
- 2.5 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Town pursuant to the Act to enforce the Town's Bylaws.
- 2.6 "Composting" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create useable soil conditioner.
- 2.7 "Council" means the Municipal Council of the the Town of Provost.
- 2.8 "Designated Officer" means a Designated Officer as defined in the Act.
- 2.9 "Land Use Bylaw" means the current Town of Provost Land Use Bylaw, as amended or repealed and replaced from time to time.
- 2.10 "Motor Vehicle" means a motor vehicle, as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended and repealed or replaced from time to time.
- 2.11 "Noxious Weed" means a noxious weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001 as amended or repealed and replaced from time to time.
- 2.12 "Nuisance" includes the physical condition of, use of, or an emission from, Property or a structure which, in the opinion of a Designated Officer or the Chief Administrative Officer, constitutes an unreasonable interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, an Unsightly Premise
- 2.13 "Nuisance Weed" means a nuisance weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001, as amended or repealed and replaced from time to time.

- 2.14 "Occupant" means any Person other than the registered Owner who is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.
- 2.15 "Order" means an Order issued by a Designated Officer as described in Section 545 or Section 546 of the Act, as applicable.
- 2.16 "Owner" means:
- (a) any Person registered as the Owner of Property under the *Land Titles Act*, R.S.A. 2000, c. L-4, as amended or repealed and replaced from time to time;
  - (b) a Person who is recorded as the Owner of Property on the Assessment Roll of the Town;
  - (c) a Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired the Property directly from the Owner or from another Purchaser, and who has not yet become the registered Owner thereof;
  - (d) a Person holding himself out as the Person exercising the power or authority of Ownership or, who for the time being exercises the powers and authority of Ownership over the Property;
  - (e) a Person in control of Property under construction; or
  - (f) a Person who is the Occupant of the Property.
- 2.17 "Person" means a corporation, partnership, or individual, and the heirs, executors, administrators or other legal representative of an individual.
- 2.18 "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 or plant and includes any organism declared as a pest or nuisance pursuant to the *Agricultural Pests Act*, R.S.A. 2000, c. A-8, as amended or repealed and replaced from time to time.
- 2.19 "Property" means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of the Town.
- 2.20 "*Provincial Offences Procedure Act*" means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 2.21 "Reasonable State of Repair" means the condition of being:
- (a) structurally sound;
  - (b) free from significant damage;
  - (c) free from rot or other deterioration;
  - (d) safe for its intended use; and
  - (e) so as not to present an unsightly condition or appearance.

2.22 "Refuse" includes

- (a) all solid and liquid waste, debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business;
- (b) vehicle parts or accessories;
- (c) furniture, appliances, machinery or parts thereof;
- (d) animal excrement; and
- (e) any unused or unusable material that by reason of its state, condition or excessive accumulation, in the opinion of Designated Officer, appears:
  - i. to have been discarded or abandoned; or
  - ii. to be useless or of no particular value; or
  - iii. to be used up or worn out in whole or part.

2.23 "Restricted Weed" means a restricted weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001 as amended or repealed and replaced from time to time.

2.24 "Unightly Premises" means any Property, whether land, buildings, improvements to lands and buildings, or any other combination thereof, located within the Town that, in the opinion of a Designated Officer, is unsightly to such an extent as to detrimentally affect the proposed amenities, use, value or enjoyment of the surrounding Properties in reasonable proximity to the Unightly Premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined by the Act.

2.25 "Violation Tag" means a tag or similar document issued by the Town pursuant to the Act for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow.

2.26 "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 as amended.

2.27 "*Weed Control Act*" means the *Weed Control Act*, R.S.A. 2008, c. W-5, as amended or repealed and replaced from time to time.

2.28 "Weeds" means any noxious, nuisance or restricted weed as prescribed in the *Weed Control Act* and Alberta Regulation 171/2001 as amended or repealed and replaced from time to time.

2.29 "Yard Material" means waste of an organic nature formed as a result of gardening, horticultural pursuits or agricultural activities and includes grass, tree and hedge cuttings, and decomposing plants, leaves and weeds.

