

THE RURAL MUNICIPALITY OF ARMSTRONG

BY-LAW NO. 05/16

Derelict Building and Property By-Law

*BEING a by-law to set property maintenance standards; to regulate nuisances, derelict vehicles; to regulate abandoned, untidy and unsightly property, and to demolish unsightly and/or dilapidated buildings or structures.*

WHEREAS The Municipal Act reads in part as follows:

- 130 Establishment of designated officer positions  
A council may by by-law establish one or more positions to carry out the powers, duties and functions of a designated officer under a by-law or this or any other Act, and may give each such position any title the council considers appropriate.
- 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;
  - (b) subject to section 233, activities or things in or on private property;
  - (c) the enforcement of by-laws
- 232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- (a) regulate or prohibit
  - (b) 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 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, odors, unsightly property, fumes and vibrations.
- 236(1) Without limiting the generality of clause 232(1) (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,
  - (iii) 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,
  - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
  - (v) charging and collecting costs incurred in respect of acting under subclause (iv)

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.

242(2) The order may

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measure necessary to remedy the contravention of the Act or by-law, including the removal or demolition of a structure that is structurally unsound, or the removal or demolition of a structure that has been erected or placed in contravention of a by-law and, if necessary, to prevent a reoccurrence of the contravention;
- (c) state a time within which the person must comply with the directions; and
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

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

- (a) in the case of a structure, require the owner
  - (i) to eliminate the danger to public safety in the manner specified, or
  - (ii) remove or demolish the structure and level the site;
- (b) in the case of land that contains the excavation or hole, require the owner
  - (i) to eliminate the danger to public safety in the manner specified, or
  - (ii) fill in the excavation or hole and level the site;

- (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.

AND WHEREAS it is deemed expedient to pass a By-law for the purpose of maintaining property and regulating and abating derelict, abandoned and unsightly buildings and property that are detrimental to the health, safety and comfort of the residents of the Municipality of Armstrong

THEREFORE the Council of the Municipality of Armstrong, in Council assembled, enact the following policies and procedures and appointments which shall govern the inspection, remedy, enforcement or action respecting derelict buildings or derelict property and/or unsafe structures or those which may cause a nuisance in the Municipality of Armstrong.

#### 1. Property Maintenance Standards Schedules

1.1 THAT Council may from time to time, by resolution, add or attach additional schedules as deemed necessary and amend each and every schedule attached to this by-law and set out as attached hereto:

