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TITLE: UNSIGHTLY PROPERTY

NUMBER: 2020-02

PREAMBLE: TO REGULATE NUISANCES, UNSIGHTLY PROPERTY AND DERELICT VEHICLES

DATE PASSED: August 5, 2020

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## OBJECTIVES

The objectives of this By-law are

- to regulate nuisances, unsightly property and derelict vehicles
- to reduce danger from fire, vermin or hazardous situations
- impose restrictions on properties within the urban portion of Hamiota Municipality
- set the penalty for failure to comply

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The Council of the Hamiota Municipality enacts as follows:

### 1. BY-LAW TITLE

This By-law shall be known as the Unsightly Property By-law.

### 2. PURPOSE OF THE BY-LAW

The purpose of this bylaw is to regulate nuisances, unsightly property and derelict vehicles in order to reduce danger from fire, vermin or hazardous situations in the urban portion of Hamiota Municipality.

### 3. CHIEF ADMINISTRATIVE OFFICER DELEGATED AUTHORITY

In this by-law, "designated officer" shall mean the Chief Administrative Officer, or other official appointed by Council to enforce this by-law.

The designated officer is delegated the authority to make regulations, implement policies, initiate work, establish fees and charges, rules or practice and procedures that he/she considers necessary to carry out the purpose and responsibilities of this By-law.

The designated officer shall not knowingly cause or allow any practice, activity, decision or organizational circumstance that is unlawful, unsafe, imprudent, or in violation of commonly accepted professional ethics and practices.

### 4. REGULATED MATTER

Property owners shall keep property and any public property which abuts or flanks such property clear of:

- a. Rubbish
- b. Unsafe structure(s)

- c. Excavations
- d. Open storage of vehicles that are
  - Not in operating condition
  - Not registered with MPI
  - Abandoned or used for parts or scrap
- e. Storage of household appliances
- f. Growth of noxious weeds as defined in the *Noxious Weeds Act*
- g. Excess growth of plant material

#### 5. VIOLATIONS

The designated officer may, by written order, require the owner to improve the property in the manner specified in the written order.

The written order issued by the designated officer shall state a time within which the owner must comply with the order and state that if the order is not complied with within the specified time, the Municipality will take remedial action or measures at the expense of the owner.

The written order issued by the designated officer shall be served on the owner of the property, whether personally or by mailing it to the last address for that owner recorded on the Municipality's tax rolls.

#### 6. APPEALS

Appeals may be made by the owner or authorized representative within the time stated in the written order. Appeals must be made in writing to the Council of Hamiota Municipality. Upon hearing of the appeal the Council may:

- a. uphold, rescind, suspend or modify the order issued by the designated officer;
- b. extend the time within which compliance with the order shall be made; or
- c. make such other decision or order as in the circumstances of each case it deems just, and the decision or order of the Council, upon being communicated to the appellant, shall stand in place of the order against which the appeal is made.

The ruling of Council is not subject to appeal.

#### 7. PENALTY

Any person, who contravenes or disobeys, or refuses or neglects to obey any order made under this by-law is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$1,000.00.

#### 8. COLLECTION OF AMOUNTS OWING

The costs of actions or measures taken by the Municipality to carry out the terms of an order issued by the designated officer are an amount owing to the Municipality by the owner of the property and may be collected by the Municipality in the same manner as a tax may be collected or enforced under the Municipal Act.

#### 9. REPEALS

The following bylaws, as amended, are repealed:

- 9-2000 Derelict Vehicles and Unsightly Property

#### 10. EFFECTIVE DATE

The effective date of this By-law shall be the day after it is passed

#### 11. AUTHORITY

*The Municipal Act* provides (in part) as follows:

- 232(1) A council may pass by-laws for municipal purposes respecting the following matters:
- (a) the safety, health, protection and well-being of people, and the safety and protection of property;

(c) subject to section 233, activities or things in or on private property;

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
- (b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;
- (c) the removal of top soil; and
- (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

DONE AND PASSED in open Council assembled at the Council Chambers of the Hamiota Municipality, in the Province of Manitoba this 5 day of August A.D., 2020.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

Given first reading this 8 day of July, 2020.

Given second reading this 5 day of August, 2020.

Given third reading this 5 day of August, 2020.