

TOWN OF TABER
BYLAW NO.20-2022

BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING NUISANCES, NOXIOUS/RESTRICTED AND OTHER WEEDS, THE TRIMMING OF TREES, SNOW REMOVAL AND UNTIDY AND UNSIGHTLY PREMISES WITHIN THE TOWN OF TABER.

WHEREAS Council of the Town of Taber, in the Province of Alberta, duly assembled may pass a bylaw and/or regulation pursuant to Part 2, Section 7 of the *Municipal Government Act*, being Chapter M-26 of Revised Statutes of Alberta 2000, as amended;

AND WHEREAS Council of the Town of Taber, in the Province of Alberta, duly assembled may pass a bylaw and/or regulation pursuant to the *Weed Control Act*, Statutes of Alberta, 2008, Chapter W-5.1, and amendments thereto;

AND WHEREAS Council deems it necessary to pass a Bylaw to control nuisances, weeds and untidy and unsightly premises within the Town of Taber;

AND WHEREAS the Council of the Town of Taber, in the Province of Alberta, deems it proper and expedient to pass a Bylaw for the purposes of controlling nuisances within the Town.

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

1.0 NAME OF BYLAW

This Bylaw may be cited as the "Nuisance and Unsightly Premises Bylaw".

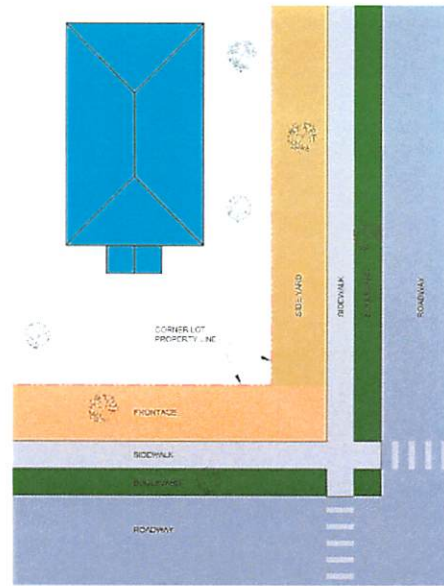
2.0 DEFINITIONS

In this Bylaw:

Act means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time;

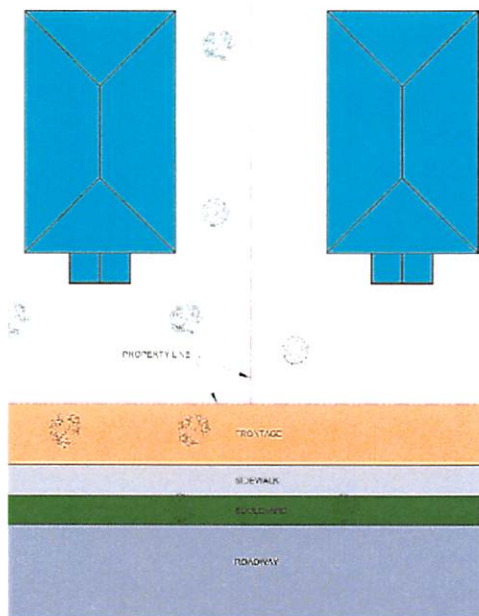
Boulevard means that portion of a Highway that lies between the edge of the roadway or curb and the edge of the sidewalk, indicated in the green area of the drawing below;

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- Bylaw** means the Nuisance and Unsightly Premises Bylaw established by the Municipality;
- Chief Administrative Officer (CAO)** means the Chief Administrative Officer for the Town, regardless of the specific title that may be conferred on the Officer by Council from time to time;
- Council** means the Council for the Town of Taber;
- Frontage** means that portion of the Highway that lies between the sidewalk and the property line, usually in the front of the property, indicated as the orange area in the drawing below;

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Highway

means every thoroughfare, street, roadway, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other public place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles within the Town of Taber;

Municipality

means the Town of Taber, a municipal corporation in the Province of Alberta, and where the context so requires means the land within the corporate boundaries thereof;

Notice

means a notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw;

