

BY-LAW NO. 929-86

OF THE

TOWN OF BONNYVILLE

BEING A BY-LAW OF THE TOWN OF BONNYVILLE IN THE PROVINCE OF ALBERTA REGULATING BUILDINGS DANGEROUS TO PUBLIC SAFETY, UNOCCUPIED BUILDINGS AND UNTIDY AND UNSIGHTLY PREMISES.

WHEREAS the Municipal Government Act, Chapter M-26, of the Revised Statutes of Alberta 1980, empowers Council to pass By-Laws for the regulation of any matter or thing for the protection of life or property;

AND WHEREAS the M.G.A. Chapter M-26, R.S.A., Section 160 empowers Council to pass by-laws for preventing and compelling the abatement of nuisances generally and regulating untidy and unsightly premises;

AND WHEREAS the Municipal Government Act, Chapter M-26, R.S.A. Section 161 empowers Council to make an order respecting buildings dangerous to public safety;

AND WHEREAS, the Municipal Government Act, Chapter M-26, Section 162 empowers Council to take emergency action to eliminate or minimize the hazard involving unoccupied buildings which are ruinous, unsafe or delapidated as to be dangerous;

NOW THEREFORE, the Council of the Town of Bonnyville in Council duly assembled, hereby enacts as follows:

1. That this By-Law may be cited as "Buildings Dangerous to the Public Safety" By-Law.
2. That no person being owner, agent, lessee or occupier of any land or premises within the Town of Bonnyville shall permit the land or premises of which such person is the owner, agent, lessee or occupier to be or remain in an ruinous, delapidated, unsafe or unprotected condition so as to be dangerous to the public safety.
3. That no person being owner, agent, lessee or occupier of any land or premises within the Town of Bonnyville shall permit the land or premises of which such person is the owner, agent, lessee or occupier to be or to remain untidy and unsightly; and

5. Council may by resolution:

- 1) Require the owner, agent, lessee, or occupier to remedy in such manner as Council may direct any condition on his/her land that is dangerous to the public safety or health or a building that is because of its unsightly condition detrimental to the surrounding area.
- 11) Direct the owner, agent lessee or occupier to remove any litter causing or contributing to unsafe or unsightly premises.
- 111) Require the owner, agent, lessee, or occupier to construct a fence, wall, screen or similar structure to prevent the untidy or unsightly premises from being viewed from any highway or any other public place.
- 1v) Provide that if the owner, agent, lessee or occupier fails, neglects or refuses to remedy the conditions, the Council may cause such work to be done as the Council considers necessary to remedy it.
- v) Charge the cost of the work done to remedy the condition to the owner, agent, lessee or occupier in default of payment
 - a) Recover the costs as a debt due to the municipality; or
 - b) Charge the cost against the land considered as taxes due and owing in respect of the land and recover the costs as such.
- vi) An owner, agent, lessee or occupier who receives a notice, order or direction requiring him to abate a nuisance or to remedy any condition that constitutes a nuisance or that contravenes a by-law passed under this section and who thinks himself aggrieved may appeal within 10 days to the Court of Queen's Bench and if it is satisfied that the Council has acted unreasonably or unjustly or in a manner contrary to the intent and

Buildings
Dangerous to
Public
Safety

6. The Council of the Town of Bonnyville may or will at its discretion make an order to remedy any condition or to demolish and remove any unoccupied building, structure, erection, excavation or hole in or upon any private lands, streets, sidewalk, boulevard park or highway if, in the opinion of the Council such building, structure, erection, excavation or hole is by reason of its ruinous, delapidated, unsafe or unprotected condition, dangerous to the public safety or health.
7. The Council shall cause, not less than 14 days notice to be sent by registered mail to the registered and assessed owner of the land upon which an unoccupied building, structure or erection stands, referred to in section six (6) of this By-Law, specifying the date, time and place at which the making of an order to remedy the condition or to demolish and remove such unoccupied building, structure or erection will be considered and such owner will be given an opportunity of appearing and being heard by the Council at such meeting before the making of the order.
 - 1) The order may require the owner within a period of time which shall not be less than 30 days from the date of the making of the order,
 - a) to remedy the condition in the manner and to the extent directed in the order, or
 - b) to demolish or remove the building, structure or erection or fill the excavation or hole and level the site thereof.
 - 11) If the owner does not remedy the condition within the period specified in the order, or the building, structure or erection has not been demolished or removed at the expiration of the period specified in the order, the building inspector or other authorized person shall remedy the condition to the extent directed in the order or cause the unoccupied building, structure or erection to be demolished or removed.

