

**CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA**

BYLAW NO. 03-12

A BYLAW OF VILLAGE OF BARNWELL, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING, CONTROLLING AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES;

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, provides the Council of a municipality with the authority to pass Bylaws respecting Nuisances and Dangerous and Unsightly Premises;

AND WHEREAS the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time provides the Council of the Village of Barnwell with the authority to establish minimum standards for the maintenance of buildings and Structures;

AND WHEREAS the Council of the Village of Barnwell, deems it expedient, desirable and in the public's interest to pass a Bylaw to promote and enforce standards relating to the state and condition of properties and to regulate, control and abate Nuisances, and Dangerous and Unsightly Premises within the VILLAGE.

NOW THEREFORE, the Council of the Village of Barnwell, in the Province of Alberta, duly assembled, enacts as follows:

1. **SECTION 1- SHORT TITLE**

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

2. **SECTION 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 any other Structure, regardless of whether the household appliance is in an inoperative condition.

2.2. **"Abandoned Vehicle"** means the entirety or any portion or any Motor Vehicle where that vehicle:

2.2.1. is in a rusted, wholly or 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; or

- 2.2.2. has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year; and
- 2.2.3. is inoperative by reason of missing or disassembled parts or equipment, and is not located within the Structure or located on Property such that it can be concealed from view.
- 2.3. **“Animal Material”** means any animal excrement and includes all material accumulated on a premises from pet pens, pet yards, stables, veterinary clinics, animal hospitals, kennels, or feed lots;
- 2.4. **“Ashes”** means the powdery residue accumulated on Property which is left after the combustion of any substance and includes any partially burnt wood, coal, or charcoal;
- 2.3 **“Board”** means the Unsightly Premises Appeal Board established by Section 8 of the Bylaw in accordance with Section 145 of the *Municipal Government Act*.
- 2.4 **“Building Material”** means all construction and demolition material accumulated on a Property while construction, alteration, repair, or demolition of anything on the Property is taking place, will take place, or has taken place, and includes but is not limited to earth, vegetation, or rock displaced during such activities;
- 2.5 **“Bylaw Enforcement Officer”** means a Bylaw Enforcement Officer appointed by the Village pursuant to the provisions of the *Municipal Government Act*, for the purpose of enforcing Municipal Bylaws and includes a member of the Royal Canadian Mounted Police. A Bylaw Enforcement Officer is a Designated Officer for the purposes of enforcing this Bylaw;
- 2.6 **“CAO”** means the Chief Administrative Officer of the Village;
- 2.7 **“Council”** means the municipal Council of the Village;
- 2.8 **“Land Use Bylaw”** means the Village's Land Use Bylaw, Bylaw No. **2-09**, as amended or repealed and replaced from time to time;
- 2.9 **“VILLAGE”** shall mean the Village of Barnwell and jurisdiction;
- 2.10 **“Motor Vehicle”** means Motor Vehicle as defined in the *Traffic Safety Act*, R.S.A. 2000, c.T-6, as amended or repealed and replaced from time to time;
- 2.11 **“Municipal Government Act”** means the *Municipal Government Act*, R.S.A. 2000, c. 26, as amended or repealed and replaced from time to time;
- 2.12 **“Nuisance”** means any condition or use of Property which, in the opinion of a Bylaw

Enforcement Officer, constitutes an unreasonable interference with the use and enjoyment of other Property and includes, without limiting the foregoing, those conditions set out at Sections 4 and 5 of this Bylaw;