**Schedule A1** - First Warning letter to Correct Violations

**Schedule A2** - First Warning letter to Demolish Building or Structure

**Schedule B1** - Second Warning Letter

**Schedule B2** - Designated Officer Order to Improve the Appearance of Unsightly Premises

**Schedule C** - Appeal and/or Objection to Designated Officer Order

**Schedule D1** - Second Warning Letter to Demolish Unsightly Building or Structure(s)

**Schedule D2** - Official Designated Officer Order

**Schedule E** - Unsightly Premises – Standards for Buildings and Premises

**Schedule F** - Unsightly Premises – Requirements for Vacant Dwellings

**Schedule G** - Unsightly Premises – Requirements for Boarded-Up Buildings

## 2. Definitions

In this By-Law

- 2.1 **BACK LANE** means, a roadway that has been designed, constructed and intended to provide access to and service at the rear of public or private premises so as to permit the ingress or egress of vehicles.
- 2.2 **BOULEVARD** means, that portion of a highway, on either side or in the centre thereof, that is adjacent to the traveled portion thereof or incorporates a ditch or a swail in a residential area which may be leveled and maintained for the purpose of improving the appearance of the highway,
- (a) by the planting thereon of grass, flowers, trees, or shrubs, or all or any of those things, or
  - (b) by paving or otherwise surfacing it, or
  - (c) by treating part thereof as stated in clause (a), and part thereof as stated in clause (b), and by regularly cutting the grass thereon, if any, and trimming, pruning, or otherwise caring for the trees, shrubs, and flowers.
- 2.3 **CAO** means, the CAO of The Rural Municipality of Armstrong holding that position.
- 2.4 **COUNCIL** means, council duly elected in The Rural Municipality of Armstrong.
- 2.5 **DERELICT VEHICLE** means, an object that is not a new or unused vehicle, and if
- (a) it is not in operating condition;
  - (b) it does not have attached thereto, and exposed thereon, on or more number plates issued under The Highway Traffic Act for the current registration year under that Act;
  - (c) it is kept in the open, and
  - (d) the owner thereof either has abandoned it; or
  - (e) the owner is keeping primarily for the purposes of salvaging or selling parts there from, or the eventual sale thereof as scrap metal; and a 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 under the derelict vehicle apply
- 2.6 **DESIGNATED OFFICER** means, a building inspector or other official appointed by council, from time to time, to enforce this by-law, or, in the absence of such an appointment, the Chief Administrative Officer.
- 2.7 **HIGHWAY** means, any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore and includes all the space between the boundary lines thereof, but does not include any area designated or intended, and primarily used, for the parking of vehicles and the necessary passage ways thereon.
- 2.8 **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.
- 2.9 **LANE** means, a roadway leading into a public or private premises so as to permit the ingress or egress of vehicles.
- 2.10 **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.

- 2.11 **MUNICIPALITY** means, the Municipality of the Rural Municipality of Armstrong.
- 2.12 **MUNICIPAL INSPECTOR** means, the person appointed as such from time to time by the Council of the Rural Municipality of Armstrong.
- 2.13 **OCCUPIER** in the case of any property means, any person in actual or constructive possession of the property pursuant to a lease, tenancy license or other right to occupy.
- 2.14 **OWNER** in the case of property means, the registered owner of the property according to the current assessment records of the Municipality.
- 2.15 **PERSON** means, an individual, firm, partnership or corporation and where the context requires shall include the plural as well as the singular.
- 2.15 **PREMISES** means, a building as defined herein and any lands, fences, sheds, outbuildings, accessory buildings and garages appurtenant thereto.
- 2.16 **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.
- 2.17 **RESIDENTIAL AREA** means, any area designated as residential.
- 2.18 **ROADWAY** means, any place or way including any structure forming part thereof, which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore, but does not include a highway, or an area designed or intended and primarily used for the parking of vehicles.
- 2.19 **RUBBISH** means, any garbage, trash, or junk including, but not limited to unwanted or discarded household items, appliances, furniture, waste from building construction and demolition, remodeling and repair, tree branches, grass and shrub clippings, leaves or other general yard and garden waste; motor vehicles 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 and is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards or cleanliness or generally accepted neighborhood aesthetics.
- 2.20 **SIDEWALK** means, footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either
- (a) forms part of that portion of a highway that lies between the curb line or, if there is none, the lateral boundary line of the highway, and
    - (i) the adjacent property lines; or
    - (ii) the straight production of the adjacent property lines to the curb line or if there is none, to the lateral boundary line, of an intersecting highway; or
  - (b) although not part of a highway, is maintained by the Rural Municipality of Armstrong, set aside for pedestrian traffic only and for the purpose of giving access to property adjacent hereto.
- 2.20 **STREET** means, a public road in a city or town, typically with houses and buildings on one or both sides.

- 2.21 **DERELICT OR 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.
- 2.22 **DERELICT OR UNSIGHTLY PROPERTY** means, a property which in the opinion of the designated officer is detrimental to the surrounding area, including but not limited to the growth of weeds so that the same becomes a nuisance to adjoining properties.
- 2.23 **VACANT PROPERTY** means, any property that does not have a residence or if there is situated upon said land a residence to which there is no occupancy.
- 2.24 **WRITTEN COMPLAINT** means, any verbal/written report received by any municipal official, designated officer or municipal inspector; or a complaint filed in writing with the municipality or a complaint telephoned to the municipality and recorded in writing by an employee of the municipality in a manner which state the civic address at which the complaint is directed, the nature of the complaint, and the name, address and phone number of the person complaining.

