

# **RURAL MUNICIPALITY OF MOUNTAIN BY-LAW NO. 06/2020**

## **BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MOUNTAIN TO PROVIDE FOR THE MAINTENANCE OF PROPERTY.**

**WHEREAS** Section 232(1) of The Municipal Act provides,

“A Council may pass by-laws for municipal purposes respecting the following matters;

- (a) the safety, health, protection and well-being of people, and safety and protection of property;
- (c) ... activities or things in or on private property;
- (o) enforcement of by-laws.

**AND WHEREAS**, sections 243 to 246 of The Municipal Act provide for the remedy of dangers and unsightly property;

**AND WHEREAS** 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 Mountain;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Rural Municipality of Mountain, hereby enact as follows:

### **1. Definitions**

- a. ‘Council’ means the Council duly elected in the Rural Municipality of Mountain.
- b. ‘Designated Officer’ means the CAO or Finance Officer.
- c. ‘Interested Person’ means an owner, occupier or mortgagee of property which is the subject of an order made under the authority of this by-law.
- d. ‘Mortgagee’ means any person holding a registered real property mortgage against the property according to the records of the Land Titles Office.
- e. ‘Occupier’ means any person in actual or constructive possession of property pursuant to a lease, tenancy, license or other right of possession.
- f. ‘Owner’ means the registered owner of the property according to the current assessment records of the Municipality.
- g. ‘Person’ means an individual, firm, partnership or corporation and where the context requires shall include the plural as well as the singular.
- h. ‘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.
- i. ‘Rubbish’ means any 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.
- j. ‘Unsafe Structure’ means any structure, excavation or hole, which in the opinion of the designated officer or Council is at risk of collapse or otherwise dangerous to public safety or property.
- k. ‘Unsightly Property’ means a property which in the opinion of the designated officer or Council is detrimental to the surrounding area.

### **2. Administration**

- a. This by-law applies to all property and to all owners and occupiers of property within the Rural Municipality of Mountain.
- b. No person acting within the scope of his or her duty to administer and enforce this by-law shall be personally responsible for any act or omission while so acting.

### 3. Standards

- a. Each owner and occupier of property shall keep such property free and clear of:
  - i. Rubbish, garbage and other debris;
  - ii. Objects, conditions or substances that present health, fire, or accident hazards;
  - iii. Objects, conditions or substances that constitute a nuisance, or is unacceptably offensive in light of community standards; or
  - iv. Unsafe conditions.

### 4. Complaint

- a. Any person may allege a violation of this by-law by filing a written complaint with the Municipal Office. This violation will then be investigated and brought forward to Council for review prior to warnings or orders being issued.
- b. Council may, at their discretion, provide an annual listing of any properties within the RM of Mountain to the Municipal Office for inspection and subsequent notice.

### 5. Inspections

- a. Upon receipt of a complaint, 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.
- b. For the purpose of inspection under this by-law, the designated officer may after giving reasonable notice to the owner or occupier enter upon, inspect and view any property. The designated officer shall produce on request identification showing that he or she is authorized to make the entry.

### 6. Warnings and Orders

- a. Where inspections reveal a violation of any provision of this by-law, the designated officer:
  - i. May, in his or her discretion that the violation is not a serious threat to persons or property, give a written warning notice of the contravention to the owner and occupier of the property by regular mail substantially in the form attached as Schedule 'A'.
  - ii. If the contravention continues following the warning notice, or if in the discretion of the designated officer and no warning notice was provided, the designated officer shall issue a written order which shall:
    - Specify the time within which compliance shall be required, but must not be sooner than 14 days from the time of receipt;
    - Advise that should compliance not be affected within the specified time, the Municipality may undertake the remediation, along with any other actions to prevent the re-occurrence of the contravention, at the expense of the owner of the property. Such expenses may be collected in the same manner that a tax may be collected or enforced under The Municipal Act;
    - Advise of the process of appeal;
    - Be substantially in the form attached as Schedule B.

### 7. Appeals

- a. Any interested persons may appeal an order made by the designated officer by filing with the municipal office at any time before the time for compliance with such order. An objection must be submitted in the form attached as Schedule C.
- b. Upon receipt of an appeal in the required form, the Chief Administrative Officer of the RM of Mountain shall cause a copy thereof to be forwarded to the Council and the Committee of the Whole shall review such appeal by examining all evidence, which may include obtaining information from surrounding neighbours, LUD members, or any such persons as may be deemed necessary.

- c. Council shall determine an appeal at the next regularly scheduled Council meeting and shall serve a notice of disposition forthwith upon determination, upon the interested persons. Council may:
  - i. Confirm the order of the designated officer;
  - ii. Vary the order of the designated officer in any respect; or
  - iii. Cancel the order of the designated officer.
- d. The order of Council is final and not subject to further appeal.