- 2.13 **“Occupant”** means any person other than the Registered Owner who is in possession of the Property, including but not restricted to a lessee, a licensee or tenant of the Property;
- 2.14 **“Order”** means any Stop Order issued by a Bylaw Enforcement Officer in accordance with Sections 7.4 – 7.6 of this Bylaw;
- 2.15 **“Owner”** means:
- 2.15.1 Any Person registered as the Owner of the Property under the *Land Titles Act*, R.S.A. 2000, c. L-4, as amended or repealed and replaced from time to time;
- 2.15.2 Any Person who is named as the Owner of Property on the Assessment Roll of the Village;
- 2.15.3 A Person who has become the beneficial owner of the Property, including a Person who has entered into a Purchase and Sale Agreement, whether he or she has purchased or otherwise acquired directly from the Owner or from another purchaser, and who has not yet become the registered Owner thereof;
- 2.15.4 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 including an Occupant; or
- 2.15.5 A Person in control of the Property under construction.
- 2.16 **“Person”** means a corporation, partnership, or individual, and heirs, executors, administrators or other legal representative of an individual;
- 2.17 **“Property”** means any lands, structures or premises, or any fixtures located thereupon, within the VILLAGE;
- 2.18 **“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;
- 2.19 **“Refuse”** includes, but is not limited to:
- 2.19.1 all solid and liquid waste, and debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business;
- 2.19.2 vehicle parts or accessories; furniture, appliances, machinery or parts thereof; animal excrement; and

- 2.19.3 any unused or unusable material that by reason of its state, condition or excessive accumulation, in the opinion of the Bylaw Enforcement Officer:
- 2.19.3.1 appears to have been discarded or abandoned; or appears to be useless or of no particular value; or
- 2.19.3.2 appears to be used up or worn out in whole or part.
- 2.20 **“Reasonable State of Repair”** means the condition of being:
- 2.20.1 structurally sound;
- 2.20.2 free from damage;
- 2.20.3 free from rot or other deterioration; and
- 2.20.4 safe for its intended use.
- 2.21 **“Structure”** includes a retaining wall and anything which includes a roof regardless of whether or not it has walls or sides
- 2.22 **“Unsightly Premises”** means any Property, whether land, buildings, improvements to lands or buildings, or any other combination of the above, located on land within the Village that, in the opinion of a Bylaw Enforcement Officer, is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding properties in reasonable proximity to the Unsightly Premises, or as otherwise detrimental to the surrounding area or in an unsightly condition as defined by the *Municipal Government Act*;
- 2.23 **“Violation Tag”** means a tag or similar document issued by the VILLAGE pursuant to the *Municipal Government Act*;
- 2.24 **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act* and any Regulations thereunder;

3. SECTION 3 – APPLICATION

- 3.1. Every Owner and Occupant of Property within the municipal boundaries of the Village shall ensure that Property owned or occupied by him or her complies with this Bylaw.
- 3.2. If there is more than one Owner or Occupant of Property, all Owners and Occupants of that Property are jointly and severally responsible to ensure that the Property complies with this Bylaw.

4. SECTION 4 - NUISANCES AND UNSIGHTLY PREMISES

- 4.1. An Owner or Occupant of Property shall not cause or allow that Property or his or her use of

that Property to constitute a Nuisance.

- 4.2. An Owner or Occupant of Property shall not cause or allow that Property to be a danger to public safety or to be an Unsightly Premises.
- 4.3. 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 or her 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 centre or other waste management facility, or except as otherwise permitted pursuant to a statute or this Bylaw, the Village's Land Use Bylaw, or another Bylaw.
- 4.4. Conditions constituting a Nuisance, danger to public safety and/or Unsightly Premise may include, but shall not be limited to:
 - 4.4.1. the accumulation of Refuse or other waste products on Property;
 - 4.4.2. grass in excess of FIFTEEN (15) centimeters in length, or the presence of weeds, plants or foliage, which in the opinion of a Bylaw Enforcement Officer, shows significant signs of neglect by the Owner of the Property.;
 - 4.4.3. the presence or accumulation of animal material, yard material, ashes, scrap building material, hazardous materials, noxious fumes, manure or sewage on the Property;
 - 4.4.4. the accumulation of Abandoned Vehicles, Abandoned Equipment or household appliances;
 - 4.4.5. the presence of trees, shrubs, weeds or other vegetation which as a result of its location on the Property has caused, or is causing damage to adjacent Property, including Public Lands;
 - 4.4.6. dense or opaque smoke emitted into the atmosphere for more than SIX (6) minutes per hour or dense or opaque dust emitted into the atmosphere;
 - 4.4.7. the failure to dispose of refuse or other waste products accumulating in temporary storage containers upon the Property;
 - 4.4.8. the lack of repair or maintenance of buildings, structures or property, including but not limited to:
 - 4.4.8.1. the significant deterioration of buildings, structures or improvements, or portions of buildings, Structures or improvements;
 - 4.4.8.2. broken or missing windows, siding, shingles, shutters, eaves or other building material; or

4.4.8.3. significant fading, chipping, peeling or absence of painted areas of buildings, structures or improvements on Property.