### 3. Application

This by-law applies to all property and to all owners and occupiers of property within the townsites of the Rural Municipality of Armstrong. For the purposes of this by-law townsites mean the following areas unless otherwise provided herein:

3.1 The **Townsite of Inwood** shall be defined as the settled portion of the North half of the North West of Section Thirty-five, Township Seventeen, Range One West (N ½ of NW 35-17-1W) and the North West of the North East of Section Thirty Five, Township Seventeen, Range One West (NW of NE 35-17-1W) and East half of the South East of Section Three, Township Eighteen, Range One West (E ½ of SE 3-18-1W) and West half of the South East of Section Two, Township Eighteen, Range One West (W ½ of SE 2-18-1W) and of the South West of Section Two, Township Eighteen, Range One West (SW 2-18-1W) of the Principal Meridian, in Manitoba.

3.2 The **Townsite of Narcisse** shall be defined as the settled portion of the West half of the North West of Section Thirty Four, Township Nineteen, Range One West (W ½ of NW 34-19-1W) and South West of the South West of Section Three, Township Twenty, Range One West (SW of SW 3-20-1W) of the Principal Meridian, in Manitoba.

3.3 The **Townsite of Chatfield** shall be defined as the settled portion of the North West of Section Five, Township Twenty One, Range One West (NW of 5-21-1W) and West half of the North East of Section Five, Township Twenty One, Range One West (W ½ of NE 5-21-1W) of the Principal Meridian, in Manitoba.

3.4 The **Townsite of Silver** shall be defined as the settled portion of the South half of the South West of Section Thirty Five, Township Twenty One, Range Two East (S ½ of SW 35-21-2E) and North half of the North West of Section Twenty Six, Township Twenty One, Range Two East (N ½ of NW 26-21-2E) of the Principal Meridian, in Manitoba.

3.5 The **Townsite of Meleb** shall be defined as the settled portion of the South half of the South West of Section Twenty Three, Township Twenty, Range Two East (S ½ of SW 23-20-2E) and North half of the North West of Section Fourteen, Township Twenty, Range Two East (N ½ of NW 14-20-2E) of the Principal Meridian, in Manitoba.

3.6 The **Townsite of Fraserwood** shall be defined as the settled portion of the South half of Section Twenty Three, Township Nineteen, Range Two East (S ½ of 23-19-2E) and North half of Section Fourteen, Township Nineteen, Range Two East (N ½ of 14-19-2E) of the Principal Meridian, in Manitoba.

3.7 The **Townsite of Komarno** shall be defined as the settled portion of the South half of the South East of Section Four, Township Eighteen, Range Two East (S ½ of SE 4-18-2E) of the Principal Meridian, in Manitoba.

The Council of the Rural Municipality of Armstrong may, by resolution, delete or designate areas of the Rural Municipality of Armstrong as Townsites for the purposes of this by-law.

#### 4. Standards

4.1 No owner or occupier of property shall permit on such property, and each owner or occupier of property shall keep such property free and clear of:

