

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1169-08**

**A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF REGULATING, CONTROLLING, AND
ABATING NUISANCES AND REMEDYING DANGEROUS AND
UNSIGHTLY PREMISES.**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended or repealed and replaced from time to time, provides the Council of Smoky Lake County the authority to pass bylaws respecting Nuisances and dangerous and unsightly premises;

AND WHEREAS the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time provides the Council of Smoky Lake County with the authority to establish minimum standards for the maintenance of buildings and structures;

AND WHEREAS Council of Smoky Lake County deems it expedient and in the public's interest to pass a Bylaw to establish and enforce minimum standards relating to the state of maintenance of property and to regulate, control and abate Nuisances, and dangerous and unsightly premises within Smoky Lake County;

NOW THEREFORE the Council of Smoky Lake County pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

SECTION 1: NAME OF THIS BYLAW

- 1.1 This Bylaw may be cited as the Smoky Lake County "**Nuisance and Unsightly Premise Bylaw**".

SECTION 2: DEFINITIONS

- 2.1 **Abandoned Equipment:** means equipment or machinery, which has been rendered inoperative by reason of its disassembly, age or mechanical condition, and includes any household appliance stored outside of a residence or other building regardless of whether or not in an inoperative condition.
- 2.2 **Abandoned Vehicle:** means the whole or any part of any motor vehicle or farm implement that:
- 2.2.1 is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition, and is not located in a building or located on the property such that it can be concealed from view; or
- 2.2.2 has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year; and
- 2.2.3 is inoperative by reason of removed parts or equipment, and is not located within a building or located on property such that it can be concealed from view.



- 2.3 **Bylaw Enforcement Officer:** means a Bylaw Enforcement Officer appointed by the County pursuant to the *Municipal Government Act*, for the purpose of enforcing County bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Peace Officer.
- 2.4 **Council:** means the Municipal Council of Smoky Lake County.
- 2.5 **County:** means the Municipality of Smoky Lake County.
- 2.6 **Designated Officer:** means a Bylaw Enforcement Officer and/or such other person as may be appointed by the Chief Administrative Officer from time to time.
- 2.7 **Hamlet:** means the Hamlets of Spedden, Bellis, Ewand and Warspite.
- 2.8 **Municipal Government Act:** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replace from time to time.
- 2.9 **Nuisance:** means any condition or use of Property which, in the opinion of a Designated Officer, the Chief Administrative Officer, or Council, constitutes an unreasonable interference with the use and enjoyment of other Property and includes, without limiting the forgoing, those conditions set out at Section 3.
- 2.10 **Occupant:** means any person other than the registered Owner who is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.
- 2.11 **Order:** means an order as described in *Section 545* or *Section 546* of the *Municipal Government Act*.
- 2.12 **Owner:** means:
- 2.12.1 any Person registered as the owner of property under the *Land Titles Act*, R.S.A. 2000, c. L-4, as amended or repealed and replaced from time to time;
 - 2.12.2 a Person who is recorded as the Owner of the Property on the assessment roll of the County;
 - 2.12.3 a Person who has purchased or otherwise acquired the Property, whether he has purchased or otherwise acquired directly from the Owner or from another purchaser, and has not become the registered Owner thereof;
 - 2.12.4 a Person holding himself out as the person having the powers and authority of ownership or for whom the time being exercises the powers and authority of ownership;
 - 2.12.5 a Person controlling the Property under construction; or
 - 2.12.6 a Person who is the Occupant of the Property under a lease, license or permit.

- 2.13 **Person:** includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual.
- 2.14 **Property:** means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of the County.
- 2.15 **Provincial Offences Procedures Act:** means the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 2.16 **Public Lands:** means all lands under the ownership and control of Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of Alberta, or the County.
- 2.17 **Refuse:** means all solid and liquid wastes including, but not limited to, broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, abandoned vehicles, abandoned equipment, tires, manure or any other form of waste or litter.
- 2.18 **Reasonable Notice:** 14 (fourteen) calendar days.
- 2.19 **Reasonable State of Repair:** means the condition of being:
- 2.19.1 structurally sound;
 - 2.19.2 free from damage;
 - 2.19.3 free from rot or other deterioration; and
 - 2.19.4 safe for its intended use.
- 2.20 **Unsightly Premises:** means any Property, whether land, buildings, improvements to lands or buildings, personal property, or any other combination of the above, located on land within the County that, in the opinion of a Designated Officer, the Chief Administrative Officer or Council is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined by the *Municipal Government Act*.
- 2.21 **Urban Area:** includes a Hamlet, and multi-lot country residential.
- 2.22 **Violation Tag:** means a tag or similar document issued by the County pursuant to the *Municipal Government Act*.
- 2.23 **Violation Ticket:** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, and any Regulations thereunder.
- 2.24 In this Bylaw, whenever the male gender is specified it shall be interpreted as meaning both male and female as applicable.