4.4.9. the presence of excavations, structures, materials or any other hazard or condition which poses a danger to public safety.

5. SECTION 5 – MAINTENANCE STANDARDS

5.1 All buildings, structures and improvements to Property shall be maintained so that:

- 5.1.1 the foundations;
- 5.1.2 exterior walls;
- 5.1.3 roof;
- 5.1.4 windows, including frames, shutters and awnings;
- 5.1.5 doors, including frames and awnings;
- 5.1.6 steps and sidewalks; and
- 5.1.7 fences;

are kept in a Reasonable State of Repair.

5.2 All fixtures, improvements, renovations, or additions to any building, structure or improvement on Property, including but not limited to:

- 5.2.1 exterior stairs;
- 5.2.2 porches;
- 5.2.3 decks;
- 5.2.4 patios;
- 5.2.5 landings;
- 5.2.6 balconies; or
- 5.2.7 other similar Structures

shall be maintained in a Reasonable State of Repair.

5.3 No Owner or Occupier of Property shall allow the accumulation of Building Materials on the Property, whether new or used, unless the Owner or Occupier can establish that a construction, renovation, alteration, repair, or demolition work is being carried out on the Property and that:

- 5.3.1 the work has begun or the commencement of the work is imminent;

- 5.3.2 the Building Materials found on the Property directly relate to the work taking place on the Property in a quantity reasonable to complete the work;
 - 5.3.3 the work has not been suspended for a period in excess of sixty (60) days; and
 - 5.3.4 the work has a finite completion date.
- 5.4 An Owner or Occupier of Property shall ensure that all Building Materials stored on a Property for the purposes of imminent or ongoing construction, renovation, alteration, repair, or demolition work, which are not in contravention of Section 5.3, are stacked or stored in an orderly and tidy manner.

6 **SECTION 6 – COMPLIANCE WITH APPLICABLE LAWS**

- 6.1 Nothing in this Bylaw relieves a Person from compliance with any and all applicable Federal and Provincial laws and/or regulations, and/or other Bylaws or requirements of the VILLAGE for permits, orders, or licenses.

7 **SECTION 7 – ENFORCEMENT**

- 7.1 A Bylaw Enforcement Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter in or upon any Property, in accordance with Section 542 of the *Municipal Government Act*, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act*, or any other applicable statute.
- 7.2 No Person shall interfere with or obstruct a Bylaw Enforcement Officer or a person authorized to perform inspection or enforcement duties pursuant to this Bylaw on behalf of the Village from performing his or her duties under this Bylaw.
- 7.3 A Bylaw Enforcement Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the *Municipal Government Act*, when exercising his or her authority to enter onto Property for inspection or enforcement under Section 7.1.
- 7.4 Where, in the opinion of the Bylaw Enforcement Officer, a contravention of this Bylaw has occurred, the Bylaw Enforcement Officer may issue an Order to the Owner and/or Occupant responsible for the contravention, to remedy the contravention in any manner deemed necessary in the circumstances.
- 7.5 An Order issued by a Bylaw Enforcement Officer under Section 7.4 may, in the case of a Nuisance:
- 7.5.1 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;

