

## **BYLAW NO. 00/078**

### **A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO WITH RESPECT TO NUISANCE PROPERTY WITHIN THE BOUNDARIES OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO.**

WHEREAS, by virtue of the power conferred on it by the *Municipal Government Act*, S.A. 1994 c.M-26.1, as amended, the Council of the Regional Municipality of Wood Buffalo, in the Province of Alberta, duly assembled, enacts as follows:

#### **SECTION 1. - SHORT TITLE**

- 1.1 This Bylaw may be cited as the “Nuisance Property Bylaw” of the Regional Municipality of Wood Buffalo.

#### **SECTION 2. - DEFINITIONS**

- 2.1 “Business” means any person or corporation registered or required to be registered as a business with the Business Licensing Department of the Regional Municipality of Wood Buffalo.
- 2.2 “Bylaw Officer” means any Bylaw Officer appointed by the Regional Municipality of Wood Buffalo and includes a member of the R.C.M.P. and a Special Constable.
- 2.3 “Chief Bylaw Officer” means the person in charge of the Bylaw Services Division as appointed by the Council or Regional Manager and his or her designate.
- 2.4 “Council” means the elected council of the Regional Municipality of Wood Buffalo.
- 2.5 “Derelict Vehicle” means any abandoned vehicle, any dilapidated vehicle, any stripped vehicle, or any part of a vehicle or a vehicle NOT in running condition.
- 2.6 “Garbage” means any material taken for disposal at the Municipal Landfill, unwanted or useless material, trash, animal entrails, rubbish, junk.
- 2.7 “Highway” means as the meaning ascribed by the Highway Traffic Act.
- 2.8 “Litter” means any discarded or deposited garbage which creates or contributes to untidiness or unsightliness, except in a proper garbage receptacle or Landfill site.
- 2.9 “Motor Vehicle” or “Vehicle” means as the meaning ascribed by the Highway Traffic Act.
- 2.10 “Municipality” means the Regional Municipality of Wood Buffalo including Ward 1, Ward 2, Ward 3 and Ward 4 where the context so requires.

- 2.11 “Nuisance” means any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes, but is not limited to, the following:
- a) the failure to cut grass or weeds.
  - b) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds.
  - c) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk and roadway clearance.
  - d) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of six (6) minutes in any one (1) hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by Council by resolution or bylaw.
  - e) the generation of excessive dust and permitting such dust to escape from the property.
  - f) the use of any pesticide or herbicide which has significant detrimental or environmental effect on surrounding areas.
  - g) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life.
  - h) the storage or accumulation of dilapidated vehicles or the storage of vehicles in excess of the number of vehicles permitted under the Land Use Bylaw.
  - i) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, scrap metals, scrap lumber, tires, and motor vehicle parts.
  - j) the failure to dispose of any rubbish or garbage accumulated upon any property.
  - k) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall or any other property or parked vehicle, where the same are accumulated and become dilapidated and unsightly.
  - l) any litter.
  - m) failure to control any offensive odour.
  - n) failure to remove any animal waste or defecation.
- 2.12 “Occupant” means the person residing on or in lands or buildings, the person entitled to its or their possession if there is no person residing on or in the land or buildings and a leaseholder of lands or buildings.
- 2.13 “Person” includes any corporation, joint stock company and partnership and the heirs the executors, successors, administrators or other legal representative.
- 2.14 “Private Property” means any real property owned or under control or management of any person or business other than the Regional Municipality of Wood Buffalo.

- 2.15 “Property Owner” means the person who has any right, title, estate or interest in land or improvements other than that of an occupant, tenant, mortgagee or leasee.
- 2.16 “Proprietor” means, the person who ultimately controls, the activity carried on within any premises referred to in this Bylaw and includes the person in charge as a manager, owner or operator of a business.
- 2.17 “Public Property” means any real property owned or under control or management of the Regional Municipality of Wood Buffalo.
- 2.18 “Residential Property” means the property owned by any property owner which is principally used as a dwelling house or apartment complex.
- 2.19 “Roadway” means that part of a highway intended for use by vehicle traffic.
- 2.20 “Rural Service Area” means all areas outside of Ward 1, Urban Service Area.
- 2.21 “Urban Service Area” means the boundaries of Fort McMurray, Ward 1 of the Regional Municipality of Wood Buffalo.

