

RURAL MUNICIPALITY OF RITCHOT

BY-LAW NO. 16-2019

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF RITCHOT TO MAINTAIN PROPERTY AND TO REGULATE NUISANCES, DERELICT, ABANDONED AND UNSIGHTLY PROPERTY

WHEREAS:

- A. The Municipal Act, Chapter M225, Continuing Consolidation of the Statutes of Manitoba provides as follows:

Spheres of jurisdiction

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; ...
- (o) the enforcement of by-laws.

Exercising by-law-making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit...
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality ...

Content of by-laws under clause 232(1)(c)

233 A by-law under clause 231(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 council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

Content of by-laws under clause 232(1)(o)

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and

- (b) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge, or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law, providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
 - (iii) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
 - (iv) charging and collecting costs incurred in respect of acting under subclause (iii)

Order to remedy contravention

242(1) If a designated officer finds that a person is contravening a by-law or this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require.

- B. It is deemed expedient to pass a By-law for the purpose of maintaining property and regulating and abating nuisances and derelict, abandoned and unsightly property that are detrimental to the health, safety and comfort of the residents of the Rural Municipality of Ritchot;

NOW THEREFORE the Council of the Rural Municipality of Ritchot enacts as a by-law the following:

1. Definitions

- a. **“derelict vehicle”** means a vehicle that meets one or more of the following conditions:
 - i. is not in operating condition,
 - ii. does not have attached thereto, and exposed thereon, an active license plate verifying that it has a valid registration under the Drivers and Vehicles Act,
 - iii. the owner thereof either has abandoned it or is keeping it primarily for the purposes of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal,

and derelict vehicle also includes the body or chassis of a used motor vehicle all or some of the parts of which have been removed, and to which clauses a. ii and iii apply.

- b. **“designated officer”** means an official appointed by council, from time to time, to enforce this by-law.
- c. **“interested person”** means the owner, occupier, or mortgagee of property which is the subject of an order made under the authority of this by-law.

- d. **“mortgagee”** in the case of any property means any person holding a registered real property mortgage against the property according to the records of the land titles office for the area within which the property is situated.
 - e. **“occupier”** in the case of any **occupier** means a person who, with respect to a piece of land, is a lessee, licensee, invitee, permittee, purchaser, homesteader, pre-emption entrant or squatter and includes a party claiming through or under such person;
 - f. **“owner”** in the case of any property means the registered owner of the property according to the current assessment records of the Municipality.
 - g. **“property”** means any land as defined in *The Municipal Assessment Act* within the Municipality whether or not there is situated thereon a dwelling house or any other building.
 - h. **“rubbish”** means any garbage, trash, or junk including, but not limited to unwanted or discarded household items, waste from building construction, remodelling and repair; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; motor vehicle parts or tires; newspapers, magazines, packaging materials, waste paper or cardboard, dead animal carcasses, and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighbourhood aesthetics.
 - i. **“unsafe structure”** means any structure, whether a building, fence, excavation or hole, which in the opinion of the designated officer is at risk of collapse or otherwise dangerous to public safety or property.
 - j. **“unsightly property”** means a property which in the opinion of the designated officer is detrimental to the surrounding area due to a condition or conditions that could cause a property to be determined as unsafe or unsightly or unhealthy, including but not limited to property containing: ashes, junk, other rubbish or refuse; derelict vehicle(s), vessel, or item of equipment or machinery, or bodies or parts of such items; an accumulation of wood shavings, paper, sawdust, dry and flammable grass or weeds or other combustible materials, or the growth of grass or weeds to a length which is unsightly so that same becomes a nuisance to adjoining properties.
2. The position of designated officer (“Officer”) is established:
- a. Council grants the Officer all powers, duties, discretion and functions set out in the Act and authorizes the Officer to act as the designated officer for the purposes of this by-law.
 - b. The Officer shall also have the powers, duties, discretion and functions of a designated officer set out in section 243 and 246 of the Act, for the purpose of making orders requiring property owners to:
 - i. eliminate, remove, demolish, or fill in, as the case may be, structures, excavations or holes that are dangers to public safety; or
 - ii. improve the appearance of property that because of its unsightly condition is detrimental to the surrounding area; or

- iii. remove or demolish a building or other structure that is in an unsightly condition, and level the site.

