

TOWN OF EDSON

BYLAW NO. 1796

Consolidated Bylaw #1976 with Amendment Bylaw #1985

A Bylaw of the Town of Edson in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 1980 and amendments thereto, to provide for the prevention and abatement of nuisances generally and regulating untidy and unsightly premises.

WHEREAS Council deems it expedient and in the public interest to prevent the continuance of conditions which may constitute a nuisance;

NOW THEREFORE the Municipal Council of the Town of Edson, duly assembled, enacts as follows:

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PART 1

DEFINITIONS

101. This Bylaw may be cited as the Town of Edson "Nuisance Bylaw".

102. In this Bylaw, unless the context otherwise requires, the word, term or expression:

- (1) "Bylaw Enforcement Officer" shall mean any Police Constable, Special Constable, Bylaw Enforcement Officer, or other person duly authorized to enforce this Bylaw;
- (2) "Council" shall mean the Council of the Town of Edson;
- (3) "Nuisance" means an annoying, unpleasant potentially or actually dangerous thing or practise;
- (4) "Town" shall mean the Town of Edson, a Municipal Corporation of the Province of Alberta, and where the context so requires, means the area contained within the corporate boundaries of the said municipality;
- (5) "Town Manager" shall mean the Town Manager of the Town of Edson and anyone authorized to act on his behalf;

PART 2

PROVISIONS

Authority Enter

201. The Town Manager, the Medical Officer of Health, the Director of Engineering & Operations, the Fire Chief or Deputy Fire Chief, the Building Inspector, and any Bylaw Enforcement Officer of the Town of Edson is hereby authorized to enter any land, building or premises to inspect for conditions that may constitute a nuisance or that contravenes this Bylaw.

Nuisances
- Untidy or
Unsightly

202. No person being the owner, agent, lessee or occupier of any land or premises within the Town of Edson shall permit a condition to exist on the land or premises of which constitutes a nuisance or is untidy or unsightly.

Shrub/Tree
Pruning

203. The owner, agent, tenant or agent of the owner of public or private property within the Town of Edson shall be responsible for:

(1) the removal or pruning of trees or shrubs which stand thereon or on a boulevard which abuts or flanks such property and which in any way interfere with power lines, poles, conduits, pipes or other work of a municipal or other public utility.

Weeds

(2) the eradication of restricted, noxious and nuisance weeds as per the Alberta Weed Control Act, and any amendments thereto, on such property as well as on any boulevard which abuts or flanks such property.

Snow, Ice,
Dirt, Debris

204. (1) All persons within the town shall remove or cause to be removed and cleared away all snow, ice, dirt, debris or other materials from any sidewalk adjoining the property owned by them, such removal to be completed within forty-eight (48) hours of the time when the snow, ice, dirt or other material was formed or deposited thereon.

(2) In default of any person complying with Subsection (1) above, and in addition to any other remedy available to the Town for non-compliance with this Bylaw, the Town may clear the sidewalk and the cost thereof shall be paid to the Town upon demand and failing payment, such cost shall be charged against the property as a special assessment.

(3) No person shall remove snow, ice, dirt, debris, or other materials from any sidewalk by causing such material to be placed upon any other portion of the highway, other public place adjacent to such property, or onto private property other than their own.

(4) No person shall remove snow or ice from a sidewalk by causing it to be placed upon the roadway adjacent to such sidewalk.

(5) No person shall place, or permit to be placed, any snow, ice, dirt, debris or other material removed from private property onto the highways or other public places of the Town.

(6) No person shall place, or permit to be placed, any snow, ice, dirt, debris or other material removed from the highway or other public places within the Town, onto another highway or other public place within the Town, or onto private property other than their own.

205. Snow Removal on RoofsSnow on
Roof

- (1) Every occupant, and in case there is no occupant, the owner of every house, shop, building, church or chapel, abutting on or erected within ten feet of any street, sidewalk, land or public place, shall whenever snow or ice shall accumulate on the roof or eaves of such building, to an extent that shall be dangerous to persons passing, cause the same to be removed at once, and every person while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.
- (2) All roofs/awnings so constructed and located that the snow which lodges on them is likely to slide therefrom to the sidewalk or street so as to endanger public safety, shall be provided with sufficient guards to prevent this from taking place, and snow having lodged upon the roof of any building shall be immediately removed by the owner, agent or occupant of such building upon notice being given by any officer of the Town.

Water Drainage
From Roof

- (3) No eavestrough, conductor-pipe, water-pipe, or gutter-pipe shall be built or constructed so as to permit or cause the water from the roof of any building to escape upon, flow over, run across or upon any sidewalk either directly from such eavestrough, water-pipe, conductor-pipe, or gutter-pipe or after same has passed from one part of the premises to another, the onus of providing adequate drainage and safe outlet to the Town gutters and ditches rests upon the owner of the premises from which the water emanates.

PART 3ENFORCEMENT

Notice to Remedy

301. Council, or the Bylaw Enforcement Officer may declare that a condition on land or premises constitutes a nuisance, or that land or premises are in an untidy and unsightly condition, and may require that owner, agent, lessee or occupier to:
- (1) remove any litter causing or contributing to the untidy and unsightly condition of the land or premises.
 - (2) construct a fence, wall, screen or similar structure to prevent the untidy and unsightly land or premises from being viewed from any highway or other public place, or
 - (3) remedy the conditions in such other manner as may be directed within a specified time period.

Cost/Payment
of Remedy

302. In the event an owner, agent, lessee or occupier fails, neglects or refuses to comply with a direction by Council or the Bylaw Enforcement Officer, pursuant to Section (301), Council or the Bylaw Enforcement Officer, as the case may be, may
- (1) cause such work to be done as it considers necessary to remedy the condition, and

- (2) charge the cost of the work done to remedy the conditions to the owner, agent, lessee or occupier, and in default of payment
 - i) recover the cost as a debt due to the municipality
 - ii) charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

Liability

303. A person who enters property to remedy a condition as directed by Council, or the Bylaw Enforcement Officer, shall be deemed to have the authorization of Council and shall not incur any liability therefore.

304. or inaction however caused or whatever the result. Notwithstanding the wording of this Bylaw, nothing in this Bylaw, or in any amendment hereto, shall, in any way, impose any liability on the Town for any negligence, gross negligence

Penalties

305. The owner, agent, lessee or occupier of any land or premises within the Town of Edson who contravenes or fails to comply with the provisions of this Bylaw or who fails to remedy conditions in the manner directed by Council, or the Bylaw Enforcement Officer, pursuant to Section (301) thereof shall be guilty of an offense and liable on summary conviction to a penalty pursuant to the terms of the Penalty Bylaw of the Town of Edson.

PART 4

ENACTMENT

401. Bylaw No. 1749 is hereby repealed.

402. That this Bylaw shall take force and have effect upon final reading thereof.

READ a first time this 7th day of June A.D. 1994.

READ a second time this 7th day of June A.D. 1994.

READ a third time and finally passed this 21st day of June A.D. 1994.

Mayor

Secretary-Treasurer