

Rural Municipality of Cartier

By-Law No. 1650-17

Community Standards By-Law

Being a by-law of the Rural Municipality of Cartier respecting the regulation of community standards and unsightly property.

WHEREAS, this by-law is made in accordance with sections 232(1), 233, 236(1) and 243 of The Municipal Act CCSM c M225;

AND WHEREAS, it is deemed expedient and in the public interest that the Council of the Rural Municipality of Cartier enact a by-law respecting the requirement that land and improvements be kept and maintained in a safe and clean condition including regulating matters that give rise to unsightly property;

NOW THEREFORE, the Council of the Rural Municipality of Cartier, enacts as a by-law as follows:

PART 1 - DEFINITIONS AND INTERPRETATION

- a) "Chief Administrative Officer" means a person appointed as Chief Administrative Officer of the Rural Municipality of Cartier under Section 125(1) of The Municipal Act;
- b) "Council" means the Council of the Rural Municipality of Cartier;
- c) "Derelict vehicle" means a vehicle that
 - (i) is not in operating condition; or
 - (ii) is not registered in accordance with The Highway Traffic Act for the current registration year; or
 - (iii) the owner thereof is keeping it primarily for the purpose of salvaging or selling parts therefrom.
- d) "Designated officer" means the Chief Administrative Officer or such employee of the Municipality to whom the Chief Administrative Officer has delegated their duties and functions under this by-law;
- e) "Municipality" means the Rural Municipality of Cartier;
- f) "Person" includes the plural as well as the singular, a corporation, partnership, association, syndicate or any other organized body;
- g) "Real property" means all property as defined in The Municipal Assessment Act
- h) "Unsightly property" means a property that:
 - (i) is unkempt with tall grass and/or weeds; or
 - (ii) contains dilapidated buildings which require removal and/or demolition; or
 - (iii) contains derelict vehicles; or

- (iv) has conditions conducive to a rodent population; or
 - (v) has conditions which produce an offensive odour; or
 - (vi) contains junk, rubbish, refuse, residue of production or construction, abandoned machinery and auto parts, or debris and waste of any type whatsoever.
- i) "Vehicle" means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway and includes:
- (i) the body or chassis of a vehicle after some or all of the parts have been removed therefrom;
 - (ii) an implement of husbandry that is not a motor vehicle, and
 - (iii) a special mobile machine as defined by The Highway Traffic Act.
- j) "Operating condition", in relation to a vehicle, means that it is capable of being driven on a highway in compliance with The Highway Traffic Act.

PART 2 – PROHIBITED ACTIVITIES

- a) No person shall allow land and improvements to be or become unsightly or unacceptably offensive in light of community standards of cleanliness and generally accepted neighbourhood aesthetics.
- b) No person shall, within the Municipality, park, store or keep a derelict vehicle on private property, with or without the consent of the owner of the property, for a period in excess of 30 days.
 - (i) Where it has been determined that there is a derelict vehicle present on a property any subsequent derelict vehicles located on the same property within a 12 month period will be deemed to be a continuation of the original vehicle and will not be afforded an additional 30 day period.
- c) No person shall make, cause, permit, or allow to continue, any unpleasant or offensive odour which annoys, disturbs or endangers the comfort, repose, health, peace or welfare of others in, on, or about any lands, buildings, structures or premises, owned or occupied by that person.
- d) No person shall dump junk, rubbish, refuse, residue of production or construction, abandoned machinery and auto parts, or debris and waste of any type whatsoever; on any street, public place or real property within the municipality.

PART 3 – POWERS OF THE DESIGNATED OFFICER

- a) For the purposes of enforcing this by-law, a designated officer of the Municipality may, after giving reasonable notice thereof to the owner or occupier of any private property, enter upon that property for the purposes of inspecting the property.
- b) For the purposes of enforcing this by-law, a designated officer of the Municipality may request that proof of vehicle registration be produced within 10 days.
- c) If the designated officer finds that a person is contravening this by-law, the designated officer may, by written order, direct the person to remedy the

contravention of this by-law within 14 days of the date of the written order issued herein.

- d) If the designated officer discovers the presence of noxious weeds on a property, the designated officer may, by written order, direct the person to mow or otherwise destroy the noxious weeds within 7 days of the date of the written order.

PART 4 – RIGHTS AND PROCEDURES WITH RESPECT TO ORDERS

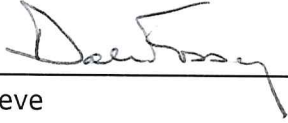
- a) A person who receives a written order under Section 3 c) and/or Section 3 d) hereof, may by written notice within 14 days after the date the order is received request the Council to review the order.
 - (i) After reviewing the written order of the designated officer, the Council may confirm, vary, substitute or cancel the order.
- b) If a person receives a written order from the designated officer under Section 3 c) and/or Section 3 d) hereof and does not request the Council to review that order or, after reviewing the order, the Council confirms the order, and the person continues to contravene the provisions of this by-law, the Municipality may forthwith proceed to:
 - (i) remedy the unsightly conditions outlined in the order referred to in Section 3 c) and/or Section 3 d) hereof;
 - (ii) seize, remove, impound, confiscate and sell or otherwise dispose of the vehicle or vehicles that are parked, stored or kept in contravention of this by-law, and;
 - (iii) charge and collect the costs incurred by it in respect of acting under sub-clause (a) and (b) hereof.
- c) The owner of an impounded derelict vehicle may redeem it by providing proof of ownership and paying the costs of removing it and the daily costs of storing it.
 - (i) If a derelict vehicle has not been redeemed by the owner within 14 days after it has been removed, the designated employee may dispose of the derelict vehicle and may execute a bill of sale to the purchaser of the derelict vehicle.
 - (ii) The proceeds of the sale of a derelict vehicle may be used to offset the costs incurred by the Municipality in enforcing this by-law, including removing and storing the derelict vehicle, and any balance remaining must be paid to the owner of the derelict vehicle.

PART 5 – OFFENCES AND FEE COLLECTION


- a) The costs of any action taken by the Municipality under Section 4 b) and/or c) hereof are a debt owing to the Municipality by the person who contravened this by-law and, in the event of non-payment, is collectible by the Municipality in the same manner as a tax may be collected or enforced under the Municipal Act.
- b) Any person who contravenes this by-law is guilty of an offence and is liable to a fine of not more than \$500.00.
- c) Where a contravention of this by-law continues for more than one day, the person is guilty of a separate offence for each day it continues.

Part 6 – REPEAL OF BY-LAWS

- a) By-Law No. 1500-98 is hereby repealed.
- b) By-Law No. 1525-00 is hereby repealed.
- c) By-Law No. 1571-04 is hereby repealed.



Reeve



Chief Administrative Officer

Read a first time this 10th day of April, 2017.

Read a second time this 24th day of April, 2017.

Read a third time this 24th day of April, 2017.