Application

3. This by-law applies to all property and to all owners and occupiers of property within the Rural Municipality of Ritchot

Standards

4. No owner or occupier of property shall permit on such property, and each owner and occupier of property shall keep such property free and clear of:
 - a. rubbish;
 - b. unsafe structure(s);
 - c. unsightly property;
 - d. derelict vehicle(s);
 - e. the growth of weeds as defined in *The Noxious Weeds Act* so that the same become a nuisance to adjoining properties;
 - f. the growth of grass to a length which in the opinion of the designated officer is unsightly.

Exceptions

5. Notwithstanding section 3, subsection 4(d) does not apply to rural areas outside of St. Adolphe, Ste. Agathe, Ile des Chênes and Grande Pointe as outlined in the map provided as Schedule A to this by-law.
6. Notwithstanding sections 3 and 4, a person may park or store one derelict vehicle on an urban property provided that:
 - a. The vehicle is wholly contained within a lawfully existing structure on the property;
or
 - b. The vehicle is in the rear yard of a property and no part of it is visible from any public road.
7. Vehicles stored on rural properties as per section 5 must be kept in an organized fashion so as not to look unsightly.
8. Subsection 4(d) does not apply to properties that are lawfully used as commercial automobile dealerships, auto parts retailers or auto repair shops.

Complaint

9. Any person may allege a violation of this by-law by filing a complaint with the Municipal Office in such form and with such particulars as the designated officer may from time to time require. Anonymous complaints will not be considered.

Inspections

10. Upon receipt of a complaint, as aforesaid, the designated officer shall inspect all property alleged to be in violation of this by-law, in such manner as shall be reasonably necessary in order to determine whether or not there has been a violation of this by-law.
11. The designated by-law officer may, on his own initiative, inspect any property in the Rural Municipality of Ritchot, in such manner as shall be reasonably necessary in order to determine whether there has been a violation of this by-law.

Warnings, Orders, and Notices

12. Where inspections reveal a violation of any provision of this by-law, the designated officer:
 - a. may in his or her discretion give written notice of the contravention to the owner and occupier of the property by regular mail.
 - b. if the contravention continues following the warning notice, if any, provided under subsection 11(a) above, or if in his or her discretion no such warning notice is provided, the designated officer shall issue a written order which shall:
 - (i) specify the time within which compliance shall be required;
 - (ii) advise that should compliance not be affected within the specified time frame, the Municipality may undertake the remediation at the expense of the owner of the property and that such expense may be collected in the same manner that a tax may be collected or enforced under The Municipal Act;
 - (iii) describe the violation of the by-law
 - c. if the contravention continues following a warning notice and written order, the designated officer may give the owner or occupier of the land an offence notice charging the appropriate fine as set out in Schedule A of the Municipality of Ritchot's Provincial Offenses Act Implementation By-Law.

Service of Notices or Orders

13. Any order issued by the designated officer under subsection 11 of this by-law shall be served by personal service or by registered mail upon the person most responsible for the violation of the bylaw whether that be:
 - a. the owner;
 - b. the occupier, if any; or
 - c. in respect to any order alleging a violation of subsection 3(b) (unsafe structures), the mortgagee, if any; of the property effected by order.
14. Service made personally shall be deemed to have been made on the date of such service and service made by registered mail shall be deemed to have been made 3 days after posting. In the case of service upon an occupier, the address for mailing shall be the address of the property. In the case of an owner, the address for mailing shall be as shown on the current assessment records of the Municipality. In the case of a mortgagee, the address for mailing shall be as shown according to the records of the Land Titles Office for the area within which the property is situated.

Enforcement

- 15. 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 or occupier of the property. In addition to all other rights of collection which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.
- 16. Any person who violates this by-law or contravenes or disobeys, or refuses or neglects to obey or comply with 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.