SECTION 3: PROHIBITIONS

- 3.1 An Owner or Occupant of Property shall not cause or allow that Property or his use of that Property to constitute a Nuisance.
- 3.2 An Owner or Occupant of Property shall not cause or allow that Property to be a danger to public safety or an Unsightly Premise.
- 3.3 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to collect, accumulate or be stored upon Property owned or occupied by him, or under his responsibility, or upon Public Lands, adjoining Property owned or occupied by him or under his responsibility, so as to constitute a nuisance in accordance with this Bylaw, unless such a site is designated by the County as a sanitary land fill site.
- 3.4 No Person shall cause, permit or allow Refuse, Abandoned Equipment or Abandoned Vehicles to accumulate in any building or structure within the County, except in appropriate containers provided for the temporary storage of Refuse or other waste materials for picking up and disposal at a sanitary land fill, recycling centre or other waste management facility.
- 3.5 No Person shall place, deposit, throw or cause to be placed, or thrown, any litter upon any road, street, lane sidewalk, parking lot, park, playground or other public place or water course or on property not his own, except in a receptacle provided for such purpose.
- 3.6 All private or general contractors shall, during construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property.
- 3.7 A person who has placed, deposited or thrown or caused to be placed, deposited or thrown any litter upon any road, street, lane, sidewalk, parking lot, park, playground or other public place or water course or on any property not his own shall forthwith remove it.
- 3.8 No person shall place, pile or store any material or equipment on County property without first obtaining approval for such purposes from the County.
- 3.9 Any person placing or causing to be placed any litter, rubbish, material or equipment on any County property without first obtaining approval shall remove or cause the removal thereof within twenty-four (24) hours.
- 3.10 All outdoor salvage yards, auto wreckers or other businesses which by their nature appear to be untidy or unsightly, shall be obscured from view from the surrounding property by approved screening.

- 3.11 Conditions constituting a Nuisance, danger and/or Unsightly Premise may include, but shall not be limited to:
- 3.11.1 the accumulation of rubbish, Refuse or other waste products on Property;
 - 3.11.2 uncut grass or the presence of weeds, which in the opinion of the Bylaw Enforcement Officer, are excessive or which demonstrate neglect by the Owner or Occupant;
 - 3.11.3 the accumulation of animal material, yard material, ashes or scrap building material;
 - 3.11.4 the accumulation of Abandoned Vehicles, Abandoned Equipment or household appliances;
 - 3.11.5 the presence or accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
 - 3.11.6 the presence of trees, shrubs, weeds or other vegetation which as a result of its location on the Property has caused, or is causing damage to adjacent Property, including Public Lands;
 - 3.11.7 the failure to dispose of Refuse or other waste products accumulating in temporary storage containers upon the Property;
 - 3.11.8 the lack of repair or maintenance of buildings, structures or Property, including but not limited to:
 - 3.11.8.1 the significant deterioration of buildings, structures or improvements, or portions of buildings, structures or improvements.
 - 3.11.8.2 broken or missing windows, siding, shingles, shutters, eaves or other building material; or
 - 3.11.8.3 significant fading, chipping or peeling of painted areas of buildings, structures or improvements on Property.
 - 3.11.9 the presence of excavations, structures, materials or any other hazard or condition which poses a danger to public safety.
- 3.12 Notwithstanding Section 3.11.5 the accumulation of manure or other animal waste on Property located in an agricultural district shall not constitute a Nuisance under this Bylaw.

