

Gilbert Plains Municipality
By-Law #2020-09

Being a by-law to establish minimum standards of maintenance for dwellings, structures, properties, and unused vehicles

WHEREAS *The Municipal Act* reads 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;
 - (c.1) subject to section 233.1, the condition and maintenance of vacant dwellings and non-residential buildings;...
 - (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;... 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;...
 - (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 improvement be kept and maintained in a safe and clean condition;
 - (b) the parking and storing of vehicles, including the number and types 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, odours, unsightly property, fumes and vibrations.
- 233.1(1) A by-law under clause 232(1)(c.1) (vacant dwellings and non-residential buildings) may establish a system to regulate the condition and maintenance of vacant dwellings and non-residential buildings, and may include provisions respecting
- (a) the manner in which the dwellings or buildings must be secured by owners, or, on default, may be secured by the municipality;
 - (b) inspections by the municipality of the condition of the dwellings or buildings, including their interior condition; and
 - (c) the length of time that dwellings or building may remain boarded up.
- 234 Without limiting the generality of clause 232(1)(f) (property adjacent to highways or municipal roads), a by-law passed under that clause may include provisions respecting signs, survey monuments, landscaping and setbacks, including
- (a) the growing of trees and shrubs and the construction of improvements;
 - (b) the control and removal of trees, shrubs, weeds, grass, snow, ice and obstructions; and
 - (c) the construction, repair and removal of fences and snow fences.
- 236(1) Without limiting the generality of clause 232(1)(o) (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 sub clause (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 sub clause,
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

AND WHEREAS it is deemed expedient to pass a By-law for the purpose of maintaining a standard of maintenance for dwellings and other structures, and regulating and abating nuisances, unused vehicles, litter, and unsightly properties.

NOW THEREFORE the Council of the Gilbert Plains Municipality in Council assembled enacts as a by-law as follows:

THAT this by-law shall be known as the *Property Standard By-Law*.

PART ONE
DEFINITIONS

1. DEFINITIONS

Animal has the same meaning as in *The Animal Care Act*.

Animal and Agricultural Waste means manure, crop residues and like material from agricultural pursuits, stables, kennels, veterinary establishments and other such premises.

Ashes means residue from the burning of wood, coal and other like material.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building Envelope means the physical barrier between the exterior and interior environments enclosing a structure. This includes, but is not limited to: walls, siding, cladding, stucco, windows, doors, roofing, or any other product or material meant to serve a similar purpose.

Construction and Demolition Waste means waste building materials and rubble resulting from construction, remodelling, repair, demolition, or fire in houses, commercial buildings, driveways, pavement and other structures.

Designated Officer means a person prescribed by bylaw of the Gilbert Plains Municipality as a Designated Officer, and includes but is not limited to the Bylaw Enforcement Officer, Building Inspector, Fire Inspector, or any other person or agency employed by or acting for the Gilbert Plains Municipality and partially or wholly responsible for public safety, fire safety, building safety, and/or property standards within the Gilbert Plains Municipality.

Director of Public Works and Operations means the manager in charge of the Public Works and Operations Department for the Municipality, or any person duly appointed to act in his stead.

Dwelling means a building or portion of a building designed for and intended to be used for residential occupancy. It does not include establishments for commercial accommodation.

Dwelling Unit means a building or portion of a building designed or used for residential occupancy by a single family, including cooking, eating, living, sanitary and sleeping facilities.

Fence means a railing, wall or other means of enclosing a Yard and includes barriers and retaining walls.

Garbage means animal and vegetable waste, including food packaging material and residual food materials, resulting from the handling, preparation, cooking and serving of foods in households, institutions and commercial concerns; and market wastes resulting from the handling, storage and selling of foods in wholesale and retail stores and markets.

Hazardous Waste means a product, substance, or organism that

- (a) is prescribed, designated, or classified as hazardous waste in the regulations, or
- (b) by its nature conforms to the classification criteria for one or more classes of hazardous wastes set out in the regulations. (*The Dangerous Goods Handling and Transportation Act and Regulations*)

Health Hazard means

- (a) a condition of a place or premises;
- (b) a plant, animal, or other organism;
- (c) a substance or thing;
- (d) a solid, liquid, or gas, or any combination of them; or
- (e) an activity, condition, or process;

that presents or might present a threat to public health.