Occupant

is the person or persons who reside at or on a property, whether they are the owners or lessees;

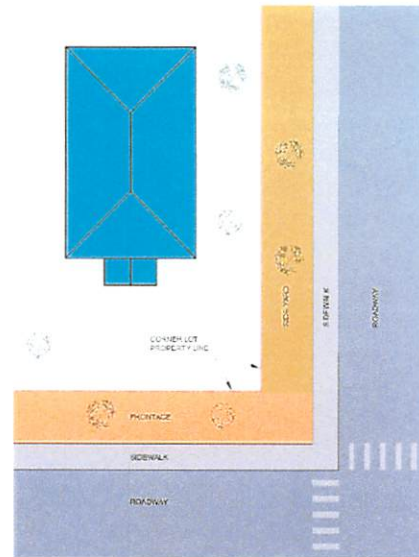
Officer

includes a Peace Officer, Police Officer, or Bylaw Enforcement Officer, employed for the preservation and maintenance of the public peace, or for the service or execution of civil process;

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Owner	means: a. a person who is registered under the Land Titles Act as the owner of a parcel of land; or, b. a person who is recorded as the owner of a property on the tax assessment roll of the Town of Taber; or, c. a person who has purchased or otherwise acquired a parcel of land, whether the person has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof; or, d. a person holding themselves out as the person having the powers and authority of ownership of a property or premise or who for the time being exercises the powers and authority of ownerships; or, e. a person, business, contractor, corporation or partnership controlling a property or premise under construction;
Person	means an individual or any business entity including a firm, partnership, association, corporation, company or society;
Premise	means any land situated in whole or in part within the Town including the external surfaces of all buildings and land immediately adjacent to any building or buildings and includes any land or buildings owned or leased by the Town;
Sidewalk	means that part of a Highway especially adapted to the use of pedestrians along the Frontage of a Parcel and that portion along the Side yard of a Parcel;
Side Yard	means the portion of the Highway that lies between the sidewalk and the property line, usually on the side of the property indicated as the tan area on the drawing below;

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Unsightly Premises

means any Premises or part thereof that clearly shows signs of neglect, or which otherwise exhibits a significant lack of general maintenance, clean up, or upkeep, and which includes but is not limited to:

- a. any land upon which there is excessive, unusual, or unreasonable accumulation of:
 - i. Animal Material, Ashes, Yard Material, Building Material, Garbage, weeds human excrement, sewage, hazardous materials, piles of soil, clay or rubble, petroleum products, metal, plastics, fabrics, used containers, paper products, pipe, or any other form of scrap, litter, trash, junk, or waste of any kind;
 - ii. Vehicles in obvious state of significant disassembly, parts of disassembled Vehicles (including tires/wheels), appliances, machinery, equipment, or power tools;
 - iii. Industrial equipment, components or heavy machinery;
 - iv. Surplus, disused, damaged or stored household or

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- commercial chattel, furniture, carpet or appliances;
- v. Surplus, disused, damaged or stored Vehicles, trailers, motorcycles, bicycles, boats, and recreational vehicles, including any such items that are inoperative by reason of disrepair, removed or missing parts, age, damage, or which are otherwise not in a legally roadworthy or functioning condition;
- b. Any building, structure, or other improvement that exhibits significant physical deterioration, including buildings and structures that suffer from:
 - i. Broken (or missing) windows, siding, shingles, shutters, eaves, roofing or finishing materials;
 - ii. Clearly visible exterior or structural deterioration, damage or decay, including significant fading, chipping or peeling of painted surfaces;

Vehicle has the same meaning as defined in the *Traffic Safety Act*;

Violation Ticket means any ticket or tag which is authorized by the *Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) issued for any Bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer summons.

Yard Material means waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities and includes grass, tree, hedge cuttings, waste sod, decomposing plants, leaves and weeds.

3.0 GENERAL

3.1 An Owner of a Premise shall ensure that the premises does not become or continue to be an Unsightly Premise as defined in this Bylaw.