Repeal

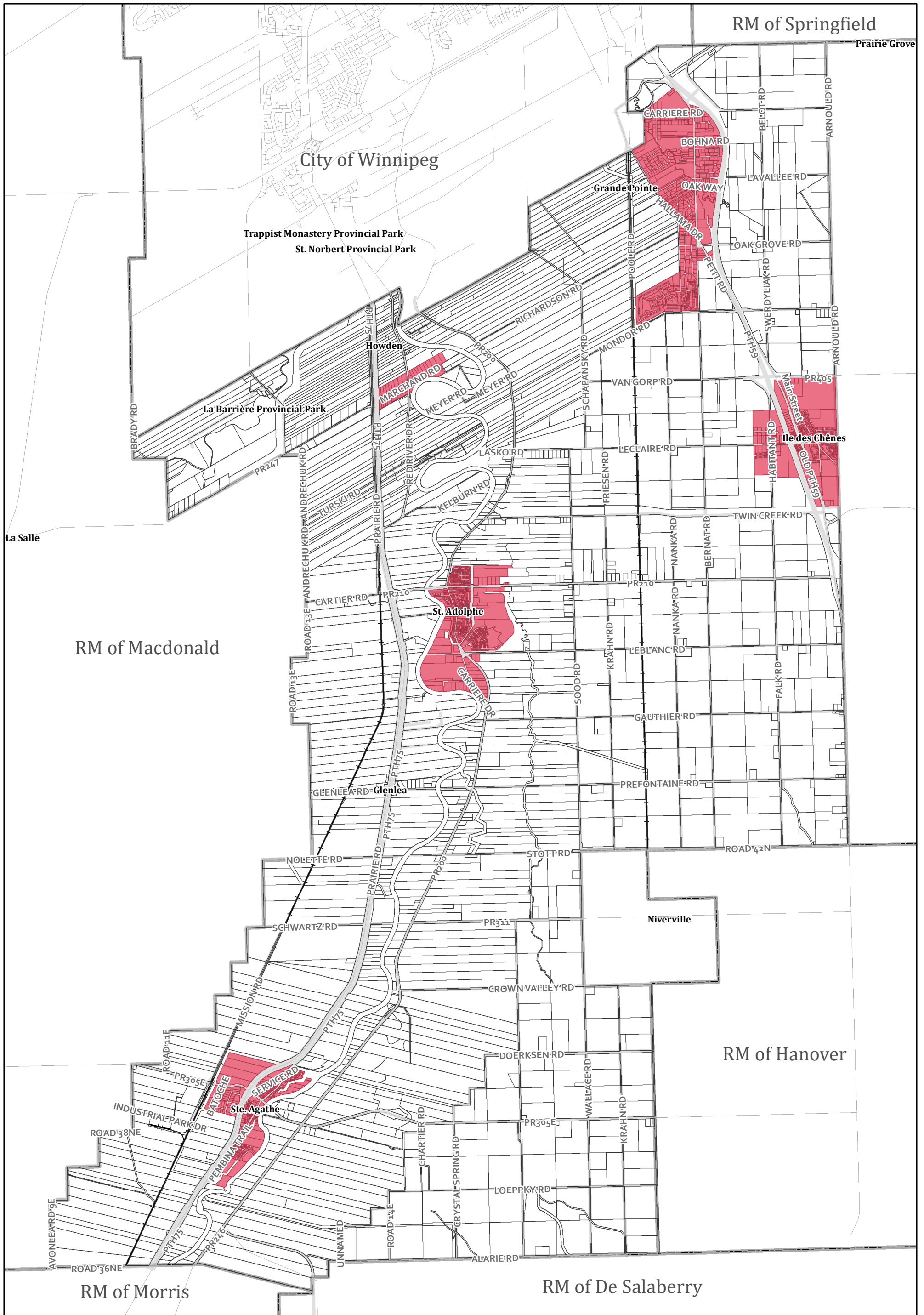
- 17. That By-laws No. 1-2009 and 6-2004 are hereby repealed, except in respect of an offence committed before this by-law comes into effect. By-laws 1-2009 and 6-2004 remain in effect to the extent required for the prosecution of any such offense.

Done and passed in council duly assembled at the Rural Municipality of Ritchot, in the Province of Manitoba this 21st day of August, 2019.

Mayor

Chief Administrative Officer

Read a first time this 17th day of July, 2019.
Read a second time this 21st day of August, 2019.
Read a third time this 21st day of August, 2019.