(*The Public Health Act*)

Industrial Refuse means wastes arising from, or incidental to the manufacture, processing or like operation in factories, processing plants, industrial processes and manufacturing operations and includes wastes such as putrescent garbage from food processing plants and

slaughterhouses, condemned foods and products, cinders and ashes from power plants and large factories, and miscellaneous manufacturing wastes.

Liquid Waste means waste products in a liquid form.

Litter means waste products that have been disposed of improperly at an inappropriate location; usually unsightly; likely to cause a public health hazard or nuisance; unacceptable and/or offense in light of community standards of cleanliness or generally accepted neighbourhood aesthetics.

Litter Receptacle means a container in which the public may deposit litter.

Mechanical Refuse means parts from or unusable, discarded or abandoned machinery equipment or vehicles.

Nuisance means any condition which is or may become injurious or prejudicial to health or hinder the suppression of disease, or which is offensive.

Occupier means a person who, with respect to a piece of land, is a lessee, licensee, invitee, permittee, purchaser, homesteader, pre-emption entrant or squatter and includes a party claiming through or under such person (*The Municipal Assessment Act*)

Order means an order as outlined in this bylaw, and includes but it not limited to an Order to Demolish, Order to Repair, and Order to Comply.

Registered Owner means, in respect of land, a person who

- (a) is the owner of an estate in fee simple in land that is subject to *The Real Property Act*
- (b) is the owner of an estate in fee simple in land that is not subject to *The Real Property Act* and who is the grantee named in a valid conveyance of land that is registered under *The Registry Act*, or
- (c) is registered under *The Condominium Act* as the owner, as defined in that Act, of a unit under that Act (*The Municipal Assessment Act*)

Person means any person, firm, partnership, association, corporation, company or organization, of any kind.

Premises include a building or accessory building and any lands on which the building is situated.

Property has the same meaning as in *The Municipal Assessment Act*.

Protective Surface includes any layer of material over the structural surface of a building intended or required to protect the structural surface against deterioration or to decorate the structural surface and without limiting the generality of the foregoing, includes paint, varnish, stucco, brick or stone facing, wood or asphalt shingle and any kind of siding.

Public Area means any area owned or operated by private or public interests, but excluding those areas referred to as a Public Place, that is used or held out for the use by the public, including but not limited to school grounds, parking lots, and the necessary passage ways thereon, road ways and pedestrian ways on private property.

Public Place means any and all roadways, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings which are owned by or under the control and jurisdiction of the Municipality.

Repair includes taking the necessary action to bring any building or other structure up to the standards required by this bylaw.

Roadway has the same meaning as in *The Highway Traffic Act*.

Shopping Cart is any wagon, cart or device designed to be either drawn or propelled by means of human power and intended principally for the conveyance of produce or merchandise in and about retail stores.

Solid Waste means litter that is solid or semi-solid, but does not flow.

Standards means the rules prescribed in this bylaw for the maintenance and improvement of the physical condition and of any building or other structure or properties, or parts thereof, together with the surrounding lands.

Structure means anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

Tarpaulin means a heavy waterproof canvas or synthetic fabric/material used for covering.

Truck Tractor means a motor vehicle having a net weight of more than 4,000 kilograms, equipped with the lower half of a fifth wheel coupler designed to be used to pull a semi-trailer by coupling the king pin attached to the semi-trailer. Another word for a truck tractor is semi-truck.

Unused Vehicle means any vehicle that:

- (a) is not in operating condition; or
- (b) cannot meet safety standards as legislated by the Province of Manitoba from time to time; and does not have attached and exposed thereon one or more permit plates for the current registration year that legally allows it to be driven on a public roadway under *The Highway Traffic Act*, or has not had such registration in the last 12 months. The term "unused vehicle" also refers to abandoned vehicles, vehicles kept for parts/scrap/salvage, and parts of vehicles. Another name for an unused vehicle could be a derelict vehicle.

Vehicle means a device, in, upon, or by which a person or thing is or may be transported or drawn upon a roadway but does NOT include

- (a) a device designed to be moved solely by human muscular power or used exclusively upon stationary rails or tracks, or
- (b) a motorized mobility aid as defined in *The Highway Traffic Act*.

PART TWO

STANDARDS

2. LITTER ON PUBLIC PROPERTY

- (a) No person shall sweep, dump or otherwise deposit litter into any gutter, boulevard, roadway or other public place without the permission of the Designated Officer.
- (b) Persons owning or occupying property shall keep the sidewalk and boulevard in front of and flanking, and the lane at the rear of their property, free of litter.

