

SPRING HAS SPRUNG

How about we kick off this week's article with a little question and answer exercise; the subject, **Unsightly Premises**.

Q. What constitutes an unsightly premise?

A. It depends who you are talking to.

One man's treasure is another man's junk, we have all heard that at one time or another, and to some degree it is true. What may be considered a messy yard to one person may not be messy to another.

Q. How would you describe an unsightly premise?

A. You would see an excessive amount of garbage or rubbish, discarded or neglected materials, overgrown vegetation dilapidated vehicles, run down buildings, discarded appliances and in some cases, animal feces'. Put simply you would see things that may be offensive and you may smell things that may be offensive.

Q. How do you determine if a yard falls into the unsightly category?

A. The Town of Hinton Nuisance Bylaw specifically states restrictions that apply to properties, if the conditions of the property fall into any of the described restrictions, action is taken to remedy the situation.

Q. When you say remedy, exactly what do you mean?

A. Well we start you off with a verbal heads up (so to speak). We inform you that there is a problem with the conditions of the yard and how those conditions have to be remedied. At that time we also ask you for a deadline for the completion of the clean up. If the property is not cleaned up by the time you had committed to, we will then serve a written notice on you stating the offense, the deadline to clean it up and what will happen if it is not completed by the deadline.

Q. So let's say I have been served a notice with a deadline, what if I don't do anything about it?

A. There are some alternatives here; one is a voluntary penalty (ticket), which can be served on the property owner and if that doesn't encourage a change, we have the legal right to have the town remove the offending materials and the costs incurred by the property owner, which are added to the property taxes of the owner. Or if the cleanup is in progress and we see an effort being made and there is a reasonable excuse for not meeting the deadline, we may set a new deadline.

Q. Where do you get all these legal rights?

A. From the Municipal Government Act. The act specifically states the steps that have to be followed when conducting a clean up of unsightly property. By the way the act doesn't state that we have to give you the up front verbal notice, the town does that as a courtesy to the citizen.

Q. Lets just say that after you decided that my property was unsightly and you served a notice on me and I didn't agree that my property was unsightly, who can I see to dispute that issue?

A. You can make application to the Town of Hinton Municipal Council for a review of the order and the process is called just that, a "Written Order Review" or more commonly an appeal and must be applied for within 7 days as of the date of when the order was served. In the process council will decide if they agree with the order, may alter the order or cancel the order.

Q. Okay, so what happens if I don't agree with council's decision?

A. Then it is off to court you go, you may then apply to Court of Queen's Bench for a hearing on the matter at which time the courts will decide if the order stands or may declare the order invalid.

Q. This is probably a silly question, but what are the benefits of keeping your yard clean?

A. The simplest answer would be to say there are no benefits in keeping your yard messy; however personal pride comes to mind as well as pride in the community. As well you won't be considered the bad boy on the block that is taking the property values down and hindering house sales, which by the way may be for sale because of your messy yard!

Q. So I am still a little confused, how clean are we supposed to keep our yards?

A. There are variations of what people consider clean and what people consider messy. So to establish an exact guideline would be impossible; however the following applications could be applied.

- Do not neglect your yard/property
- Place debris or items in an organized fashion within the property, preferably out of sight.
- Ensure that all steps have been taken to eliminate all safety risks.
- Maintain all buildings and structures in good repair.
- Check for any fire hazard situations that may exist in the yard
- Keep grass trimmed and remove all weeds whether they are noxious or not.

Q. What about vehicles being stored in yards?

A. That is probably one of the most prominent problems on residential properties. In order for the town to get a grasp on that, they have followed suite with what other municipalities are doing and that is to restrict the number of unregistered vehicles on a property. Here is the ruling as it stands to date. A residential property may have up to three unregistered vehicles on the property. One is allowed to be parked in the driveway and the remaining two must be parked out of sight by a method approved by the Town of Hinton.

Q. I think I read in a recent Parklander Edition that the Town of Hinton has chosen to compete at a National level in the Communities in Bloom Competition, is that true?

A. Yes that is true, and of course that will up the anti considerably regarding Hinton's aesthetics and as a result we would encourage property owners to take that extra step in the cleaning of their properties to maintain or enhance the level we presently enjoy.

Q. Who can I contact to find more information regarding the issue of Unsightly Premises?

A. You can call Bylaw Services at 865-6009.