

THE CONSOLIDATION OF A BYLAW OF THE CITY OF LETHBRIDGE
TO REGULATE UNTIDY AND UNSIGHTLY PROPERTY WITHIN
THE CITY OF LETHBRIDGE

AUTHORITY WHEREAS the Municipal Government Act, R.S.A. 2000 Chapter M-26.1 as amended, authorizes municipalities to deal with untidy and unsightly property.

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

TITLE 1. This Bylaw may be cited as the “Unsightly Property Bylaw”.

DEFINITIONS 2. For the purpose of this Bylaw, the following words mean:

- (1) “Act” means the Municipal Government Act, R.S.A 2000, c M-26.1 as amended
- (2) “City” means the Municipal Corporation of the City of Lethbridge
- (3) “Council” means the Municipal Council of the City
- (4) “Derelict Vehicle” means a motor vehicle as defined in the Traffic Safety R.S.A. 2000, c T-6 as amended and which is dilapidated, partially or completely dismantled, or not capable of operating under its own power
- (5) “Designated Officer” means a bylaw enforcement officer, peace officer, police constable or any other official appointed by the City to enforce this bylaw
- (6) “Direction” means a written direction in accordance with section 4 of this Bylaw
- (7) “Motor Vehicle” means a vehicle as defined in the Traffic Safety Act R.S.A 2000, c T-6 as amended

(8) "Order" means a written order in accordance with section 546(1)(c) of the Act

(9) "Owner" means

(a) in respect of land, the person who is registered under the Land Titles Act R.S.A 2000 c L-4 as amended as the owner of fee simple estate in the land, and

(b) in respect of property other than land, the person in lawful possession of it

(10) "Property" means

(a) a parcel of land

(b) an improvement

(c) a parcel of land and the improvement to it

(11) "Unsightly Property" means property as described in section 3 of this bylaw

(12) "Municipal Tag" means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the City

(13) "Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act R.S.A. 2000, c 34 as amended

3. (1) Unsightly Property is property that in the opinion of a Designated Officer is not in keeping with the surrounding properties within a one block radius, of similar zoning under The Land Use Bylaw of the City and which is detrimental to the surrounding area because of its unsightly condition

(2) Some factors which may be considered by a Designated Officer in determining whether property is unsightly include the following:

(a) The presence of a derelict vehicle

(b) The external storage of more than one intact, operable unregistered motor vehicle

(c) The storage or accumulation of garbage, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment dilapidated

UNTIDY OR
UNSIGHTLY
LAND OR
PREMISES

furniture, or appliances, machinery, machinery parts or other similar materials or items.

(3) Subsection (2) is not intended to be an exhaustive list of factors which may be considered in determining whether property is Unightly Property

NOTICE BY
BUILDING
INSPECTOR

4. If a Designated Officer forms the opinion that property is Unightly Property, the Designated Officer may issue a written direction to the owner or occupier of the property. The direction may require the owner or occupier of the Unightly Property to improve the appearance of the property in the manner specified and shall state a time within which the person must comply with the direction.
5. If in the opinion of a Designated Officer, property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue a written order in accordance with section 546(1)(c) of the Act.

SERVING OF
NOTICE

6. The written order or written direction, given by the Designated Officer, shall be deemed to have been duly served on the person or persons to whom it is addressed by:
 - (a) Personally delivering the order or direction to the person or persons to whom it is addressed;
 - (b) Leaving the order or direction with a person apparently over the age of eighteen (18) years at the residence of the person or persons to whom the order is addressed;
 - (c) By sending the order or direction by registered mail to the last known postal address of the person or persons to whom it is addressed; or
 - (d) Posting the order or direction in a conspicuous place on the property referred to in the order or direction or on any buildings or erections where the Designated Officer has reason to believe the person or persons to whom the order or direction is addressed is evading service
7. If an order has been issued, the city may take whatever actions or measures are necessary to:

- (a) Deal with the unsightly condition of property in accordance with section 550 of the Act, and
 - (b) Collect any unpaid costs and expenses of the actions or measures taken by the City in accordance with the Act, which includes adding unpaid costs and expenses to the tax role of the property
- COSTS TO REMEDY SITUATION
- The costs and expenses of the actions or measures taken by the City are charged in addition to any penalty imposed under this Bylaw.
- OWNER APPEARING BEFORE COUNCIL
- 8. Council may review an order in accordance with section 547 of the Act.
 - 9. A person who receives an order may request that Council review the order by written notice filed within seven (7) days of receipt of the order, to the office of the City Clerk at the following address:

Office of the City Clerk
Second Floor, City Hall
910 4 Ave S
Lethbridge AB T1J 0P6
 - 10. After reviewing the order Council may confirm, vary, substitute or cancel the order in accordance with section 547(2) of the Act.
- MEANS OF APPEAL
- 11. A person affected by the decision of Council under section 10 of this bylaw may appeal to the Court of Queen’s Bench within fifteen (15) days after the date of the decision in accordance with section 548 of the Act.
- INSPECTION
- 12. A Designated Officer may inspect property in accordance with section 542 of the Act for the purpose of determining whether:
 - (a) Property is Unsightly Property under this bylaw
 - (b) Property, because of its unsightly condition, is detrimental to the surrounding area in accordance with section 546 of the Act

- (c) There has been compliance with a direction issued under section 4 of this bylaw, or
- (d) There has been compliance with an order issued in accordance with section 546(1)(c) of the Act

13. A person who fails to comply with:

- (a) A direction issued in accordance with section 4 of this bylaw, or
- (b) An order issued in accordance with section 546(1)(c) of the Act is guilty of an offence

PENALTIES

14. (a) Where a Designated Officer believes on reasonable and probable grounds that an offence has been committed under section 13 of this bylaw, he may serve upon such persons a Municipal Tag, or he may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the Provincial Offences Procedure Act R.S.A. 2000, Chapter 34 as amended.

(b) The specified penalty shall be \$300.00

(c) Upon production of any such Municipal Tag or Violation Ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified to a person authorized by the City or Province of Alberta to receive such payment, an official receipt for such payment shall be issued and subject to the provisions of this section such payment shall be accepted in lieu of prosecution. If the person upon whom any such notice or ticket is served fails to pay the said sum within the time allotted , the provisions of this section shall no longer apply

15. Any Person who contravenes any provision of the Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than ten thousand (\$10,000.00) dollars and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

16. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provisions of this Bylaw be declared invalid all other provisions thereof shall remain valid and enforceable.
17. Bylaw 3193 and amendments are hereby repealed.