SECTION 4: MAINTENANCE STANDARDS IN URBAN AREAS

- 4.1 All buildings, structures and improvements to Property in Urban Areas shall be maintained so that:
- 4.1.1 the foundations;
 - 4.1.2 exterior walls;



- 4.1.3 roof;
 - 4.1.4 windows, including frames, shutters and awnings;
 - 4.1.5 doors, including frames and awnings;
 - 4.1.6 steps and sidewalks; and
 - 4.1.7 fences;
- are kept in a Reasonable State of Repair.

- 4.2 All fixtures, improvements, renovations, or additions to any building, structure or improvement on Property, including but not limited to:
- 4.2.1 exterior walls;
 - 4.2.2 exterior stairs;
 - 4.2.3 porches;
 - 4.2.4 decks;
 - 4.2.5 patios;
 - 4.2.6 landings;
 - 4.2.7 balconies; or
 - 4.2.8 other similar structures
- shall be maintained in a Reasonable State of Repair.

SECTION 5: ENFORCEMENT

- 5.1 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with to enter in or upon any Property, in accordance with *Section 542 of the Municipal Government Act*, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act*, or other statute.
- 5.2 When exercising his authority to enter onto Property for inspection or enforcement under Section 5.1, a Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the *Municipal Government Act*, and as set out in ***Schedule "B": Notice of Entry***.
- 5.3 Any Owner or Occupant who contravenes this Bylaw may be issued an Order by a Designated Officer to remedy the contravention in any manner deemed necessary in the circumstances pursuant to *Section 545 of the Municipal Government Act*, in the case of a Nuisance, or *Section 546 of the Municipal Government Act*, in the case of a danger to public safety or Unsightly Premise.
- 5.4 The Order issued by the Designated Officer under Section 5.3 and as set out in ***Schedule "C": Order: Nuisance*** may, in the case of a Nuisance:

- 5.4.1 direct an Owner or Occupant to stop doing something, or change the way in which the Owner is doing that thing;
 - 5.4.2 direct an Owner or Occupant to take any action or measure necessary to remedy the contravention of this Bylaw, including the removal or demolition of a building, structure or improvement that has been erected or placed in contravention of this Bylaw and, if necessary, to prevent the recurrence of the contravention;
 - 5.4.3 state a time within which the Owner or Occupant must comply with the directions;
 - 5.4.4 state that if the Owner or Occupant does not comply with the directions within the specified time, the County may take action for measures at the expense of the Owner or Occupant, the said expense being recoverable in accordance with the provisions of this Bylaw and the provisions of the *Municipal Government Act*, and
 - 5.4.5 shall notify the Owner or Occupant of the right to appeal by written notice on the form as set out in **Schedule "E": Appeal Notice** for a review of the Order by Council.
- 5.5 If, in the opinion of the Designated Officer, any Property within the County is an Unsightly Premise, or any building, structure, improvement, personal property, excavation or hole is a danger to public safety, the Designated Officer may by written Order as set out in **Schedule "D": Order: Danger to Public Safety or Unsightly Premise:**
- 5.5.1 require the Owner or Occupant of the Unsightly Premises to remove or demolish the Unsightly Premises;
 - 5.5.2 require the Owner or Occupant of the Unsightly Premises to improve the appearance of the Property in the manner specified, or if the Property is a building, structure or improvement, to remove or demolish that building, structure or improvement and level the site;
 - 5.5.3 require the Owner or Occupant of the Property to eliminate the danger to public safety in the manner specified, or to remove or demolish the building, structure or improvement and level the site;
 - 5.5.4 require the Owner or Occupant of the Property that contains an excavation or hole to eliminate the danger to public safety in the manner specified, or to fill in the excavation of hole and level the site;
 - 5.5.5 state a time within which the Owner or Occupant must comply with the Order;
 - 5.5.6 state that if the Owner or Occupant does not comply with the Order within the time specified, the County may take action or measures at the expense of the Owner or Occupant, the said expenses being recoverable in accordance with the provisions of this Bylaw, and the provisions of the *Municipal Government Act*, and