- 7.5.2 direct the Person to whom the Order was issued to take any action or measure necessary to remedy the contravention of this Bylaw, including the removal or demolition of a building, Structure or improvement that has been erected or placed in contravention of this Bylaw and, if necessary, to prevent the recurrence of the contravention;
 - 7.5.3 state a time within which the Person to whom the Order was issued must comply with the directions;
 - 7.5.4 state that if the Person to whom the Order was issued does not comply with the directions within the specified time, the Village may take any action or measures reasonably necessary to remedy the contravention at the expense of the Person in accordance with the provisions of this Bylaw and the provisions of the *Municipal Government Act*, and
 - 7.5.5 shall notify the Person to whom the Order was issued of the right to apply by written notice for review of the Order in the form provided at Schedule "B" of the Bylaw and the required fee for such a request, as set out at Schedule "A" of this Bylaw.
- 7.6 If, in the opinion of the Bylaw Enforcement Officer, any Property within the Village is an Unightly Premise, or any building, Structure, improvement, excavation or hole is a danger to public safety, the Bylaw Enforcement Officer may issue an Order pursuant to Section 7.4 of this Bylaw:
- 7.6.1 requiring the Owner or Occupant of the Unightly Premises to remove or demolish the Unightly Premises;
 - 7.6.2 requiring the Owner or Occupant of the Unightly Premises to improve the appearance of the Property in the manner specified, or if the Property is a building, Structure or improvement, to remove or demolish that building, Structure or improvement and level the site;
 - 7.6.3 requiring the Owner or Occupant of the Property to eliminate the danger to public safety in the manner specified, or to remove or demolish the building, Structure or improvement and level the site;
 - 7.6.4 requiring the Owner or Occupant of the Property that contains an excavation or hole to eliminate the danger to public safety in the manner specified, or to fill in the excavation of hole and level the site;
 - 7.6.5 stating a time within which the Owner or Occupant must comply with the Order;
 - 7.6.6 state that if the Owner or Occupant not comply with the directions within the specified time, the Village may take any action or measures reasonably necessary to remedy the contravention at the expense of the Person in accordance with the provisions of this Bylaw and the provisions of the *Municipal Government Act*, and
 - 7.6.7 notify the Owner or Occupant of the right to apply by written notice for review of the Order in the form provided at Schedule "B" of the Bylaw and the required fee for such a request, as set out at Schedule "A" of this Bylaw.

- 7.7 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:
- 7.7.1 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 Property who appears to be at least EIGHTEEN (18) years of age, or
 - 7.7.2 upon confirmation of receipt, by registered mail, of the Order by the Person to whom it is addressed;
 - 7.7.3 mailed addressed to the last known postal address of the Person responsible for the contravention; or
 - 7.7.4 posted in a conspicuous place on the Property referred to on the Order, when the Bylaw Enforcement Officer has reason to believe:
 - 7.7.4.1 that the Owner or Occupant to whom the Order is addressed is evading service; or
 - 7.7.4.2 no other means of service is available.
- 7.8 If an Order is mailed as referred to in Section 7.7.3 , then it is deemed to be received by the Person to whom it was addressed SEVEN (7) days after the Order was mailed.
- 7.9 The expenses and costs of any action or measures taken by the Village under this Bylaw are an amount owing to the Village by the Owner, Occupant or any other Person in contravention of the Bylaw and may be collected as a civil debt or:
- 7.9.1 In the case of an Order regarding a Nuisance issued pursuant to Section 7.5 of this Bylaw, may be added to the tax roll of the Property that is the subject of the enforcement proceedings under the Bylaw; or
 - 7.9.2 In the case of an Order regarding an Unsightly Premises or danger to public safety, issued pursuant to Section 7.6 of this Bylaw, may be added to the tax roll for any Property in the Village for which the Person to whom the Order was issued is the assessed person.
- 7.10 If the Village sells all or part of a building, structure or improvement that has been removed under this Bylaw, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the Owner or Occupant if entitled to them.
- 7.11 The Village may register a caveat under the *Land Titles Act* in respect of an Order issued under this Bylaw against the Certificate of Title for the Property that is the subject of the Order.
- 7.12 If the Village registers a caveat under Section 7.11 of this Bylaw, the Village must discharge the caveat when the Order has been complied with or when the Village has performed the actions or measures referred in the Order.

- 7.13 Nothing in this Bylaw shall prevent the Village from taking enforcement action directly under the provisions of sections 546, 546.1, 550, 551 or 553.1 of the *Municipal Government Act* to remedy dangers, unsightly property or emergencies and, where such enforcement action is taken, the process shall be governed by the *Municipal Government Act*, and not this Bylaw.

