

BYLAW 5747

**A BYLAW OF THE CITY OF LETHBRIDGE TO
REGULATE MINIMUM PROPERTY STANDARDS**

WHEREAS the Municipal Government Act (RSA 2000 C.M-26) authorizes a municipality to pass bylaws respecting safety, health and welfare of people and protection of people and property;

AND WHEREAS the Municipal Government Act authorizes a municipality to pass bylaws respecting nuisances;

AND WHEREAS the Municipal Government Act authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

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

PART 1 - INTERPRETATION AND DEFINITIONS

1. (1) This Bylaw shall be cited as the Minimum Property Standards Bylaw.
- (2) In this Bylaw:
 - (a) "City" means the municipal corporation of the City of Lethbridge and includes the geographical area within the boundaries of the City of Lethbridge where the context so requires;
 - (b) "Officer" includes a Bylaw Enforcement Officer and a member of the Lethbridge Regional Police Service;
 - (c) "Person" includes a corporation, other legal entities and an individual having charge or control of a Premises;
 - (d) "Premises" includes the external surface of all buildings and the whole or any part of any parcel of real property, including the land immediately adjacent to any building or buildings;
 - (e) "Remedial Order" means an order written pursuant to Section 545 and Section 546 of the Municipal Government Act;

- (f) "Structure" means a building, garage, shed, fence or other improvement erected or placed in, on, over or under land, whether or not it is affixed to the land;
- (3) The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibitions of this Bylaw.
- (4) Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit, order or licence.
- (5) All schedules attached to this Bylaw shall form part of this Bylaw.

PART 2 - REMEDIAL ORDERS

- 2. (1) Every Remedial Order written with respect to this Bylaw must:
 - (a) indicate the Person to whom it is directed;
 - (b) identify the property to which the Remedial Order relates by municipal address or legal description;
 - (c) identify the date that it is issued;
 - (d) identify how the Premises fails to comply with this or another bylaw;
 - (e) identify the nature of the remedial action required to be taken to bring the Premises into compliance;
 - (f) identify the time within which the remedial action must be completed;
 - (g) indicate that if the required remedial action is not completed within the time specified, The City may take whatever action or measures are necessary to remedy the contravention;
 - (h) indicate that the expenses and costs of any action or measures taken by the City under this Section are an amount owing to The City by the Person to whom the order is directed;
 - (i) indicate that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by a specified time;

- (j) indicate that an appeal lies from the Remedial Order to City Council, if a notice of appeal is filed in writing with the City Clerk within fourteen days of the receipt of the Remedial Order;
- (2) A Remedial Order written pursuant to this Bylaw may be served personally upon the owner of the Premises to which it relates, or it may be left with a Person apparently over the age of 18 years at the Premises.
- (3) If, in the opinion of an Officer, service of the Remedial Order cannot be reasonably affected, or if the Officer believes that the owner of the Premises is evading service, the Officer may post the Remedial Order in a conspicuous place on the Premises to which the Remedial Order relates, or on the private dwelling place of the owner of the Premises, as registered at the Land Titles Office or in the municipal tax roll for the Premises, the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.
- (4) Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.

APPEAL OF REMEDIAL ORDERS

- 3. (1) A Person to whom a Remedial Order is directed may seek a review of the Remedial Order by filing an appeal in writing with the City Clerk within 14 days of the receipt of the Remedial Order.
- (2) An appeal filed pursuant to this Section must state the name of the appellant, the municipal address of the property to which the Remedial Order being appeal from relates, a day time telephone contact number at which the appellant may be reached, and an address at which documents in relation to the appeal may be delivered.
- (3) A Decision of City Council, delivered orally, is a decision served pursuant to Section 548 of the Municipal Government Act.

PART 3 - ENFORCEMENT
General Penalty Provision

4. (1) Any person who contravenes any provision of this Bylaw by:
- (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing the Person is required to do;

Is guilty of an offence.

