



Unsightly Properties – Comparison of Bylaws



Nuisance & Unsightly Definitions

Kneehill	Red Deer	Mtn View	Rocky View	Wheatland	Lethbridge
<p>Can't have an excessive accumulation and kept tidy (in Hamlet only).</p> <p>Includes specifics on weeds, grass, trees, pests and smoke, and construction sites.</p>	<p>Nuisance defined as generally affecting the area.</p> <p>May include but not limited to... grass, shrubs, buildings, animal material, vehicles, garbage, holes, pests, smoke, signs.</p> <p>States excludes Noise.</p>	<p>In the opinion of the Designated Officer, constitutes unreasonable with others enjoying their own property.</p> <p>May include but not limited to... grass, shrubs, buildings, animal material, vehicles, garbage, holes, pests, graffiti.</p>	<p>In the opinion of the Designated Officer, constitutes unreasonable with others enjoying their own property.</p> <p>May include but not limited to... grass, shrubs, buildings, animal material, vehicles, garbage, holes, pests, graffiti.</p>	<p>Generally affecting the area with unreasonable interference of others enjoyment.</p>	<p>Unsightly Condition, in the opinion of the Enforcement Officer, reference to surrounding properties.</p> <p>Excludes commercial, County activities, Landfills, any operation or activity with approved development permit.</p>

Ag Property Enforcement

Kneehill	Red Deer	Mtn View	Rocky View	Wheatland	Lethbridge
<p>Bylaw is in effect for Hamlets only</p>	<p>The investigator will deem if the complaint is valid.</p> <p>Nothing specific to farms, etc.</p>	<p>In determining whether a Property is Unsightly, an Officer shall regard the normal use and location, as well as the Agricultural identity and operations of the property.</p> <p>Accumulation of animal material not considered excessive for agricultural activity.</p>	<p>Shall regard the normal use and location.</p> <p>Accumulation of Animal Material on agricultural lands shall not constitute as a nuisance or unsightly property.</p>	<p>Define Rural Property* (Ag General, Country Residential, Industrial) and Urban Property (any other than the above).</p> <p>Animal Material includes pens, feedlots.</p> <p>Determination based on neighbourhood.</p>	<p>Exemptions to unsightly properties include:</p> <p>Commercial, Industrial, Agricultural, County activities, Landfills, Lands that are Rural Ag District (including manure)</p>

Derelict Vehicle Enforcement

Kneehill	Red Deer	Mtn View	Rocky View	Wheatland	Lethbridge
<p>Can't have an excessive accumulation and kept tidy (in Hamlet only).</p> <p>LUB states no more than 2 vehicles and 1 RV in a tidy manner.</p>	<p>Nuisance defined as generally affecting the area, including accumulation of vehicles.</p> <p>No specific number.</p>	<p>Derelict vehicle defined, includes farm equipment, but is not contained anywhere else in the bylaw.</p>	<p>Derelict vehicle and Derelict equipment included in the Unsightly Property definition, based on the discretion of "normal use" of the area.</p>	<p>In a Hamlet, no more than 2 unregistered vehicles on property.</p> <p>Can exercise discretion based on property</p>	<p>Unsightly includes having 2 or more unregistered vehicles on the property which are visible from public property.</p>

Enforcement Tools in Bylaws

Kneehill	Red Deer	Mtn View	Rocky View	Wheatland	Lethbridge
<p>May be issued a Notice</p> <p>May apply for extension</p> <p>Violation Ticket may be issued under Bylaw or Provincial Ticket</p> <p>May take actions to remedy</p>	<p>Order to Remedy Dangers and Unsightly Property under Section 546 of Municipal Government Act.</p>	<p>Derelict vehicle defined, includes farm equipment, but is not contained anywhere else in the bylaw.</p>	<p>Compliance and/or Stop Order</p> <p>Violation Ticket</p> <p>Court</p>	<p>Warning Letter</p> <p>Remedial Order</p> <p>Violation Tag</p> <p>Violation Ticket under Bylaw or Provincial</p> <p>Court</p>	<p>Enforcement Officer may issue Order of Compliance</p> <p>Violation Ticket</p>

Fines

Kneehill	Red Deer	Mtn View	Rocky View	Wheatland	Lethbridge
<p>General prohibitions of bylaw: First \$150-250 Second \$250-500 Third \$500-1000 Four+ \$1000</p>	<p>General prohibitions of bylaw: First \$500 Second \$750 Third+ \$1000</p>	<p>Minimum and Specific Penalties in Schedule: First \$500-1000 Second \$1000-2000 Third+ \$2000-3000</p> <p>Appeal Fee of \$425</p>	<p>Minimum and Specific Penalties in Schedule: First \$500-1000 Second \$1000-2000 Third+ \$2000-3000</p>	<p>Minimum and Specific Penalties in Schedule: First \$250 Second \$500</p>	<p>General prohibitions of bylaw: First \$250 Second \$500</p>

Order Appeal Process

Kneehill	Red Deer	Mtn View	Rocky View	Wheatland	Lethbridge
<p>Enforcement Officer may issue Bylaw Compliance Notices. Orders are not part of our existing bylaw.</p>	<p>Nuisance Abatement Committee (consists of a quorum of the Subdivision and Development Appeal Board appointed by Council).</p> <p>When an Order is not complied with, OR if it is Appealed (with a fee).</p>	<p>Designated Officer issues Compliance Order. Appeal (with \$425 fee) to Unsightly Property Abatement Committee (an established Council Committee, 30 days to hear appeal, 15 days to write decision, 30 days to abate)</p>	<p>Enforcement Appeal Committee (an established Council Committee 7-14 days to hear appeal)</p>	<p>Request for Review of Remedial Order by Council section.</p>	<p>Notice of Appeal to County Council for determination (30 days to hold hearing)</p>

Our Process:

Step 1: Initial Complaint Received

- County receives complaint and decides whether or not to act based on many factors discretionary to file, or authority/jurisdiction.
- Open a file and investigate (create report, take photos, possibly work with planning on the issue).
- Call the resident or talk to them directly about the concern, agreeable actions and deadline to complete.

