

## BYLAW NO. 3117

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**CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT** to promote the maintenance of Property and to address Unsightly Property within the City of Medicine Hat.

Amended by:  
Bylaw 4735  
May 6, 2024

**WHEREAS** the ***Municipal Government Act***, S.A. 2000, c.M-26 authorizes municipalities to deal with nuisances, including unsightly property, and the protection of people and property.

**NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:**

### NAME OF BYLAW

1. This Bylaw may be cited as the "Unsightly Property Bylaw".

### DEFINITIONS

2. For the purposes of this Bylaw, the following words mean:

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- (1) **"Act"** means the ***Municipal Government Act***, S.A. 2000, c.M-26, as amended.

- (2) **"Board"** means the City's Subdivision and Development Appeal Board.

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- (3) **"Bylaw Enforcement Officer"** means a police officer, peace officer or other person appointed or employed by the City having the authority to enforce bylaws.

- (4) **"City"** means the Municipal Corporation of the City of Medicine Hat.

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- (4.01) **"City Manager"** means the chief administrative officer of the City, operating under the title of "City Manager".

- (5) **"Council"** means the Municipal Council of the City.

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- (5.01) **"Dilapidated Vehicle"** means any vehicle that is:

- (a) incapable of being safely operated;
- (b) partially or full wrecked or dismantled; or
- (c) substantially damaged.

- (6) **"Designated Officer"** means a designated officer in accordance with the ***Act***.

- (7) **"Direction"** means a written direction in accordance with section 5 of this Bylaw.

Amended by:  
Bylaw 4031  
May 17, 2011

(8) **“Non-Residential Property”** means all Property that is not Residential Property

(8.01) **“Occupier”** means:

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- (a) a person who is in lawful physical possession of land or a Structure on the land; or
- (b) a person who has responsibility for, and control over, the condition of land or a Structure on the land, the activities conducted on that property, and the persons allowed to enter that property, and for the purposes of this Bylaw, there may be more than one occupier of the same land or Structure on the land.

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(9) **“Order”** means a written order in accordance with section 545 or subsection 546(1)(c) of the **Act** issued pursuant to subsection 6(a) or (b) of this Bylaw.

(10) **“Owner”** means:

- (a) in respect of land, the person who is registered under the **Land Titles Act** as the owner of the fee simple estate in the land, and
- (b) in respect of Property other than land, the person in lawful possession of it.

Amended by:  
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(11) **“Property”** means:

- (i) a parcel of land,
- (ii) a Structure, or
- (iii) a parcel of land and any Structures located thereon.

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(11.01) **“Reasonable State of Repair”** means the condition of being:

- (i) free from significant damage;
- (ii) free from significant rot or other significant deterioration;
- (iii) free from the presence or accumulation of hazardous materials (unless stored in accordance with applicable laws), noxious fumes, or sewage; and
- (iv) safe for intended use.

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May 17, 2011

(11.1) **“Residential Property”** means any Property that is solely used for residential purposes and includes a residential dwelling that contains a home occupation business and a residential dwelling that is under construction.

(12) **“Structure”** means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land.

- (13) **“Unsightly Property”** means Property described in section 3 of this Bylaw.

### UNSIGHTLY PROPERTY

3. (1) Unsightly Property is Property that, in the opinion of a Bylaw Enforcement Officer, is detrimental to the surrounding area because of its unsightly condition.

- (2) Some factors which may be considered by a Bylaw Enforcement Officer in determining whether Property is Unsightly Property include the following:

- (a) the presence of uncut grass or weeds,
- (b) the presence of trees, shrubs or other vegetation in such a manner that they interfere with the use of or obstruct visibility of street signage, sidewalks, roadway clearance, municipal works or public utilities,
- (c) the presence of one or more dilapidated vehicles, including vehicles that are inoperable and unregistered,
- (d) the storage or accumulation of garbage, litter, refuse (including but not limited to building materials, tires, boxes, scrap material), equipment, dilapidated furniture or appliances, machinery, machinery parts or other similar materials or items,
- (e) specific or general lack of repair or maintenance including but not limited to:
  - (i) significant deterioration of Structures or portions of Structures;
  - (ii) broken or missing windows, siding, shingles, shutters, eaves or other building materials;
  - (iii) significant fading, chipping or peeling of painted areas of Structures;
  - (iv) exterior doors or windows in a Structure that do not operate as they were intended to or do not fit tightly within their frames when closed;
  - (v) exterior doors, windows or openings in a Structure that are not properly constructed or maintained so as to completely exclude rain;
  - (vi) exterior doors, windows or other openings in a Structure that are covered with wood where the wood is not:
    - a. installed from the exterior and fitted within the frame of the opening in a watertight manner;