### PART 3: NUISANCE

- 3.1 An Owner or Occupant of a Property shall not cause, permit or allow that Property or his use of that Property to constitute a Nuisance.
- 3.2 Conditions constituting a Nuisance include, but are not limited to: the accumulation of Refuse on Property;
- (a) grass in excess of ten (10) centimeters in length, or the presence of Noxious Weeds or other vegetation which, in the opinion of a Bylaw Enforcement Officer, are excessive or which demonstrate neglect by the Owner;
  - (b) the accumulation of animal material, yard material, ashes or building material, which in the opinion of the Bylaw Enforcement Officer are excessive or which demonstrate neglect by the Owner or Occupant;
  - (c) the accumulation of Abandoned Vehicles or Abandoned Equipment;
  - (d) the presence of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
  - (e) the presence of shrubs, trees, Weeds or other vegetation which, as a result of its location on the Property which is obstructing a sidewalk, highway or public place, including the obstruction of sight lines necessary for the safe operation of Motor Vehicles on a highway within the town;
  - (f) the failure to dispose of Refuse or other waste products accumulating in temporary storage containers on the Property; and
  - (g) the failure to keep Property in a Reasonable State of Repair, including a lack of repair or maintenance of buildings, structures or Property, which includes but is not limited to:
    - (ii) broken or missing windows, siding, shingles, shutters, eaves or other building material; and
    - (iii) conditions that may create a danger to public safety in the opinion of a Designated Officer.
  - (h) the significant deterioration of buildings, structures or improvements, or portions of buildings, structures or improvements

#### **PART 4: UNSIGHTLY PREMISES**

- 4.1 An Owner or Occupant of a Property shall not cause, permit or allow that Property to become dangerous to public safety or an Unsightly Premises.
- 4.2 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to collect, accumulate or to be stored upon Property owned or occupied by him.
- 4.3 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to accumulate in any building or structure within the Town, except in appropriate containers provided for the temporary storage of Refuse or other waste materials for pick-up and disposal at a sanitary land fill, recycling center or other waste management facility, or except as otherwise permitted pursuant to a statute or this or another bylaw.
- 4.4 No Person shall cause, permit or allow an Abandoned Vehicle to be parked, stored or left in any driveway or yard.
- 4.5 No Person shall cause, permit or allow a vehicle to be used for the storage of Refuse.
- 4.6 An Owner or Occupant may store firewood, building materials, and garden equipment in the rear or side yard provided that such storage does not exceed twentyfive (25) percent of the yard area in which it is stored and is, in the opinion of a Designated Officer, neatly piled and does not constitute a fire hazard.
- 4.7 An Owner or Occupant of a Property may cause, permit or allow for the temporary storage of materials or Refuse resulting from the construction, demolition or alteration of a Property to be stored on the Property provided that:
  - (a) it is removed in its entirety from the Property on a regular basis;
  - (b) it does not constitute a fire hazard or pose a risk to the health or safety of the public;
  - (c) it is not stored in an unsightly manner; in the opinion of a Designated Officer, in his or her sole discretion.

#### **PART 5: VEGETATION & PEST CONTROL**

- 5.1 An Owner or Occupant of a Property shall ensure that all vegetation on that Property is kept trimmed and is not overgrown or unsightly.
- 5.2 An Owner or Occupant of a Property shall ensure that grass on that Property does not exceed a height of ten (10) centimeters.
- 5.3 Weeds found on a Property shall be dealt with in accordance with the provisions of the *Weed Control Act*.

- 5.4 No Owner or Occupant of a Property shall plant or allow vegetation in any location on his or her Property which, in the opinion of a Designated Officer, may adversely affect the safety of the public.
- 5.5 An Owner or Occupant of a Property shall be responsible for the maintenance of vegetation on his Property, and for the vegetation on any boulevard which abuts, flanks or adjoins such Property, including lanes or alleys at the rear or side of such Property, and on any boulevard that lies directly between the boundary of a Property and an adjacent highway, road or alley.
- 5.6 An Owner or Occupant of a Property shall take reasonable steps to prevent attracting, sustaining and breeding of Pests on that Property.
- 5.7 An Owner or Occupant of a Property shall prevent the ponding of water on that Property.
- 5.8 This Part shall not be interpreted to prevent the controlled and managed practice of xeriscaping or other low water use gardening procedures.

