

# TOWN OF GILLAM BY-LAW 695.2009

## BEING A BY-LAW OF THE TOWN OF GILLAM TO REGULATE AND ABATE UNSIGHTLY PROPERTY.

WHEREAS 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.*

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

(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;*

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 and stored and the manner of parking and storing;*
- (c) *the removal of top soil; and*
- (d) *activities or things that may in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.*

243 (1) *If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, or because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order*

- (c) *in the case of property that is in an unsightly condition, require the owner*
  - (i) *to improve the appearance of the property in the manner specified; or*
  - (ii) *if the property is a building or other structure, remove or demolish the structure and level the site.*

243 (2) *The order may*

- (a) *State a time within which the person must comply with the order; and*
- (b) *State that if the person does not comply with the order within the specified time, the municipality will take the action or measure at the expense of the person.*

244 (1) *A person who receives a written order under section 242 or 243 may request the council to review the order by written notice within 14 days after the date the order is received, or such longer period as a by-law specifies.*

244 (2) *After reviewing the order, the council may confirm, vary substitute or cancel the order.*

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246 (1) *A municipality may take whatever actions or measures it considers necessary to eliminate the danger to public safety cause by a structure, excavation or hole or to deal with the unsightly condition of property if*

- (c) the municipality has given a written order under section 243;*
- (d) the order contains a statement referred to in clause 243 (2) (b);*
- (e) the person to whom the order is directed has not complied with the order within the time specified in the order; and*
- (f) the appeal period respecting the order has passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.*

246 (3) *The costs of an action or measure taken by a municipality under this section are an amount owing to the municipality by the person who was required to do something by the order under section 243.*


AND WHEREAS it is deemed necessary and desirable to establish regulate and abate unsightly property in the Town of Gillam;

NOW THEREFORE the Council of the Town of Gillam, duly assembled, hereby enacts as follows:

1. THAT if in the opinion of a designated officer of the Town of Gillam, a structure, yard or hole is, because of its unsightly condition, detrimental to the surrounding area, the designated officer may, by written order require the owner to:
  - a. Improve the appearance of the property in the manner specified in the written order; or
  - b. If the property is a building or other structure, remove or demolish the building or structure and level the site.
2. THAT the written order issued shall
  - a. state a time within which the owner must comply with the order;
  - b. state that the owner may appeal the order to council within 15 days of receiving the order;
  - c. state that if the person does not comply with the directions within a specified time, the municipality will take action or measure at the expense of the owner.
3. THAT the written order issued shall be served on the owner of the property, either personally or by registered mail to the last address for that owner recorded on the Town of Gillam's assessment roll or to another address if known.
4. THAT the costs of actions or measures taken by the Town of Gillam to carry out the terms of an improvement order issued under this by-law, are an amount owing to the Town of Gillam and may be collected in the same manner as a tax may be collected or enforced under The Municipal Act.

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DONE AND PASSED by the Council of the Town of Gillam, duly assembled, at Gillam in the Province of Manitoba this 18<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Jim Goymer, Deputy Mayor

  
\_\_\_\_\_  
Jackie Clayton, Chief Administrative Officer

Read a first time this      14<sup>th</sup>    day of    October, 2009.  
Read a second time this    14<sup>th</sup>    day of    October, 2009.  
Read a third time this      18<sup>th</sup>    day of    November, 2009.