

By-Law # 1597

A By-Law in the Town of Cardston in the Province of Alberta to provide for the Abatement of Vacant and Unsightly Property in the Town of Cardston.

WHEREAS the Municipal Government Act, Chapter 26, Revised Statutes of Alberta 2000 and amendments thereto permits the Council of the Town of Cardston, by By-Law, to control vacant and/or unsightly properties within the Town of Cardston.

NOW THEREFORE, the Council of the Town of Cardston, in the Province of Alberta duly assembled, hereby enacts as follows:

1. This By-Law may be called "The Vacant/Unsightly Property By-Law"
2. In this By-Law, unless the context otherwise requires,
 - a) "Administrator" means the Administrator of the Town of Cardston or his/her duly authorized assistants.
 - b) "Boarded Building" means a vacant building in which a door, window or other opening has been covered for more than seven (7) days by affixing wood, metal or some other material over it to prevent entry.
 - c) "Building Inspector" means the Building Inspector of the Town of Cardston or his duly authorized assistants.
 - d) "Building" means any structure used or intended to be used to support or shelter any use or occupancy.
 - e) "By-Law officer" means By-Law Enforcement Officer or Special Constable of the Town of Cardston or his duly authorized assistants.
 - f) "In Default" means failure to fulfill the legal obligation or duty set out in a municipal tag or provincial ticket
 - g) "Owner" includes agent, lessee or occupier of any land or premises.
 - h) "Permit" means a boarded building permit provided for in the By-law.
 - i) "Unsafe/Unsightly Property" means
 - (i) A premise not in keeping with the surrounding properties within a similar zoning under the Land Use By-Law of the Town of Cardston, which when considering the usage of the Zone is not neat, and organized, and is not pleasing to the sight, due to the lack of due care and attention.
 - (ii) In a residential area, the condition of permitting the storing of goods and equipment or materials, used in connection with a hobby or business that is not a home occupation business duly licensed and is not pleasing to the sight.
 - (iii) The unorganized storing or keeping of refuse, building materials, or metals including machinery and auto and truck and other types of vehicle, parts, or any other contraption.
 - (iv) In a residential area, the condition of permitting a motor vehicle or parts thereof which are in an unsafe or unsightly

condition to remain outside a building or on property located within the boundaries incapable of movement under its own power.

j) "Unsafe and Unsightly Premises" shall include:

- i) town owned public lanes adjacent to the property line of every property or lot so designated within the Town limits;
- ii) any obstacles placed in a lane or alley:
 - a) this includes but not limited to vehicles, trailers, play structures, and or storage of recreational and construction materials or equipment;
- iii) residents shall maintain the portion of the lane directly adjacent to their property, with special focus on weed control and overgrown vegetation;
- iv) any materials stored on a property, accessible to the general public, that is deemed unsafe because of either the type of material and/or the way it is stored on such property.

k) "Vacant" in relation to a building means a building that is not being used or occupied be it commercial or residential.

Clarification of "use" or "occupied"

For the purpose of this by-law a building is not being used or occupied solely by reason of

- i. individuals who are present in the building without the consent of the owner; or
- ii. the existence of equipment or stock in trade within or outside the building or the occasional operation of such equipment

3. No person being the owner of any land or premises within the Town shall

permit the land or premises to be or remain in an unsafe or unsightly condition.

4. The Mayor, or a member of Council each of whom along with either the Municipal Administrator, or his/her assistant, the Town Supervisor, or his assistant, or a Special Constable, or a By-Law Officer, or the Building Inspector, may enter any lands, building or premise to inspect for conditions that may constitute unsafe or unsightly premises, or fails to comply with conditions passed pursuant to this By-Law.

5. Where any lands or premises in the Town of Cardston are found to be in an unsafe or unsightly condition, the Building Inspector or By-Law Officer or other delegated Town Official, may give notice in writing to a person, who is under a duty imposed by this By-Law to prevent such a condition, to remedy the same and the Building Inspector and/or By-Law Officer or other delegated Town Official, may direct that this be done in such a manner as he deems advisable on or before a day to be named in the notice.

6. The Building Inspector and/or By-Law Officer or other delegated

Town official shall not give less than fifteen (15) days from the date of delivery of notice for its compliance.

7. VACANT BUILDINGS

- a) The owner of a vacant building must maintain it in compliance with the standards set out in this by-law.
- b) The owner of any building that is vacant for more than sixty (60) days must register such property with the Town of Cardston with a contact name, address and information.
- c) The owner of any building that is vacant must remove all signage from the building that would indicate that a business may in fact be in operation.
- d) The owner of a vacant property must ensure that the building is secure from unauthorized entry.
- e) Vacant Buildings that have not been occupied for a year or more must be inspected inside and out, by a town appointed official, to verify safety and fire codes.
- f) The owner of a vacant building who desires to demolish the vacant building must first acquire a demolition permit from the Town of Cardston.