#### **PART 6: PERMITTED SUBSTANCES**

- 6.1 No Owner or Occupant of a Property shall allow a flow of water from a hose or similar device on the Property to be directed towards an adjacent Property if there is a reasonable likelihood that the water from the hose or similar device will enter the adjacent Property in a manner or quantity likely to cause a Nuisance.
- 6.2 No Owner or Occupant of a Property shall allow a rainwater downspout or eavestrough on the Property to be directed towards an adjacent Property if there is a reasonable likelihood that the water from the downspout or eaves trough will enter the adjacent Property.
- 6.3 No Owner or Occupant of a Property shall allow an outdoor light on that Property to shine in a manner which, in the opinion of a Designated Officer, is likely to interfere with public safety, enjoyment of a Property or cause a Nuisance.

#### **PART 7: COMPOST**

- 7.1 No Owner or Occupant of a Property shall place or allow to be placed domestic animal feces, animal parts or animal meat on a Composting pile or in a Composting container on his Property.
- 7.2 No Owner or Occupant of a Property shall place or establish an open Composting pile on his Property within five (5) meters of an adjacent Property, measured from the nearest part of the open Composting pile to the nearest part of the adjacent Property line.
- 7.3 An Owner or Occupant who places or allows a Composting container or Composting pile to remain on his Property shall take all reasonable steps to ensure that it does not become a Nuisance or attract Pests.

**PART 8: REFUSE**

- 8.1 An Owner or Occupant of a Property shall not cause, permit or allow Refuse to accumulate on that Property.
- 8.2 No Person shall place Refuse on Property other than their own, including public Property, except in a waste receptacle provided for depositing Refuse.
- 8.3 A Person who places Refuse on Property other than their own, including public Property shall remove that Refuse and reclaim the Property to its original condition.
- 8.4 Subject to Section 4.7, Refuse resulting from the construction, demolition or alteration of a Property, may be placed on the Property on a temporary basis, in a manner that will not constitute a Nuisance.

**PART 9: ENFORCEMENT**

- 9.1 The Owner of a Property that carries on or permits the Property to become a Nuisance or Unsightly Property shall take all reasonable steps to minimize the duration and visual impact of the Nuisance or Unsightly Property.

**PART 10: ENFORCEMENT**

- 10.1 This Bylaw shall only apply to Property located within areas zoned Multi-Lot Subdivision, Residential, Industrial and Commercial under the Land Use Bylaw in force at the time.
- 10.2 The Owner of any Property is responsible for all activities on the Property and for ensuring that the Property is not or does not become a Nuisance or Unsightly Property, and for remedying any contravention of this Bylaw.
- 10.3 For the purposes of an inspection or enforcement under this Bylaw, a Bylaw Enforcement Officer is a Designated Officer of the Town.
- 10.4 Where contravention of this Bylaw has occurred or is occurring, a Designated Officer may issue an Order to the Owner, Occupant, or Person responsible for the contravention, or any or all of them, pursuant to Section 545 of the Act, as set out in Schedule "C", in the case of a Nuisance or Unsightly Premises, or pursuant to Section 546 of the Act, as set out in Schedule "D", in the case of a danger to public safety.
- 10.5 An Order issued by a Designated Officer under Section 10.4 may, in the case of a Nuisance or Unsightly Premises:
  - (a) direct the Person to whom the Order is issued to stop doing something, or change the way in which the Person is doing that thing;

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- (b) direct the Person to take any action or measure necessary to remedy the contravention of this Bylaw, including but not limited to the cessation of an activity, the cutting or removal of vegetation, and the removal or demolition of the structure or improvement that is in contravention of this Bylaw and, if necessary, to prevent the reoccurrence of the contravention;
- (c) state a time period within which the Person responsible must comply with the directions stated in the Order;
- (d) state that if the Person does not comply with the directions provided within the Order within the time period specified, the Town may take any action or measure reasonably necessary to remedy the contravention at the expense of the Person responsible, with such expenses being recoverable against the Person responsible, in accordance with the provisions of the Act; and
- (e) notify the Person responsible of the right to apply by written notice for a review of the Order by Town Council, and any fee required for such an application, as set out in Schedule "B".