- 4.1.1 Rubbish
- 4.1.2 Unsafe structure(s)
- 4.1.3 Unsightly or untidy property
- 4.1.4 Unsightly, unmaintained or dilapidated building(s) or structure(s) to be demolished and such other visual, odor emitting and the like matter that may be detrimental to the health, safety and comfort of the residents of the Rural Municipality of Armstrong.
- 4.1.5 The outdoor storage of motor vehicles that in the opinion of the Designated Officer are a nuisance causing the property to be declared an unsightly property as defined in the By-Law Section 2.22.
- 4.1.6 The storage of motor vehicles capable of registration under the Highway Traffic Act or the Off-Road Vehicles Act, which are not registered under either of those statutes, unless the said property and/or structures are lawfully used and licensed as a commercial automobile dealership/service centre/salvage operation.
- 4.1.7 The storage of derelict vehicles unless the said property and/or structure(s) are lawfully used and licensed as a commercial automobile dealership/service centre/salvage operation.
- 4.1.8 The storage of derelict vehicles(s) in no event shall exceed two (2) per individual property.
- 4.1.9 The storage of derelict vehicles(s) shall be parked in an unobtrusive place in the back yard of the property and the vegetation around the vehicle shall be cut to ensure as much as possible the amenity of the neighborhood.
- 4.1.10 The storage of household appliances, whether or not the same are capable of operation.
- 4.1.11 The growth of weeds as defined in *The Noxious Weeds Act* so that the same become a nuisance to adjoining properties.
- 4.1.12 The growth of grass and/or dandelions to a length greater than 6 inches or to a point where dandelions turn to seed.
- 4.1.13 Fallen branches, tree limbs or brush which is unsightly or a fire hazard.
- 4.1.14 Tree limbs, branches, bush or shrubs extending beyond the owner's property line to that of any adjacent property line, boulevard, municipal or public property, roadway, laneway or public sidewalk.
- 4.1.15 Regular outdoor burning, the smoke of which causes a nuisance to adjoining properties.

4.2 No owner or occupier of a property with private trees or shrubs abutting on the right-of-way of any street, lane, sidewalk or other public place or Municipal owned property shall allow the limbs, branches or other growth to extend beyond their property line. The owner, occupier of such private trees or shrubs shall be responsible for the trimming, removing or pruning back of the branches or other growth which may project or exist beyond the property line. The Municipality will have the authority to trim and/or remove obstructions caused by the growth of trees/shrubs that are located

on private property which abuts Municipal property. These obstructions shall include any impediment to street lighting, vehicular/pedestrian traffic, signage, and intersection sight lines. This authority will also apply to those private tree/shrubs whose roots may damage sidewalks, public streets, and any infrastructure related to the provision of public utilities. In those instances where the Municipality has undertaken to complete this work, the costs for this work will be the responsibility of the property owner. 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**.

4.3 No owner or occupier shall permit property, or building or structures on property to remain in a condition which does not meet the standards for occupied, abandoned, vacant, boarded up or dilapidated building(s), structure(s) or property as set out in Schedules E, F, and G.

4.4 No owner or occupier shall permit property to drain inadequately to a public drain or:

4.4.1 Permit any excavation, depression, drain or watercourse on their property to hold standing water;

4.4.2 Permit any lot or site to not have adequate surface drainage to a public drain.

4.5 No owner or occupier shall permit any activity or the deposit of any materials or matter on his property which may cause an odor which is offensive to surrounding property owners.

4.6 Any owner or occupier of a residence in a Residential Area shall be required to maintain and care for any boulevard on any roadway adjoining his/her property. That maintenance includes the mowing of grass and the mowing and destruction of weeds. Where any owner or occupier of property is referred to herein neglects, refuses, or fails to maintain and care for a boulevard adjoining his property, as set out in Section 4.1.10 and Section 7.1.4.3 the Chief Administrative Officer of the Rural Municipality of Armstrong may cause such work to be done as is necessary to maintain and care for said boulevard. The Municipality may, after the completion of the work, referred to above, recover by action or distress the cost of the work done, together with the costs of the action or distress, or charge the cost against the land of the Owner that adjoins the roadway and levy and collect the amount hereof from the Owner in any manner in which a tax may be collected or enforced under **The Municipal Act**.

4.7 That all Vacant Property is subject to the provisions of Section 4.6.

4.8 No owner or occupier of private property shall permit the dumping of earth, snow or any other matter from his private property onto any, sidewalk, street, roadway or any Public or Municipal owned property. Snow removal by a private contractor for the sole purpose of clearing of private property must be removed from the property and taken to an approved dump site by the private contractor at the time of clearing. Failure to do so will result in a fine as set out in Section 10 of this by-law and entitled **Enforcement**.

## 5. **Complaint**

5.1 Any municipal official, designated officer, development officer or Municipal Inspector of the Rural Municipality of Armstrong may determine a violation of this by-law.

