

Subject: **Unsightly Premises Draft Bylaw**

Meeting Date: Tuesday, May 21, 2024

Prepared By: Debra Grosfield, CLGM, Protective Services Manager & Barb Hazelton, Planning Manager

Presented By: Debra Grosfield, CLGM, Protective Services Manager & Barb Hazelton, Planning Manager

RECOMMENDATION:

That the Committee of the Whole recommend that Council adopt the updated Unsightly Premises Bylaw.

STRATEGIC PLAN ALIGNMENT: (Check all that apply)

	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>
High Quality Infrastructure		Economic Resilience		Quality of Life		Effective Leadership		Level of Service	

RELEVANT LEGISLATION:

Council Bylaw/Policy (cite): Attached: Nuisance & Unsightly Bylaw #1630

Provincial (cite)- Municipal Government Act, Section 546

Order to remedy dangers and unsightly property

546(0.1) In this section,

- (a) “detrimental to the surrounding area” includes causing the decline of the market value of property in the surrounding area;
- (b) “unsightly condition”,
 - (i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and
 - (ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.
- (c) require the owner of the property that is in an unsightly condition to
 - (i) improve the appearance of the property in the manner specified, or
 - (ii) if the property is a structure, remove or demolish the structure and level the site.



BACKGROUND/PROPOSAL:

At the December 5th, 2023 Committee of the Whole meeting, Council requested information regarding our unsightly premises process at Kneehill County, after concerns from ratepayers. Administration presented relevant provincial legislation under the Municipal Government Act on a variety of topics such as municipal inspections and enforcement (Section 542), Order to remedy contraventions (Section 545) and Order to remedy dangers and unsightly property (Section 546). Our current unsightly bylaw was presented, as well as a presentation on the files the Planning Department and the Protective Services Department have completed within the past few years. The presentation also included how Planning and Protective Services work together on many files as some are enforced under the Land Use Bylaw, while others are enforced under other various bylaws. This presentation described what happens with a complaint from initial submission to a consideration of end result. From this meeting, the Committee of the Whole gave direction to Administration to come back to a future COW with recommended changes to our Unsightly Premises Bylaw, with further research comparisons of other bylaws such as Mountain View and Wheatland County's.

At the February 20, 2024 Committee of the Whole meeting, Council reviewed the comparison of our existing Unsightly Premises Bylaw with Mountain View County and Wheatland County's bylaws. The key points discussed included jurisdiction (ours is only in effect for Hamlets), Warning Letters, Accumulating Matter, Dangerous or Unsafe Properties, Vegetation Growth and Derelict Vehicles. Answers were provided for specific questions raised from the December COW, including further details on our level of success in completing the files. Administration provided other tools and proactive approaches to consider in cleaning up properties that aren't "ticket" based, such as community clean ups and surveys. The Committee of the Whole gave direction to Administration to come back to a future COW meeting with a draft bylaw, including further comparisons of other municipal bylaws.

For today's COW meeting, we have attached a presentation on further comparisons of these bylaws, as requested. Kneehill County, Red Deer County, Mountain View County, Rocky View County, Wheatland County and Lethbridge County's bylaws have been reviewed and a comparative document has been attached in the package. Topics of comparison include Nuisance & Unsightly Definitions, Agriculture Property Enforcement, Derelict Vehicles, Enforcement Tools described within the bylaws, as well as Fines comparison. We also included the Order Appeal Process (as described in the Municipal Government Act) and provided our 6 Step Process on Enforcement as supplemental information.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES/OTHER CONSIDERATIONS:

As requested at the February 20th, 2024 COW meeting, a new Unsightly Premises Bylaw has been drafted, taking into consideration Council's suggestions from the December and February meetings, and the best practices and wording from the other municipalities.

Our process continues to be driven by consistency in process and discretion of the Enforcement Officer and Designated Officers, as described in the new bylaw. Enforcement is initiated by citizen complaints or concerns.

The breakdown of suggested changes is provided in the table below. An example situation is provided. For each example, there is an Enforcement reference to certain sections of the bylaw that would be applied throughout our process steps. Administration is seeking clarity on the expectations of Council on each of the examples. Generally, we are endeavoring to provide Council with a bylaw which is enforceable within our existing level of service for all residents of Kneehill County.



Situation Example	Enforcement	Council Expectations on this? - See Discretionary Part 3(6)
Unightly premises	Apply Part 4 (General Prohibited), apply Part 5 (Property Standards and Maintenance) There is a discretionary clause in Part 3(6.1) for Ag Practices and lands.	What is our goal within residential areas on this? Is that the same for Ag properties? Ex: Graffiti on buildings? Ex: Grain bins or bags?
Permitted use complaints	Apply Part 3(7) permitted uses under development approval conditions. These are enforced through the LUB, development conditions.	
Vehicle and Equipment	Apply Part 6 – no more than 2 allowed (this matches the LUB for residential areas). Discretionary clause in Part 6 (17)	What is our goal within residential areas on this? Is that the same for Ag properties? Ex: An old thrasher or tractor as a lawn ornament? Ex: Multiple non-running equipment on property
Reasonable State of Repair	Apply Part 5 (11)	Ex: Old barns? Ex:
Dangerous Properties	Apply Part 8 (25)(1), with the MGA	
Hamlet – other nuisances?	Not included in this bylaw, would you like them to be? (Lights, water runoff, smoke odours, noise)	

Our next steps on this Bylaw would be to take the Committee of the Whole’s direction today and update the draft with your suggestions. We would also require a legal review of this bylaw. If it is ready with minor changes, we will bring back to a future Council meeting.

Should the Committee of the Whole decide further research or other direction is required, we would bring back to a future COW meeting.

FINANCIAL & STAFFING IMPLICATIONS:

Internally, Community Peace Officers and Planning Department continue to work on enforcement files as part of their daily processes and procedures.

Our capacity to enforce files will be dependent on Council’s expectations on level of service through this bylaw. Should Council decide to move from complaint basis to proactive, we would need additional enforcement resources.

A legal review of the bylaw will be funded through our operating administrative budget.



ATTACHMENTS:

Nuisance & Unsightly Bylaw #1630

DRAFT Unsightly Bylaw #

Presentation – Unsightly Properties – Comparison of Bylaws

APPROVAL(S):

Mike Haugen, Chief Administrative Officer

Approved-

