

BYLAW NUMBER 1434

BYLAW NUMBER 1434 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, RESPECTING NUISANCES AND UNTIDY AND UNSIGHTLY PREMISES.

WHEREAS pursuant to the MUNICIPAL GOVERNMENT ACT, Revised Statutes of Alberta 2000 Chapter M26 as amended, a Council may pass bylaws for preventing nuisances generally, and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises; and

WHEREAS Council of the Town of Innisfail deems it expedient to pass a Bylaw in connection therewith.

NOW THEREFORE, Council of the Town of Innisfail, in the Province of Alberta, duly assembled, enacts:

CITATIONS

1. This Bylaw may be cited as the “INNISFAIL NUISANCE BYLAW.”

DEFINITIONS

2. In this Bylaw:
 - (a) Any capitalized words not defined within this Bylaw will have the meaning as set out in the Town of Innisfail Interpretation Bylaw, as amended from time to time.
 - (b) “Director of Operations” shall mean the individual who holds that position in the Town at any given time and includes any person authorized to act for and in the name of that individual.
 - (c) “Fire Chief” shall mean the individual who holds that position in the Town at any given time and includes any person authorized to act for and in the name of that individual.
 - (d) “Medical Officer of Health” shall mean the individual who holds that position in the Town at any given time and includes any person authorized to act for and in the name of that individual.
 - (e) “Nuisance” shall mean any matter or thing determined by Council to be a nuisance and includes any activity or thing which arises from unreasonable, unwarranted or unlawful use by a person of his own property, so as to produce a material annoyance, inconvenience or discomfort to the public and anything that by act, or by failure to perform a legal duty, intentionally causes or permits a condition to exist which injures or endangers the public health, safety or welfare.
 - (f) “Untidy” or “Unsightly” shall mean any matter or thing determined by Council to be untidy or unsightly so as to constitute failure to conform to external, generally accepted community standards.
3. Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice versa.
4. Words importing the singular shall include the plural or vice versa whenever the context so requires.

PROHIBITION OF A NUISANCE

5. No person being the owner, agent, lessee, or occupier of any land or premises within the Town, shall permit the land or premises of which such person is the owner, agent, lessee, or occupier, to be or to remain a Nuisance or to be or to remain Untidy and Unsightly, that may tend to adversely affect the amenities of the surrounding area.

NUISANCE OR DANGER TO PUBLIC SAFETY OR HEALTH

6. (a) No person being the owner, agent, lessee, or occupier, of any land or premises within the Town, shall permit any building, structure, or erection of any kind whatsoever, or any excavation, depression, drain, ditch, water-course, pond, surface water, refuse, or other matter or thing upon any private land, street, or road, or in or about any building, or structure, of which such person is the owner, agent, lessee, or occupier to be or to remain a Nuisance and dangerous to the public safety or health.

(b) In any case where the Director of Operations, the Fire Chief, the Bylaw Enforcement Officer, or the Medical Officer of Health reports any of the matters referred to in subsection (a) of this section, as being a Nuisance and dangerous to the public safety or health, Council may, in its discretion, declare by Resolution that the same is a Nuisance and direct that it be removed, pulled down, filled up abated, or otherwise dealt with by the owner, agent, lessee, or occupier concerned.

TREES OR SHRUBS

7. If a tree or shrub, whether on private property or otherwise, in any way interferes with or endangers the lines, poles, conduits, pipes, sewers, or other works of a utility of the Town or of any other public utility, or infringe upon road sight lines as defined in the current Land-use Bylaw, Council may direct the owner, agent, lessee or occupier of the property on which such tree or shrub stands, to remove or prune the tree or shrub, or to take such steps as Council may deem necessary to alleviate the interference with or danger to such works.

DUST

8. No person shall cause or permit any dust to be emitted to the atmosphere that could be affecting human health from any operations on the premises of such person, company, or business.

AUTHORIZED PERSONNEL MAY ENTER ON PROPERTY

9. The Medical Officer of Health, the Director of Operations, the Fire Chief, the Bylaw Enforcement Officer, and any employees thereof are hereby authorized to enter into any lands, buildings, or premises between the hours of eight (8:00 A.M.) o'clock in the morning and five (5:00 P.M.) o'clock in the afternoon of any weekday to inspect for conditions that may constitute a Nuisance or contravene or fail to comply with the provisions of the Bylaw.

CONTRAVENTION OR FAILURE TO COMPLY

10. The owner, agent, lessee or occupier of any land or premises with the Town:
 - (a) who fails to remedy in such manner as Council may direct, any condition of his land that constitutes the Nuisance; or
 - (b) who contravenes or fails to comply with the provisions of the Bylaw, shall upon conviction thereof be liable to a fine not exceeding Five Hundred (\$500.00) Dollars exclusive of costs or to imprisonment, in the nearest common jail, for any period not exceeding sixty (60) days, in case of non-payment of fines and costs, unless the fine and costs including the cost of committal are sooner paid.

PROSECUTION

11. Whenever Council directs that an owner, agent, lessee, occupier or other person shall do any matter or thing required by the Bylaw, then in default of it being done, the owner, agent, lessee, occupier, or other person, or any or all of them shall be liable to prosecution, and it shall be no defense for any owner, agent, lessee, occupier or other person so prosecuted to allege that any other person is responsible for such default.

DEFAULT OF PAYMENT

12. Notwithstanding conviction of an offence pursuant to Section 10 hereof, in any case where an owner, agent, lessee or occupier fails, neglects, or refuses to remedy any condition directed to be remedied, Council may charge the work to be done as Council deems necessary to remedy it; and may charge the cost of the work done to remedy the conditions to the owner, agent, lessee, or occupier concerned, and in default of payment may:
 - (a) recover the same as a debt due to the Town; or
 - (b) charge the same against the land concerned as taxes due and owing in respect of that land and recover the same as such.
13. A person who considers himself aggrieved by a direction under Section 10 may appeal same to Council, delivering the appeal in person or by certified mail to the Municipal Secretary within 10 days of the date the direction was issued.
14. Council shall hear the appeal and confirm, set aside, vary or modify the direction.
15. If a person considers himself aggrieved by a decision under Section 14, he may appeal the decision by originating notice to the Court of Queen's Bench within 10 days of the date on which the decision was served on him.
16. The Court may confirm, set aside, vary or modify the decision.

REPEAL

17. Bylaw No. 1276 is hereby repealed upon this Bylaw coming into effect.

THIS BYLAW COMES INTO EFFECT ON THE DATE OF FINAL PASSING.

READ A FIRST TIME IN OPEN COUNCIL THIS