
A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, FOR MATTERS RELATED TO REGULATING UNTIDY AND UNSIGHTLY PREMISES

WHEREAS, PURSUANT TO Part 2 of the Municipal Government Act, being Chapter M-26 R.S.A 2000 and amendments thereto, Council may enact a Bylaw;

AND WHEREAS PURSUANT TO Part 13 of the Municipal Government Act, being Chapter M-26 R.S.A 2000 and amendments thereto, the municipality may regulate untidy and unsightly premises, nuisances, pests and buildings dangerous to public safety;

AND WHEREAS, the Council of the Summer Village of Nakamun Park deems it proper and expedient to pass such a Bylaw;

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

1. TITLE

1.1. This bylaw may be cited as "Nuisance Bylaw"

2. DEFINITIONS

2.1 "**Animal Material**" means any animal excrement and includes all material accumulated on a premise from pet pens, yards, stables, veterinary clinics or hospitals, kennels or feed lots;

2.2 "**Ashes**" means the powdery residue accumulated on a premise left after the combustion of any substance and includes any partially burnt wood, charcoal or coal;

2.3 "**Authorized Person**" will mean any person authorized to act on behalf of Council of the Summer Village of Nakamun Park

2.4 "**Building Material**" means all construction and demolition material accumulated on a premises while constructing, altering, repairing or demolishing any structure and includes but is not limited to, earth, vegetation or rock displaced during such construction, alteration or repair;

2.5 "**Bylaw Enforcement Officer**" will mean any person authorized to act on behalf of the Council of the Summer Village of Nakamun Park, including a Peace Officer.

2.6 "**Clean Up Order**" means an Order issued under this bylaw by a Peace Officer with respect to an unsightly premises within the Summer Village;

- 2.7 **"Council"** shall be the Council of the Summer Village of Nakamun Park.
- 2.8 **"Enforcement Officer"** means a Peace Officer of the Summer Village including a Peace Officer appointed pursuant to the Alberta Peace Officer Act, or a Municipal Bylaw Enforcement Officer appointed by the Summer Village of Nakamun Park including any contracted Peace Officers.
- 2.9 **"Garbage"** means material composed of organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food;
- 2.10 **"Occupant"** will mean the owner or agent of the owner of lands and premises therein or on and shall include a corporation, lessee or tenant.
- 2.11 **"Owner"** means a person who is registered under the Land Titles Act as the owner of the land;
- 2.11.1 the person who is recorded as the owner of the property on the assessment roll of the Summer Village;
- 2.11.2 a person who has purchased or otherwise acquired the land, whether they have purchased or otherwise acquired the land directly from the owner or from another purchaser and has not become the registered owner thereof;
- 2.11.3 a person holding themselves out as the person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership;
- 2.11.4 a person controlling the property under construction, or;
- 2.11.5 a person who is the occupant of the property under a lease, license or permit
- 2.12 **"Pest"** will mean any animal, insect, or pests and diseases deemed by the Council of the Summer Village of Nakamun Park to be dangerous, destructive or a nuisance to human life, plants and/or animals and other property.
- 2.13 **"Premises"** means the external surfaces of all buildings and the whole or part of any land, including land immediately adjacent to any building or buildings, situated in whole or in part in the Summer Village and includes any land or buildings owned or leased by the Summer Village,
- 2.14 **"Right of Access"** means the right of an Enforcement Officer to enter onto a property to inspect the property and to determine whether to issue a Clean Up Order, or to allow work forces access to the property for the purposes of enforcing a Clean Up Order;

