

TOWN OF BON ACCORD  
BY-LAW #2000-01  
NUISANCE BYLAW

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A BY-LAW OF THE TOWN OF BON ACCORD TO PROMOTE THE MAINTENANCE OF PROPERTY WITHIN THE TOWN IN A TIDY, PLEASANT, AND SAFE CONDITION, AND TO MINIMIZE NUISANCES.

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**PART I – PURPOSE AND DEFINITIONS**

1. The purpose of this By-law is to promote the maintenance of property within the Town of Bon Accord, in a tidy, pleasant and safe condition, and to minimize nuisances.

2. Definitions:

The following words mean:

- a. *Appeal Notice* – a notice under Section 13 in the form attached as Schedule “B”
- b. *Appellant* – persons appealing a Direction given under Section 7 or a decision made under Section 16.
- c. *Committee* – the committee of Council dealing with appeals filed under Section 7.
- d. *Council* – the municipal Council of the Town.
- e. *Direction* – a written direction to remedy a Nuisance from a By-law Enforcement Officer to an Owner, tenant, or agent, in the form attached as Schedule “A”.
- f. *Nuisance* – a condition described in Section 3.
- g. *Owner* – a person who:
  - i. holds out to be the person having the powers and authority or who currently exercises the powers and authority of ownership over the Property,
  - ii. is registered as Owner of the Property under the Land Titles Act,
  - iii. has purchased or otherwise acquired the Property, whether directly from a previous owner or from another purchaser and has not yet registered ownership, or
  - iv. the person listed as Owner of the Property on the current assessment roll.

For the purposes of this By-law, a Property may have more than one Owner.

h. *Property* – includes any lands, buildings, or premises in the Town of Bon Accord.

i. *Inspector* – anyone who is authorized by the Chief Administrative Officer, By-law Enforcement Officer, Assessor, Police, Fire Chief, or Director of Operations to enter and inspect property.

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**PART II – WHAT IS A NUISANCE?**

3. A Nuisance is any condition on, or around Property, that is untidy, unsightly, offensive, dangerous to health or public safety, or which interferes with the use or enjoyment of other Property, and includes, but is not limited to:
  - a. uncut grasses or weeds on the Property that are longer than 10 cm,
  - b. trees or shrubs that interfere with civic works or any public utilities,
  - c. dense or opaque smoke emitted into the atmosphere for more than six minutes per hour,
  - d. dense or opaque dust emitted into the atmosphere,
  - e. smelly compost heaps,
  - f. wrecked or dismantled vehicles, or those that are unsightly and abandoned, unregistered, or uninsured,
  - g. diseased or infested plants and;
  - h. any material including garbage, building materials, tires, boxes, machine, or machine parts.
4. Nuisance Not Allowed:
  - a. Owners, tenants, and agents must prevent the occurrence of, or immediately remedy, any Nuisances.
5. Town Need Not Enforce:
  - a. The Town is not required to enforce this By-law. In deciding whether to enforce this By-law, the Town may take into account any practical concerns, including available municipal budget, personnel resources, or unique situations, as determined by Council, that may be of benefit to the Town.

**PART III – WHAT HAPPENS IF MY PROPERTY IS, OR MAY CAUSE, A NUISANCE?**

6. Inspection

Any inspector may enter any Property in the Town and may inspect for Nuisances.
7. Direction

After inspection, a By-law Enforcement Officer may issue a Direction. The Direction must specify a deadline for compliance and may give specific instructions to remedy the nuisance including, but not limited to:

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- a. removing any materials,
- b. screening, or fencing, any part of the Property, including specifying the type and size of screen or fence,
- c. cleaning, stacking, and covering any material,
- d. cutting grass or weeds,
- e. pruning trees or shrubs, and
- f. filling any holes or excavations.

8. Service of Direction

The Town must serve the Direction by delivering it or sending it by registered mail, to the Owner registered as Owner of the Property under the Land Titles Act, and may also:

- a. deliver it in person to any other Owner, tenant, or agent,
- b. post it to the door of a building or in any other conspicuous place on the Property, and service is effected on the day of posting, or
- c. mail it to any other Owner, tenant, or agent.

An Appeal Notice form must accompany the Direction when it is served.

**PART IV – WHAT HAPPENS IF I DON’T COMPLY WITH THE DIRECTION?**

9. Fine

If the Owner, tenant, or agent has not complied with the Direction by the specified deadline, a By-law Enforcement Officer may issue a ticket for a fine as listed in Schedule “C”.

10. Town may remedy

If the Owner, tenant, or agent has not complied with the Direction by the specified deadline, a By-law Enforcement Officer may do, or direct any work to be done, to remedy the Nuisance, including disposing of any materials, and may charge the Owner, tenant, or agent for the cost of the work done as listed in Schedule “C”

11. Failure to Pay For Work:

If the Owner, tenant, or agent fails to pay for the work done under Section 10, the Town may:

- a. recover the cost as a debt due to the Town, or

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- b. charge the cost against the land as taxes due and recover the cost as taxes. The cost of the work done is charged in addition to any fine imposed under Section 9.

12. No Liability

The Town, any Inspector who inspects any property under this By-law, or any person who performs any work on behalf of the Town to remedy a Nuisance, is not liable for any damages caused by the inspection, the work, or disposing of anything in order to complete the work set out in the Direction.

