

TOWN OF VERMILION

A BY-LAW RESPECTING NUISANCES AND
UNSIGHTLY AND UNTIDY PREMISES

WHEREAS, Section 160 of the Municipal Government Act, Chapter M-26 R.S.A., 1980 provides the authority for Council of the Town of Vermilion, to prevent and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises;

AND WHEREAS, said Section 160 further provides that in any By-law passed under said section, Council may make any provisions that it considers necessary to carry out the purpose of the By-law;

AND WHEREAS, the Council of the Town of Vermilion deems it expedient and in the public interest to pass such a By-law;

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

1. In this By-law:
 - (1) "Authorized Persons" shall mean By-law Enforcement Officer or Royal Canadian Mounted Police
 - (2) "By-law Enforcement Officer" shall mean a person appointed by Council to enforce the By-laws of the Town.
 - (3) "Council" shall mean the Council of the Town of Vermilion in the Province of Alberta.
 - (4) "Nuisances" shall mean anything annoying, unpleasant, obnoxious, or injurious, in the judgement of any authorized persons.
 - (5) "Owner" shall mean
 - (a) the registered owner of land under the Land Titles Act, or
 - (b) the lessee, occupier or agent of the owner, lesser or occupier of the land or premises.
 - (6) "Town" shall mean the Town of Vermilion, a municipal corporation in the Province of Alberta.
 - (7) "Untidy & Unsightly Premises" shall mean
 - (a) a premises not in keeping with the surrounding properties of similar land use classification under the Land Use By-law of the Town of Vermilion, or
 - (b) not neat in appearance.
2. No person being the owner of any land or premises within the Town shall permit the land or premises to
 - (a) be or remain in an untidy or unsightly condition, or
 - (b) allow or permit the land to become infested with dandelions, noxious weeds or plants, or

(c) allow or permit trees or shrubs or the land to interfere with or endanger the lines, poles, conduits, pipes, sewers or other public utilities.

3. The owner of any land or premises shall be responsible for the cutting of grass on the boulevard area which abuts or flanks the land or premises.

4. The owner of any land or premises shall not permit the accumulation of nuisances on the land or premises.

5. The owner of any land or premises shall not permit the storing, dumping, or placing of any material, goods, articles or nuisances on any street, boulevard, park, reserve area, or other public land.

6. No owner shall make, permit, or cause to be made, by amplifiers, loud speakers, or any other means whatsoever, any unnecessary or unusual noise, likely to disturb the peace and quiet of the area, or other persons in the neighborhood.

7. Any By-law Enforcement Officer, Royal Canadian Mounted Police or authorized person is hereby authorized to enter any lands or premises within the Town to inspect conditions that may constitute a nuisance, or contravene, or fail to comply with any of the provisions of this By-law, and any such authorized person shall not be held liable for entering any such land or premises.

8. When, in the opinion of the authorized person set forth in Section 7, a condition exists which is in contravention of any of the provisions of this By-law, the authorized person may issue a warning notice in form prescribed in Schedule A of this By-law, to the owner of the land or premises, advising of the conditions contravening the provisions of the By-law, and directing that the condition be rectified

- (a) within fourteen (14) days for contravention of Sections 2, 3 & 4
- (b) within forty eight (48) hours for contravention of Section 5, and
- (c) forthwith for contravention of Section 6.

9. If the owner fails, neglects or refuses to remedy any conditions that does not comply with the provisions of this By-law, within the time period as set forth in the notice issued pursuant to Section 8, the authorized person may issue the owner a voluntary penalty tag or ticket in form prescribed in Schedule "A" of this By-law, allowing the payment of a fine to the Town, in lieu of prosecution,

- (a) for a first offence in any calendar year, a penalty of \$200, and
- (b) for a second and any subsequent offences in the same calendar year a penalty of \$500.

10. Notices under Section 8 & 9, shall be deemed to be served if sent to the owner by certified mail or delivered in person to the owner by the authorized person.

11. If the owner fails, refuses or neglects to pay the voluntary payment outlined in Section 9, a summary conviction notice shall be prepared and executed by the Royal Canadian Mounted Police.

12. Upon conviction, the owner shall be liable to a fine of not less than \$200 and not more than \$500 and in default of payment to imprisonment not exceeding 30 days.

13. Any owner who contravenes any of the provisions of this By-law is guilty of an offence punishable under summary conviction.

14. (1) If the owner fails, neglects or refuses to remedy any condition on his land or premises, or fails, neglects, or refuses to comply with any of the provisions of this By-law, after being served with a warning notice as provided in this By-law, Council may then, by resolution, cause such work to be done as it considers necessary to remedy the condition, and any costs incurred to perform the work so ordered by Council, may be

(a) recovered the same as a debt owed to the Town, or

(b) charged against this land as taxes due and owing in respect to that land, and recover the same as such.

(2) Council shall cause not less than fourteen (14) days notice by certified mail to the owner of the land for which it is considered to make an order pursuant to subsection (1), specifying the date, time and place at which the making of the order will be considered, and that the owner will be given an opportunity of appearing and being heard by Council before the making of the order.

(3) Any owner who thinks himself aggrieved by an order of Council made pursuant to this Section, may apply to the Court of Queen's Bench within 30 days of the making of the order, and if the Court is satisfied that the Council has acted unreasonably or unjustly or in a manner contrary to the intent and meaning of this By-law, it may set aside, vary or modify the order of Council.

(4) The Town or any person acting under authority of an order made by Council shall not be liable for damages incurred to property causing the condition, unless such damages are the result of negligence or complete disrespect for property.

15. By-laws 9-60, 18-61 & 16-83 are hereby rescinded.

16. This By-law comes into force and effect on the day of the third and final reading.

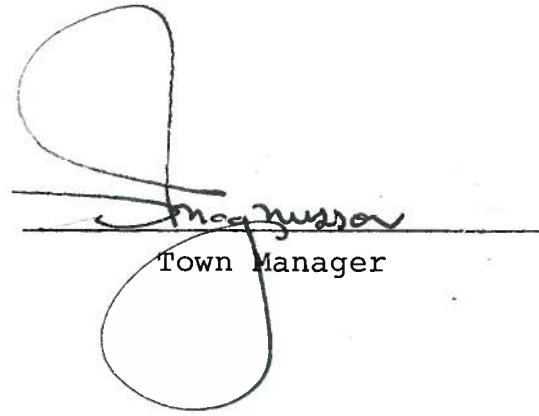
READ A FIRST TIME THIS 9th DAY OF July, A.D. 1987.

READ A SECOND TIME THIS 9th DAY OF July, A.D. 1987.

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF July, A.D.1987.



Mayor



Town Manager

THIS IS A CERTIFIED TRUE COPY

TOWN MANAGER

SCHEDULE "A"



**TOWN OF
VERMILION No 1401**

**Box 328
Vermilion, Alberta
T0B 4M0**

THIS TAG ISSUED
FOR BREACH OF SECTION
 TOWN OF VERMILION BY-LAW No.

| | | | | | |
|--|--|--------|--------|---------|----|
| | | \$2.00 | \$5.00 | \$10.00 | \$ |
|--|--|--------|--------|---------|----|

LICENSE
& YEAR MAKE

DATE TIME M

OFFENCE AND
LOCATION

NAME

ADDRESS

You may avoid prosecution for this offence by paying the penalty circled above, within seven days, to the address indicated above. Failure to do so will result in prosecution. Penalty may be remitted by mail (cheque or money order only) but must be accompanied by this tag. Receipt supplied on request if sender's name and address is furnished.

ISSUER

THIS TAG MUST BE PRESENTED