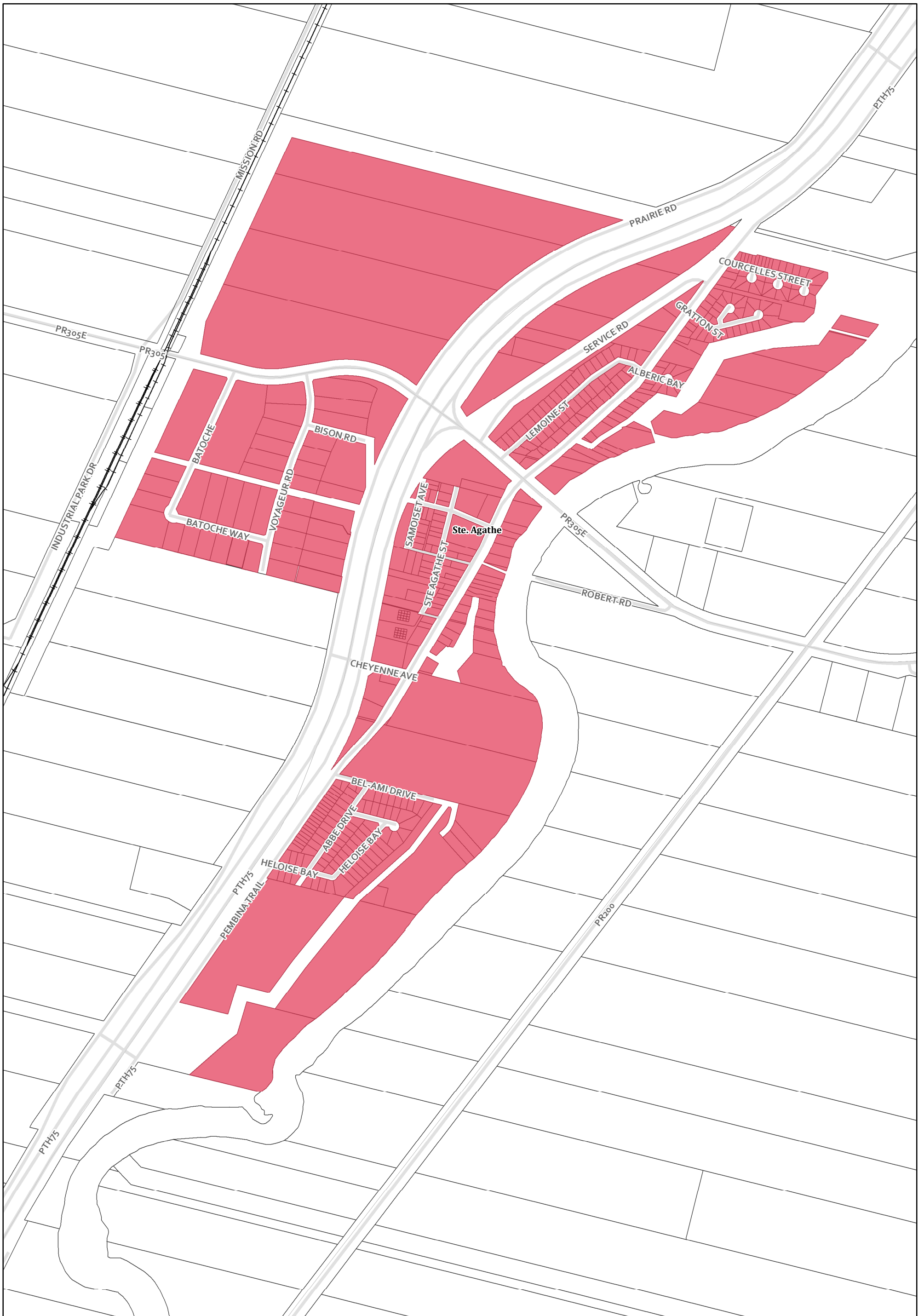
MUNICIPALITÉ
RITCHOT
MUNICIPALITY



Per Section 3 of this By-Law, derelict vehicles are not permitted within the areas outlined in red.