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- 3.2 An Owner of a Premises shall ensure that the premises does not become or continue to be a risk of danger to the public, themselves or to other Premises or property.
- 3.3 An Owner of a Premise is responsible for all nuisances from the center of the lane or alley to the edge of the asphalt roadway that are in line with their property lines.
- 3.4 An Owner of a Premise shall ensure that any garbage, refuse or waste material placed in a bin, can, box, Vehicle or any other receptacle located on the Premises, or placed in a Vehicle or trailer located on a highway adjacent to the premises, does not accumulate to the extent that it becomes unsightly or otherwise detrimental to adjacent or neighbouring properties.
- 3.5 An Owner of a Premises shall ensure that any activity or conduct of any person occupying or using the premises does not become or continue to be a nuisance or risk of danger to the public, or otherwise interfere with other Persons' repose, comfort or peaceful enjoyment of their property.
- 3.6 When making the determination as to whether a particular premise is an Unsightly Premises, or as to whether the owner of a premises has allowed the premises or its occupiers to become or continue to be a nuisance or risk of danger to other persons or property, the Town may consider any admissible evidence as to:
- 3.6.1 The general condition and state of tidiness of the neighbouring or surrounding premises;
- 3.6.2 The location and permitted use of the premise and whether or not the premise is located within a Residential Development;
- 3.6.3 The period of time the premise has been in the state complained of;
- 3.6.4 Whether or not the premise is undergoing construction or renovation and the period of time that such activity has been ongoing; and
- 3.6.5 Any other circumstances or factors relating to the premise which the Court deems are relevant to the said determination.

4.0 BUILDINGS/STRUCTURES

- 4.1 The owner(s) of properties in the Town of Taber shall ensure that old unoccupied residences no longer in use are in a safe condition for occupancy. Old Sheds, garages and other buildings in run down/poor condition and unsafe should be demolished and removed from the property, or restored to a useable and safe condition in accordance with the current Building Standards and Codes and with the required demolition or building permits.

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- 4.2 For the purpose of greater certainty, a nuisance in respect of a Building means a Building showing signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include but is not limited to:
- 4.2.1 Any damage to the Building;
 - 4.2.2 Any rot or other deterioration within the Building;
 - 4.2.3 Any damage caused by fire;
 - 4.2.4 Any inappropriate infiltration of air, moisture or water into the Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building.
- 4.3 Any graffiti, or any other message deemed to be offensive by the CAO or their designate, that has been placed on the exterior surfaces of any structures, chattels, signs, or other property located on the premises, is removed, painted over, or otherwise eliminated from public view not later than 2 days after the Owner of the Premises has been notified by an Officer of the presence of the subject graffiti or offensive message and the requirement under this Bylaw that it be removed.
- 4.4 The owner of the premises shall not permit another person to occupy a Mobile Unit on private property for more than two weeks or have written permission from the CAO for a time extension.
- 4.4.1 Mobile Unit means; any vacation trailer or house trailer or relocatable trailer or motor home; or
 - 4.4.2 Any structure whether ordinarily equipped with wheels or not that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodations for or other use by one or more persons.

5.0 LITTER

- 5.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any privately-owned property of another person or Town property, including any street, lane, sidewalk, parking lot, park, or other public place or water source:
- 5.1.1 A cardboard or wooden box, carton, container, or receptacle of any kind;
 - 5.1.2 A paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionary;
 - 5.1.3 Paper of any kind, whether or not containing written or printed mater thereon;
 - 5.1.4 Any glass, crockery, nails, tacks, barbed wire or other breakable or sharp objects;

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- 5.1.5 Scrap metal, scrap lumber, tire, dismantled wrecked or dilapidated motor vehicle or parts there-from;
- 5.1.6 Any motor vehicle or any part of any motor vehicle which may in whole or in part, obstruct any highway, street, lane, alley, or other public place; and.
- 5.1.7 Dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
- 5.2 A person who has placed, deposited or thrown or caused to be placed, deposited or thrown anything or any matter mentioned in subsection (5.1) upon any street, lane, sidewalk, parking place, park, privately owned property or other public place or water course shall forthwith remove it.
- 5.3 No person shall place deposit or throw or caused to be placed, deposited or thrown upon or into any motor vehicle, which is parked on any street, lane parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.

