

**TOWN OF TROCHU**  
**BYLAW NO. 2004-04**  
(Town of Trochu By-law to Regulate Nuisances)

Being a bylaw of the Town of Trochu, in the Province of Alberta, for the preventing and compelling of nuisances generally and regulating untidy and unsightly premises and eliminating conditions on properties that are dangerous to the public safety and to rescind By-law # 1993-12.

**WHEREAS** under the authority of the Municipal Government of Alberta, being Chapter M-26 of the Revised Statutes of Alberta and amendments thereto, the Council of a municipality may pass bylaws for preventing of nuisances generally, and regulating untidy and unsightly private and public premises, and eliminating conditions on properties that are dangerous to the public safety.

**AND WHEREAS** the council deems it expedient to pass a bylaw pursuant to Chapter M-26 of the Municipal Government Act, Revised Statutes of Alberta and amendments thereto.

**NOW THEREFORE** the Council of the Town of Trochu, in session duly assembled, enacts as follows:

**Title:**

This Bylaw may be cited as "**The Town of Trochu Nuisance By-Law.**"

**Definitions:**

1. "**Boulevard**" means that portion of a street which lies between the roadway and the front property line of the land abutting said street.
2. "**Bylaw Enforcement Officer**" means a person authorized by Council to carry out the provisions of the bylaw or the Chief Administrative Officer of the Town of Trochu or a member of the Royal Canadian Mounted Police.
3. "**Council**" means the Council of the Town of Trochu,  
  
"**Garbage**" shall mean discarded animals or vegetable matter.
4. "**Litter**" means any solid or liquid material or product, combination of solid or liquid materials, or liquid materials of products, including but not limited to any rubbish, refuse, garbage, paper, packages, containers, bottles, cans, manure, metal, human or animal excrement or the whole or a part of an animal carcass, or the whole or part of any article, raw or

processed material, or a dismantled or inoperative motor vehicle or other machinery.

5. **“Chief Administrative Officer”** means a person appointed under the Municipal Government Act by the Town of Trochu Council.
6. **“Nuisance”** shall mean a thing or condition which may cause danger to either a limited number of persons, or public generally, or because of its attraction to children or other persons who may be likely not recognize its dangerous quality; or, an act in relation to land which by its unnecessary repletion causes irritation and annoyance or both to reasonable neighbors; or both.
7. **“Occupant”** means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.
8. **“Owner”** means a person having title to, or legal possession of, any property.
9. **“Pest”** means any animal, bird, reptile or insect which causes or could reasonably be expected to cause annoyance or damage or injury to any person, or animal or plant.
10. **“Rubbish”** means and includes any paper product, fabric, wood, plastic, glass, metal or any matter, substance or thing, which has been or appears to have been discarded, abandoned, or in any way disposed of.
11. **“Town”** means the Town of Trochu.
12. **“Untidy”** or **“unsightly”** means any property or part of a property on which there is litter or rubbish and which causes the property or any part of it to look untidy or unsightly.

### **Regulations:**

200. No person being the owner agent lessee or occupier of any lot, development or yard within the Town shall permit or suffer to permit the lot, development or yard to:
  1. be or remain untidy or unsightly;
  2. be or remain a nuisance;
  3. be or remain infested with crabgrass, dandelions or noxious weeds;
  4. be or remain littered with rubbish or litter

201. No owner, lessee, tenant or agent of the owner of any land or premises within the Town shall permit any building, structure, excavation, drain or ditch, watercourse, pond, surface water, refuse or other matter or thing upon private land, street or road or in or about any building to be or to remain a nuisance or danger to the public safety or health.
202. Every person who is an owner, lessee, tenant or agent of the owner of land or premises shall eradicate dandelions and noxious weeds and plants from the property occupied by him and from the boulevard which abuts or flanks a property occupied by him.
203. Every person who is an owner, lessee, tenant, or agent of the owner of land or premises shall cut the grass or other vegetation on the property which he occupies, on any boulevard which abuts or flanks a property occupied by him and on any lane or alley which abuts or flanks a property occupied by him to prevent it from growing to a height of more than six inches.
204. Every person who is an owner, lessee, tenant or agent of the owner of land or premises shall remove from the property occupied by him any dead grass, brush or rubbish which may be untidy, unsightly or be a fire hazard or which may harbor vermin or pests.
205. No person who shall place, deposit, throw or cause to be placed, deposited or thrown, any litter upon any street, land, sidewalk, parking lot, park, boulevard or other public place or water course, or on property not his own, except in a receptacle provided for such purpose.
206. A person who has placed, deposited or thrown or caused to be placed or thrown any litter, rubbish, material or other thing upon any street, land, sidewalk, parking place, park or other public place or water course or on any property not his own shall forthwith remove it upon being directed by the property owner, agent or lessee, or Bylaw Enforcement Officer.
207. All private or general contractors shall, during the 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 property.
208. No person shall post or exhibit, or cause, permit or allow to be posted or exhibited on any wall or fence or elsewhere on or adjacent to a highway or public place, any placard, playbill, poster, writing or picture, without the prior written permission of the Chief Administrative Officer.