**Schedule A to By-Law 16-2019
Unsightly Property & Derelict Vehicles**

- Not Permitted
- Parcel Lines



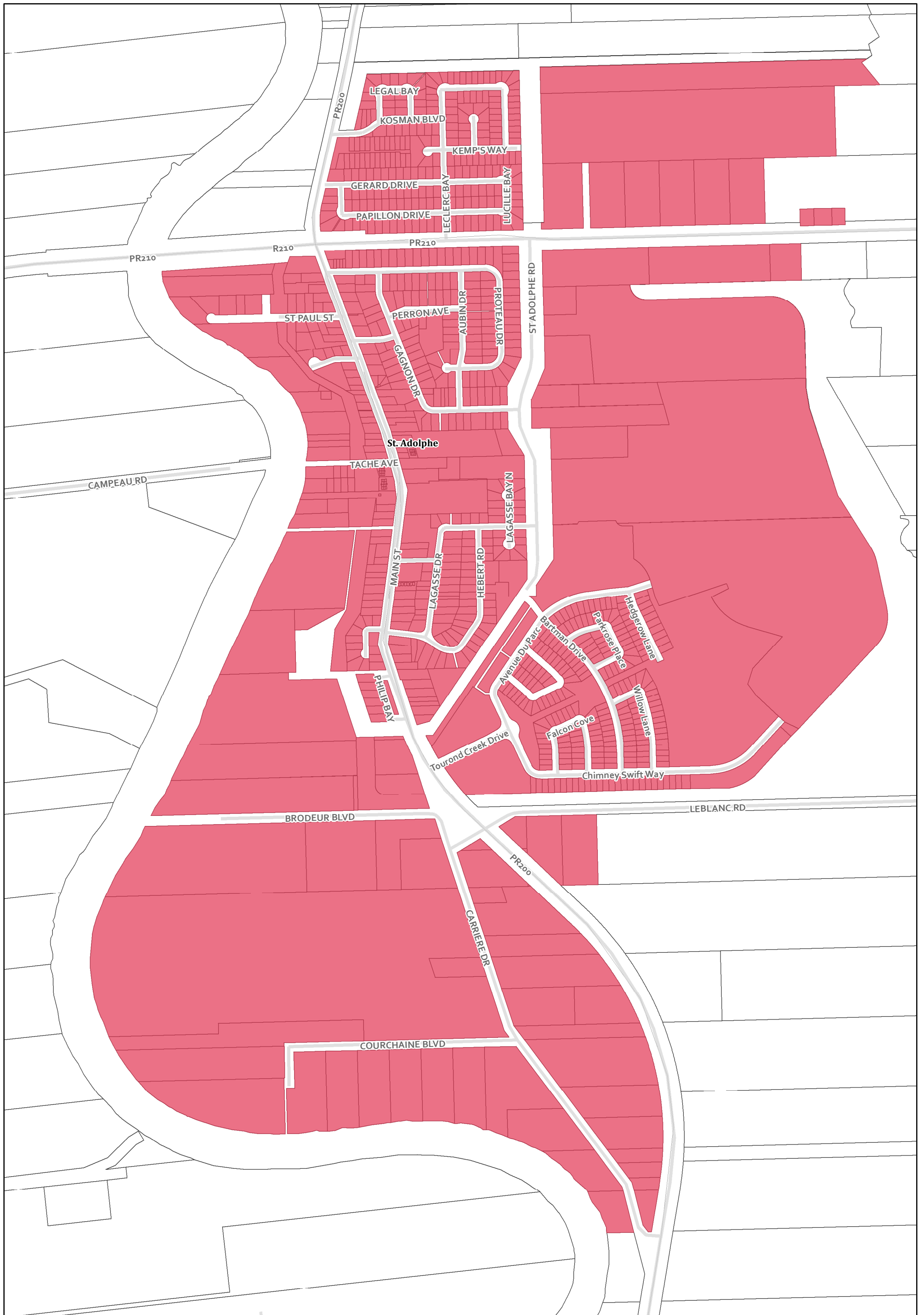
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**Per Section 3 of this By-Law,
derelict vehicles are not permitted within the areas outlined in red.
Map 1 - STE. AGATHE**

