

Prepared By: T. Hurlbut
Municipal Secretary

Manager Approved: [Signature]

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TOPIC: DANGEROUS AND/OR UNSIGHTLY PROPERTIES PROCEDURE

BACKGROUND:

1. In this procedure the Designated Officer shall be any Town of Redcliff employee, authorized in his/her position description to deal with dangerous or unsightly properties, and the remedial work required to resolve any situations relating to such dangerous or unsightly conditions, and shall also included the Municipal Manager or his designate.
2. A Property Owner shall be the individual(s) or corporation as shown on the tax roll of the Town of Redcliff.
3. Many Alberta communities contain dangerous and unsightly property which cause risks and attract the concerns and complaints of local residents. There are ways in which a municipality can require property owners to minimize risks and to improve the appearance and safety of their property in the municipality.
4. Section 546 of the Municipal Government Act R.S.A. 1994 authorizes a Designated Officer to issue a written Order to the Property Owner of a dangerous or unsightly property.
5. As a prerequisite to issuance of an Order, the Designated Officer must hold the opinion that a structure, excavation or hole is dangerous to public safety or that the property is detrimental to the surrounding area because of its unsightly condition.
6. It should be noted the terms 'detrimental to the surrounding area and 'unsightly condition' are now defined in the MGA.
7. The opinion of the Designated Officer, with respect to the safety or unsightly nature of a property must be reasonable in the circumstances.
 - a) It is advisable there be some type of evidence that the value of neighbouring property is adversely affected by the unsightly state of the property in question.
 - b) There should also be reasonable evidence to support the opinion that the property in questions is a hazard to the public.
 - c) The Town should maintain a record of complaints received from the public regarding conditions of the property. This record should include photographic documentation indicating visually the state of the property in question.

PROCEDURE

Upon receipt of information that a property is unsightly or dangerous the following procedure will be followed by the Town of Redcliff.

1. All reports of unsightly or dangerous properties shall be referred to the Designated Officer responsible for dealing with dangerous and/or unsightly property.
2. The Designated Officer shall visit the property upon which there is a claim to determine in his opinion if the situation is unsightly or dangerous, he shall document the situation as outlined in Section 1-7 c of this procedure.
3. If in his opinion there exists a dangerous or unsightly condition he may issue an Order to remedy the situation.

The Order may:

- i) require the Property Owner to eliminate the danger to the public safety or improve the appearance of the property in a specific manner;
- ii) compel the Property Owner to remove or demolish the building or other structure and level the site;
- iii) require the Property Owner to fill in excavations in order to eliminate potential danger to the public or remedy the unsightly state of the property in general;

The Order must:

- i) clearly set out a specific date by which the owner must comply with the Order;
 - ii) expressly state that, if the owner does not comply with the requirements under the Order within a specific period of time, the Town will remedy the problem itself at the Property Owners expense.
4. This written Order shall be hand delivered or sent by Certified Mail to the Property Owner.
 5. Within 7 days from the date the written Order is received the Property Owner may request that the Town Council review the terms and conditions of the Order, however such a request from the Property Owner for review must be made in writing addressed to the Municipal Manager.
 6. After reviewing the Order the Town Council may:

Confirm the order;
Vary or substitute the order;
Cancel the order.

7. If the Property Owner considers the Order to be unreasonable, or feels the procedures of the MGA have not been followed then the Property Owner may appeal to the Court of Queens Bench.
8. In the event the Property Owner fails to comply with the Order and the time to appeal the Order has passed (Section 2-5), or the appeal was unsuccessful, the Town may take whatever measures are necessary to :

Eliminate the danger to public safety;
Deal with the unsightly condition of the property.
9. If the Designated Officer orders the removal of the property and there is resistance by the occupant, the Town is authorized under the MGA to use reasonable force to remove occupants from the property. The Designated Officer shall arrange to have the Police intervene and secure the removal of any occupants so the removal of the property may proceed.
10. If the Designated Officer deems the property should be demolished the Designated Officer shall obtain necessary permits under legislation of the Safety Codes Act before proceeding.
11. Any costs incurred by the Town of Redcliff in remedying dangerous or unsightly situations shall be invoiced to and paid by the Property Owner.
12. Upon invoicing of costs stated in Section 2.11, the Designated Officer shall notify the Senior Taxation Clerk of pending situation in the event of a proposed sale or transfer of the property to ensure account is paid prior to any tax certificate being issued.
13. Should the Property Owner not pay the invoice within 60 days of billing, the Town of Redcliff shall add the amount owing to the tax roll of the land in question as authorized by the MGA.