209. The Bylaw Enforcement Officer is hereby authorized to remove and destroy any such placard, playbill, poster, writing or picture erected or maintained without permission being granted in section 211 of this bylaw.
210. No person shall place, pile or store any material or equipment on Town property without first applying for and obtaining a permit for such purpose from the Town.
- .1. The Chief Administrative Officer is hereby authorized to make provisions, conditions and regulations for the granting of such permits and to set the charges and terms in respect thereof.
211. Any person placing or causing to be placed, any dirt, gravel, concrete, equipment or any such obstruction on Town property without a permit shall remove or cause the removal thereof within twenty-four (24) hours.
- .1. If the person fails to remove such matter within twenty-four (24) hours after being notified to do so, the Chief Administrative Officer may authorize the removal of the obstruction and completion of any necessary repairs, and the expense of doing so shall be recoverable from such person as a debt owed to the Town of Trochu.
212. Every property owner, agent, lessee or occupier of a property shall ensure that branches, roots, stems or trunks of trees or shrubs, whether on private property or otherwise shall not in any way interfere with or endanger the lines, poles, conduits, pipes, sewer or other works of a utility serving, or owned by, the Town of Trochu.
- .1. The Bylaw Enforcement Officer may direct the owner, agent, lessee or occupier of the property on which such tree or shrub stands, to remove or prune the tree or shrub, or take such other steps as they may deem necessary to alleviate the interference with or danger to such works.
213. Trees whose branches overhang a road, lane or alley shall be pruned to a height of twelve (12) feet over the roadway and shall not encroach over the property line so as to allow unobstructed flow of traffic through these thoroughfares.
214. Trees whose branches overhang a sidewalk shall be pruned to a height of seven (7) feet over any sidewalk so as to encroach onto or over the sidewalk or obstruct or prevent the flow of pedestrian traffic.

215. The Bylaw Enforcement Officer may direct the owner, agent of the owner, lessee or occupier of any property by written Notice to take such measures as is deemed reasonably necessary for the prevention or abatement of a nuisance or for the remedying of any untidy or unsightly conditions or any dangerous condition on any premises, or complying with other sections within this bylaw, without restricting the generality of the foregoing;
- .1. Require the owner agent lessee or occupier to remedy within seven (7) days in such manner as the Bylaw Enforcement Officer may direct any condition on the lot, development or yard that constitutes a nuisance or unsightly or untidy condition.
  - .2. Direct the owner, agent, lessee or occupier to remove within seven (7) days any ashes, garbage, refuse or rubbish or other materials causing or contributing to the unsightly or untidy condition.
  - .3. Require the owner, agent, lessee or occupier within a reasonable amount of time to construct a wall, fence, screen or other similar structure to prevent the unsightly or untidy premises from being viewed from any highway or any other public places.
216. Notwithstanding any other section of this bylaw, if, after receiving a Notice any person fails to comply with the provisions of this bylaw or fails to remove any litter, rubbish, or materials or any other nuisance deposited by him or remedy a condition dangerous to the public safety they shall be deemed guilty of an offense under this bylaw.
217. Council may, by resolution, declare that if the owner, agent, lessee, or occupier concerned fails, neglects, or refuses to remedy the condition within the time specified on the terms set out therein, Council may direct Town forces, or its contractors, to remedy the conditions;
- .1. the cost of the work performed and other related costs may be charged to the owner, agent, lessee or occupier concerned.
218. In default of payment by the owner, agent, lessee or occupier, of the said cost, Council may direct the said costs be recovered either as
- .1. in the same manner as a debt to the Town; or
  - .2. by the charging the same against the land concerned as taxes due and owing in respect of that land and recover the same as such.

### **Authority To Enter And Enforce**

301. The Bylaw Enforcement Officer is hereby authorized to enter lands within the Town of Trochu for the inspection of conditions that may constitute a nuisance or a condition dangerous to public safety or health or otherwise contravenes or fails to comply with the provisions of this Bylaw.
302. The By-law Enforcement Officer may, after having inspected a property or premises within the Town and finding it in contravention of this bylaw, declare that the property or premises within the Town is a contravention of this By-law.
303. The By-law Enforcement Officer may direct the owner, agent or the lessee or occupier of any property to take such measures as the By-law Enforcement Officer in his discretion deems necessary for the prevention or abatement of a nuisance, a condition dangerous to the public safety or for the remedying of any untidy or unsightly condition on any premises or to ensure that the provisions of this Bylaw are complied with, and may:
  - .1. Issue a warning notice, as prescribed in Schedule "A" attached to and part of this Bylaw, by regular mail or posting the warning notice to the front and rear doors of the property, or by handing the notice to the owner, agent, lessee 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.
  - .2. Upon non-compliance to a warning notice referred to in this bylaw issue an offense ticket.
  - .3. Upon non compliance to a warning notice referred to in this bylaw issue a summons.
304. Should any property owner, agent, lessee or occupier fail, neglect or refuse to remedy the conditions within the time indicated in Notice, the Town of Trochu may, by Council resolution, cause the work to be performed as is deemed necessary to remedy the condition and charge the cost of such work to the owner, agent, lessee or occupier, and in default of payment,
  - .1. Recover the cost as a debt to the Town, or,
  - .2. Charge the cost against the land concerned as taxes due and owing in

respect of that land.