- 5.5.7 shall notify the Owner or Occupant of the right to apply by written notice on the form as set out in *Schedule "E": Appeal Notice*, for a review of the Order by Council.
- 5.6 An Owner or Occupant who receives a written Order under this part may request a review of the Order by written notice within fourteen (14) days of the day on which the Order is received. Upon reviewing the Order, Council may confirm, vary, substitute or cancel the Order.
- 5.7 An Owner or Occupant or other person affected by the decision of Council under Section 5.6 may appeal to the Court of Queen's Bench, within the time period set out in the *Municipal Government Act* if:
- 5.7.1 the procedure required to be followed by the *Municipal Government Act* or this Bylaw was not followed; or
- 5.7.2 the decision was patently unreasonable.
- 5.8 The application for appeal must state the reason for the appeal.
- 5.9 The Court may:
- 5.9.1 confirm the decision; or
- 5.9.2 declare the decision invalid and send the matter back to Council with directions.
- 5.10 The expenses and costs of any action or measures taken by the County under this Bylaw are an amount owing to the County by the Owner, Occupant or any other Person in contravention of the Bylaw.
- 5.11 If the County sells all or part of a building, structure or improvement that has been removed under this Bylaw, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the Owner or Occupant if entitled to them.
- 5.12 The expenses and costs incurred by the County in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll of the Property that is the subject of the enforcement proceedings under the Bylaw.
- 5.13 The County may register a caveat under the *Land Titles Act* in respect of an Order issued under this Bylaw against the Certificate of Title for the Property that is the subject of the Order.
- 5.14 If the County registers a caveat under Section 5.13 of this Bylaw, the County must discharge the caveat when the Order has been complied with or when the County has performed the actions or measures referred in the Order.
- 5.15 An Order under this Bylaw may be served on an Owner or Occupant, and is deemed to have been served on the Owner or Occupant, when the Order has been:

- 5.15.1 personally delivered to the Owner or Occupant;
 - 5.15.2 left for the Owner or Occupant at his residence with a person on the premises who appears to be at least eighteen (18) years of age;
 - 5.15.3 sent via registered mail addressed to the last known postal address of the Owner or Occupant; or
 - 5.15.4 posted in a conspicuous place on the Property referred to on the Order, when the Designated Officer has reason to believe:
 - 5.15.4.1 that the Owner or Occupant to whom the Order is addressed is evading service; or
 - 5.15.4.2 no other means of services available.
- 5.16 If an Order is sent via registered mail as referred to in Section 5.15.3, then it is deemed to be received by the Owner or Occupant five (5) days after the Order was mailed.

SECTION 6: OFFENCES AND PENALTIES

- 6.1 Notwithstanding whether an Order has been issued under Part 5 of this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to pay a penalty as set out as *Schedule "A": Penalties*, herein.
- 6.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

SECTION 7: VIOLATION TAGS

- 7.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 7.2 A Violation Tag shall be served upon such a Person personally, or in the case of a corporation, by serving the Violation Tag personally upon the Manager, Secretary or other Executive Officer, or Person apparently in charge of a branch office, by mailing a copy to such Person by registered mail, or the case of an individual, by leaving it with a Person on the premises who has the appearance of being at least eighteen (18) years of age.
- 7.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - 7.3.1 the name of the Owner and/or Occupant of the Property;
 - 7.3.2 a description of the Property;
 - 7.3.3 the offence;



- 7.3.4 the appropriate penalty for the offence as specified in *Schedule "A": Penalties* of this Bylaw;
 - 7.3.5 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tags; and
 - 7.3.6 any other information as may be required by the Chief Administrative Officer.
- 7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 7.5 Where a Violation Tag is issued pursuant to 7.1 or 7.3 of this Bylaw, the Person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County Treasurer the penalty specified on the Violation Tag.

SECTION 8: VIOLATION TICKET

- 8.1 In those cases where a Violation Tag has been issued and the penalties specified on the Violation Tag has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 8.2 Notwithstanding Section 7.1 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

SECTION 9: SEVERABILITY

- 9.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

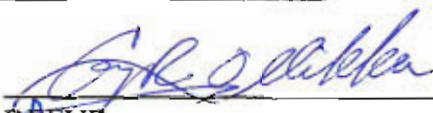
SECTION 10: EFFECTIVE DATE

This Bylaw shall come into effect after third reading and upon being signed.

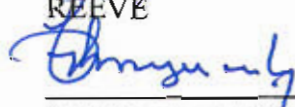
READ a first time this 22nd day of August, 2008.

READ a second time this 22nd day of August, 2008.

READ a third and finally passed this 25th day of September, 2008.