10.6 An Order issued by a Designated Officer under Section 10.4 may, in the case of a dangerous condition:

- (a) require the Owner of the structure to eliminate the danger to public safety in a manner specified or to remove or demolish the structure and level the site;
- (b) in the case of an excavation or hole, require the Owner of the Property upon which the excavation or hole is located to eliminate the danger to public safety in any manner specified, including filling in the excavation or hole and leveling the site;
- (c) state a time frame within which the Owner must comply with the directions provided in the Order;
- (d) state that if the Owner does not comply with the Order within the time frame specified, the Town may take any action or measure reasonably necessary to remedy the condition of the lands, structure or improvement, at the expense of the Owner with such expenses being recoverable in accordance with the provisions of this Bylaw and the Act; and
- (e) shall notify the Owner of the right to apply by written notice for a review of the Order by Council, and the required fee for such an application as set out in Schedule "B".

10.7 A Person to whom an Order is issued pursuant to Sections 10.4 may request a review of the Order by providing written notice to Council within fourteen (14) days of the date on which the Order is received by that Person in the case of a Nuisance or Unsanitary Premises, and seven (7) days in the case of a dangerous condition. Upon review of the Order, Council may confirm, vary, substitute or cancel the Order.

- 10.8 Any expenses or costs of any action or measure taken by the Town pursuant to this Bylaw are an amount owing to the Town by the Owner, Occupant or any other Person responsible for the contravention, or any or all of them.
- 10.9 If the Town sells all or a part of a structure or improvement, or the contents of a structure or improvement, that have been removed pursuant to this Bylaw, the proceeds of the sale must be used to pay the expenses and costs incurred by the Town in the enforcement of the Order issued, and any excess proceeds must be paid to the Owner, Occupant or Person responsible for the contravention, if entitled to them.
- 10.10 The expenses and costs incurred by the Town in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll for the Property pursuant to the Act.
- 10.11 The Town may register a caveat pursuant to the *Land Titles Act* and the Act in respect of any Order issued under this Bylaw, against the Certificate of Title for the Property that is the subject of the Order.
- 10.12 If a caveat is registered pursuant to Section 10.10 of this Bylaw, the Town must discharge the caveat when the Order has been complied with, or when the Town has performed the actions or measures necessary to remedy the contravention as stated in the Order.
- 10.13 An Order issued pursuant to this Bylaw is deemed to have been served on the Person whom it is addressed when the Order has been:
- (a) in the case of an individual, delivered personally to the individual, or left for the individual at his or her residence with a Person on the Premises who appears to be at least eighteen (18) years of age; or
  - (b) upon confirmation of receipt of the Order by the Person to whom it is addressed by registered mail;
  - (c) in the case of a partnership or corporation, by registered mail or personal delivery to either the registered office or business address of the partnership or corporation;
  - (d) in the event that the Town is unsuccessful in its attempts to serve the Order pursuant to subsections 10.13 (a), 10.13 (b) or 10.13 (c) above, a Designated Officer may post a copy of the Order in a conspicuous place on the Property referred to in the Order, where the Designated Officer has reason to believe that the Person to whom the Order is addressed is evading service, and that there is no other reasonable means of service available.

## **PART 11: AUTHORITY TO ENTER PREMISES**

- 11.1 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, in accordance with Section 542 of the 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.
- 11.2 Before conducting an inspection, a Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the Act.
- 11.3 A Designated Officer must display or produce, on request, identification showing that the person is authorized to make the entry.
- 11.4 In an emergency or in extraordinary circumstances, a Designated Officer need not give reasonable notice to enter at a reasonable hour and may do the things in Part 11.1 (a) and (c) without the consent of the owner or occupant.

## **PART 12: OFFENCES AND PENALTIES**

- 12.1 Regardless of whether an 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 penalty as set out in Schedule "A" herein.
- 12.2 Any person who fails to comply with an Order issued pursuant to this Section 10 of the Bylaw is guilty of an offence.
- 12.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.
- 12.4 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag or Tickets to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 12.5 Any member of the Royal Canadian Mounted Police and any Community Peace Officer employed by the Town is authorized to issue violation tags and tickets under this Bylaw in the same manner as a Bylaw Enforcement Officer.