5.2 Any person may allege a violation of this by-law by filing a "written complaint" with the municipality in such form and with such particulars as the Rural Municipality of Armstrong may from time to time require.



## 6. Inspections

6.1 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 the opinion of the designated officer in order to determine whether or not there has been a violation of this by-law.

## 7. Warnings and Orders

7.1 Where inspections reveal a violation of any provision of this by-law, the designated officer or Municipal Inspector:

- 7.1.1 May at his or her discretion issue a letter of inquiry about the condition of the property, building and/or structure(s) and enclose a copy of the by-law and schedules.
- 7.1.2 May at his or her discretion give written *warning notice(s)*, substantially in the form attached as Schedule A1 or Schedule A2 First Warning Notice, of the contravention to the owner or occupier of the property by regular mail.
- 7.1.3 If the contravention continues following the warning notice(s) in Section 7.1.2 a follow-up second inspection and a second warning letter or notice, substantially in the form attached as Schedule B1 or D1 Second Warning Notice, shall be sent accompanied by an order, substantially in the form attached as Schedule B1 or D2 Designated Officer Order, following the requirements for contents of an order listed in Section 7.1.4 below, to the owner, and/or occupier and mortgage holder where applicable.

### OR

- 7.1.4 May at his or her discretion or where it is deemed to be a matter of public health or public safety not provide a letter of inquiry or a warning notice or letter, and the Designated Officer or Municipal Inspector may issue a **written order**, which shall:
  - 7.1.4.1 Specify the non-compliance with this by-law and Schedules where applicable.
  - 7.1.4.2 Specify the manner in which to improve the appearance, bring in compliance with the schedules or correct the nuisance by removing or demolishing the building(s) or structure(s).
  - 7.1.4.3 Specify the time, which shall be no less than 19 days, nor greater than 40 days, within which compliance shall be required from the date of issuance of a letter of inquiry or a warning notice or letter or **written order**. The exception shall be in the case of a violation of Section 4.1.12 from May 15<sup>th</sup> through September 30<sup>th</sup> in each year where an owner or occupier fails to maintain grass and or dandelions to a length less than 6 inches or where dandelions have turned to seed, the Rural Municipality of Armstrong will have the authority to do all that is necessary to ensure compliance by giving 5 days written notice, by registered mail, prior to the commencement of the Municipality undertaking the steps necessary for compliance. Any amount that may be owing as a result of the Municipality undertaking the steps necessary for compliance shall be an amount owing by the owner or occupier to the Rural Municipality of Armstrong and may be collected in any manner in which a tax may be collected or enforced under **The Municipal Act**.

- 7.1.4.4 Advise that should compliance not be effected within the specified time, the municipality may undertake the correction, remediation and/or demolition 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***.
- 7.1.4.5 Advise the process of appeal, which shall be substantially in the form as in Schedule C.
- 7.1.4.6 The order shall be substantially in the form attached as Schedule B2 or D2 Designated Officer Order.

## 8. Appeals

- 8.1 Any interested person may appeal an order made by the Designated Officer or Municipal Inspector by filing with the Chief Administrative Officer of the Rural Municipality of Armstrong within 19 days from the date of the order, an objection or appeal of the order substantially in the form attached as Schedule C Objection or Appeal to Designated Officer Order.
- 8.2 Upon receipt of an appeal in the required objection and/or appeal form, the Chief Administrative Officer of the Rural Municipality of Armstrong shall cause a copy thereof to be forwarded to the Council forthwith and the Council shall entertain such appeal within forty days of receipt of it by holding a hearing. Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose. A notice of hearing shall be issued by Council and shall be served upon the person(s) and in the manner specified in Section 9 below no later than 5 days prior to the appeal hearing.
- 8.3 The Council shall determine an appeal within 5 days of a hearing and shall serve a notice of disposition forthwith upon determination, upon the interested person(s). The Council may:
  - 8.3.1 Confirm the order of the Designated Officer or Municipal Inspector
  - 8.3.2 Vary the order of the Designated Officer or Municipal Inspector
  - 8.3.3 Substitute an order or dates of compliance of the Designated Officer or Municipal Inspector;

**OR**

  - 8.3.4 Cancel the order of the Designated Officer or Municipal Inspector.