6.0 WEEDS, GRASS, TREES, PESTS AND SMOKE

- 6.1 Every occupant or owner of any property or premise within the Town shall:
 - 6.1.1 Eradicate or control all weeds and grass on a premise and on any boulevard, frontage or side yard which abuts or adjoins the premise, including up to the center of lanes or alleys at the rear or side of the premise, including side of the premise;
 - 6.1.2 Prune or remove any and all trees on a premise and on the frontage or side yard which abuts or adjoins the premise that, due to a deterioration of condition or for any other reason, interfere with any public utility or public works, and are a public safety hazard. A clearance beneath them of a distance of three (3) meters from the top of the sidewalks to the lowest most branch, and a distance of five (5) meters from the top of the roadway or alleyway to the lowest most branch must be maintained;
 - 6.1.3 All trees on the boulevards are the property of the Town and will be pruned or removed by the Public Works Department or a qualified contractor approved by the Town;
 - 6.1.4 Remove or prune any shrub owned by the owner which is, or could be, a nuisance to any person using any publicly owned or maintained sidewalk or street to a maximum height of one (1) meter;

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- 6.1.5 Prevent stagnate water from remaining on any such premise and becoming a breeding place for mosquitoes or other pests;
- 6.1.6 Cut or mow the grass on any boulevard, frontage or side yard, situated on Town owned land adjoining, or abutting or adjacent to premises owned or occupied by the owner or occupant, to prevent such grass from growing to such a height as to be untidy or unsightly, having regard to the height of the grass on adjacent or surrounding premises;
- 6.1.7 Remove from such property any dead grass or shrub or rubbish which may be untidy or unsightly, or may harbor vermin or pests thereon;
- 6.1.8 Not remove the grassed area on the boulevard and install a gravel, concrete or asphalt driveway without an approved Driveway and Boulevard Development permit from the Town of Taber Planning Department;
- 6.1.9 All property owners shall ensure that the Boulevard areas which abut or flank their property are seeded to lawn or adequately landscaped within two growing seasons of the issuance of an Occupancy Permit;
- 6.1.10 Only trees of a non-suckering variety shall be planted in Boulevards and only to a density of no greater than one tree for each 3.5 meters;
- 6.1.11 No tree of the Cottonwood variety shall be planted in a Boulevard area;
- 6.1.12 No person shall plant any shrub or hedge in a Boulevard area;
- 6.1.13 All persons shall ensure that the fire hydrant adjacent to their property is kept clear and accessible, and that no shrubs, plants, trees or protruding items be planted or placed within 5 metres of the fire hydrant.
- 6.2 No occupant or owner of any property or premise shall:
 - 6.2.1 Allow dandelions or noxious weeds (as defined in the *Weed Control Act*) to grow on occupied or unoccupied premises;
 - 6.2.2 Suffer or permit trees growing on private property to interfere or endanger the lines, poles, conduits, pipes, sewers or other works of the Town;
 - 6.2.3 Allow blight or disease of the trees, shrubs, vegetables or plant life liable to spread to other trees, shrubs or plant life within the Town to go unchecked; and,

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- 6.2.4 Allow or cause an opaque or dense smoke or dust to be emitted to the atmosphere from any lands, buildings or premises within the Town of Taber.