**Schedule A to By-Law 16-2019
Unsightly Property & Derelict Vehicles**

- Not Permitted
- Parcel Lines



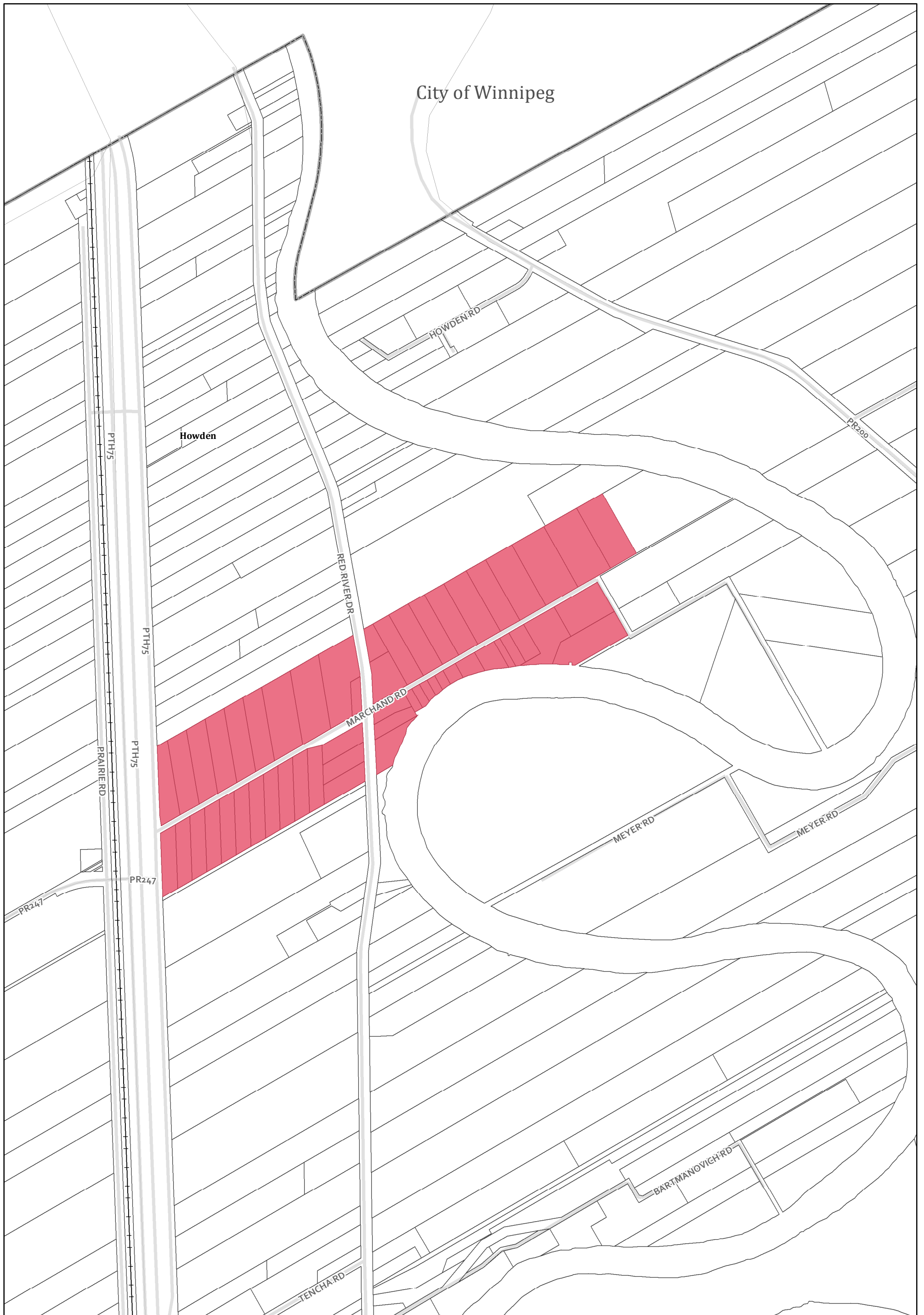
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Map 2 - ST. ADOLPHE**

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Unsightly Property & Derelict Vehicles**