- 12.7 A Violation Tag shall be in a form approved by the Chief Administrative Officer, and shall state:
- (a) the name of the Person to whom the Violation Tag is issued;
  - (b) a description of the Property upon which the offence has been committed, if applicable;
  - (c) a description of the offence and the applicable Bylaw Section;
  - (d) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - (e) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - (f) any other information as may be required by the Chief Administrative Officer.
- 12.8 Where a Violation Tag has been issued pursuant to Section 12.3, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Violation Tag.
- 12.9 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to the Person to whom the Violation Tag was issued.
- 12.10 Notwithstanding Section 12.7, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 12.11 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 12.12 The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.
- 12.13 Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty. |


**PART 13: SEVERABILITY AND COMING INTO FORCE**

- 13.1 Should any provision of this Bylaw be invalid, then the invalid provision shall be severed and the remainder of the Bylaw shall be maintained.
- 13.2 Bylaw No. 04-2006 is hereby repealed.
- 13.3 The Bylaw shall come into force upon receipt of its third and final reading and has been signed in accordance with the Act.

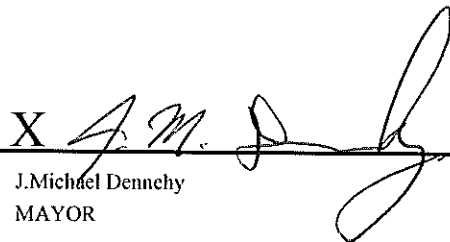
READ a first time this 17<sup>th</sup> day of September , 2019

READ a second time this 17<sup>th</sup> day of September , 2019

READ a third time this 17<sup>th</sup> day of September , 2019

X 

David Connauton  
CAO

X 

J. Michael Dennehy  
MAYOR

## SCHEDULE "A"

### PENALTIES

Any owner or occupant that does not comply with the Nuisance and Unsightly Premises Bylaw shall be subject to a fine of:

- a. \$100 for First Offence.
- b. If a person, charged with an offence under this Bylaw has been served with a tag or violation ticket twice for that same offence within a two year period, the specified penalty on the Second Offence shall be \$300.
- c. If a person, charged with an offence under this Bylaw, has been served with a tag or violation ticket three times for that same offence within a two year period, the specified penalty on the Third Offence shall \$600.
- d. If a person, charged with an offence under this Bylaw, has been served with a tag or violation ticket more than three times for that same offence within a two year period, the specified penalty for each offence thereafter shall be not more than \$10,000.

**SCHEDULE "B"**

**COUNCIL REVIEW APPLICATION**

**FEES**

A written notice requesting review of an Order by Council pursuant to Section 10 shall be accompanied by a fee as established in the Rates and fees Bylaw as amended from time to time. The fee shall only be returned to the applicant in the event that the whole of the Order is revoked by Council.

**SCHEDULE "C"**

*[to be placed on Towns letterhead]*

**ENFORCEMENT  
ORDER**

*[insert date Order delivered]  
[Owner/Occupant/Person  
Responsible] [insert address]*

- HAND DELIVERED**  
 **REGISTERED MAIL**

Dear Sir/Madam:

**Re: [short legal description of land]**

In my capacity as Designated Officer, I hereby issue to the above named an Order pursuant to Section 545 of the *Municipal Government Act*, and Section 10.5 of the Town of Provost Bylaw No. 11-2019 with respect to the following lands:

*[insert full legal description]*

(the "Lands")

Municipal Address: \_\_\_\_\_

Section 545 of the *Municipal Government Act* states that:

- (1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.
- (2) The order may
  - (a) direct a person to stop doing something, or to change the way in which the person is doing it;
  - (b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including *the* removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
  - (c) state a time within which the person must comply with the directions;

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(d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

As a Designated Officer for The Town of Provost (the "Town"), I have determined that [examples: "a Nuisance condition exists", the Lands constitute and "Unsightly Premises", etc.] for the following reasons:

*[insert detailed list of reasons that Designated Officer has concluded that the contravention(s) identified exist on the lands]*

*[may also reference an attached map or photographs depicting the conditions of concern]*

You are hereby ordered to *[insert appropriate remedial action — "remedy the Unsightly condition", "discontinue creating the Nuisance", "remove the garbage, weeds, etc."]* by taking all necessary steps to remedy the identified concerns, including the following:

*[insert requirements in detail]*

When that has been completed, you are hereby ordered to fill in any holes and level the site. Refuse and debris cannot be buried on the site.