## 9. SERVICE OF NOTICES OR ORDERS

- 9.1 A letter of inquiry or warning letter may be served by regular Canada Post mail, or be hand delivered.
- 9.2 Any order issued by the Designated Officer or Municipal Inspector under section 7, or a notice of hearing issued under Section 8, or a notice or order of Council confirming, varying, substituting or canceling a Designated Officer or Municipal Inspector order; shall be served by personal service, certified mail or by registered mail upon:
  - 9.2.1 The owner(s) of the property affected
  - 9.2.2 The occupier(s) of the property affected, if any; and
  - 9.2.3 The holder(s) of any mortgage of the property affected, in respect to any order alleging a violation of the following subsections:
    - 4.1.2 Unsafe structure(s);
    - 4.1.3 Unsightly or untidy property;
    - 4.1.4 Unsightly, unmaintained or dilapidated building(s) or structure(s) to be demolished, and such other visual

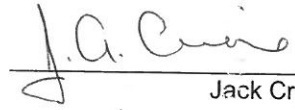
odor emitting and the like matter that may be detrimental to the health, safety and comfort of the residents of the Rural Municipality of Armstrong.

Service made personally shall be deemed to have been made on the date of such service and service made by certified or registered mail shall be deemed to have been made 5 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 Rural Municipality of Armstrong. In the case of a mortgage holder, 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.

## 10. Enforcement

- 10.1 If a person receiving a written order of the, "Designated Officer" or "Municipal Inspector" or a confirmed, varied or substituted order of Council, does not comply with the order within the period specified or as in the case of Section 7.1.4.3, Council may authorize staff to take the action(s) or measure(s) necessary at the expense of the person to correct the contravention.
  - 10.2 The costs of action(s) or measure(s) taken by the Rural Municipality of Armstrong to carry out the terms of an order issued by the Designated Officer or Municipal Inspector and confirmed, varied or substituted by Council on appeal, are an amount owing to the Municipality by the owner of the property. In addition to all other rights of collection, which the Municipality may have at law, the Municipality may collect such amounts in the same manner as a tax may be collected or enforced under ***The Municipal Act***.
  - 10.3 Any person who 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:
    - 10.3.1 \$250.00 for a first offence;
    - 10.3.2 \$500.00 for a second offence;
    - 10.3.3 \$1000.00 for a third or subsequent offence;
    - 10.3.4 or in the case of an individual, to imprisonment for a term not exceeding six months, or to both such a fine and such an imprisonment.
  - 10.4 Where a corporation commits an offence under this by-law, each director or officer of the corporation who authorized, consented to, connived at or knowingly permitted or acquiesced in the doing of the act or omission that constitutes the offence or offences, is likewise guilty of the offence and is liable on summary conviction, to the penalties for which provision is made in section 10.3 above.
  - 10.5 Where the contravention, refusal, neglect, omission, or failure continues for more than one day, the person or corporation is guilty of a separate offence for each day it continues.
  - 10.6 The Authorized Staff of the Rural Municipality of Armstrong is authorized to enter onto any land or premises during reasonable hours to inspect for conditions that may be in contravention to this by-law.
11. That by-law 02/14 of the Rural Municipality of Armstrong is hereby repealed.
  12. That by-law comes into effect on the day it is passed.

DONE AND PASSED IN COUNCIL ASSEMBLED at the Council Chambers of the Rural Municipality of Armstrong in Inwood Manitoba, this 10<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
Jack Cruise, Reeve

  
\_\_\_\_\_  
Corlie Larsen, CAO

Read the first time this 13<sup>th</sup> day of December, 2016.

Read a second time this 10<sup>th</sup> day of January, 2017.

Read a third time this 10<sup>th</sup> day of January, 2017.