

BYLAW 96-03  
A BYLAW OF THE TOWN OF RAINBOW LAKE TO PROVIDE FOR THE  
PREVENTION, ABATEMENT AND REGULATION OF NUISANCES AND  
UNSIGHTLY OR UNTIDY PREMISES

WHEREAS, a Council of a municipality may, pursuant to the *Municipal Government Act*, Part 1, Section 7, pass bylaws for the purpose of preventing nuisances, including unsightly property;

NOW THEREFORE, the Council of the Town of Rainbow Lake, of the province of Alberta, duly assembled enacts as follows:

1. This bylaw may be cited as “*The Nuisance Bylaw*”.
2. **Definitions**
  - (a) “**Council**” means the Council of the Town of Rainbow Lake, duly assembled and acting as such;
  - (b) “**Garbage**” means all kitchen and table leavings, condemned meats, fish, fruits, vegetables, and other such like waste of decomposing matter, except for that matter which is used for the purpose of compost and is being decomposed in a suitable receptacle or an otherwise environmentally acceptable way, and does not cause devaluation of property;
  - (c) “**Nuisance**” means anything that is annoying, unpleasant or obnoxious
  - (d) “**Occupant**” means the owner, agent, lessee, manager or tenant of any property or premises within the Town, whether actually occupying or legally responsible for any property or premises;
  - (e) “**Owner**” means any person who is registered under the Land Titles Act as the owner of the land;
  - (f) “**Premises**” means the exterior wall and the components of any building or structure and shall include the land, accessory buildings, fences, or erections thereof;
  - (g) “**Refuse**” means tin cans, broken dishes, glasses, rags, waste paper, food containers, grass cuttings, shrubbery, manure, weeds, garden refuse.
  - (h) “**Town**” means the Town of Rainbow Lake, a municipal corporation of Province of Alberta, and include the area contained within the boundaries of the Town;
  - (i) “**Unsightly**” means the premises that have not been maintained in order to prevent their deterioration due to weather, rot or insects and not free from loose and broken materials;
  - (j) “**Untidy**” means the land that is not protected by suitable ground cover which prevents erosion of the soil or the devaluation of neighboring property, and shall also include grass, plants, and vegetation which is not trimmed.

3. No person being the owner, agent, lessee, or occupier of any premises within the Town shall permit the premises of which such person is the owner, agent lessee, or occupier to be in or remain
  - (a) unsightly;
  - (b) untidy;
  - (c) or a nuisance.
4. The owner, agent, lessee, or occupier of any premises within the Town shall where practicable, cut the grass of that portion of the highway that lies between the boundary of his land, the center line of the highway which abuts or flanks the property of which such person is the owner, agent, lessee, or occupier.
5. The owner, agent, lessee, or occupier of any land within the Town shall eradicate, by mechanical means dandelions and noxious weeds on the land which he occupies.
6. No occupant shall permit the accumulation of dirt, stones, old implements, motor vehicles, scrap iron, or any other rubbish so as to cause an unsightly or untidy condition, a hazard, or a nuisance. *(Old motor vehicles referred to in this section are those motor vehicles that are in disrepair, wrecked or are abandoned by their owners.)*
7. No person shall dump or cause to be dumped, any rubbish, garbage, waste petroleum products (either liquid or solid) or to dispose of any material whatsoever in, about near or upon any area within the Town of Rainbow Lake.
8. Any Council designated employee may, for the purpose of performing his duties and exercising his powers under this bylaw, enter at any reasonable hour and inspect the land and premises.
9. Any person who enters property to remedy any condition as direct by Council shall be deemed to have the authorization of Council and shall not incur any liability therefor.
10. Any Council designated employee who has reason to believe that a person has contravened any provisions of this bylaw may:
  - (a) issue a clean up notice to that person in the form specified by the Town.
  - (b) commence a prosecution against person in the form of a Violation ticket for the contravention.
11. When any Council designated employee issues a clean-up notice and the Person fails to comply with the order, the Peace Officer may commence Prosecution for the offense.

12. When a person complies with a clean-up order, no prosecution shall be Commenced with respect to the offense.
13. When a person or person fail to comply with the clean-up order, the Town may cause the condition of the premises to remedied to the extent specified in the clean-up order, and shall charge the cost of the work done to the person or persons to whom the clean-up order was issued.
14. The cost involved under Section 13 are a debt due to the Town and may Be recovered as such.
15. The statement and demand for payment may be served by ordinary mail addressed to the occupant, at his last known address, and a copy to the owner of the land at his address on the assessment roll.
16. If the person persons on whom the statement is served fails to pay the amount set out in the statement within 30 days, the Town may cause the amount paid by it to be placed on the tax roll as an additional tax against the land concerned and the amount may be collected in the same manner as taxes are due and payable.
17. Any person who contravenes or disobeys or refuses or neglects to obey any Provision of this bylaw by:
  - (a) doing any act or thing which he is prohibited from doing herein,
  - (b) failing to do any act or thing he is required to do herein;is guilty of an offense and is liable on summary conviction to a fine of not less than Fifty (\$50.00) dollars and not more than Five Hundred (\$500.00) dollars and in the event of failure to pay any fine levied in imprison for a period of not less than Seven 97) days and not more than (60) days or until such fines are paid.
18. Document attached and marked Schedule "A" is hereby incorporated into and made part of this bylaw.
19. This bylaw repeals any previous Bylaw for prevention, abatement, and regulation of Nuisance and Unsightly or Untidy premises.
20. This bylaw shall come into full effect upon Final Reading thereof.

Bylaw 96-\_\_\_

Read a first time this 3<sup>rd</sup> day of February, 1996.

Read a second time this 3<sup>rd</sup> day of February, 1996.

Read a third time this 3<sup>rd</sup> day of February, 1996

Jean Lederer  
Mayor

J. Melville Burge  
Town Manager

BYLAW 96-03

SCHEDULE 'A'

The voluntary payment which may be accepted in lieu of prosecution for a contravention of any of the sections set out below shall be the sum set opposite the section number.

Property is untidy	Section 3(a)	\$50.00
Property is unsightly	Section 3(b)	\$50.00
Property is a nuisance	Section 3(c)	\$50.00
Failure to cut grass	Section 4	\$50.00
Failure to eradicate weeds	Section 5	\$100.00
Accumulation of rubbish, old vehicle etc.	Section 6	\$100.00
Dumping of rubbish etc.	Section 7	\$100.00