#### **8. Service of Notices or Order**

- a. Any order issued by the designated officer under this by-law and a notice of hearing issued under this by-law shall be served by person service or by registered mail upon:
  - i. The Owner;
  - ii. The Occupier, if any; and
  - iii. In respect to any order alleging a violation of unsafe structures, the mortgagee, if any.
- b. Service made personally shall be deemed to have been made on the date thereof and service by registered mail shall be deemed to have been made three days after posting. In the case of service by registered mail, the address for mailing shall be the current mailing address on file with the RM of Mountain Municipal Office.
- c. Service of deceased persons may be made by service upon any one of their heirs, executors or administrators and service upon corporations may be made by service upon any officer of the corporation as disclosed in its most current information in the records of the Corporations Office.

#### **9. Enforcement**

- a. The costs of any 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. In addition to all other rights of collection which the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.

**AND THAT** By-Law No. 09/01 and any other By-Laws or policies inconsistent herewith are hereby repealed.

**DONE AND PASSED** as a By-law of the Rural Municipality of Mountain, at the L.U.D. of Birch River, in the Province of Manitoba this 22<sup>nd</sup> day of April, A.D. 2020.

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Robert Hanson  
Reeve

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Paige Larocque  
Chief Administrative Officer

Read a first time this 25<sup>th</sup> day of March, A.D. 2020.  
Read a second time this 22<sup>nd</sup> day of April, A.D. 2020.  
Read a third time this 22<sup>nd</sup> day of April, A.D. 2020.

**SCHEDULE 'A'**  
**PROPERTY STANDARDS BY-LAW**

**WARNING LETTER**

**THE RURAL MUNICIPALITY  
OF MOUNTAIN**



[Date]

[Property Owner]  
[Address]

Dear Sir;

**Re: [Legal Description of Property]**

It has come to our attention that the above noted property [insert the violation re: large quantity of garbage, derelict building, etc.]. The RM of Mountain Property Standards By-Law No. 06/2020 requires that all land owners, or occupiers maintain their properties to a standard acceptable to the municipality.

Please make arrangements to [clean up/removal of the violation, including any procedures to ensure that the violation does continue to exist] on or before [insert reasonable deadline for cleanup – note that if this is a safety issue that no warning notice has to be sent. Issue order - Schedule 'B' instead]. Also note, that after the above-mentioned date a second inspection will take place and if the actions specified in this warning are not completed, an order will be issued requiring the completion of such. Failure to comply will result in municipal involvement, cleanup and subsequent charges being billed to the property owner.

We thank you for your cooperation in this matter, and if you have any questions please contact the office at (204) 236-4222 or [rmmountain@mymts.net](mailto:rmmountain@mymts.net).

Yours truly,

Paige Larocque  
Chief Administrative Officer

/pl

cc. [Any other interested persons, occupier, etc.]

**SCHEDULE 'B'**  
**PROPERTY STANDARDS BY-LAW**

**ORDER**

[NOTE: To Be Delivered by Registered Mail or Personal Service]

[Owner Name – Must List All Property Owners]  
[Owners Mailing Address]

**ORDER TO COMPLY**  
**PURSUANT TO THE RURAL MUNICIPALITY OF MOUNTAIN**  
**PROPERTY STANDARDS BY-LAW NO. 06/2020**

Order No. \_\_\_\_\_ Date Order Issued: \_\_\_\_\_

Address/Roll Number to Which Order Applies:

The inspection on [insert date] at the above-mentioned address has found the following contraventions of the Rural Municipality of Mountain Property Standards By-Law No. 06/2020.

It is hereby ORDERED that:

Item Number	By-Law Reference	Description of Contravention	Compliance Date

Including actions to prevent the reoccurrence of the contravention:

Item Number	Description of Contravention	Compliance Date

Order Issued By:

Paige Larocque, CAO  
RM of Mountain  
(204) 236-4222

[rmmountn@mymts.net](mailto:rmmountn@mymts.net)

Should you wish to make an appeal, please submit the enclosed Notice of Objection form on or before the first compliance date. Objections will be reviewed by Council and their decision is binding, it will not be subject to further appeal.

**SCHEDULE 'C'  
PROPERTY STANDARDS BY-LAW**

**NOTICE OF OBJECTION**

**TO:** The Rural Municipality of Mountain

**PLEASE TAKE NOTE** that as the property owner of \_\_\_\_\_

I hereby appeal ORDER No. \_\_\_\_\_ Issued on \_\_\_\_\_.

**REASONS FOR OBJECTION:**

[Please enclose any other information necessary]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name [Please print]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date