

# TOWN OF BAY BULLS

<b>Title: Dangerous or Unsightly Properties Bylaw</b>	<b>Public</b>
<b>Department: Administration</b>	<b>By-Law Number: TBB-BL-002</b>
<b>Approval Date:</b> January 24, 2025	<b>Implementation Date:</b> January 24, 2025

## PURPOSE

To promote the maintenance of property and to address unsightly or dangerous property within the Town of Bay Bulls (the "Town").

## AUTHORITY

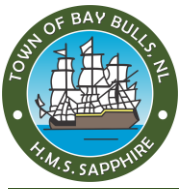
Whereas the *Towns and Local Service Districts Act, Chapter T-6.2, 2023* authorizes municipalities to deal with nuisances, including unsightly or dangerous properties, and the protection of people and property.

## NAME OF BYLAW

1. This Bylaw shall be known and cited as the *Dangerous and Unsightly Properties Bylaw for the Town of Bay Bulls*.

## DEFINITIONS

2. For the purposes of this Bylaw, the following words mean:
  - a. **"Act"** means the *Towns and Local Service Districts Act, Chapter T-6.2, 2023* as amended.
  - b. **"Town"** means a geographical area incorporated or continued as a Town under the *Towns and Local Service Districts Act, Chapter T-6.2, 2023* or the corporation, as the context requires, but does not include an Inuit community government.
  - c. **"Property"** means land or an interest arising from land, and includes land under water, land and buildings, structures, improvements, buildings service systems, and storage facilities and fixtures erected or placed upon in, over, or under land or affixed to land, a building that is erected on land under a lease, license or permit, but does not include the land upon which the building is erected, and a mobile home or trailer that is adopted as a residence, shop, office, or for another similar use.
  - d. **"Dangerous Property"** means any property which is dangerous or likely to cause danger to health, life or property or any building or structure which presents an allurement or has open access to the public.
  - e. **"Unsightly Property"** means any property which has items that are decayed, deteriorated, demolished, or in a state of disrepair.
    - i. Bagged waste not kept in a rodent proof container;
    - ii. Overgrown grass;
    - iii. Construction materials or other debris not stored appropriately or in a neat and tidy manner;
    - iv. Lack of exterior maintenance to buildings/structures;
    - v. Derelict vehicles stored on property;
    - vi. Graffiti on private property.



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## SERVICE

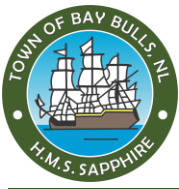
3. An order required to be served under this Bylaw shall be considered to be sufficiently served where delivered personally or sent by registered mail addressed to the person(s) to whom the service is to be made at the latest address appearing on the records of the Town.
4. Where a person(s) to whom an order is to be served as described in section 3 is a corporation, it shall be considered to be sufficiently served where delivered personally to a director or chief executive officer of the corporation.
5. Where an order which can be made under this Bylaw cannot be given or served under either section 3 or 4, the order is considered served if it is posted in a conspicuous place on the property to which the order relates.

## BYLAW STATEMENTS

6. Where the Town or its designate is of the opinion that a person(s) is contravening this Bylaw by having a dangerous or unsightly property as defined in sections 2. (d) and (e), the Town may issue an order directing the person(s) to take an action or measure necessary to remedy the contravention.
7. A person(s) ordered to carry out an action or to stop an action under this Bylaw shall be served with that order and shall comply with that order at that person(s) own expense.
8. An order made continues in force until revoked by the Town.
9. The Town may specify a time within which the person(s) is required to comply with the order.
10. Where a person who has been served with an order does not comply with the order or a part of an order made under this Bylaw, the Town may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by the Town in carrying out the terms of the order are recoverable from the person(s) against whom the order was made as a debt owed to the Town.
11. For the purpose of section 10, an employee of the Town or other persons acting on behalf of the Town, may, at all reasonable times, enter a premises, building or other structure in order to clean up or repair the premises or repair or demolish the building or other structure, as the case may be.
12. Where an order relates to the removal or demolition of a structure, the Town shall not proceed to act unless it has a report from an architect, an engineer, a building inspector or the fire marshal that the building or structure is dilapidated or structurally unsound and that report is proof in the absence of evidence to the contrary that the building or structure is dilapidated or structurally unsound.
13. Where an order relates to the remediation of the property or the demolition or removal of structures from the property, the costs, expenses or charges incurred by the Town in carrying out the terms of the order constitute a lien on the property on which it is levied until payment is made in full.
14. The Town may delegate to a bylaw enforcement officer or an employee of the Town the power to issue orders under this Bylaw.

## APPEAL

15. A person who receives an order made under this Bylaw may, within 14 days of service or posting of the order may file an appeal with an adjudicator appointed under the *Urban and Rural Planning Act, 2000* and the



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adjudicator may make an order with respect to the matter. Appeals should be forwarded to:

**Appeal Officer**  
**c/o Department of Municipal and Provincial Affairs**  
4th Floor, West Block, Confederation Building  
P.O. Box 8700  
St. John's, NL A1B 4J6  
Tel: (709) 729-3088

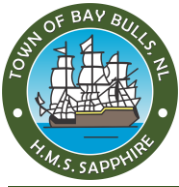
The cost to register an appeal is \$200 plus HST. Please note, in order to register an appeal, proof of payment must accompany the appeal form. Appeal forms can be found on the Department of Municipal and Provincial Affairs website at: <https://www.gov.nl.ca/mpa/faq/faq-appeals/>.

16. Where an appeal has been filed, the Town shall not begin to carry out an order until the appeal has been heard or otherwise disposed of.
17. An order remains in full effect until the appeal has been heard or otherwise disposed of.
18. Notwithstanding section 16, where a building poses an immediate threat to public health and safety, the Town may take the action it considers necessary to eliminate that threat and the costs of that action may be collected from the owner of that building as a civil debt owed to the Town.
19. Where an order relates to the removal or demolition of a structure, the Town shall not proceed to act under section 18 unless it has a report from an architect, an engineer, a building inspector or the fire marshal that the building or structure is dilapidated or structurally unsound and that report is proof in the absence of evidence to the contrary that the building or structure is dilapidated or structurally unsound.

## REVIEW OF BYLAW

20. This Bylaw will be reviewed as deemed necessary. Any revisions to this Bylaw are subject to the approval of the Council. This Bylaw rescinds all previous policies or Bylaws pertaining to this subject matter.

*[end of Bylaw Statements]*



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Dated at the Town of Bay Bulls this 24th day of January, 2025.

Name: Keith O'Driscoll  
Title: Mayor

Name: Ashley Wakeham  
Title: Town Manager