The above work must be completed on or before \_\_\_\_\_

*[If there are a number of steps, each step or group of steps may be given different completion deadlines]*

Pursuant to Section 549 of the *Municipal Government Act*, you are hereby advised that the Town may take whatever actions or measures as are necessary to eliminate the contravention and prevent its recurrence. If you do not comply with this Enforcement Order within the specified time, the Town will take the action necessary to remedy the contravention at your expense. Please be advised that the expenses and costs of actions or measures taken by the Town under this Section are an amount owing to the Town by the person or person to whom this Order has been issued.

Pursuant to Section 553, costs and expenses incurred by the Town may be added to the tax roll of the property.

An owner or occupier or other person to whom this Enforcement Order is directed and who considers themselves aggrieved by this Enforcement Order, may by written notice request that Council of the Town of Provost review the Order within fourteen (14) days of the date the Order is received. A request for review shall be sent to the Town at the following address:

*[insert towns address and administrative position to which written notice should be addressed]*

Yours truly, Town of  
Provost (*Designated  
Officer*)

**SCHEDULE "D"**

*[placed on Towns letterhead]*

**ENFORCEMENT ORDER**

*(Dangerous Condition)*

*[insert date Order delivered]*

*[Owner/Occupant/Person Responsible]*

*[insert address]*

**HAND DELIVERED**

**REGISTERED MAIL**

Dear Sir/Madam:

**Re: [short legal description of land]**

In my capacity as Designated Officer, I hereby issue to the above named an Order pursuant to Section 546 of the *Municipal Government Act*, and Section 10.5 of the Town of Provost No. 11-2019 with respect to the following lands:

*[insert full legal description]*

(the "Lands")

Municipal Address: \_\_\_\_\_

Section 546 of the *Municipal Government Act* states that:

(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order

- (a) require the owner of the structure to
  - (i) eliminate the danger to public safety in the manner specified, or
  - (ii) remove or demolish the structure and level the site;
- (b) require the owner of the land that contains the excavation or hole to
  - (i) eliminate the danger to public safety in the manner specified, or
  - (ii) fill in the excavation or hole and level the site;
- (c) require the owner of *the* property that is in an unsightly condition to
  - (i) improve the appearance of the property in the manner specified, or
  - (ii) if the property is a structure, remove or demolish the structure and level the site.

(2) The order may

- (a) state a time within which the person must comply with the order;
- (b) state that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.

As a Designated Officer for the Town of Provost, I have determined that the Lands are in a dangerous condition for the following reasons:

*[insert detailed list of reasons that Designated Officer has concluded that the contravention(s) identified exist on the lands]*

*[may also reference an attached map or photographs depicting the conditions of concern]*

You are hereby ordered to take all steps necessary to remedy the dangerous condition of the Lands, including the following:

*[insert requirements in detail]*

When the described actions have been completed, you are hereby ordered to fill in any holes and level the site. Refuse and debris cannot be buried on the site.

The above work must be completed on or before \_\_\_\_\_

*[If there are a number of steps, each step or group of steps may be given different completion deadlines]*

Pursuant to Section 550(1) of the *Municipal Government Act*, you are hereby advised that the Town may take whatever actions or measures are necessary to eliminate the danger to public safety caused by a structure, excavation or hole. If you do not comply with this Enforcement Order within the specified time, the Town may take the action necessary to remedy the contravention at your expense. Please be advised that the expenses and costs of actions or measures taken by the Town under this Section are an amount owing to the Town by the person(s) to whom this Order has been issued.

Pursuant to Section 553.1(1)(c), any monies owing to the Town as a result of its enforcement efforts may be added to the tax roll of **any property** within the boundaries of the Town for which the recipient(s) of this Order are the assessed persons.

An owner or occupier or other person to whom this Order is directed and who considers themselves aggrieved by the Order, may by written notice request that Council of the Town of Provost review the Order within **seven (7) days** of the date the Order is received. A request for review shall be sent to:

*[insert Town address and administrative position to which written notice should be addressed]*

Yours truly, Town of  
Provost (*Designated  
Officer*)