REEVE



CHIEF ADMINISTRATIVE OFFICER

Schedule "A"

PENALTIES

Any owner / occupant that does not comply with the directions set out by the Nuisance and Unsightly Premises Bylaw may be subject to a fine of:	
First Offence	\$ 300.00
Any subsequent Offences	\$ 500.00

Schedule "C"

ORDER: NUISANCE

ORDER: Nuisance

Date: _____

Reference/File No: _____

ORDER

(Issued Pursuant to **Section 545(1)** of the *Municipal Government Act*, R.S.A. 2000 c. M-26)

TO: _____

Name

Legal and Residential Address of Property

Town

Province

Postal Code

AND TO: _____
Insert name and address here – if multiple property owners – otherwise delete

RE: Municipal Address: _____
Address Town Province Postal Code

Legal Description: _____

Tax Roll Number: _____

(hereinafter referred to as "the property")

As a result of an inspection of the property on _____ **OR**
Inspection Date

As a result of a complaint regarding the property received on _____
Inspection Date

Being an employee of the SMOKY LAKE COUNTY having the delegated power duties and functions of a designated officer for the purposes of **Section 545, I find that you are in contravention of Bylaw 1169-08: Nuisance and Unsightly Premises.**

YOU ARE THEREFORE ORDERED TO:

Provisions of the order: _____

Additional provisions: _____

Additional provisions and/or forward looking statement: _____

YOU MUST COMPLY WITH THIS ORDER BEFORE: *Compliance Date – 14 days*

**Ed English, Peace Officer
Bylaw Enforcement Officer
Smoky Lake County – 780-656-3730
Box 310, 4612 McDougall Drive
Smoky Lake, Alberta T0A 3C0**

SCHEDULE "C": ORDER – Nuisance

Page Two

OFFENCE FOR NON-COMPLIANCE

Pursuant to Section 557(c) of the *Municipal Government Act* (hereinafter referred to as the "Act") **a person who contravenes or does not comply with an order under Section 545 is guilty of an offence and liable to prosecution.**

Pursuant to section 566(1) of the Act a person who is guilty of an offence is liable,

- a. to a fine of not more than **\$10 000**, or
- b. to **imprisonment** for not more than one year, or to **both fine and imprisonment.**

ADDITIONAL CONSEQUENCES FOR NON-COMPLIANCE:

Pursuant to Section 549(1) of the Act if a person fails or refuses to comply with an order under Section 545 the municipality may take **whatever actions or measures are necessary to remedy a contravention of a bylaw or to prevent a re-occurrence of the contravention.**

Pursuant to Section 549(3) of the Act the expenses and costs of an action or measure taken by the municipality **are an amount owing to the municipality** by the person who contravened the bylaw.

Pursuant to Section 553(1)(c) of the Act when a person owes money to a municipality under Section 549(3) the municipality **may add the amount owing to the tax roll of a parcel of land if the parcel's owner contravened the bylaw and the contravention occurred on all or part of the parcel.**

If you fail to comply with the provisions of this order the SMOKY LAKE COUNTY will, at its election, take action to enforce the order by taking **whatever actions or measures are necessary to remedy the contravention of the bylaw or to prevent the re-occurrence of the contravention**, all expenses and any costs of which will be an amount owing to the County and will be placed on the tax roll of the property if Section 553(1)(c) permits.

PROCEDURE FOR REQUESTING A REVIEW OF THE ORDER

Pursuant to Section 547(1) of the Act a person who receives a written order under Section 545 may **by written notice** request a review of the order.

Pursuant to Section 547 (1) (a) of the Act a written request for a review must be filed **within 14 days after the date the order was received.**

Requests for review must be received by:

SMOKY LAKE COUNTY
Chief Administrative Officer
Box 310, 4612 McDougall Drive
Smoky Lake, Alberta T0A 3C0

Telephone: 780-656-3730
Fax: 780-656-3768

Schedule "D"

ORDER: DANGER TO PUBLIC SAFETY OR UNSIGHTLY PREMISE

ORDER: Danger to Public Safety or Unsightly Premise

Date: _____

Reference/File No: _____

ORDER

(Issued Pursuant to **Section 546(1) (c)** of the *Municipal Government Act*, R.S.A. 2000 c. M-26)

TO:

Name

Legal and Residential Address of Property

_____ *Town* _____ *Province* _____ *Postal Code*

AND TO:

Insert name and address here – if multiple property owners – otherwise delete

RE: Municipal Address:

_____ *Address* _____ *Town* _____ *Province* _____ *Postal Code*

Legal Description:

Tax Roll Number:

(hereinafter referred to as "the property")

As a result of an inspection of the property on _____
Inspection Date

In my opinion, being an employee of the SMOKY LAKE COUNTY having the delegated power duties and functions of a designated officer for the purposes of **Section 546**, the property, because of its unsightly condition, is detrimental to the surrounding area.