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- b. of a thickness sufficient to prevent unauthorized entry to the Structure;
- c. secured in a manner sufficient to prevent unauthorized entry to the Structure; or
- d. coated with an opaque protective finish that matches or complements the existing exterior finish of the Structure in a manner that is not detrimental to the surrounding area.

(f) the location, zoning, use and visibility of Property.

- (3) Subsection (2) is not intended to be an exhaustive list of factors which may be considered in determining whether Property is unsightly Property.

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- (4) No Owner or Occupier of a Property shall cause or permit the Property to become an Unsightly Property.

#### **MAINTENANCE STANDARDS FOR PROPERTY**

4. (1) An Owner or Occupier of Property shall ensure that all Structures on the Property are maintained so that:

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- (a) the foundations;
- (b) exterior walls;
- (c) roof and eavestroughs;
- (d) windows, including frames, shutters, and awnings;
- (e) exterior doors, including frames, jambs, and awnings;
- (f) exterior landings;
- (g) balconies, porches, decks, patios;
- (h) steps, walkways, and sidewalks; and
- (i) fences,

are kept in a Reasonable State of Repair.

- (2) No person shall cause or permit a vacant Structure to become damaged or to deteriorate into a state of disrepair such that the Structure is an imminent danger to public safety.
- (3) If a Structure normally intended for human habitation or use is unoccupied then the Owner or Occupier may cover any door or window opening in the Structure with a solid piece of wood (or other similar suitable material) that is:

- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
  - (b) of a thickness sufficient to prevent unauthorized entry into the Structure;
  - (c) secured in a manner sufficient to prevent unauthorized entry into the Structure; and
  - (d) coated with an opaque protective finish that matches or complements the existing exterior finish of the Structure in a manner that is not detrimental to the surrounding area.
- (4) An Owner or Occupier of a Property shall complete any work, renovation, or action within twenty-four (24) months following the first issuance of the permit to perform the work, renovation, or action unless the Person who grants the permit allows for a shorter or longer period to complete such work, renovation, or action.
- (5) (a) If a Structure normally intended for human habitation or use has been declared unfit for human habitation or use by any health or building authority, then the Owner or Occupier of the Property on which the Structure is located shall:
  - (i) remedy the deficiencies in order for the declaration to be removed; or
  - (ii) remove or demolish the Structure;
- (b) Any work or action required by the Property Owner or Occupier pursuant to subsection (a) shall be completed:
  - (i) within the time specified by the health or building authority; or
  - (ii) if no time is specified by the health or building authority, within twelve (12) months following the date of the declaration.

## DIRECTION

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- 5. If a Bylaw Enforcement Officer forms the opinion that Property is Unsightly Property or fails to comply with maintenance standards set out in section 4 of this Bylaw, the Bylaw Enforcement Officer may issue a written Direction to the Owner or Occupier of the Property. The Direction may require the Owner or Occupier of the Property to improve the appearance of the Property or to comply with any requirements set out in section 4 of this Bylaw in the manner specified and may state a time within which the person must comply with the Direction.

## ORDERS

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- 6. (a) If in the opinion of a Designated Officer, Property is detrimental to the surrounding area because of its unsightly condition, the Designated Officer may issue a written Order in accordance with subsection 546(1)(c) of the **Act**.

- (b) A Designated Officer may issue a written Order under section 545 of the **Act** requiring the Owner or Occupier of the Property to comply with any requirements set out in Section 4 of this Bylaw.

### CITY MAY REMEDY UNSIGHTLY CONDITION OF PROPERTY

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- 7. If an Order has been issued, the City may take whatever actions or measures are necessary to:

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- (a) deal with the unsightly condition of Property in accordance with section 549 of the **Act**, and
- (b) collect any unpaid costs or expenses incurred by the City in accordance with the **Act**.

