

A BY-LAW OF THE SUMMER VILLAGE OF ROSS HAVEN, IN THE PROVINCE OF ALBERTA,
REGULATING UNTIDY, UNSIGHTLY AND HAZARDOUS PREMISES.

WHEREAS, The Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, and amendments thereto, permits the Council to pass by-laws preventing and compelling the abatement of nuisances and regulating untidy, unsightly and hazardous premises; and

WHEREAS it appears in the best interests of the Summer Village of Ross Haven to regulate untidy, unsightly and hazardous premises;

THE COUNCIL of the Summer Village of Ross Haven enacts as follows:

1. In this By-law:
 - [a] "hazardous premises" means any property or part thereof upon which there is underbrush which could cause a fire hazard (including dry grass) or dead or dying trees which may fall over causing damage to neighboring properties or any other type of growth or litter which may be dangerous to any residents;
 - [b] "litter" means rubbish, refuse, waste material, paper, packages, containers, bottles, cans or parts thereof, or any article, product, machinery motor vehicle or other manufactured goods which is dumped, discarded, abandoned or otherwise disposed of, or any other thing that is designated as litter in the regulations;
 - [c] "nuisance" means any premises or part thereof that is untidy, unsightly, or hazardous, or any act or omission that is not in accordance with or the community standards or expectations;
 - [d] "unsightly premises" means any premises or part thereof upon which there is litter or which has been neglected to a degree rendering the premises or any part thereof to look unsightly;
 - [e] "untidy premises" means a premises or part thereof that does not meet the community standard or is not representative of the average premises of the Summer Village of Ross Haven;
 - [f] "condition" means a nuisance, or untidy, unsightly or hazardous premises.
2. No person shall allow any property which they own, possess, control, rent, lease, occupy or otherwise responsible for, to exhibit any of the qualities of any untidy, unsightly or hazardous premise. Further, none of the parties aforesaid, shall, without lawful accuse, commit any nuisance within the Summer Village of Ross Haven. The determination of whether a condition exists shall be based solely upon the opinion of a By-law Enforcement Officer or other duly authorized Officer of Council. When in the opinion of the Officer a condition exists, it shall be deemed to be contravention or failure to comply with the provisions of the By-Law.
3. The Officer is hereby authorized to enter any lands, buildings or premises within the Summer Village of Ross Haven whether public or private to inspect for conditions that may constitute a nuisance or contravene or fail to comply with the provisions of the by-law.
4. When, in the opinion of an Officer, a conditions exists which is in contravention of any of the provisions of this by-law, the Officer may issue a warning notice via registered mail to the owner, agent, lessee or occupier of the land or premises in question, advising of particulars of the condition and directing that the condition be rectified within thirty (30) days of receipt of the notice.

continued....

- 5. If the owner, agent, lessee or occupier fails, neglects or refuses to remedy any condition of the land or premises that does not comply with the provisions of this by-law within the time period as set forth in the notice issued pursuant to Section 4 of this by-law, the Officer may issue an offence ticket or tag via registerd mail, and direct that the condition be rectified within seven (7) days.
- 6. If the owner, agent, lessee or occupier fails, neglects or refuses to remedy any condition of his land or premises within the time period set forth in the offence ticket or tag issued, pursuant to Section 5 of this by-law, the Council may, by resolution, cause such work to be done as it considers necessary to remedy the condition.
- 7. 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 in trespass or for any acts carried out in remedying a condition in accordance with the direction as provided by Council.
- 8. Wherein Council has caused the condition to be remedied pursuant to Section 7 of this by-law, 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:
 - [a] recover the same as a debt due to the Village, or
 - [b] charge the same against the land concerned as taxes due and owing in respect, and recover the same as such.
- 9. Where service is effected by registered mail, it shall be deemed to be received two (2) clear days after postage.
- 10. The offence ticket penalty for an offence ticket or tag issued pursuant to Section 5 of this by-law shall be as follows:
 - \$ 25.00 - First Offence
 - 50.00 - Second Offence
 - 75.00 - Third Offence
 - 100.00 - Fourth and each subsequent offence thereafter.

11. The passing of this by-law rescinds By-Law number 60.

READ a furst time this 19th day of April, A.D. 1989

READ a second time this 19th day of April, A.D. 1989

READ a third time and finally passed this 19th day of April, A.D. 1989.

W. H. Anderson
Mayor

M. B. [Signature]
Municipal Administrator

(seal)