- Not Permitted
- Parcel Lines



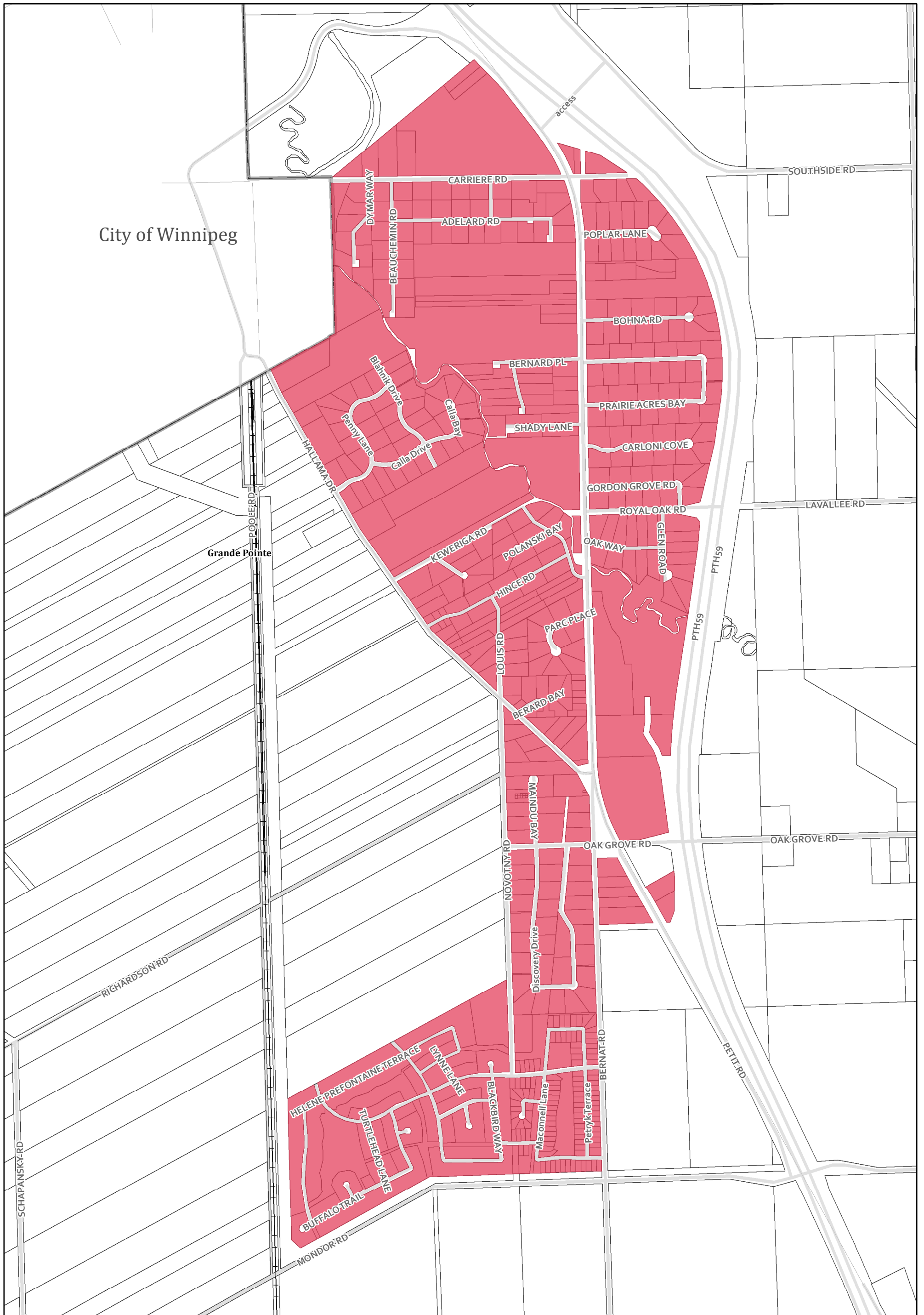
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Map 3 - HOWDEN**

