

**SUMMER VILLAGE OF PARKLAND BEACH
BYLAW #2001-1**

A BYLAW OF THE SUMMER VILLAGE OF PARKLAND BEACH IN THE PROVINCE OF ALBERTA TO PREVENT AND COMPEL THE ABATEMENT OF NUISANCES GENERALLY, AND THE REGULATION OF UNTIDY AND UNSIGHTLY PREMISES WITHIN THE SUMMER VILLAGE OF PARKLAND BEACH

WHEREAS, Section 546 of the Municipal Government Act, Statutes of Alberta 1994, Chapter M-26.1 and amendments thereto, authorizes a Council to pass a bylaw respecting the safety, health and welfare of people and the protection of people and property and nuisances, including unsightly property; and

WHEREAS, Section 7 further provides enforcement of bylaws made under this or any other enactment; and

WHEREAS, the Council of the Summer Village of Parkland Beach deems it expedient and in the public interest to pass such a bylaw:

THEREFORE, the Council of the Summer Village of Parkland Beach duly assembled, enacts as follows:

1. DEFINITIONS

- (a) "Council" shall mean the Council of the Summer Village of Parkland Beach or its duly appointed agents. Agents shall include: any summer village employee, a member of Council, a Bylaw Enforcement Officer, any member of the Royal Canadian Mounted Police, any peace officer, the Summer Village Solicitor, or any other person so appointed by a resolution of Council.
- (b) "Occupant" shall mean the owner, agent, lessee, manager, or tenant of any property or premises within the Summer Village of Parkland Beach, whether occupying or legally responsible for any property or premises.
- (c) "Summer Village" or "Summer Village of Parkland Beach" shall mean all lands within the corporate limits of the Summer Village of Parkland Beach.
- (e) "Unsightly Property" shall mean:
 - (i) a premise not in keeping with the Land Use Bylaw of the Summer Village of Parkland Beach
 - (ii) any property deemed by council to be unsightly, untidy or unsafe.

2. NUISANCES INCLUDING UNSIGHTLY PROPERTY

- (a) Garbage not stored in weather and animal proof containers.
- (b) Outside storage areas not screened from adjacent sites and thoroughfares.
- (c) Wrecked or dismantled vehicles, or items which may be objectionable at the discretion of the Council.
- (d) Excessive concentration of noxious weeds or nuisance weeds, and excessive uncut grass.
- (e) Trees or shrubs that in any way interfere with the use of or endanger any public utility, walkway or roads.
- (f) Accumulation of untarped or unshedded dirt, stone, old implements or automobiles, scrap iron or any other rubbish so as to cause an unsightly or untidy condition, hazard or nuisance.
- (g) Unnecessary noise likely to disturb the peace and quiet of other persons in the Summer Village unless permission to do so has first been obtained by Council.
- (h) Council may by resolution order to be demolished or removed any building, structure, erection, excavation, or hole which is by reason of its ruinous, dilapidated, unsafe or unprotected condition or location, dangerous to the public safety or health and if the condition is not remedied within a specified time, the Summer Village may authorize a person or persons to remedy such condition (See Section 4(e)).

3. ENFORCEMENT

- (a) Any bylaw enforcement officer, member of the R.C.M.P., or any duly authorized officer of Council is hereby authorized to enter any lands, buildings or premises within the Summer Village of Parkland Beach to inspect for conditions that may constitute a nuisance or contravene or fail to comply with the provisions of this bylaw or any other bylaw of the Summer Village of Parkland Beach.

- (b) Any person who enters property to remedy any condition as directed by council shall be deemed to have the authorization of Council and shall not incur any liability therefore.
- (c) When, in the opinion of the officer set forth in Section 3(a) of this bylaw, a condition exists which is in contravention of any of the provisions of this bylaw, the officer shall issue a warning notice to the owner, agent, lessee, or of the land or premises in question, advising of the condition and directing that the condition be rectified within fourteen days (14) or in the case if Section 2. (g), rectify the condition immediately.