8 SECTION 8 – UNSIGHTLY PREMISES APPEAL BOARD

- 8.1 The Unsightly Premises Appeal Board is hereby established.
- 8.2 The Board shall be a Committee of Council as set out in Sections 145 and 146 of the *Municipal Government Act*.
- 8.3 Council shall decide the number of Persons comprising the Board, up to a maximum of five (5) members, and shall appoint the members of the Board at the pleasure of Council.
- 8.4 The Board may adopt a set of rules and procedures with respect to the conduct of reviews.
- 8.5 In the event that any member of Council is appointed as a member of the Board, and that member is not in attendance at any meeting of the Board, any other member of Council may sit as a substitute for that member of the Board.
- 8.6 Pursuant to Section 547 of the *Municipal Government Act*, the Board may review:
- 8.6.1 Orders issued pursuant to this Bylaw;
- 8.6.2 Orders issued pursuant to Section 545 of the *Municipal Government Act*, and
- 8.6.3 Orders issued pursuant to Section 546 of the *Municipal Government Act*.
- 8.7 Pursuant to Section 186 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, the Board may review Orders issued pursuant to Section 183 of that Act.

9 SECTION 9 – REVIEW BY BOARD

- 9.1 A Person to whom an Order is issued pursuant to Section 7.5 of the Bylaw or Section 545 of the *Municipal Government Act*, may request a review of the Order by written notice to the Board within FOURTEEN (14) days from the date on which the Order is served by providing written notice of the request to the CAO.
- 9.2 A Person to whom an Order is issued pursuant to Section 7.6 of the Bylaw or Section 546 of the *Municipal Government Act*, may request a review of the Order by written notice to the Board within SEVEN (7) days from the date on which the Order is served by providing written notice of the request to the CAO.
- 9.3 In the event that a request for a review is received by the CAO after the applicable deadline under Sections 9.1 or 9.2, no review will be scheduled and the Person who submitted the

request will be informed in writing that no review will be scheduled. If a review request is received within the time period provided for in this Bylaw, a review by the Board will be scheduled within the relevant period of time and the Person who submitted the request for review will be notified of the date the review will occur.

- 9.4 Upon review of the Order, the Board may confirm, vary, substitute or cancel the Order.
- 9.5 The Board shall provide written confirmation of its decision to the recipient of the Order and the Owner of the Property by personal service or by registered mail. In the event that the written confirmation cannot be delivered personally or by registered mail, it may be sent by regular mail to the address provided in the request for review and will be deemed delivered SEVEN (7) days after the date of mailing.

10 SECTION 10 – OFFENCES AND PENALTIES

- 10.1 Regardless of whether an Order has been issued pursuant to this Bylaw or the *Municipal Government Act*, 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.
- 10.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

11 SECTION 11 – VIOLATION TAGS

- 11.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 11.2 A Violation Tag may be issued to such Person:
- 11.2.1 Either personally; or
- 11.2.2 By mailing a copy, via registered mail, to such Person at their last known postal address.
- 11.3 A Violation Tag shall be in a form approved by the CAO of the VILLAGE and shall state:
- 11.3.1 The name of the Person;
- 11.3.2 The offence;
- 11.3.3 The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
- 11.3.4 That the penalty shall be paid within THIRTY (30) day of the issuance of the Violation Tag; and
- 11.3.5 Any other information as may be required by the VILLAGE.

- 11.4 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may in lieu of prosecution of the offence, pay the Village the specified penalty set out on the Violation Tag.
- 11.5 Where a violation of this Bylaw is of a continuing nature, additional Violation Tags may be issued by the Bylaw Enforcement Officer, however:
- 11.5.1 No more than one Violation Tag may be issued perday; and
- 11.5.2 The total amount of the Violation Tags shall not exceed \$10,000.00.
- 11.6 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

12 **SECTION 12 - VIOLATION TICKETS**

- 12.1 In those cases where 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.
- 12.2 Notwithstanding Sections 11.1 and 12.1, a Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
- 12.3 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 12.4 The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons 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 for in the Schedule "A" to this Bylaw;

