

Subject: **Unsightly Premises Bylaw #1903 Third Reading**
 Meeting Date: Tuesday, August 20, 2024
 Prepared By: Debra Grosfield, CLGM Protective Services Manager
 Presented By: Debra Grosfield, CLGM Protective Services Manager and Barb Hazelton, Planning and Development Manager

STRATEGIC PLAN ALIGNMENT: (Check all that apply)				
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High Quality Infrastructure		Economic Resilience	Quality of Life	Effective Leadership
				Level of Service

RELEVANT LEGISLATION:

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.

(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order

- (a) require the owner of the structure to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) remove or demolish the structure and level the site;



- (b) require the owner of the land that contains the excavation or hole to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) fill in the excavation or hole and level the site;
- (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.

(2) The order may

- (a) state a time within which the person must comply with the order;
- (b) state that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.

1994 cM-26.1 s546;1999 c11 s31

Council Bylaw/Policy (cite)- Bylaw Enforcement Officer Bylaw #1793, Nuisance & Unsightly Bylaw #1630

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.

Unsightly Premises Bylaw 1630 is currently in place, which allows for enforcement of unsightly properties within Hamlets only. For any properties outside of the Hamlets, the MGA would apply under Municipal Inspections and Enforcement (Section 542), Order to Remedy Contraventions (Section 545) and Order to Remedy Dangers and Unsightly Property (Section 546).

The Planning Department and the Protective Services Department work together on many files as they may impact the Land Use and the premises in general, requiring enforcement of bylaws.

Typically, our Peace Officer program initiates with an emphasis on education, allowing for deadline extensions if individuals exhibit signs of compliance. Adopting a ticketing-first approach in such cases has proven to impede the timely resolution of issues. When legal processes become necessary for a file, it can significantly prolong the resolution time and may demand substantial follow-up efforts and resources to achieve the intended outcomes.

Level of Success:

85 - Bylaw calls include some files that would be considered Unsightly: Snow/grass files (8), fencing issues (6), and unsightly/garbage (6)



37 - Unsightly property files:

Hesketh (2), Torrington/Wimborne (8), Sunnyslope (2), Huxley (7), Swalwell (13), Rural (5), files referred to RCMP (5) ie: suspicious activities.

76 – In last 10 years, Land Use Bylaw enforcement files (11 in Hamlets, 65 in Kneehill County)

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.

Administration provided options for 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.

May 21, 2024 Committee of the Whole meeting:

Council reviewed a presentation on further comparisons of other bylaws including Kneehill County, Red Deer County, Mountain View County, Rocky View County, Wheatland County and Lethbridge County's on topics of Nuisance & Unsightly Definitions, Agriculture Property Enforcement, Derelict Vehicles, Enforcement Tools, and Fines. Direction to continue with drafting a new bylaw that included Agricultural and all properties within our jurisdiction.

June 18, 2024 Committee of the Whole meeting:

Council reviewed legal comments on the bylaw. Adding agricultural properties will not add liability because we have built in enough discretion in the bylaw to enforce or not enforce. There is still an opportunity to act upon properties that pose a public safety risk through this bylaw in a more detailed process, or we are able to use the Municipal Government Act as well. Frivolous complaints can be combated by the clause that we will use our discretion in investigating all complaints, based on a number of factors. Discussion on derelict vehicles and the discretion around these remains. To reflect the Land Use Bylaw, a clause was inserted into the new bylaw to be specific in Residential Areas, as defined in the LUB.

July 23, 2024 Council Meeting:

Council passed First and Second Reading of Bylaw 1903 as presented.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES/OTHER CONSIDERATIONS:

As part of our initial initiative to update the 1630 bylaw, we also reviewed our Enforcement Process. We do this, usually in collaboration with Planning, to ensure there is consistency in our approach. We have a 7-step process:

1. Initial Complaint Received – Via phone, email, or County website. Initial complaint reviewed, a file may be opened (planning or enforcement) and investigation occur including photographs. Many



factors are considered, including where the property is located, the impacts on the complainant, and the means of the individual in completing the task.

2. Verbal Call and/or Visit to Property – further investigation if needed. If they are compliant, then the file is marked completed.
3. Unsightly Premises Letter – If non-compliant, a warning letter is sent with details of needed work to be completed.
4. Check on Property for Progress – continue to work towards compliance.
5. Ticketing – doesn't always lead to clean up.
6. Remedial Order process – may include Courts for further enforcement of the Order, including cleanup costs.
7. Stop Order process (Land Use Bylaw Infraction) – prioritize as these may get to a court order to resolve. The court could provide us with the authority to correct the issue, however, these get very complicated and need to be well documented. We would also want to ensure that we have Administration and Council backing to proceed to that level as it can be very costly.

Should there be a complaint about an approved development in Agricultural Districts or in Hamlets, we would refer the file to the Planning Department to ensure the conditions are being met within their timeframes. These complaints wouldn't be part of the Unsightly Process under this proposed bylaw; it would be under the Land Use Bylaw enforcement process.

We work collaboratively with other internal departments, with other agencies, and with the citizens and complainants to seek resolution. Every unsightly premises file is unique, and the courts consider this when going through an enforcement process. Even though there are many potential "contraventions" across all lands in Kneehill County, they are seen as individual files.

Suggested amendments to the Bylaw presented at the June 18, 2024 Committee of the Whole Meeting:

Part Four (10): The accumulation of Animal Material, Yard Material and/or Motor Vehicles on a Property designated or permitted for use as agricultural lands shall not constitute an Unsightly Property under this Bylaw so as long as, in the opinion of the Designated Officer, the accumulation is not considered excessive given the scope and scale of the activity, *and specifically for Motor Vehicles, are not visible from public property.*

A DRAFT copy of Bylaw 1903 has been provided with the changes reflected.

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; however, we will continue to enforce as existing capacity allows.

RECOMMENDED ENGAGEMENT:

Directive Decision (Information Sharing, One-Way Communication)

Tools:	Individual Notification	Other:	
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ATTACHMENTS:

Nuisance & Unsightly Bylaw #1630

DRAFT Bylaw 1903

COUNCIL OPTIONS:



REQUEST FOR DECISION

1. To approve the Third Reading of Bylaw 1903 Unsightly Premises.
2. To defeat any reading of Bylaw 1903 Unsightly Premises. This keeps Bylaw 1630 in place.
3. Council may request additional information.

RECOMMENDED MOTION:

That Council approve Third and Final Reading of Bylaw 1903 Unsightly Premises.

FOLLOW-UP ACTIONS:

Public notification on changes made to the bylaw.

APPROVAL(S):

Mike Haugen, Chief Administrative Officer

Approved-