4. PENALTIES

- (a) If the owner, agent, lessee, or occupier fails, neglects, or refuses to remedy any condition on his land or premises that does not comply with the provisions of this bylaw within the time period as set forth in the notice issued pursuant to Section 3(c) of this bylaw:
 - (i) The Summer Village of Parkland Beach may, by the R.C.M.P. or other officers cause to be served on the offending party a voluntary penalty tag or ticket allowing payment to the Summer Village in lieu of prosecution, payment to be made at the Office Building of the Summer Village of Parkland Beach, #9 Parkland Beach Road, or mailed to the Summer Village of Parkland Beach, Box 130, Rimbey, Alberta, T0C 2J0, the penalties as established per the attached Schedule 'A':
 - (ii) The Summer Village of Parkland Beach may direct that the condition be rectified within fourteen (14) days.
 - (iii) The Council of the Summer Village of Parkland Beach may amend, update or change the above captioned Schedule 'A' or Schedule 'B' alluded to in Section 4 (b) (ii), without rescinding, repealing or re-issuing this By-Law.
- (b)
 - (i) If the voluntary penalty is not paid to the Summer Village of Parkland Beach within fourteen (14) days a summary conviction notice shall be prepared and executed by the R.C.M.P. or such other officer as designated by the Summer Village of Parkland Beach.
 - (ii) Upon conviction in a court of law the person shall be liable to a fine not less than those described in Schedule 'A' of this bylaw and not more than that described in Schedule 'B' exclusive of costs or to imprisonment for a period not exceeding 60 days or to both fine and imprisonment.
- (c) Notices in Sections 4 (a) (i), 4 (a) (ii), and 4 (b) of this bylaw shall be deemed served if sent to the owner, agent, lessee, or occupant by registered mail or delivered in person to the owner, lessee, or occupancy by a duly appointed agent.
- (d) If the owner, agent, lessee or occupant fails, neglects, or refuses to remedy any condition of his land or premises that does not comply with the provisions of this bylaw within the time period as set forth in the offence ticket or tag issued, pursuant to Section 4 (a) (ii) of this bylaw, the Council may, by resolution cause such work to be done as it considers necessary to remedy to condition.
- (e) Where the Council has caused the condition to be remedied pursuant to Section 4 (d) of this bylaw, Council may charge the costs of the work done to remedy the condition to the owner, agent, lessee, or occupier concerned and in default of payment may:
 - (i) Recover the same as a debt due to the Summer Village, or
 - (ii) Charge the same against the land concerned as taxes due and owing in respect of the land, and recover the same as such.
- (f) Wherever the Council directs that an owner, agent, lessee, occupier or other person shall don any matter or thing, then in default of its being done the owner, agent, lessee, occupier, or other person, or any or all of them shall be liable to prosecution, and it shall be no defence for any owner, agent, lessee, occupier or other person so prosecuted to allege that any other person is responsible for such default.

5. RIGHT TO APPEAL

- (a) Any owner, agent, lessee or occupier who receives a notice, order or direction requiring him to abate a nuisance or to remedy any condition that constitutes a nuisance or that contravenes or fails to comply with this bylaw and who thinks himself aggrieved may appeal within 10 days to the Courts and if it is satisfied that the Council has acted unreasonably or unjustly Or in a manner contrary to the intent and meaning of this bylaw, it may set aside, vary or modify the notice, order or direction of the Council.


6. EFFECTIVE DATE

- (a) This bylaw shall come into effect immediately upon third and final reading.

READ A FIRST TIME THIS 10th DAY OF February , 2001

READ A SECOND TIME THIS 10th DAY OF February , 2001

READ A THIRD AND FINAL TIME THIS 10th DAY OF February , 2001



MAYOR



ADMINISTRATOR

SUMMER VILLAGE OF PARKLAND BEACH BYLAW 2001-1

SCHEDULE 'A'

Attached to and forming part of the Summer Village of Parkland Beach Bylaw #2001-01

Penalties as pre Section 4 (a) (i)

- (a) \$50.00 First Offence
- (b) \$100.00 Second Offence
- (c) \$200.00 Third Offence
- (d) \$400.00 Fourth Offence and Each Subsequent Offence Thereafter

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SCHEDULE 'B'

Attached to and forming part of the Summer Village of Parkland Beach Bylaw #2001-01

Fine liability pursuant to a conviction in a court of law shall not exceed One Thousand \$1000.00.