- 2.15 "**Summer Village**" means the Summer Village of Nakamun Park;
- 2.16 "**Summer Village Administrator**" means the person designated by Council as its chief administrative officer or their designate;
- 2.17 "**Unsightly or Untidy**" will mean any property or part of it which is characterized by visual evidence of a lack of general maintenance and upkeep by the excessive accumulation on the premises of:
- 2.17.1 any rubbish, refuse, garbage, papers, packages, containers, bottles, cans, manure, human excrement or sewage or the whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household dishes and utensils, boxes, cartons and discarded fabrics, furniture and carpet;
 - 2.17.2 the whole or part of any motor vehicle or derelict vehicles or trailers which has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year, and which is inoperative by reason of removed parts or equipment.
 - 2.17.3 equipment or machinery which has been rendered inoperative by reason of its disassembly, age or mechanical condition and includes any household appliances;
 - 2.17.4 animal, material, yard material, ashes, building material and garbage as defined in this Bylaw;
 - 2.17.5 grass, dandelions or noxious weeds
- 2.18 "**Work Forces**" means Summer Village employees or contract workers engaged by the Summer Village for the purposes of enforcing a Clean Up Order;
- 2.19 "**Yard Material**" means organic matter formed as a result of gardening or horticultural pursuits and includes grass, tree and hedge cuttings and clippings.

3. RESIDENT REQUIREMENTS

- 3.1 All occupants will be required to control dandelions and noxious weeds on property they own or occupy.
- 3.2 All occupants will prune, remove or otherwise maintain trees and shrubs that interfere with or endanger utility lines, poles, or other related works of the municipality.
- 3.3 No person will permit the accumulation of dirt, stones, trees, old implements,

automobiles, scrap iron or any other rubbish so as to cause an unsightly condition, hazard or nuisance.

- 3.4 No person will permit the proliferation of, or harbour, any insect, animal or other pest that is likely to spread disease, be destructive or dangerous, or otherwise become a nuisance.
- 3.5 No owner will cause, allow or permit a building structure, erection, excavation or hole on his land to become ruinous, dilapidated, unsafe, unprotected or dangerous to public safety and health

4. **BYLAW CONTRAVENTION AND REMEDIES**

- 4.1 A Bylaw Enforcement Officer or any other person duly authorized by Council is hereby authorized to enter lands within the Summer Village of Nakamun Park for the inspection of conditions that may contravene or fail to comply with the provisions of this Bylaw.
- 4.2 When a condition exists which contravenes any of the provisions of this Bylaw the Officer, or any person duly authorized by Council may:
- 4.2.1 Issue a warning notice to the owner, agent, lessee and/or occupier of the land or premises in question, advising of the condition and directing as to what conditions are to be rectified within fifteen (15) days from the date of issuing the warning notice, and/or
- 4.2.2 Issue a written order to the owner, agent, lessee and/or occupier of the land or premises in question and direct that the condition be rectified within fifteen (15) days from the effective date of the order.
- 4.3 Should any property owner, agent, lessee or occupier fail, neglect or refuse to remedy the condition as directed by the Bylaw Enforcement Officer, or person authorized by Council, the Summer Village of Nakamun Park may cause the work to be performed to remedy the condition and charge the costs, plus a 25% administrative surcharge, of such work as follows:
- 4.3.1 To recover the same as a debt due the Summer Village, or
- 4.3.2 To charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.
- 4.4 Any person who enters property to remedy a condition as directed by order of Council, shall be deemed to have the authorization of Council and shall not incur

any liability therefor.

5. APPEALING AN ORDER

Subject to the provisions of the Municipal Government Act, as amended from time to time, a property owner, agent, lessee or occupier wishing to appeal an order issued under this bylaw shall do so in accordance with the provisions set out in the Act, specifically section 547(1) which allows for a review by council.

6. SEVERABILITY

If any section or sections of this Bylaw or parts thereof are found in any court or law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the Bylaw shall be deemed separate and independent therefrom and to be enacted as such.

7. RESCINDING

This bylaw rescinds This bylaw rescinds Bylaw# 2005-06.

8. COMING INTO FORCE

This Bylaw shall become effective when it has received third and final reading and has been signed by the Mayor and Chief Administrative Officer.

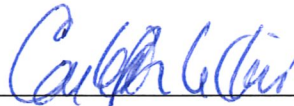
READ a first time this 18th day of March 2020.

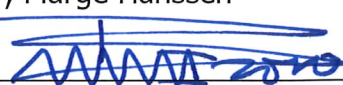
READ a second time this 18th day of March 2020.

UNANIMOUS CONSENT to proceed to third reading 18th day of March 2020.

READ a third and final time this 18th day of March 2020.

SIGNED this 18th day of March 2020



Mayor, Marge Hanssen


C.A.O., Dwight Moskalyk

