

TOWN OF SUNDRE**BY-LAW NO. 679****A BY-LAW OF THE TOWN OF SUNDRE IN THE PROVINCE OF ALBERTA FOR THE REGULATION AND CONTROL OF WEEDS, GRASSES, OTHER PLANTS, AND FOR THE ABATEMENT OF NUISANCES.**

WHEREAS, under Section 7 of the Municipal Government Act, R.S.A. 1994, Chapter M-26.1, Council may pass by-laws regulating nuisances and unsightly premises;

AND WHEREAS, unsightly premises are a detriment to surrounding properties and the immediate neighbourhood generally;

AND WHEREAS, Council deems it advisable to pass a by-law to regulate and control weeds, grasses, other plants, and for the abatement of nuisances;

AND WHEREAS, the purpose of this By-law is to prevent the existence and proliferation of unsightly premises and to provide a mechanism for the remediation of a property which has become an unsightly premises;

NOW THEREFORE, the Municipal Council of the Town of Sundre duly assembled, enacts as follows:

1. This By-law shall be cited as the "Weeds, Grasses, Other Plants and Abatement of Nuisances By-Law."
2. In this By-law, unless the context otherwise requires, the term:
 - (a) "Town" means the municipal corporation of the Town of Sundre or the area contained within the Town boundaries as the context requires;
 - (b) "Grass" means a member of the grass family which is of an objectionable and unsightly nature, forms a nuisance or a fire hazard, or is not controlled;
 - (c) "Plants" includes any vegetation which is of an objectionable and unsightly nature, forms a nuisance or a fire hazard, or is not controlled;
 - (d) "Weeds Act" means The Weed Control Act, 1979, of Alberta;
 - (e) "Clean Up Order" means an Order issued under this by-law by an Enforcement Officer;

(f) "Enforcement Officer" means the By-Law Enforcement Officer, Special Constable, Municipal Administrator, Town Superintendent, as appointed by the Council of the Town of Sundre;

(g) "Owner" means:

(i) a person who is registered under the Land Titles Act as the owner of the land;

(ii) the person who is recorded as the owner of the property on the assessment roll of the Town;

((iii) a person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not become the registered owner thereof;

(iv) a person holding himself out as the person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership;

(v) a person controlling the property under construction, or

(vi) a person who is the occupant of the property under a lease, rental agreement, license or permit;

(h) "Right of Access" means the right of an Enforcement Officer to enter onto a property to inspect the property to determine whether to issue a Clean Up Order, or to allow work forces access to the property for the purposes of enforcing a Clean Up Order;

(i) "Unsightly Premises" means any property or part of it which is characterized by visual evidence of a lack of general maintenance and upkeep.

(j) "Work Forces" means Town employees or contract workers engaged by the Town for the purposes of enforcing a Clean Up Order;

(k) "Noxious Weeds" shall include:

(1) all those plants designated as "noxious weeds" in the Regulations passed pursuant to the Weeds Act;

(2) "grass" and "plants" as defined in this By-law;

(3) the following plants:

<u>Common Name</u>	<u>Latin Name</u>
Ball Mustard	- Neslia paniculata
Common Chickweed	- Stellaria media L.
Dandelion	- Taraxacum officinale
Dog Mustard	- Erucastrum gallicum
Field Chickweed	- Cerastium arvense L.
Foxtail Barley	- Hordeum jubatum
Green Foxtail	- Setaria viridis L.
Green Tansy Mustard	- Descurainia pinnata
Goat's Beard	- Tragopogon dubius
Lamb's Quarters	- Chenopodium album
Mouse-eared Chickweed	- Cerastium vulgatum L.
Quack Grass	- Agropyron repens L.
Redroot Pigweed	- Amaranthus retroflexus L.
Russian Thistle	- Salsola pestifer
Shepherd's Purse	-Capsella bursa-pastoris L.
Annual Sow Thistle	- Sonchus oleraceus L.
Stinkweed	- Thlaspi arvense L.
Wild Mustard	- Sinapis arvensis L.
Wild Oats	- Avena fatua L.
Wormseed Mustard	- Erysimum cheiranthoides

3. All owners are required to control weeds, grasses, and other plants, and to cut grass on property they own or occupy.
4. All owners are required to control weeds, grasses, and other plants, and to cut grass on any boulevard which abuts, flanks or adjoins their property. This includes up to the centre of lanes or alleys at the rear of the property.
5. Trees whose branches overhang a public sidewalk, road, lane or alley shall be pruned to a height of twelve (12) feet so as to allow unobstructed flow of traffic through these thoroughfares.
6. In determining whether a premises is an unsightly premises as defined in this By-Law an Enforcement Officer shall have regard to the use and location of the property.
7. If an Enforcement Officer has reason to believe than any property is an unsightly premises he may exercise a right of access to the property in order to inspect the premises to determine whether the property contravenes the provisions of this By-law.
8. (1) If an Enforcement Officer considers any property to be an unsightly premises, the Enforcement Officer may issue a Clean Up Order.
 - (2) Each Order:
 - (a) shall describe the property by
 - (i) name, if any, and
 - (ii) the municipal address or legal description.
 - (b) shall state that the property contravenes the provisions of this By-Law.
 - (c) shall give reasonable particulars of the extent of the clean up, removal, clearing or other actions required to be made.
 - (d) shall state the time within which the clean up, removal, clearing or other actions are to be done.
 - (e) shall state that if the required actions are not done within the time

specified, the Town may carry out the actions required and charge the cost thereof against the person to whom the Order is directed and if such person does not pay the costs, the costs shall be charged against the property as taxes due and owing in respect of that property, and recovered as such.

9. (1) A copy of the Order shall be served upon the owner of the property and may be served on any person shown by the records of the Land Titles Office to have an interest in the property.

(2) An Order referred to in subsection (1) may be served on the owner

(a) by being delivered personally to the person who is intended to be served,

(b) by being left with a person apparently over the age of eighteen (18) years at the dwelling place or place of business of the person who is intended to be served, or

(c) by being sent by double registered mail or certified mail to the last known address of the person who is intended to be served as shown on the assessment roll of the Town and the Order shall be deemed to be served upon the expiry of three (3) days after the mailing of the Order.

(3) If, in the opinion of the Enforcement Officer, service under subsection (2) cannot reasonably be effected, the Enforcement Officer may post the Clean Up Order or a copy of the Order in a conspicuous place on the land or property to which the Order relates, or on the private dwelling of the person who is intended to be served and such Order is deemed to be served upon the expiry of three (3) days after such Clean Up Order is posted.

10. The Enforcement Officer may extend the time for doing anything which is required to be done by the terms of the Order.

11. (1) If a person to whom an Order is directed under this By-law fails to carry out the Order within the time stated in such Order, an Enforcement Officer may exercise a right of access to the unsightly premises and may, with whatever work forces as are necessary, enter the premises against which the Order has been issued and carry out the Order.

(2) The Town or persons appointed by it may remove any fencing or other obstructions in carrying out the Order and shall replace or repair any fencing or other obstructions removed or damaged in the course of carrying out the Order.

(3) The expenses incurred by the Town in carrying out an Order under this section

finally passed.

MAYOR

MUNICIPAL ADMINISTRATOR