

Village of Edgerton
Bylaw #04-23
Unightly Property Bylaw

A BYLAW OF THE VILLAGE OF EDGERTON IN THE PROVINCE OF ALBERTA TO ESTABLISH STANDARDS FOR WHICH A PROPERTY IS CONSIDERED UNSIGHTLY AND TO DEFINE THE VILLAGE OF EDGERTON'S RESPONSIBILITIES, POWERS, AND FUNCTION AS PERTAINS TO REMEDYING UNSIGHTLY PROPERTIES.

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, s.7, and amendments thereto, authorizes Council to pass bylaws for municipal purposes respecting:

- (A) The safety, health and welfare of people and the protection of people and property;
- (B) People, activities and things in, on or near a public place or place that is open to the public;
- and
- (C) unightly property;

AND WHEREAS the Village of Edgerton may, in accordance with s.546 of the Municipal Government Act, issue orders to remedy unightly properties;

THEREFORE, the Council of the Village of Edgerton in the Province of Alberta duly assembled hereby enacts as follows:

PART I: BYLAW TITLE

1.1 This bylaw shall be known as the "Unightly Property Bylaw."

PART II: DEFINITIONS

2.1 "Chief Administrative Officer" means the Chief Administrative Officer of the Village of Edgerton. A duly designated and empowered Bylaw Enforcement Officer may be substituted;

2.2 "Council" means the elected officials of the Village of Edgerton;

2.3 "Village" means the municipal corporation of the Village of Edgerton in the Province of Alberta;

2.4 "Overgrown" means grass or weed growth in excess of fifteen (15) cm in height;

2.5 "Junked vehicle" means any automobile, tractor, truck, or trailer that is partly wrecked, partly dismantled, inoperative, or in an abandoned condition;

2.6 "Sea-Can" means a metal, self-contained storage building or structure, as is commonly understood;

2.7 "TCTS" means a Temporary Canvas Tent Structure;

2.8 "Owner" refers to the person registered as the owner of the property according under the Land Titles Act, R.S.A 2000, c. L-4, or according to the Village Assessment Roll.

PART III: MAINTENANCE STANDARDS

3.1 The property shall be kept free and clean from garbage and refuse, which may include but is not limited to: used lumber, cardboard, paper, newspapers, appliances, furniture, tires, cans, barrels, scrap metal, and other waste materials.

3.2 A limit of one unlicensed vehicle is permitted per residential property.

3.3 No junked vehicle(s) or trailer(s) are permitted on residential or commercial properties. This standard may not apply if the junked vehicle is completely stored within a structure and is not visible.

3.4 Residential properties are permitted to store tires provided they are stored neatly and not in front of the home.

3.5 Building supplies and metal are permitted if they are neatly stacked and are in a reusable condition. Building supplies and metal are to be elevated from the ground to prevent the harbouring of rodents, vermin, and insects. Building supplies must also be stored at the rear of the property or in a fenced area. Raw materials such as gravel, dirt, sod, sand, or other bulk material must be removed or placed out of sight.

3.6 Holes and excavations that may cause an accident and/or injury are to be filled in.

3.7 Dead or hazardous trees are to be cut down and removed. Should branches extend over the sidewalk, alleyway, or roadway the tree must be trimmed to a height no less than 4.3 Meters (14 feet). Dead branches must be removed.

3.8 The property Owner is responsible for ensuring their property is graded to prevent excessive pooling of water and dampness around buildings and structures.

3.9 The property Owner shall not cause nor permit their property to become overgrown with grass or weeds. This standard may not apply if a yearly permit is approved to growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses, or a combination of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass. The natural garden must not harbour rodents, vermin, and insects. Produce gardens and flower beds are exempt.

3.10 Fences shall be maintained in a safe and reasonable state of repair and shall not exceed six (6) feet in height for side and rear yards and shall not exceed five (5) feet in front yards.

3.11 Accessory buildings shall be kept in good repair and free of health, fire, and safety hazards.

3.12 Sea-Cans are prohibited on any residential property within the Village. Existing Sea-Cans are to be given a six (6) month grace period following the passing of this bylaw.

3.13 One TCTS will be permitted on a residential property provided it is kept in good repair and free of health, fire, and safety hazards. Annual inspections will be performed by the Village to ensure compliance. The TCTS must conform to the current Village Land Use Bylaw as it pertains to height, side, front, and back yard setbacks.

3.14 A Sea-Can may be placed on any property in the Village for a temporary three (3) month period to accommodate construction, relocation, or other temporary use. The temporary three (3) month period will be at the Chief Administrative Officer's discretion.