### **SECTION 3 - OFFENCES**

- 3.1 No person within the Regional Municipality of Wood Buffalo shall:
- a) place any nuisance on private property.
  - b) cause any nuisance to be placed or take place on private property.
  - c) allow any nuisance to remain on private property.
- 3.2 No person within the Regional Municipality of Wood Buffalo shall:
- a) place any nuisance on public property;
  - b) cause any nuisance to be placed or take place on public property; or
  - c) allow any nuisance to remain on public property.
- 3.3 The proprietor of any business which offers for sale food, refreshments, confectionary items, or tobacco shall:
- a) ensure that the business premises, including the building, land, and all adjoining public property is kept free of discarded cartons, containers, papers or other garbage originating from the business by collecting and disposing of garbage found in that area each day that the business is open for business.
  - b) provide garbage receptacles at each entrance and exit from the business, in the case of a building or at the sales counter.

- c) ensure that the garbage receptacles provided pursuant to Section 3.3(b) are weighed or anchored to prevent the receptacle from being blown or knocked over; are of sufficient size to contain all garbage generated from the business; placed in locations convenient for public use, emptied daily, to ensure that the receptacle is not full, into a garbage container for collection and disposal to the Municipal Landfill Site.
- 3.4 No person within the Regional Municipality of Wood Buffalo shall:
- a) place any litter on public property;
  - b) cause any litter to be placed or take place on public property; or
  - c) allow any litter to remain on public property.
- 3.5 No person shall place or cause to be placed any leaflets or other advertising material on or in a vehicle without the permission of the owner or the person in charge of the vehicle. This provision does not include parking tickets issued pursuant to the Municipality of Wood Buffalo Traffic Bylaw. This section applies whether the vehicle is on a highway or on any public or privately owned property.

#### **SECTION 4 - REMEDY/PENALTY**

- 4.1 The Council hereby authorizes the Bylaw Officer to enter any lands, building or premises, excluding a dwelling house, within The Regional Municipality of Wood Buffalo inspect for conditions that may constitute a contravention of this Bylaw.
- 4.2 The Council of the Regional Municipality of Wood Buffalo hereby delegates to the Bylaw Enforcement Officer to notify in writing (as per the *Municipal Government Act*) the property owner or proprietor, of any violation pursuant to Section 3. The Bylaw Officer shall in this notice provide five (5) working days within which any contravention may be remedied.
- 4.3 A person who fails to do anything which he is required to do pursuant to this Bylaw, or who does anything which he is prohibited from doing under this Bylaw is guilty of an offence. Charges may be laid at the discretion of the Bylaw Officer and the person charged will be liable on summary conviction to a penalty provided in the General Penalty Bylaw of the Regional Municipality of Wood Buffalo as amended from time to time.
- 4.4 The Council or the Regional Municipality of Wood Buffalo hereby delegates to the Chief Bylaw Officer the responsibility and power to issue a direction in writing (as per the *Municipal Government Act*) to any property owner, who has neglected or refused to remedy any violation pursuant to Section 4.2 of this Bylaw. The direction shall provide ten (10) working days from date of service to remedy the contravention.
- 4.5 Where the property owner refuses or neglects to comply with the direction of the Chief Bylaw Officer, such work may be performed by the Municipality or its designated contractor.

- 4.6 The cost of any work caused to be done pursuant to Section 4.5 of this Bylaw shall be charged to the property owner, and in default of payment, The Regional Municipality of Wood Buffalo, in addition to any other remedy:
- a) recover the cost as a debt due to the Municipality, or
  - b) charge the cost against the land concerned as taxes due and owing in respect of the land and recover the cost as such.
- 4.7 Any person who considers himself aggrieved by a direction given pursuant to this Bylaw may appeal the direction to Council by delivering a written appeal in person or by certified mail to the Regional Clerk, within fourteen (14) days of the date on which the direction was served on the property owner or proprietor.

### **SECTION 5 - IN THE BYLAW**

- 5.1 Any person who enters a property to remedy a condition as directed by the Chief Bylaw Enforcement Officer shall be deemed to have the authorization of the Council and shall not incur any liability therefor.
6. The Council of the Regional Municipality of Wood Buffalo by resolution may waive any of the provisions contained in this Bylaw, either generally or to deal with a specific situation, subject to whatever conditions Council may see fit shall apply.
7. Bylaw 87/7 respecting nuisance within the Fort McMurray Wood Buffalo Service Area are hereby repealed.
8. Previous Ministerial Orders and Improvement District Orders now falling within the jurisdiction of The Regional Municipality of Wood Buffalo regarding nuisance are hereby repealed.
9. This Bylaw shall be passed and become effective when it receives third reading and is signed by the Mayor and Regional Clerk.

READ A FIRST TIME THIS 26<sup>TH</sup> DAY OF SEPTEMBER, A.D. 2000.

READ A SECOND TIME THIS 10<sup>TH</sup> DAY OF JULY, A.D. 2001, AS AMENDED.

READ A THIRD TIME THIS 10<sup>TH</sup> DAY OF JULY, A.D. 2001, AMENDED.