

**TOWN OF SEXSMITH  
BYLAW #876  
UNSIGHTLY PREMISES**

**BEING A BYLAW OF THE MUNICIPAL TOWN OF SEXSMITH IN THE PROVINCE OF ALBERTA FOR THE REGULATION OF UNSIGHTLY PREMISES.**

**PURSUANT TO** the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26.1 and amendments thereto the Council of the Town of Sexsmith duly assembled, enacts as follows:

**SHORT TITLE**

1. This Bylaw may be cited as the "Unsightly Premises" Bylaw.

**INTERPRETATION**

2. In this Bylaw;
  - a) "Committee" means the Town Foreman, Town Manager, one member from the Corporate and Community Services committee and one member from the Infrastructure Committee.
  - b) "Dumpster" means the commercial bin used to collect excess garbage of larger amounts and which is dumped by a commercial business on a regular basis at a fee determined by the business.
  - c) "Garbage" means materials of every description or kind or abandoned, discarded or rejected goods capable of disposal in a garbage can or receptacle and includes ashes, bottles, metal cans or tins, crockery, glass, grass cuttings, paper, cloth, food, food waste, wrappings, sweepings and the like, but does not include refuse or trash
  - d) "Officer" means Bylaw Enforcement Officer, Special Constable or anyone appointed to enforce the provisions of this Bylaw.
  - e) "Owner" means the registered owner of the lands and premises for which an order or direction has been served pursuant to the Bylaw and includes a person authorised to be in peaceable possession of that dwelling-house or real property.
  - f) "Peace Officer" means a Bylaw Enforcement Officer, Special Constable, Municipal Police Officer or a member of the Royal Canadian Mounted Police;
  - g) "Public Property" means all lands owned by the Town of Sexsmith and includes, and not being limited to, a boulevard, lane or alleyway which abuts or flanks a property.
  - h) "Refuse" means human or animal excrement and includes urine, nightsoil, toilet tissues and the like;
  - i) "Trash" means materials of every description or abandoned, discarded or rejected goods not capable of disposal in a garbage can or receptacle but does not include refuse.
  - j) "Town" means the Council of the Town of Sexsmith or all lands within the Municipal boundaries of the Town of Sexsmith in the Province of Alberta.

- k) "Vehicle" means a vehicle as described in the Highway Traffic Act, being Chapter H7 of the Revised Statutes of Alberta, 1980, and amendments thereto.
  - l) "Fence" means a permanent enclosing material, maximum of two metres in height, of wood, steel or like materials designed to provide visual screening and not detract from surrounding neighbourhood, as approved by Development Officer
    - a) within downtown core (C1) only wooden fence in compliance with historical guidelines
    - b) commercial – wood or chain link or building material approved by Development Officer and, at the discretion of Development Officer, may be solid if deemed necessary.
    - c) residential – wooden or chain link or building material, as approved by Development Officer.
3. Owners of property in the Town shall keep such property and any public property which abuts or flanks such property, in a presentable condition and shall include:
- a) the removal of trash, refuse and garbage as it accumulates.
  - b) the cutting of grass and control of dandelions and noxious weeds;
  - c) the removal of any vehicles or trailers that do not bear a current license plate or registration.
  - d) the removal of any junked or wrecked vehicles or trailers or any parts thereof;
  - e) the removal of any metal, glass, plastic, wiring, wood or any material deemed by committee to be unsightly (stored on the property).
4. Owners of property within the Town boundaries shall not dispose, cover, bury or use as fill any trash, refuse, garbage, vehicles, trailers, parts of vehicles or trailers, or construction or demolition debris without the approval of the Minister of the Department of Environment for the Province of Alberta and Sexsmith Town Council.
5. Owners of property wishing to use the services of a commercial dumpster may make application to the Town office for the placement of a dumpster on their property for the purpose of collecting large amounts of garbage.
- a) For renovations and smaller repair jobs, the dumpster may stay in place for one month and, if necessary, application for extension may be made to the Town Manager.
  - b) For construction of a new development, dumpster may be in location for the duration of the project.
  - c) Dumpsters must be placed so as not to impede any service by Public Works.
  - d) Dumpsters must be placed so that there is access all around them for fire

fighting purposes.

6. The Committee shall have the authority to direct the owner of any property that is in contravention of this Bylaw to:
  - a) erect a minimum six foot high fence around that property as set out in an order directed by Council;
  - b) clear and improve that property as the Council may direct.
7. A Peace Officer or anyone under his direction shall have the authority to order:
  - a) that the owner of any property cut or remove grass, dandelions or noxious weeds or plants;
  - b) that the owner of any property remove any trash, garbage and refuse;
  - c) that the owner of any property remove any vehicles or trailers that do not bear a current license plate or registration;
  - d) that the owner of any property remove any junked or wrecked vehicles or trailers and any parts thereof, from such property and from any public property which abuts or flanks such property.
  - e) That the owner of the property remove the dumpster not in compliance within the time limits indicated.
8. If an order of the Committee or a Peace Officer is not complied with within ten (10) calendar days after service of the order, the Committee or Peace Officer or CAO shall have the right to direct any person to do the work required by the Order and the cost of doing that work may be recovered as a debt due to the Town or such cost may be charged against the property as taxes due and owing.
9. An owner who considers himself aggrieved by an order or direction hereunder may, within ten (10) calendar days of the date upon which service of the order or direction was made, appeal from that order or direction to the Committee by written notice personally delivered to the Municipal Town Manager or delivered by Registered mail to the Municipal Town Manager.
10. If an owner considers himself aggrieved by the decision of the Committee under paragraph 8 hereof, he may within ten (10) calendar days upon which service of the decision was made, appeal by originating notice of Motion to Court of Queen's Bench for the Province of Alberta.

#### **OFFENCES**

11. Any person who contravenes a provision of the Bylaw is guilty of an offence punishable upon summary conviction and shall be liable to a fine of \$100.00 for first offence, \$250.00 for second offence and \$500 for subsequent offences, within a one year period.
12. An Officer who finds a person violating any provision of this Bylaw may give written notice of intention to prosecute, in the form of an offence notice or summons, setting forth the date, time and place of offence, briefly indicating the nature of the offence, and stating that payment can be made under Section 11.

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13. A person who has received notice under Section 11 in respect to an offence which is alleged against him under this Bylaw, may within twenty one (21) calendar days from the date of receipt of such notice, pay to the Provincial Court of Alberta, the amount of penalty specified on that notice.
13. Bylaw No. 790 is hereby repealed.
14. This Bylaw shall come into effect upon receiving third reading.

**READ A FIRST TIME THIS 15<sup>TH</sup> DAY OF JUNE, 2009, A.D.**

**READ A SECOND TIME THIS 15<sup>TH</sup> DAY OF JUNE, 2009, A.D.**

**READ A THIRD AND FINAL TIME THIS 15<sup>TH</sup> DAY OF JUNE, 2009, A.D.**

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C. Lagace, Mayor

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Carolyn Gaunt, Town Administration