The costs and expenses of the actions or measures taken by the City are charged in addition to any penalty imposed under this Bylaw.

### REVIEW OF ORDERS

- 8. Council hereby delegates its power to review Orders under section 547 of the **Act** to the Board.
- 9. A person who receives an Order may request the Board to review the Order by written notice delivered to the following address:

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The City Clerk  
Office of the City Clerk  
Third Floor, City Hall  
580 First Street S.E.  
Medicine Hat, AB T1A 8E6

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within 7 days of the date the Order is received.

### DECISION OF BOARD

- 10. After reviewing the Order, the Board may confirm, vary, substitute or cancel the Order in accordance with subsection 547(2) of the **Act**.

### APPEAL TO COURT

- 11. A person affected by the decision of the Board under section 10 may appeal to the Court of Queen's Bench in accordance with section 548 of the **Act**.

## INSPECTION

12. A Designated Officer may inspect Property in accordance with section 542 of the **Act** for the purposes of determining whether:

- (a) Property is Unsightly Property under this Bylaw,
- (b) Property, because of its unsightly condition is detrimental to the surrounding area in accordance with section 546 of the **Act**,
- (b.1) Property meets the Maintenance Standards set out in section 4 of this Bylaw,
- (c) there has been compliance with a Direction issued under section 5 of this Bylaw, or
- (d) there has been compliance with an Order.

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## MINIMUM SECURITY REQUIREMENTS

12.1 The City Manager may establish the minimum requirements for the purposes of subsections 3(2)(e)(vi)b., 3(2)(e)(vi)c., 4(3)(b), and 4(3)(c) of this Bylaw. If established by the City Manager, the City Manager shall cause such requirements to be posted on the City's website.

## OFFENCE

13. A person who fails to comply with:

- (a) Section 4(4);
- (b) Section 4(5);
- (c) A Direction issued in accordance with section 5;
- (d) an Order issued in accordance with subsection 6(a); or
- (e) an Order issued in accordance with subsection 6(b);

within the time specified therein is guilty if an offense.

13.01. A person who fails to comply with:

- (a) Section 3(4);
- (b) Section 4(1);
- (c) Section 4(2);
- (d) Section 4(3); or
- (e) Section 13.2,

is guilty of an offence.

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Bylaw 4031  
May 11, 2011

- 13.1 Each day, or part of a day, that an offence under this Bylaw continues constitutes a separate offence.

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- 13.2 A person shall not obstruct or hinder any other person in the exercise or performance of the other person's powers or duties pursuant to this Bylaw.

## PENALTY

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Bylaw 4031  
May 17,  
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14. If a Bylaw Enforcement Officer believes on reasonable and probable grounds that an offence has been committed under section 13, 13.01, 13.2 of this Bylaw, a summons under the ***Provincial Offences Procedures Act***, RSA 2000, Chapter P-34 may be issued by means of a violation ticket in respect of an alleged contravention, and the penalty payable upon conviction in a court of competent jurisdiction shall be:

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- (a) In the case of a Residential Property:
  - (i) not less than \$300.00 nor more than \$500.00 for a first offence by that person; and
  - (ii) not less than \$500.00 nor more than \$10,000.00 for any subsequent offence by that person; or
- (b) In the case of a Non-Residential Property:
  - (i) not less than \$500.00 nor more than \$1,000.00 for a first offence by that person; and
  - (ii) not less than \$2,000.00 nor more than \$10,000.00 for any subsequent offence by that person.

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## ENFORCEMENT OF THIS BYLAW

15. The City is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the City may take into account any practical concerns, including available municipal budget and personnel resources.

## REPEAL

16. The Minimum Maintenance Standards Bylaw, Bylaw No. 1864, is repealed.



**COMING INTO FORCE**

17. This Bylaw comes into force at the beginning of the day that it is passed.

**READ A FIRST TIME** in open Council on February 17, 1998.

**READ A SECOND TIME** in open Council on March 2, 1998.

**READ A THIRD TIME** in open Council on March 2, 1998.

**SIGNED AND PASSED** on March 3, 1998.