

By-Law #1543

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

TITLE Pursuant to the authority of the Municipal Government Act RSA, Chapter M26.1 Section 7 and amendments thereto,

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

TITLE 1. This By-Law may be cited as “The Unsightly Premises By-Law”

DEFINITION 2. In this By-Law, unless the context otherwise requires,

- a) “Building Inspector” means the Building Inspector of the Town of Cardston or his duly authorized assistants.
- b) “BY-LAW ENFORCEMENT OFFICER” means By-Law Enforcement Officer or Special Constable of the Town of Cardston or his duly authorized assistants.
- c) “ADMINISTRATOR” means the Administrator of the Town of Cardston or his duly authorized assistants.
- d) “OWNER” includes agent, lessee or occupier of any land or premises.
- e) “UNTIDY 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.

Untidy or Unsightly Land Or Premises 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.

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

Notice by 5. Where any lands or premises in the Town of Cardston are found to be in an untidy

Officer or unsightly condition, the Building Inspector or By-Law Enforcement 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 Enforcement 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.

Date of Delivery of Notice 6. The Building Inspector and/or By-Law Enforcement Officer or other delegated Town official, shall not give less than seven (7) days from the date of delivery of the notice for its compliance.

Form and Serving of Notice 7. FORM AND SERVING OF NOTICE
(1) A Notice of Owner given by the Building Inspector and/or By-Law Enforcement Officer under the provisions of this By-Law shall be in writing and in quadruplicate 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 on the assessed owner, one shall be delivered to the Administrator 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 double 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 Enforcement 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.

8. Cancellation of By-Law #1440, shall take effect upon the passing of this By-Law.

Received First Reading this 26th day of April 2005.

Received Second Reading this 26th day of April 2005.

Received Third and Final Reading this 26th day of April 2005.

Mayor

Municipal Administrator

Dated _____

SCHEDULE TO BY-LAW No. 1543
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. 1543, "The 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 (5) thereof defines

"Untidy 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.

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

NOW THEREFORE, pursuant to By-Law No. 1543, "The Unsightly Premises By-Law of the Town of Cardston", TAKE NOTICE that those premises located at (address) in the Town of Cardston, in the Province of Alberta, have been found to be untidy and unsightly premises in that they (description of condition).

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.

Dated at the Town of Cardston, in the Province of Alberta, this day of _____ A.D. 200 .

TOWN OF CARDSTON

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