**PART V – WHAT CAN I DO IF I DON’T THINK THE DIRECTION IS FAIR?**

13. Appeal of a Direction

Any persons who believe that a Direction unfairly affects them, may appeal to the Committee by delivering an Appeal Notice in person, or sending it by mail, to:

Chief Administrative Officer  
Town of Bon Accord  
5025 – 50 Avenue, Box 779  
Bon Accord, Alberta T0A 0K0

within 14 days after service of the Direction.

14. Date of Appeal

- a. If the Chief Administrative Officer receives an Appeal Notice within 14 days after service of the Direction, the Chief Administrative Officer must place the Appeal Notice on the Committee’s agenda.
- b. When the matter has been placed on an agenda, the Chief Administrative Officer must send written notice of the date of the hearing to the Appellant at the address given in the Appeal Notice and, if the Appellant is not the Owner registered under the Land Titles Act, the Chief Administrative Officer must also send this written notice to that Owner.
- c. If the Chief Administrative Officer receives the Appeal Notice after the 14 day period referred to in (a), the Chief Administrative Officer will not place the Appeal Notice on the Committee’s agenda. The Chief Administrative Officer will notify the Appellant at the address given in the Appeal Notice that the appeal will not be heard.

15. When the Chief Administrative Officer places an Appeal Notice on the Committee’s Agenda, the Committee:

- a. must allow the Appellant an opportunity to speak for up to five minutes;
- b. will allow any Councillor to ask the Appellant relevant questions for up to five minutes;

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- c. may hear from the administration;
  - d. will allow any Councillor to ask the administration relevant questions for up to five minutes;
  - e. may vote to allow any other persons (who claim to be affected by the Committee's decision) up to five minutes to speak;
  - f. will allow any Councillor to ask any of the other persons who claim to be affected relevant questions for up to five minutes after that speaker has spoken; and,
  - g. must allow an opportunity for the Appellant to speak for up to five minutes to respond to any new information that has been presented at the hearing.
16. After hearing the appeal, the Committee may confirm, vary, substitute, or cancel the Direction.
17. Service of Decision
- The Town must serve written notice of the Committee's decision by delivering it or sending it by registered mail to the Appellant, and the Owner registered under the Land Titles Act.
18. Appeal to Court
- Any persons who are affected by the Committee's decision may appeal to the Court of Queen's Bench as allowed under the Municipal Government Act. The appeal must be filed with the Court of Queen's Bench and served on the Town within 30 days after service of the Committee's decision.

**PART VI – REPEAL**

19. Repeal

By-law No. 218 is repealed upon passage of the third reading of this By-law.

Read a first time in Council this 18<sup>th</sup> day of January 2000.

\_\_\_\_\_  
Mayor/Deputy Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a second time in Council this 1<sup>st</sup> day of February 2000.

\_\_\_\_\_  
Mayor/Deputy Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a third time, and finally passed in Council, this 1<sup>st</sup> day of February 2000.

\_\_\_\_\_  
Mayor/Deputy Mayor

\_\_\_\_\_  
Chief Administrative Officer

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SCHEDULE "A"

DIRECTION  
(Given under By-law 2000-01, the Nuisance By-law)

Dated: \_\_\_\_\_ No: \_\_\_\_\_

To: \_\_\_\_\_  
(Owner's Name)

Property: Municipal Address: \_\_\_\_\_

Legal Address: \_\_\_\_\_

You are directed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you do not remedy the nuisance as directed before \_\_\_\_\_ (date), you may be fined \$250.00 for a first offence and \$500.00 for subsequent offences. The Town may do the work set out above and charge you for the cost of the work (expenses for the work plus a \$250.00 base rate or 50% of the expense, which ever is greater). If not paid, the cost of the work may be collected in the same manner as property taxes.

THE TOWN OF BON ACCORD  
PER: \_\_\_\_\_  
By-law Enforcement Officer

If you wish to appeal this direction, you must deliver the enclosed appeal notice to the Chief Administrative Officer within 14 days after service of the Direction.

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SCHEDULE "B"

APPEAL NOTICE – BY-LAW 2000-01

(If you want to appeal the Direction, you must serve this Appeal Notice by mailing or delivering it to the Chief Administrative Officer within 14 days after the Direction was served on you).

Dated: \_\_\_\_\_

To: The Chief Administrative Officer  
Town of Bon Accord  
5025 – 50 Avenue, Box 779  
Bon Accord, Alberta T0A 0K0

I am appealing the Direction dated: \_\_\_\_\_ No.: \_\_\_\_\_

Property Address: \_\_\_\_\_

You may give reasons for your appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Numbers: Home - \_\_\_\_\_ Work - \_\_\_\_\_

Note: Only appeals files within the 14 day period will be heard by Town Council's Committee. You will be notified by mail of the date of the hearing.

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SCHEDULE "C"

CHARGES

Fines for the first offence by that Owner, tenant, or agent	\$250.00
Fines for any subsequent offences by that Owner, tenant, or agent	\$500.00
Costs to the Owner, tenant, or agent for any work done to remedy a Nuisance	Expenses for the work plus a \$250.00 base rate or 50% of the expenses, which ever is greater.