

BY-LAW #6/16

OF THE

RURAL MUNICIPALITY OF ROCKWOOD

**Being a By-Law of the Rural Municipality of Rockwood Respecting
unsightly properties and derelict vehicles within the Municipality**

WHEREAS pursuant to Section 232 and 233 of The Municipal Act, S.M. 1996, c.58 - cap.M225 provides authority to a Municipality to pass by-laws respecting the safety, health, protection and well-being of people, and the safety and protection of property; activities or things in or on private property (including the requirement that land and improvements be kept and maintained in a safe and clean condition; 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, and activities or things that, in the opinion of the Council, are or could become unsightly) and the enforcement of such by-laws;

AND WHEREAS Sections 236, 242 and 243 provide for the enforcement of these by-laws;

AND WHEREAS the Rural Municipality of Rockwood deems it necessary to pass a by-law prohibiting and rectifying unsightly property and the parking and storing of vehicles within the Rural Municipality of Rockwood;

NOW THEREFORE the Council of the Rural Municipality of Rockwood, in open Council assembled, enacts as follows:

1. THAT for this By-Law, the following definitions shall apply:
 - a) **“Chief Administrative Officer”** shall mean the Chief Administrative Officer (CAO) for the Rural Municipality of Rockwood.
 - b) **“Council”** shall mean the Council of the Rural Municipality of Rockwood.

- c) **“Derelict Vehicle”** means a vehicle which does not fall into one of the following categories:
- i) is duly registered under The Highway Traffic Act,
 - ii) is capable of being duly registered under The Highway Traffic Act and the Person who is the owner thereof possesses an ‘Inspection Certificate’ as prescribed under The Highway Traffic Act,
 - iii) the Vehicle registration has lapsed and/or cancelled in the last twelve (12) months and the Vehicle is still owned by the same Person shown on the registration and thus the Vehicle is capable of being registered without an “Inspection Certificate”,
 - iv) the Vehicle has storage insurance placed thereon with the Manitoba Public Insurance Corporation insuring the value of the Vehicle,
 - v) is enclosed wholly within an enclosed building,
 - vi) is totally covered with the exception of the tires thereof by a tarp or other suitable cover or stored in a manner that is not visible from the frontage or by a neighbouring residence,
- however, which shall exclude any Vehicle which is a farm implement.
- d) **“Designated Officer”** shall mean the By-Law Enforcement officer as appointed by the By-Law Enforcement & Animal Control Board or such person employed by the Municipality to whom either Council or the Chief Administrative Officer has delegated duties, functions and responsibilities as required by this By-Law.
- e) **“Municipality”** shall mean the Rural Municipality of Rockwood.
- f) **“Rubbish”** shall mean any garbage, trash or junk including, but not limited to unwanted or discarded household items, waste from building construction, remodeling and repair, tree branches, grass and shrub clippings, leaves or other general yard and garden waste, motor vehicle 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 in light of surrounding community standards of cleanliness or generally accepted neighbourhood aesthetics. Exceptions to the definition of Rubbish shall be household waste, grass clippings, etc. used for composting purposes.

- g) **“Unightly Property”** shall mean any property, structure, yard or excavation which, in the opinion of the Rural Municipality of Rockwood and/or the Designated Officer, is detrimental or a nuisance to the surrounding area taking into account the community standards for cleanliness and generally accepted neighbourhood aesthetics. Without limiting the generality of the foregoing, Nuisance may include noise, weeds, odours, unsightly property or fumes.
2. No person shall, within the Municipality, park, store or keep a Derelict Vehicle on private property, with or without the consent of the property owner.
 3. No person shall, within the Municipality, store Rubbish, or allow land to become an Unightly Property, or allow a property to remain in such an unkempt manner as to be detrimental or a nuisance to the neighbouring area. In making such determination the Municipality or the Designated Officer shall take into account the surrounding community standards of cleanliness or generally accepted neighbourhood aesthetics.
 4. For purposes of enforcing this By-Law, the Designated Officer may, after giving reasonable notice thereof to the owner or occupier of any private property, enter upon the property for the purposes of inspecting the property and enforcing the By-Law.
 5. If the Municipality or the Designated Officer, in his/her opinion, finds that there is a contravention of the By-Law, the Designated Officer shall, by written Order, require the owner of the property within a specified time, to:
 - a) improve the appearance of the property in the manner specified in the written Order;
 - b) remove Rubbish or demolish a building or structure and level the site; and/or
 - c) remove or otherwise deal with a Derelict Vehicle.
 6. The written Order shall be served on the owner of the property, either personally or by mailing it by registered mail to the most current address available in the current provincial Assessment Roll for that owner, and shall indicate that, if the owner fails to take the measures ordered under Clause 5 of this By-Law, the Municipality shall endeavor to do all things necessary to ensure compliance with the Order and that any action or measures taken by the Municipality shall be at the expense of the owner of the property.

7. An owner may, within 14 days of receiving the written Order, make a written appeal to the Municipality requesting that the Order be waived.
8. Council, upon hearing the appeal, may:
 - a) uphold, rescind, suspend or otherwise modify the Order issued by the Designated Officer; or
 - b) extend the time within which compliance with the Order shall be made; or
 - c) make such other decision or order, as in the circumstance of each case that it deems just, and the decision or order of the Council, upon being communicated to the appellant, shall stand in place of the Order against which the appeal is made.
9. All costs of actions or measure 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 registered owner of the property and may be collected by the Municipality in the same manner as a tax against the land and as regulations are permitted under the Municipal Act.
10. That any person who contravenes, disobeys, refuses or neglects to obey any Order made under this By-Law is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$1,000.00, or in the case of an individual, to imprisonment for a term not exceeding six (6) months or to both such fine and such imprisonment.
11. That, where the contravention, refusal, neglect, omission, or failure continues for more than one (1) day, the person or corporation is guilty of a separate offence for each day it continues.

12. That By-Law # 8/14 is hereby repealed upon Third Reading of this By-Law, #6/16.

DONE AND PASSED, in Council assembled at the Council Chamber of the Rural Municipality of Rockwood, at Stonewall, in the Province of Manitoba, this 13TH day of July, A.D., 2016.

THE RURAL MUNICIPALITY OF ROCKWOOD



JIM CAMPBELL, REEVE



CHRIS LUELLMAN, CAO

GIVEN First Reading this 8th day of June, A.D., 2016.

GIVEN Second Reading this 8th day of June, A.D., 2016.

GIVEN Third Reading this 13TH day of July, A.D., 2016.