7.0 SNOW REMOVAL

- 7.1 The Owner or Occupant of a Premise abutting a sidewalk shall clear away any snow, ice, dirt or other obstruction from the front and flank of the abutting sidewalk within TWENTY-FOUR (24) hours after the time such snow, ice, dirt, or other obstruction was deposited or formed on the sidewalk. Such snow shall not be placed on the roadways, as doing so adversely affects drainage. Residents shall place snow on the boulevard, frontage or side yard. Residents when using a snow blower shall have the snow fall, from the snow blower, within their property or on the boulevard, frontage or side yard and not on the roadway or their neighbor's property.
- 7.2 Commercial/Industrial businesses when clearing their parking lots shall pile the snow within their parking lots and not into the roadway, storm drainage ditch, lane or alley, or on sidewalks. If they cannot pile the snow within their parking lot, it is to be removed to a designated Town snow dumpsite. If the snow pile in the Commercial/Industrial business parking lot adversely affects drainage in the area, the business shall remove the pile to a designated Town snow dumpsite at their own cost. If the business has not complied with the order to remove the snow from a drainage ditch the Town may hire a contractor to remove the snow from the drainage ditch at the businesses expense.
- 7.3 The owner or occupant of every building abutting on or erected within THREE (3) meters of any highway or public place shall, whenever snow or ice accumulates on the roof, eaves, awning, or canopy, cause the snow and ice to be removed at once, and every person while removing the snow and ice, shall take all the proper safety precautions and care required to prevent a hazard to the public.
- 7.4 A person may, in such a way as not to cause injury or unduly interfere with any person lawfully using the Sidewalk or Pathway, use a power driven device that is sufficiently light and of such construction that it will not damage the surface of the Sidewalk or Pathway to move ice, snow, or other materials from any portion of a Sidewalk or Pathway, however the Town does not accept responsibility for damages to private or public property, or snow dumped in undesignated areas by these operators.

8.0 CONSTRUCTION SITES

- 8.1 An Owner of a Premise or property under construction, renovation or demolition shall ensure that all building material and waste building materials on the premises are contained and secured in such a manner that prevents such material from being blown off the structure or scattered throughout or off the property.

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- 8.2 An Owner of a Premise or property under construction, renovation or demolition shall ensure that waste building materials and other refuse are removed from the property, or collected and securely contained in covered waste bins or containers that do not allow for the escape of the contents.
- 8.3 An Owner of a Premise or property under construction, renovation or demolition shall ensure that waste building materials and other refuse are removed from the property within 48 hours of when the container or waste bin containing same becomes full and incapable of reasonably containing any further material.
- 8.4 An Owner of a Premise or property under construction, renovation or demolition shall ensure that the property, building materials and equipment are kept in an orderly fashion, and that the property is kept free of excessive amounts of debris, refuse, garbage, scrap wood, metal, foam, plastics or any other such materials associated with the construction, renovation, or demolition.
- 8.5 An Owner of a premise or property under construction, renovation or demolition shall ensure all equipment, trucks or trailers coming to or leaving the property shall be kept clean of dirt, debris or mud as to not track dirt, debris or mud on the roadways, sidewalks or lanes.
- 8.6 The Town may withhold municipal services to an Owner of a Premise or property under construction, renovation or demolition, or to a homebuilder, developer or other person or company undertaking such activity in relation to the premises, until any condition of the Premises that is in contravention of this Bylaw has been remedied.

9.0 ILLEGAL DUMPING

- 9.1 No Person shall personally, nor by their employee, servant or agent; discard, place, deposit or leave any garbage, refuse, debris or any other material upon any public property, in such a quantity that would require the deployment of a Town work crew and/or specialized equipment to effect its removal, other than in officially designated areas, within the Town.
- 9.2 No registered Owner of a vehicle shall be permitted to use that vehicle to discard, place, deposit or leave any garbage, refuse, debris or any other material upon any public property, in such a quantity that would require the deployment of a Town work crew and/or specialized equipment to effect its removal, other than in officially designated areas, within the Town.
- 9.3 No Person shall personally, or by their employee, servant or agent; discard, place, deposit or leave any garbage, refuse, debris or any other material upon any private property, without the permission and consent of the owner of such property.

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- 9.4 Any person who has contravened Section 9 (9.1) Section 9 (9.2) or Section 9 (9.3) of this Bylaw shall, within 24 hours after being directed by an Officer, remove the subject garbage, refuse, debris or other material from the property and place it in the nearest designated area.
- 9.5 Where garbage, refuse, debris or any other material has been discarded or left on private property without permission and consent, the Owner of the private property is responsible for the removal of such discarded material, and the Owner of the private property is responsible for ensuring that the subject property is kept and maintained in compliance with the provisions of this Bylaw.