305. Any person who enters property to remedy a condition as directed by the Bylaw Enforcement Officer, shall be deemed to have the authorization of the Council of the Town of Trochu and shall not incur any liability therefore.

### **Penalties**

400. Any person who breaches a provision of this bylaw shall be guilty of an offense and shall be liable upon summary conviction to a fine of not less than \$250 and not more than \$1,500.

.1. Notwithstanding the foregoing, a person charged with an offense under this By-law may make a voluntary payment at the Town Office at any time up to 10 (ten) days after the date the offense ticket is issued and in such case prosecution for the offense will not proceed.

401. The voluntary payment for offenses under this bylaw are set out in Schedule "B" attached to and part of this Bylaw.
402. Where an alleged offender has made payment under this bylaw and is prosecuted under a summons issued for the offense in respect of which such payment has been made, such payment will be refunded.
403. If all alleged offender does not pay the penalty amount, then such person may be required to appear in Provincial Court and if found guilty of the offense pay a fine set out in Section 400 of this bylaw.

### **Appeal Provisions**

500. A person who considers themselves aggrieved by a Notice given pursuant to this Bylaw may appeal the direction to Council.
501. An appeal under this section shall be delivered in person or sent by registered mail to the Chief Administrative Officer within seven (7) days of the date on which the direction was served on the owner, agent, lessee or occupier.
502. Council shall consider the appeal at its next regular meeting after the appeal has been received.

503. After considering the appeal, Council may confirm the Notice or if it is satisfied that the Notice is unreasonable, unjust or in any manner contrary to the intent and meaning of this Bylaw, set aside, vary or modify the Notice.
1. Notice of the decision shall be served upon the person making the appeal, or their agent, by registered mail, or by hand delivery.
504. If a person considers themselves aggrieved by a decision under section 503 they may appeal the decision by originating notice to the Court of Queens Bench within seven (7) days of the date on which the decision is served on him.
505. The Court of Queens Bench may confirm the decision of the Council or may set aside, vary or modify the Notice.
506. During the appeal process the direction required will be held in abeyance until final determination by Council and/or the Court of Queens Bench.

**Severance**

600. It is the intention of the Council, that each separate provision of the Bylaw be deemed independent of all other provisions, and if any provision of this bylaw be declared invalid by a court of competent jurisdiction, all other provision shall remain valid and enforceable.
601. This Bylaw shall come into effect on the date of the third and final reading.
602. All other Nuisance Bylaws of the Town of Troch are hereby repealed.

Read a first time in open Council August 9, 2004

Read a second time in open Council August 9, 2004

Read a third time and passed August 9, 2004

  
MAYOR (DEPUTY)

  
CHIEF ADMINISTRATIVE OFFICER



Schedule "A"

**NOTICE**

Date: \_\_\_\_\_

TO: \_\_\_\_\_  
(property owner, agent, lessee or occupier)

This Notice is issued pursuant to the provisions of the Town of Trochu Nuisance Bylaw 2004 – 04 .

The property at \_\_\_\_\_, Trochu, Alberta was inspected on \_\_\_\_\_, \_\_\_\_\_ and the following conditions were found:

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

You are hereby directed to remedy the above conditions on or before \_\_\_\_\_, \_\_\_\_\_ by taking the following actions:

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

Failure to comply may result in the Town of Trochu taking the necessary action so as to ensure compliance. Failure to comply will result in penalties being assessed against the property. All costs associated with any clean-up done by the Town will be billed and failure to pay the related account or penalties will result in the account being put toward the taxes of the property for payment.

\_\_\_\_\_  
Town of Trochu

## SCHEDULE "B"

### Penalties

Section 201	permitting a nuisance or danger to the public	\$50
Section 202	failing to eradicate noxious weeds from property	\$25
Section 203	allowing grass to exceed permitted height	\$25
Section 204	failing to remove dead vegetation	\$25
Section 205	littering in a public place	\$100
Section 206	failing to dispose of litter after being directed to do so	\$100
Section 207	permitting construction material to blow off of site	\$100
Section 211	failing to remove material from town property	\$25
Section 213	failing to remove branches encroaching over road	\$25
Section 214	failing to remove braches encroaching over sidewalk	\$25
Section 216	failing to comply with a Notice	\$100

All costs associated with any clean-up done by the Town will be billed and failure to pay the related account will result in the account being put toward the taxes of the property.