3.15 One Sea-Can or TCTS will be permitted on a commercial property provided it is kept in good repair and free of health, fire, and safety hazards. Annual inspections will be performed by the Village to ensure compliance. The Sea-Can or TCTS must conform to the current Village Land Use Bylaw as it

pertains to height, side, front, and back yard setbacks. A Sea-Can will be completely obscured from public view.

3.16 One Sea-Can or TCTS will be permitted on an industrial property provided it is kept in good repair and free of health, fire, and safety hazards. Annual inspections will be performed by the Village to ensure compliance. The Sea-Can or TCTS must conform to the current Village Land Use Bylaw as it pertains to height, side, front, and back yard setbacks. A Sea-Can will be completely obscured from public view.

3.17 All Sea-Cans and TCTS require a Development Permit issued by the Village.

3.18 Any Sea-Can or TCTS in excess of one hundred (100) square feet may be included on the Owner's Municipal Tax Assessment.

3.19 If a Sea-Can or TCTS is used for the storage of flammable liquids, combustible liquids, hazardous chemicals, or any other dangerous good, a placard must be posted on the entrance door describing the size and orientation requirements required by relevant legislation.

3.20 Sea-Cans are permitted in the designated Village of Edgerton Storage Facility, provided they are consistent with the Village Land Use Bylaw and Village Storage Facility Policies.

3.21 Recreational camping units and non-motorized units (trailers) must be parked on a parking pad built and constructed of hard scape materials. The parking area must be kept weed and grass free. No more than 2 units are allowed on a property in town without a permit. If parking inside of a fenced area the unit must be parked on the non-street side of the home or business.

PART IV: ENFORCEMENT

4.1 A provision of the Bylaw may be applied at the discretion of the Chief Administrative Officer. The Chief Administrative Officer may then issue an Order to Remedy Contravention, Offence Ticket, or pursue Municipal Action, as relates to a contravention of this Bylaw.

4.2 No person shall interfere with the Chief Administrative Officer in the performance of their duties as relates to this Bylaw.

4.3 The Chief Administrative Officer shall provide the Owner reasonable notice, consisting of no less than fourteen (14) days, when exercising their authority to enter onto the property for inspection or enforcement.

4.4 The Village reserves the option to issue an Order to Remedy Contravention, Offence Ticket, or pursue Municipal Action or any combination thereof, as per Schedule 3, of the Edgerton Fee guide pertaining to a contravention of this Bylaw.

PART V: SEVERABILITY

5.1 Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

PART VI: REPEAL

6.1 Bylaw #02-19 is hereby repealed.

PART VII: EFFECTIVE DATE

7.1 This bylaw shall come into force upon receipt of its third and final reading.

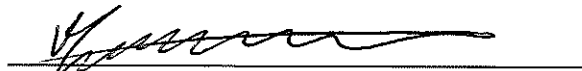
7.2 This bylaw will replace previous bylaws and policies concerning nuisances and unsightly properties and will be considered as a replacement concerning current enforcement matters.

PART VIII: READINGS

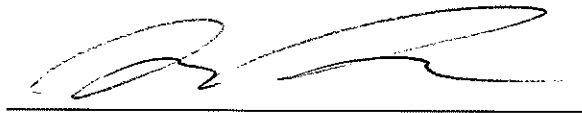
8.1 Read the FIRST time this 28th day of June 2023.

8.2 Read a SECOND time this 20th day of September 2023.

8.3 Read a THIRD and FINAL time with UNANIMOUS consent this 20th day of September 2023.



MAYOR, Kaylan White



CHIEF ADMINISTRATIVE OFFICER, Nick Frank

SCHEDULE A

FEES AND PENALTIES

In accordance with s. 566 of the MGA

Offence Tickets

\$300	First Offence Ticket relating to a contravention of this Bylaw.
\$380	Second Offence Ticket relating to a contravention of this Bylaw, issued fourteen (14) days following the First Offence Ticket.
\$460	Third Offence Ticket relating to a contravention this of Bylaw, issued fourteen (14) days following the Second Offence Ticket. Successive Offence Tickets are to follow this pattern.

Please note: Offence Tickets may be issued for any contravention of this Bylaw, as per the Chief Administrative Officer's discretion. Unpaid fines issued because of Offence Tickets will be added to the to tax roll of the property. 90 days after the date issued or pursuant to s. 547 and s. 548.

Municipal Action

As per fee schedule

The Owner of the property will be given fourteen (14) days notice prior to any Municipal Action performed by Village personnel as per the Municipal Government Act, RSA 2000, Chpt. M-26, specifically s.546, 546.1, 551, or 553.1. If the Municipal Action is intended to remedy an emergency or imminent danger on a property, the fourteen (14) days notice may be waived. The cost of remediation will be invoiced in accordance with the village of Edgerton fee schedule 3 section C.

Please note: Municipal Action may be pursued for any contravention of this Bylaw, as per the Chief Administrative Officer's discretion.