**Schedule A to By-Law 16-2019
Unsightly Property & Derelict Vehicles**

- Not Permitted
- Parcel Lines



City of Winnipeg

Grande Pointe



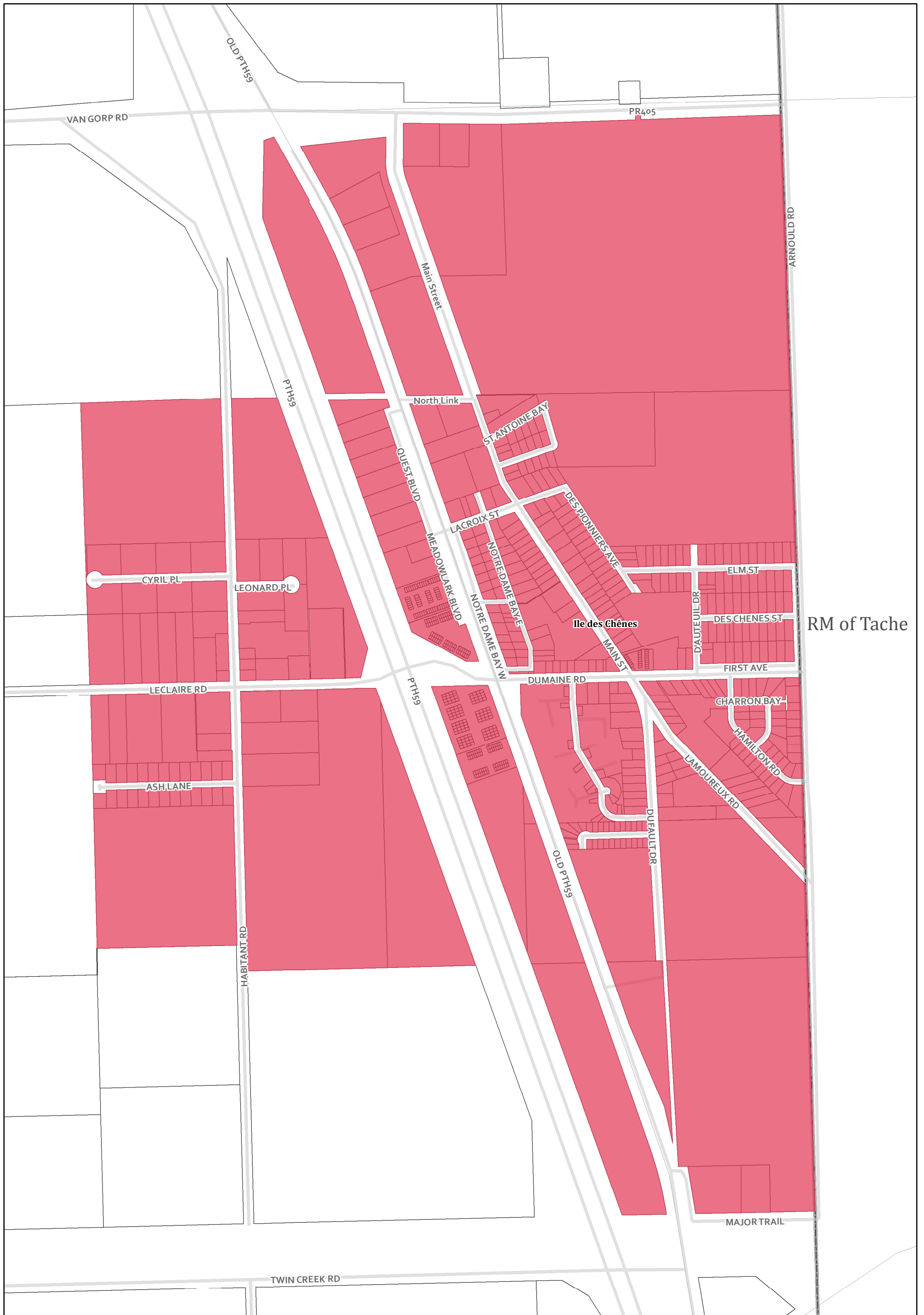
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Map 4 - GRANDE POINTE

**Schedule A to By-Law 16-2019
Unsightly Property & Derelict Vehicles**

- Not Permitted
- Parcel Lines



RM of Tache



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**Per Section 3 of this By-Law,
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Map 5 - ILE DES CHENES**

**Schedule A to By-Law 16-2019
Unsightly Property & Derelict Vehicles**

- Not Permitted
- Parcel Lines