13 **SECTION 13 – SEVERABILITY**

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

14 **SECTION 14 – REPEAL**

14.1 Bylaw No. 8-81 is hereby repealed.

15 **SECTION 15 – EFFECTIVE DATE**

15.1 This Bylaw shall come into force upon receipt of its third and final reading.

READ a first time in Council this 19th day of July 2012



MAYOR



ADMINISTRATOR

READ a second time in Council this 16th day of August 2012

READ a third and final time in Council this 16th day of August, 2012



MAYOR



ADMINISTRATOR



Schedule "A"**FEEES AND SPECIFIED PENALTIES****FEEES**

Administrative Fee for filing a Request for Review of an Order: \$100.00

SPECIFIED PENALTIES

OFFENCE:	VIOLATION TAG / TICKET	
Contravention of any provision of the Bylaw	\$100.00	\$150.00
Second Offence within one year	\$200.00	\$300.00
Third offence within one year	\$400.00	\$600.00
Fourth or subsequent offence within one year up to a maximum of	\$5,000.00	\$10,000.00



Schedule "B"

ORDER TO REMEDY A NUISANCE

ORDER NUMBER _____

Dated: _____, 20____

To: _____
(Name of Occupant)

Copy To: _____
(Name of Property Owner, if different from above)

In my capacity as a Designated Officer for the purpose of enforcing Bylaw No.03-12, I hereby issue to the above named, an Order pursuant to Section 545 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and Sections 7.4 and 7.5 of the Village's Bylaw No. 03-12 with respect to the following lands:

(Municipal Address)

and/or

(Lot) _____
(Block) _____
(Plan)

and/or

(Quarter) _____
(Section) _____
(Township) _____
(Range) _____
(Meridian)

(hereinafter the "Lands")

As a Bylaw Enforcement Officer for the Village I have determined that a Nuisance exists on the Lands for the following reasons:

- *[Insert details of nuisance]*

Copies of Sections 7.4 and 7.5 of Bylaw No. 03-12 are attached for your reference.

In accordance with Section 545 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended and Sections 7.4 and 7.5 of the Village's Bylaw No. 03-12, you are **HEREBY ORDERED** to take the following steps **on or before [INSERT DEADLINE]**:

- *[Insert requirements in detail]*

Please be advised that any failure on your part to comply with the above directions will result in the Village of Barnwell taking all or any of the above steps at your sole cost and expense to enforce this Order and bring the Property into compliance with the Bylaw in accordance with Section 549 of the

Municipal Government Act and Section 7.1 of Bylaw No.03-12. Such enforcement steps may include, but are not limited to:

1. Entering upon the property and taking any action necessary to bring the Property into compliance with Bylaw No. 03-12. Such action may include, but is not limited to:
 - *[Insert requirements in detail]*
2. Registering this Stop Order against the Certificate of Title to the Property pursuant to the **Land Titles Act** and Section 546.1 of the **Municipal Government Act**;
3. Legal action, including, but not limited to, injunctive relief from the Alberta Court of Queen's Bench pursuant to Section 554 of the **Municipal Government Act**.
4. Issuing a summons and seeking the imposition of a fines and penalties and a Compliance Order as provided for pursuant to Sections 566 and 567 of the **Municipal Government Act**.

Please be advised that in the event that you do not comply with this Order and the Village of Barnwell is thereby required to take any or all of the above noted steps, in accordance with Sections 553 of the **Municipal Government Act**, the costs of doing so, including but not limited to solicitor and his own client fees, will be added to the tax roll of the above noted Property. Such amounts will form a special lien against the Property, will be deemed to be property taxes and will be subject to the same collection provisions as property taxes.

You may request a review of this Order to Council of the Village of Barnwell in accordance with Section 547 of the **Municipal Government Act** by completing the attached Request for Review setting out the reasons for the request for review and delivering it attention CAO, the Village of Barnwell 4900 B 50 St. Taber , T1G 1T2, together with the \$100.00 request for review fee, **within 14 days of receipt of this Order**.

For further information regarding requests for review, please contact **[INSERT CONTACT INFORMATION]**.

Bylaw Enforcement Officer
Village of Barnwell
Box 159, Barnwell
T0K 0B0

Dated _____, 20__.

