

BY-LAW NO. 12- 04 TOWN OF FALHER

A BY-LAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, TO REGULATE UNTIDY AND UNSIGHTLY PREMISES, PESTS AND NUISANCES.

WHEREAS, pursuant to Section 7 of the Municipal Government Act, Being Chapter M-26 R.S.A., 2000, and amendment thereto, Council may, by by-law regulate nuisances, including unsightly property.

AND WHEREAS the Council of the Town of Falher deems it proper and expedient to pass such a By-law.

NOW THEREFORE the Council of the Town of Falher, in the Province of Alberta, in Council duly assembled enacts as follows:

1. PURPOSE AND TITLE
 - A. The purpose of this Bylaw is to regulate nuisances, including unsightly premises
 - B. This by-law may be cited as the Nuisance By-law.

2. DEFINITIONS
 - A. Authorized Person” shall mean the By-law Enforcement Officer or any person authorized to act on behalf of the Council of the Town of Falher
 - B. “By-law Enforcement Officer” shall mean any person so authorized to act on behalf of the Council of the Town of Falher.
 - C. “Council” shall be the Council of the Town of Falher.
 - D. “Pest” shall mean any animal, insect or pests and diseases deemed by the By-law Enforcement Officer to be dangerous, destructive or a nuisance to human life, plants, and/or animals and other property.
 - E. “Unsightly or Untidy” – any property as deemed by the By-law Enforcement Officer or Council to be unsightly or untidy.
 - F. “Occupant” shall mean the owner or agent of the owner of lands and premises therein or on and shall include a corporation lessee, or tenant.

3. All occupants shall be required to cut the grass and/or weeds on any boulevard which abuts, flanks or adjoins the property occupied by him. This includes lanes or alleys at the rear of the premises or property.

4. All occupants shall be required to control dandelions and noxious weeds, and to cut grass on property they own or occupy.

5. All occupants shall prune, remove or otherwise maintain trees and shrubs that interfere with or endanger public property or works of the municipality.

6. No person shall permit the accumulation of dirt, stones, old implements, automobiles, scrap iron or any rubbish so as to cause an unsightly condition, hazard or nuisance.

7. No person shall permit the proliferation of, or harbour, any insect, animal, or other pest that is likely to spread disease, be destructive or dangerous, or otherwise become a nuisance.

8. Lawn clippings or any other yard waste shall not be piled or deposited loose in alley, boulevards or any other public lands.

9. All occupants shall remove dirt, debris or any other materials which may cause an obstruction or risk of personal injury from sidewalks abutting their property.
10. The By-law Enforcement Officer or the Municipal Administrator is hereby authorized to enter lands within the Town of Falher, for the inspection of conditions that may contravene, or fail to comply with the provisions of this by-law.
11. When in the opinion of the officer set forth in Section 10 of this by-law, a condition exists which contravenes any of the provisions of this by-law, the Officer shall:
 - A. Issue a written notice to the owner, agent, lessee, and/or occupier of the land or premises in question advising them of the condition, and directing that the condition be rectified within seven (7) days from the date entered on the said notice.
 - B. Upon non-compliance to a written notice referred to in sub-section 11.1., issue an offence ticket to the owner, agent, lessee and/or occupier of the land or premises in question.
12. Any person receiving a notice may, within seven (7) days from the date of the notice, appeal by submitting a notice of appeal in writing to the Council of the Town of Falher, Box 155, Falher, Alberta, T0H 1M0 and deposit a fee of \$10.00 with the Municipal Administrator.
13. Should any property owner, agent, lessee or occupier fail, neglect or refuse to remedy the condition as directed by the By-Law Enforcement Officer, Municipal Administrator, or Council, the Town of Falher may cause the work to be performed to remedy the condition, and charge the costs of such work to the owner, agent, lessee, or occupier.

Cost of work done may be:

 - a) recovered as a debt due to the Town, or
 - b) charged against the land concerned as taxes due and owing in respect of that land, and recover the same as such
14. Any person who enters property to remedy a condition as directed by Council, shall be deemed to have the authorization of Council, and shall not incur any liability therefore.
15. The Town of Falher may serve on the offending party an offence ticket for which voluntary payment may be made to avoid prosecution. The penalty for an offence ticket issued under this section, and section 11.2 of this by-law, shall be as follows:

First offence	\$25.00 (twenty-five)
Second offence	\$50.00 (fifty)
Third and subsequent offences in one (1) calendar year\$75.00 (seventy-five)
16. Where a person fails to pay a voluntary payment offence ticket issued for contravention of this by-law, that person shall be liable, upon summary conviction to a fine of not less than one hundred (\$100.00) dollars, and not more than five hundred (\$500.00) dollars, exclusive of costs.
17. Money paid for fines shall belong to the general revenue of the Town of Falher.

BYLAW NO. 12-04

18. ENACTMENT

A. Bylaws No. 04-04 are hereby repealed.

B. This by-law shall take effect on the day of the final passing thereof.

READ a first time this _____ day of _____, 2012.

READ a second time this _____ day of _____, 2012.

READ a third time and finally passed this _____ day of _____, 2012.

MAYOR

MUNICIPAL ADMINISTRATOR