YOU ARE THEREFORE ORDERED TO:

Provisions of the order: _____

Additional provisions: _____

And thereafter maintain the property to prevent the reoccurrence of any unsightly condition detrimental to the surrounding area.

YOU MUST COMPLY WITH THIS ORDER BEFORE: *Compliance Date – 14 days*

AND THEREAFTER MAINTAIN THE PROPERTY TO PREVENT THE REOCCURRENCE OF ANY UNSIGHTLY CONDITION DETRIMENTAL TO THE SURROUNDING AREA.

Ed English, Peace Officer
Bylaw Enforcement Officer
Smoky Lake County – 780-656-3730
Box 310, McDougall Drive
Smoky Lake, Alberta T0A 3C0

SCHEDULE "D": ORDER: Danger to Public Safety or Unightly Premise Page Two

OFFENCE FOR NON-COMPLIANCE

Pursuant to Section 557(c) of the *Municipal Government Act* (hereinafter referred to as the "Act") a **person who contravenes or does not comply with an order under Section 546 is guilty of an offence and liable to prosecution.**

Pursuant to Section 566(1) of the Act a person who is guilty of an offence is liable:

- a. to a fine of not more than **\$10 000**, or
- b. to **imprisonment** for not more than one year, or to **both fine and imprisonment**

ADDITIONAL CONSEQUENCES FOR NON-COMPLIANCE:

Pursuant to Section 550(1) of the Act if a person fails or refuses to comply with an order under Section 546 the municipality may take **whatever actions or measures are necessary to deal with the unsightly condition of property.**

Pursuant to Section 550(3) of the Act the expenses and costs of an action or measure taken by the municipality **are an amount owing to the municipality** by the person who was required to do something by the order under Section 546.

Pursuant to Section 553.1(1)(c) of the Act when a person owes money to a municipality under Section 550(3) the municipality **may add the amount owing to the tax roll of any property for which the person is the assessed person.**

If you fail to comply with the provisions of this order the SMOKY LAKE COUNTY will, at its election, take action to enforce the order by taking **whatever actions or measures are necessary to deal with the unsightly condition of the property**, all expenses and any costs of which will be an amount owing to the County and will be placed on the tax roll of the property and any other property for which you are the assessed person.

PROCEDURE FOR REQUESTING A REVIEW OF THE ORDER

Pursuant to Section 547(1) of the Act a person who receives a written order under Section 546 may **by written notice** request a review of the order.

Pursuant to Section 547(1)(b) of the Act a written request for a review must be filed **within 14 days after the date the order is received.**

Requests for review must be received by:

SMOKY LAKE COUNTY
Chief Administrative Officer
Box 310, 4612 McDougall Drive
Smoky Lake, Alberta T0A 3C0

Telephone: 780-656-3730
Fax: 780-656-3768

Schedule "E"

APPEAL NOTICE

APPEAL NOTICE

If you want to appeal the Direction you must serve this Appeal Notice by mailing or delivering it to the SMOKY LAKE COUNTY within 14 days after the Direction was served on you.

DATED: _____

TO: CHIEF ADMINISTRATIVE OFFICER
Smoky Lake County
Box 310, 4612 McDougall Drive
Smoky Lake, Alberta T0A 3C0

I am appealing the Direction (_____), about
Date on Directive

Property Address

You may give reasons for your appeal:

(Use a separate sheet if necessary)

Signature

Name Printed

Street Address

Phone Numbers:

Home: _____

Town

Cellular: _____

Work: _____

Province

Postal Code

NOTE: ONLY appeals file WITHIN THE 14 DAY PERIOD will be heard by the
SMOKY LAKE COUNTY COUNCIL.

You will be notified by mail of the date of the hearing.