Step 2: Verbal Call and/or Visit Property

- From verbal call or visit, check on property for progress
- If they have complied with request then great!

Our Process:

Step 3: Send an Unsightly Premises Letter

- If non-compliance, send warning letter to give extension or Unsightly Premises Letter detailing what needs to be completed exactly, and by when (with “reasonable” lens).
- Citing the bylaw infraction, include that a fine may be issued cite the bylaw.

Step 4: Check on Property for Progress

- If they are making progress, and working with us, the Officer and person may come to an agreement on an extension.
- Continue to work with individual for compliance, ultimately this is what we want.

Our Process:

Step 5: Ticketing

- This is an enforcement tool, but this doesn't always lead to compliance.
- This may just shut them down from working with you.
- Before a ticket is issued, administration will make this decision prior to it going to the property owner/renter.
- Bylaw ticket – payment goes to municipality, we get 100%
- Provincial ticket – payment goes to province, we get 40%

MUNICIPAL BYLAW VIOLATION TICKET		Citation Number:	
Acme, Carbon, Linden, Kneehill County, Three Hills, Trochu			
Location of Violation:	Date:	Time:	
On or about _____ date _____, 20____, at or near _____ municipality _____			
Name _____ last _____ first _____ middle _____			
Address _____ street _____ town/country _____ province _____ postal code _____			
DID UNLAWFULLY CONTRAVENE SECTION _____ sec. #, sub sec #, Description _____			
_____ OF THE _____ Bylaw Number and Name, and/or Municipal Government Act			
Municipality of <input type="checkbox"/> ACME <input type="checkbox"/> CARBON <input type="checkbox"/> KNEEHILL COUNTY <input type="checkbox"/> LINDEN <input type="checkbox"/> THREE HILLS <input type="checkbox"/> TROCHU			
PENALTY AMOUNT:		TO PAID BEFORE:	
Upon presentation of this Bylaw Violation Ticket you may pay within fourteen (14) days from the date of issuance, together with voluntary payment of penalty indicated, such payment will be accepted in lieu of prosecution. Bylaw Violation Ticket must accompany payment. PAYMENT FAILURE WILL RESULT IN PROSECUTION IN PROVINCIAL COURT. Payment can be made using the methods listed on the back of this ticket.			
Registered Owner:			
Name (Last, Given Names)	DOB	Driver Licence/MMD:	
Address:	Town/County	Postal:	Prov
Vehicle Make/Model:	Year	Vehicle Licence Number:	Prov
VIN:	Colour(s):		
Subject Information:			
Name (Last, Given Names)	DOB	Driver Licence/MMD:	
Address:	Town/County	Postal:	Prov
Animal Information:			
Name:	Tag Number:	Breed(s):	
Microchip Number:	Description:	Breed:	
Issued By:			
Name:	Appointment Number:	Signature:	Date:

Our Process:



REMEDIAL ORDER

Issued pursuant to Section 545(1) Municipal Government Act, RSA 2000 c.M-26

Date:	Time:	File #:		
Name:				
Mailing/Civic/Rural Address:				
City/Town/Village:				
Method of Service:	Serviced Personally	Property Posted	Left with person appearing to be over age of 18	Mailed

NUISANCE & UNSIGHTLY PREMISE

Yard / Building kept in unsightly or poorly maintained condition.

Unregistered or inoperative vehicles parked in yard

Accumulation of garbage, yard waste and/or building materials on property

Other: _____

TAKE NOTICE THAT

As a result of an inspection of the property located at: _____

Being an employee of Kneehill County, having the delegated powers, duties and functions of a designated officer for the purposes of Section 545 MGA, I find that you are in contravention of Kneehill County Bylaw _____.

You are hereby ordered to remedy the condition of the above property within ____ days from the date and time stated above.

Corrective Action Required:

AND TAKE ALL NECESSARY MEASURES TO PREVENT THE ABOVE CONTRAVENTION(S) FROM RE-OCCURRING

Officer's Signature _____ Officer's Name _____ Phone Number _____

1. If the required actions are not done within the time specified, Kneehill County may carry out the work required and charge all costs thereof against the person whom the Order is directed and if such person does not pay the costs, the costs shall be charged against the property concerned as taxes due and owing in respect to that property and recovered as such.

2. Every person who fails to comply with this Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order, commits an offence.

3. A person to whom a Remedial Order is directed may seek a review of the Remedial Order by filing for an appeal in writing to the Chief Administrative Officer within fourteen (14) days of receipt of the Remedial Order.

Step 6: Stop, Remedial Order process, Court Order

- Should there be little action taken, legal may need to get involved.
- Under the MGA, municipalities may enter on the lands and clean them up, however this comes with resource costs, legal costs, and storage costs, as per the MGA. The courts may decide to charge back these costs.
- An Unsightly or Remedy Order is Appealable under the MGA Sect. 547 (would be heard by Council)
- A Court Order is final process for a decision.