- 111) The removal may be done by way of selling the building, structure or erection, in which case the net proceeds realized from the sale shall be paid to the owner, mortgagee or other person entitled thereto, unless there are any taxes or other charges owing in respect of the building, structure or erection or the land on which it is situated, in which case the amount of the tax or other charge shall be set off against the net proceeds of the sale of the building, structure or erection and any amount in excess thereof shall be paid to the owner, mortgagee or other person entitled thereto.
- iv) If the proceeds from the sale of the building, structure or erection, after deduction of taxes or other charges owing thereon, are insufficient to meet the costs of the demolition or clearance of the site, or if no proceeds are realized from the demolition and removal of the building, structure or erection, the Council may charge the costs of the work done against the owner or the land on which the building, structure or erection was located, and recover the costs as a debt due to the municipality or charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.
- v) Any person who thinks himself aggrieved by an order of the Council made under this section may apply to the Court of Queen's Bench within 30 days from the date of the making of the order and if the Court is satisfied that
- a) the proper procedure as set forth in this section has not been followed, or
 - b) the Council has acted in a manner contrary to the intent or meaning of this section,
- it may set aside, vary or modify the order of the Council as it considers just.

Unoccupied
Buildings

8.

- 1) If, in the opinion of the Council of the Town of Bonnyville, a hole or excavation or an unoccupied building is so ruinous, unsafe or delapidated as to be dangerous or likely to cause injury to a person or damage to property, then the Town shall promptly take any reasonable emergency action required to eliminate or minimize the hazard.
- 11) When the emergency action has been taken the Town of Bonnyville shall advise the owner of the property by registered mail of the action of the Town and its intention to charge the cost thereof to the property and invite him to appear before the Council for the purpose of disputing the justification of the Town having acted under this section and of contesting the intention of the Town of Bonnyville to charge the costs of the emergency action against the land.
- 111) And if the owner or agent of the owner fails to appear before the Council of the Town of Bonnyville and does not remedy condition of the hazard caused by the unoccupied building deemed as dangerous or likely to cause injury to person, Council shall take such action as to remedy the dangerous or unsafe condition of the premises by;
 - a) removal by way of selling the building, structure or erection, in which case the net proceeds realized from the sale shall be paid to the owner, mortgagee or other person entitled thereto, unless there are any taxes or other charges owing in respect of the building, structure, or erection or the land on which it is situated, in which case the amount of the tax or other charge shall be set off against the net proceeds of the sale of the building, structure or erection and any amount in excess thereof shall be paid to the owner,

b) that the proceeds from the sale of the building, structure or erection, after deduction of taxes or other charges owing thereon, are sufficient to meet the costs of the demolition or clearance of the site, or if no proceeds are realized from the demolition or clearance of the site, or if no proceeds are realized from the demolition and removal of the building, structure or erection, the council may charge the costs of the work done against the owner of the land on which the building structure or erection was located and recover the costs as a debt to the municipality or charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

iv) Any owner or agent of the owner that should appear before the Council of the Town of Bonnyville pursuant to the invitation of Council and is dissatisfied with the disposition of an unoccupied building he may within 30 days appeal to the Court of the Queen's Bench to rule on this matter.

Read a first time this 18 day of JANUARY


19 86 .

Read a second time this 11 day of FEBRUARY

19 86 .

Read a third time in Council and finally passed this

11 day of FEBRUARY 19 86 .


MAYOR

Bill McNeil