

BYLAW NO. 361-90

BEING A BYLAW OF THE TOWN OF FOX CREEK IN THE PROVINCE OF ALBERTA FOR THE PREVENTION, ABATEMENT AND REGULATION OF NUISANCES AND UNSIGHTLY OR UNTIDY PREMISES.

WHEREAS, pursuant to Section 160 of the Municipal Government Act, being Chapter M-26 R.S.A., 1980 and amendments thereto, Council may by Bylaw regulate nuisances, and untidy or unsightly premises;

AND WHEREAS, Section 160 of the Municipal Government Act further provides that in any Bylaw passed under this section, Council may make any provisions that it considers necessary to carry out the purposes of the Bylaw;

AND WHEREAS, the Council of the Town of Fox Creek deems it proper and expedient to pass such a Bylaw;

NOW THEREFORE, The Council of the Town of Fox Creek duly assembled hereby enacts as follows:

1. THIS Bylaw may be cited as the Nuisance Bylaw.
2. DEFINITIONS:
  - a) Bylaw Enforcement Officer - any person so authorized to act on behalf of the Council of the Town of Fox Creek;
  - b) Council - shall be the Council of the Town of Fox Creek;
  - c) Occupant - shall mean the person actually occupying or legally responsible for any property, be that person owner, lessee, tenant, or agent of the owner;
  - d) Unsightly or Untidy - any property as deemed by the Bylaw Enforcement Officer or Council to be unsightly or untidy;
3. ALL occupants are required to cut the grass on any boulevard which abuts, flanks or adjoins the property occupied by him. This includes lanes or alley at the rear of premises or property.
4. ALL occupants shall be required to control dandelions and noxious weeds and to cut grass on property they own or occupy.
5. ALL occupants shall prune, remove or otherwise maintain trees and shrubs that interfere with or endanger lines, poles, pipes, sewers or other works of the municipality or public utility.
6. NO person shall permit the accumulation of dirt, stones, old implements, automobiles, scrap iron or any other rubbish so as to cause any unsightly condition, hazard or nuisance.
7. NO person being the owner, agent, lessee or occupier of any land or premises within the Town of Fox Creek shall permit the land or premises of which such person is the owner, agent or occupier to be or remain a nuisance or to be or remain untidy and unsightly.

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8. ANY Bylaw Enforcement Officer or other duly authorized officer of Council is hereby authorized to enter land within the Town of Fox Creek for the inspection of conditions that may contravene or fail to comply with the provisions of this Bylaw.
9. WHEN, in the opinion of the officer set forth in Section 8 of this Bylaw, a condition exists which contravenes any of the provisions of this Bylaw the Officer may:
  - a) Issue a warning notice to the owner, agent, lessee and/or occupier of the land or premises in question advising of the condition and directing that the condition be rectified within a specified length of time, or;
  - b) Issue an offence ticket to the owner, agent, lessee and/or occupier of the land or premises in question and direct that the condition be rectified within a specified length of time.
10. SHOULD any property owner, agent, lessee or occupier fail, neglect, or refuse to remedy the condition as directed by the Bylaw Enforcement Officer or Council, the Town of Fox Creek may cause the work to be performed to remedy the condition and charge the costs of such work to the owner, agent, lessee or occupier.
11. ANY person who enters property to remedy a condition as directed by Council, shall be deemed to have the authorization of Council and shall not incur any liability therefor.
12. THE Town of Fox Creek may serve on the offending party an offence ticket of which voluntary payment may be made to avoid prosecution. The penalty for an offence ticket issued under this section and section 9(b) of this Bylaw shall be as follows:

First Offence - \$25.00 (Twenty Five Dollars)  
Second Offence - \$50.00 (Fifty Dollars)  
Third and Subsequent Offences - \$75.00 (Seventy Five Dollars)

Where a person fails to pay a voluntary offence ticket issued for contravention of this Bylaw, that person shall be liable, upon summary conviction to a fine not less than One Hundred (\$100.00) Dollars and not more than Twenty-Five Hundred (\$2,500.00) Dollars, exclusive of costs, and in default of payment thereof to imprisonment for a term not to exceed six (6) months.
13. ANY person who considers himself aggrieved by a direction given pursuant to this Bylaw may appeal the direction to the Council.
14. AN appeal shall be delivered in person or sent by certified mail to the municipal secretary within 10 days of the date on which the direction was served on the owner, lessee, occupier or agent.
15. THE Council shall hear the appeal.

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16. AFTER considering the appeal, the Council, may confirm the direction or, if it is satisfied that the direction is unreasonable, unjust or in any manner contrary to the intent and meaning of this Bylaw, set aside, vary or modify the direction.
17. IF a person considers himself aggrieved by a decision under section (16), he may appeal the decision by originating notice to the Court of Queens's Bench within 10 days of the date on which the decision is served on him.
18. The Court may confirm the decision of the Council or may set aside, vary or modify the direction.
19. THIS Bylaw shall take effect on the date of final reading thereof.

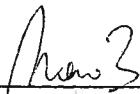
READ A FIRST TIME this 5<sup>th</sup> day of February, A.D., 1990.

READ A SECOND TIME this 5<sup>th</sup> day of February, A.D., 1990.

  
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MAYOR

  
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SECRETARY-TREASURER

READ A THIRD AND FINALLY PASSED this 19<sup>th</sup> day of February, A.D., 1990

  
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MAYOR

  
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SECRETARY-TREASURER