Violation Tickets and Penalties

5. (1) Where an Officer believes that a Person has contravened any provision of this Bylaw, the officer may commence proceedings against the person by issuing A violation ticket pursuant to the *Provincial Offences Procedures Act*, R.S.A. 2000 c. P-24.
- (2) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- (3) Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.
- (4) If a Person is convicted twice of the same provision of this Bylaw within a 24 month period, the minimum penalty for the second conviction and any subsequent convictions within a 24 month period shall be twice the amount of the specified penalty.
- (5) This Section shall not prevent any officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, R.S.A. 2000 c. P-24, or from laying an information in lieu of issuing a violation ticket.
- (6) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

PART 4 - MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES

Interpretation

6. For the purpose of this Part:

- (a) "*Fence*" includes a privately-built fence and a developer-built community screening fence;
- (b) "*Good Repair*" means a condition where something is free from:
 - (i) significant damage;
 - (ii) peeling surfaces;
 - (iii) broken, missing or fallen parts;
 - (iv) rot or other significant deterioration;
 - (v) openings which are not secured against trespassers or infiltration or air and precipitation;
 - (vi) other visual evidence of a lack of general maintenance;
- (c) "*Structure*" includes any building, retaining wall, scaffolding, garbage container, trailer, mobile home, shed or portable shack.

Obligation to Maintain

7. (1) No owner or occupier of a Premises shall allow a Structure or Fence to become a safety hazard.
- (2) Every owner or occupier of a Premises shall ensure the following are maintained in Good Repair:
- (a) Fences and their structural members;
 - (b) Structures and their structural members including:
 - (i) Foundations and foundation walls;
 - (ii) Exterior walls and their components;
 - (iii) Roofs;
 - (iv) Windows and their casings;
 - (v) Doors and their frames;

Unoccupied Buildings

8. (1) If a building normally intended for human habitation is unoccupied then any door or window opening in the building may be covered

with a solid piece of wood (or other similar suitable material) but only if it is:

- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - (b) of a thickness sufficient to prevent unauthorized entry into the building;
 - (c) secured in a manner sufficient to prevent unauthorized entry into the building;
 - (d) coated with an opaque protective finish that matches or complements the existing exterior finish in a manner that it is not detrimental to the surrounding area.
- (2) Any work, renovation or action by a building owner must be completed within twenty four (24) months of the first issuance of a building permit to perform the work, renovation or action.
- (3) (a) Subject to the appropriate appeal process, if a building normally intended for human habitation has been declared unfit for human habitation by the local health or building authority then the property owner shall:
- (i) remedy the deficiencies in order for the declaration to be removed; or
 - (ii) remove or demolish the building;
- (b) Any work or action required by the building owner pursuant to subsection (a) shall be completed:
- (i) within the specified time, if given by the health or building authority, or
 - (ii) if no time period is given by the health or building

authority, within twelve (12) months of the building deemed unfit;

9. Bylaw 3348 is hereby repealed.

10. This Bylaw shall come into force and effect on the date of final passing.

READ A FIRST TIME THIS 14 day of NOVEMBER, AD, 2011

Mayor

City Clerk

READ A SECOND TIME THIS 28 day of September, AD, 2011

Mayor

A/ _____
City Clerk

READ A THIRD TIME THIS 28 day of November, AD, 2011

Mayor

A/ _____
City Clerk

SCHEDULE 'A' BYLAW 5747

Specified and Minimum Penalties

Section	Offence	Minimum Penalty	Specified Penalty
7 (1)	Structure or Fence Safety Hazard	\$100.00	\$300.00
8 (1)	Unoccupied Building Unsecured	\$100.00	\$300.00
8 (2)	Unoccupied Building Incomplete	\$100.00	\$300.00
8 (3) (a)	Unfit for human habitation Unremedied	\$300.00	\$500.00
8 (3) (b)	Unfit for human habitation Incomplete	\$300.00	\$500.00