10.0 WATER, EAVESTROUGHS & DOWNSPOUTS

- 10.1 No owner or occupant of a Premise shall allow a flow of water from a hose or similar device including sump pump discharge on the Premises if it is likely that the water from the hose or similar device will enter the adjacent Premise.
- 10.2 An owner or occupant of a Premise shall direct any rainwater downspout, eavestrough or sump pump discharge on the Premises towards:
- 10.2.1 The front of the Premise;
- 10.2.2 The rear of the Premise;
- 10.2.3 A side yard which does not abut another Premise; or
- 10.2.4 A side yard, which abuts another Premise, only if there is a minimum of six (6) meters of permeable ground between the outfall of the downspout of eavestrough and the adjacent Premises.

11.0 TOWN PROPERTY

No person shall cause or permit to undertake any activity that is a nuisance upon any Town Property.

12.0 NOTICE/ORDER OF COMPLIANCE

- 12.1 Means a notice that has been issued and duly served:
- 12.1.1 To a person over the age of 18 years of age or older;
- 12.1.2 To the Owner/Occupant by regular mail service;
- 12.1.3 By posting a copy of the Notice/Order in a conspicuous place at the premises.

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- 12.2 Upon completion of an inspection the Officer may direct the owner or occupant of the property to:
- 12.2.1 Cease the activity which causes the nuisance;
 - 12.2.2 Change the way in which such person is carrying out the activity causing the nuisance;
 - 12.2.3 Direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including the removal of any thing or matter from the property, which constitutes the nuisance;
 - 12.2.4 Specify the time within which such person must comply with the directions contained in the notice;
 - 12.2.5 Notify the owner or occupant that if compliance with the notice is not affected within a specified time, the Town of Taber will take the actions or measures specified in the notice to abate the nuisance, at the expense of the owner or occupier.
- 12.3 If a Notice/Order of the Officer is not complied with within the specified time and date upon the notice, an Officer shall have the right to direct any person to do the work required by the order. The cost of doing the work required may be recovered from the Owner of the property as a debt to the Town of Taber, or such costs may be charged against the property taxes due and owing, pursuant to the *Municipal Government Act*.

13.0 ALL PENALTIES

- 13.1 A person who contravenes any provision of this Bylaw is guilty of an offence and is liable to pay a voluntary penalty that may be issued and served on a Town of Taber Bylaw Violation Ticket. If a bylaw violation ticket is not paid voluntarily within 21 days an Officer may proceed to a prosecution pursuant to the *Provincial Offences Procedures Act*. Nothing prevents an Officer from proceeding pursuant to the Provincial Offences Procedure Act in the first instance. The fines are as follows:
- 13.1.1 A one hundred (\$100.00) dollar fine for first offense;
 - 13.1.2 A two hundred (\$200.00) dollar fine for the second offense; and
 - 13.1.3 A four hundred (\$400.00) dollar fine for the third and subsequent offenses.
- 13.2 ANY PERSONS who contravene any provisions of the bylaw, is guilty of an offense and may be liable on summary conviction to a fine of not more than two thousand (\$2,000.00) dollars and in default of payment to a term of imprisonment of not more than six (6) months. Any costs incurred by the Town, including, but not limited to costs of prosecution, shall be borne by the owner/occupant in addition to any other penalties or fines.

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14.0 INTENTION OF TOWN COUNCIL

It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

15.0 RESCINDED OR AMENDED BYLAWS

Bylaw No. 13-2021 is hereby repealed in their entirety.

16.0 EFFECTIVE DATE

This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES. 358/2022	Read a first time this 14 th day of November, 2022.
RES. 359/2022	Read a second time this 14 th day of November, 2022.
RES. 361/2022	Read a third time and finally passed this 14 th day of November, 2022.

TOWN OF TABER



MAYOR



CHIEF ADMINISTRATIVE OFFICER (C.A.O)