8. FORM AND SERVING OF NOTICE

- (1) A Notice to Owner given by the Building Inspector and/or By-Law Officer under the provisions of this By-Law shall be in writing in Form "A" set out as a Schedule to this By-Law.
- (2) One of the notices shall be served on the person to whom it is addressed, one shall be delivered to the Administrator, a third one will be placed in the Property role file and the official giving the notice shall retain the fourth.
- (3) A notice given by the Building Inspector and/or By-Law Enforcement Officer or other delegated Town official pursuant to any of the provisions of this By-Law shall be deemed to have been duly given and served on the person to whom it is addressed:
 - (a) On the notice being personally delivered to the person to whom it is addressed;
 - (b) On leaving it with a person apparently over the age of sixteen (16) years at the place of abode of the person to whom the notice is addressed;
 - (c) On sending it by registered mail to the last known postal address, or as shown in the assessment roll, as the case may be; or
 - (d) On posting the notice in a conspicuous place on the land referred to in the notice or on any buildings or erections thereon, when the Building Inspector and/or By-Law Officer has reason to believe
 - (i) That the person to whom the notice is addressed is evading service thereof, or

- (ii) For any reason it is improbable that the notice will be received by the person to whom it is addressed within three days of the date of the notice if it is delivered in any of the ways mentioned in this section.

PENALTIES

9.0 A Municipal tag or ticket in the amount of the voluntary penalty will be issued for any breach of this By-Law.

10.0 In the event a municipal tag remains unpaid after the period of thirty (30) days a summons will be issued.

11.0 Any person who commits a breach of the provisions of this By-Law shall be liable to a voluntary penalty of:

- a) For the first offence to a voluntary penalty of Fifty (\$50.00) Dollars and upon Summary Conviction to a fine of not less than One Hundred (\$100.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) weeks, or to both.
- b) For the second offence within a one (1) year period to a voluntary penalty of One Hundred (\$100.00) Dollars and upon Summary Conviction to a fine of not less than Two Hundred (\$200.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) weeks, or to both.
- c) For a third and subsequent offence within a one (1) year period a summons shall be issued and upon Summary Conviction to a of not less than Two Hundred (\$200.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) weeks, or to both.

Cancellation of By-Law #1543, shall take effect upon the passing of this By-Law.

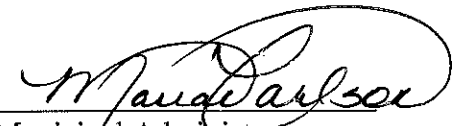
Received First Reading this 8 day of February 2011.

Received Second Reading this 8 day of February 2011.

Received Third and Final Reading this 22 day of February 2011.



Mayor



Municipal Administrator

Dated FEB. 24, 2011

SCHEDULE TO BY-LAW No.1597
FORM "A" NOTICE TO OWNER

To: (Name of Owner)
(Address)

Re: THOSE PREMISES LOCATED AT (ADDRESS)
IN THE TOWN OF CARDSTON, IN THE
PROVINCE OF ALBERTA

WHEREAS Section 3 of By-Law No.1597 "The Vacant/Unsightly Premises By-Law of the Town of Cardston", provides:

3. "No person being the owner of any land or premises within the Town shall permit the land or premises to be or remain in an untidy or unsightly condition."

AND WHEREAS Section 2, subsection (h and i) thereof defines

"Unsafe and Unsightly premises" means

- (i) A premise not in keeping with the surrounding properties within a similar zoning under the Land Use By-Law of the Town of Cardston, which when considering the usage of the Zone is not neat, and organized, and is not pleasing to the sight, due to the lack of due care and attention.
- (ii) In a residential area, the condition of permitting the storing of goods and equipment or materials, used in connection with a hobby or business that is not a home occupation business duly licensed and is not pleasing to the sight.
- (iii) The unorganized storing or keeping of refuse, building materials, or metals including machinery and auto and truck and other types of vehicle, parts, or any other contraption.
- (iv) In a residential area, the condition of permitting a motor vehicle or parts thereof which are in a dilapidated or unsightly condition to remain outside a building or on property located within the boundaries incapable of movement under its own power.

i) "Unsafe and Unsightly Premises" shall include:

- i) town owned public lanes adjacent to the property line of every property or lot so designated within the Town limits;
- ii) any obstacles placed in a lane or alley:
 - a) This includes but not limited to vehicles, trailers, play structures, and or storage of recreational and construction materials or equipment;
- iii) residents shall maintain the portion of the lane directly adjacent to their property, with special focus on weed control and overgrown vegetation;
- iv) any materials stored on a property, accessible to the general public, that is deemed unsafe because of either the type of material and/or the way it is stored on such property.

WHEREAS a complaint has been received in respect to the above premises.

NOW THEREFORE, pursuant to By-Law No. 1597, "The Vacant/Unsightly Premises By-Law of the Town of Cardston", TAKE NOTICE that those premises located at the above noted address in the Town of Cardston, in the Province of Alberta, have been found to be untidy and unsightly premises in that they contravene section 2 subsection i) and j).

AND FURTHER TAKE NOTICE THAT if the said untidy and unsightly condition is not remedied on or before (date) the Town of Cardston will clean up the untidy and unsightly premises and the cost will be assessed as a charge due payable on the said property on the tax roll of the Municipality as outlined in Chapter M26.1., Part 13, Division 4, Section 553.1 of the Municipal Government Act.

Dated at the Town of Cardston, in the Province of Alberta, this day of (month) A.D. 2011 .

TOWN OF CARDSTON

per _____
Building Inspector or By-Law Enforcement Officer or
Authorized Agent or other delegated Official