REQUEST FOR REVIEW

In the Matter of an Order to Remedy a Nuisance issued under the provisions of Bylaw No. _____

Order to Remedy a Nuisance Number: _____

Name of individual requesting review: _____

Address of Property subject to ORDER:

(Municipal Address)

and/or

(Lot)

(Block)

(Plan)

and/or

(Quarter)

(Section)

(Township)

(Range)

(Meridian)

REASON(s) FOR REQUEST FOR REVIEW:

Signature of individual requesting review _____

Printed Name of individual requesting review _____

Date Request for Review Submitted _____, 20____



Schedule "C"

**ORDER TO REMEDY UNSIGHTLY PREMISES
OR DANGER TO PUBLIC SAFETY**

ORDER NUMBER _____

Dated: _____, 20____

To: _____
(Name of Occupant)

Copy To: _____
(Name of Property Owner, if different from above)

In my capacity as a Designated Officer for the purpose of enforcing Bylaw No. 03-12, I hereby issue to the above named, an Order pursuant to Section 546 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and Sections 7.4 and 7.6 of the Village's Bylaw No. 03-12 with respect to the following lands:

(Municipal Address)

and/or

(Lot) _____
(Block) _____
(Plan)

and/or

(Quarter) _____
(Section) _____
(Township) _____
(Range) _____
(Meridian)

(hereinafter the "Lands")

As a Bylaw Enforcement Officer for the Village, I have determined that the Lands constitute an Unsightly Premises **OR** are a danger to public safety for the following reasons:

- *[Insert details of nuisance]*

Copies of Sections 7.4 and 7.6 of Bylaw No. 03-12 are attached for your reference.

In accordance with Section 546 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended and Sections 7.4 and 7.6 of Bylaw No. 03-12, you are **HEREBY ORDERED** to take the following steps **on or before** *[INSERT DEADLINE]*:

- *[Insert requirements in detail]*

Please be advised that failure to comply with the directions set out above may result in the Village of Barnwell taking all or any of the above steps at your sole cost and expense to enforce this Order and bring the Property into compliance with the Bylaw in accordance with Section 550 of the *Municipal*

Government Act and Section 7.1 of Bylaw No. 03-12.

Please be advised that such enforcement steps include, but are not limited to, any or all of the following:

1. Entering upon the property and taking any action necessary to bring the Property into compliance with Bylaw No. 03-12. Such action may include, but is not limited to any or all of the following:
 - *[Insert requirements in detail]*
2. Registering this Stop Order against the Certificate of Title to the Property pursuant to the *Land Titles Act* and Section 546.1 of the *Municipal Government Act*;
3. Legal action, including, but not limited to, injunctive relief from the Alberta Court of Queen's Bench pursuant to Section 554 of the *Municipal Government Act*.
4. Issuing a summons and seeking the imposition of a fines and penalties and a Compliance Order as provided for pursuant to Sections 566 and 567 of the *Municipal Government Act*.

Please be advised that in the event that you do not comply with this Order and the Village of Barnwell is thereby required to take any or all of the above noted steps, in accordance with Sections 553.1 of the *Municipal Government Act*, the costs of doing so, including but not limited to solicitor and their own client fees, will be added to the tax roll of **any property** within the boundaries of the Village of Barnwell for which the recipient(s) of this Order are the assessed persons. Such amounts will form a special lien against the Property, will be deemed to be property taxes and will be subject to the same collection provisions as property taxes.

You may request a review of this Order to Council of the Village of Barnwell in accordance with Section 547 of the *Municipal Government Act* by completing the attached Request for Review setting out the reasons for the request for review and delivering it attention CAO to the Village of Barnwell, together with the \$100.00 request for review fee, **within 7 days of receipt of this Order**.

For further information regarding requests for review, please contact **[INSERT CONTACT INFORMATION]**.

 Bylaw Enforcement Officer
 Village of Barnwell
 Box 159, Barnwell, AB, T0K 0B0

Dated _____, 20__.

REQUEST FOR REVIEW

In the Matter of an Order to Remedy an Unightly Premises or Danger to Public Safety issued under the provisions of Bylaw No. _____

Order to Remedy a Nuisance Number: _____

Name of individual requesting review: _____

Address of Property subject to ORDER:

_____ (Municipal Address)

and/or

_____ (Lot) _____ (Block) _____ (Plan)

and/or

_____ (Quarter) _____ (Section) _____ (Township) _____ (Range) _____ (Meridian)

REASON(s) FOR REVIEW:

Signature of individual requesting review _____

Printed Name of individual requesting review _____

Date Request for Review Submitted _____, 20____