3. PROPERTY STANDARDS

(a) Items in Yards

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

- (i) Litter ;
- (ii) household appliances, whether or not the same are capable of operation and/or furniture;
- (iii) the growth of weeds as defined in *The Noxious Weeds Act* so that the same become a nuisance to adjoining properties;
- (iv) construction/renovation waste;
- (v) the growth of grass to a length which exceeds five (5) inches; and
- (vi) wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused vehicles, trailers and other machinery or any part thereof.

Whenever litter is thrown, deposited, dropped, blown, or dumped onto private or public property, it shall be prima facie evidence that the owner of such litter has violated this bylaw.

(b) Trees, Shrubs, Weeds

No person owning or occupying private property shall allow any part of a tree, shrub or sapling, foliage or vegetation, including flowers, growing thereon to extend over or upon any roadway, sidewalk, or back lane so as to interfere with, impede, or endanger persons using such roadway, sidewalk, or back lane, or from vehicles and maintenance equipment travelling or using same. When deemed necessary for the convenient and safe use of a roadway, sidewalk, or back lane, the Bylaw Enforcement Officer may give notice as per Part Four of this bylaw.

If noxious weeds, as outlined in *The Noxious Weeds Act*, are present on a property, the Noxious Weed Inspector will provide up to seven (7) days of notice to the occupant/owner to remove, cut, or eradicate such noxious weeds. If the work ordered in the notice is not performed by the occupant/owner within the time frame specified, as per *The Noxious Weeds Act*, the Municipality will perform said work and charge the occupant/owner.

(c) Boulevard Maintenance

It is the owner/occupier's responsibility to maintain the lawn on the boulevard adjacent to their property.

(d) Depositing Snow, Leaves, or Other Similar Materials on Roadways (including back lanes)

Notwithstanding any other bylaw of the Municipality, owners/occupiers may not deposit snow, leaves, or other similar materials onto a roadway or back lane.

(e) Truck Tractors on Residential Property

Truck tractors are not permitted to park in residential areas in such a manner as to constitute an obstruction or hazard on a roadway, and shall in no circumstances be permitted to idle for more than 1 hour.

4. BUILDING AND OCCUPANCY STANDARDS

(a) Drainage

No roof drainage or surface drainage shall be discharged on stairs or neighbouring property. A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water, and drainage shall be conveyed so as not to cause dampness in the walls, ceilings, or floors of any portion of the building itself or any adjacent building. Without limiting the generality of this section, the maintenance required thereby includes the repair of eavestroughs and rainwater pipe, or using other suitable means.

(b) Pest Prevention

Every building shall be maintained free of rodents, vermin and insects at all times and methods used for exterminating rodents, vermin or insects shall conform with generally accepted practice in the Municipality as determined by the Designated Officer.

(c) Sound Structures

- (i) Every foundation wall forming part of a building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents. Where necessary, the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks and by parging and waterproofing.
- (ii) Where any building is on a surface foundation and the Designated Officer is of the opinion that there is settlement or rotting of the beams or joists to such a degree as to adversely affect the occupation of the building, he may require that the owner hire at his/her cost, a professional engineer to verify the structural integrity in compliance with the provisions of the Manitoba Building Code and any amendments thereto
- (iii) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject

(d) Exterior Surfaces and Openings in Dwellings and Structures

All exterior surfaces and openings shall be of materials which provide adequate protection from the weather.

The building envelope of every building and structure shall be maintained in good repair such that no component thereof is broken, loose, rotted, warped, out-of-plumb, off-level, or out of alignment to which it was designed or constructed, or is without a protective surface.

(e) Structures, Porches, Sheds, Stairs and Fences

Every structure, porch, shed, stairway, deck, and fence, in or on any premises, shall be maintained in good repair so that no component thereof is broken, loose, rotted, warped, out-of-plumb, off-level, or out of alignment to which it was designed or constructed, or is without a protective surface.

(f) Health Hazards

- (i) No person shall commit any nuisance nor permit or maintain any health-hazard condition in any premises within his control or management, nor shall he permit the existence of any condition, matter or thing which, in the opinion of the Designated Officer, provides or may provide food or harborage for rodents, vermin or insects.
- (ii) No person shall occupy or let to another for occupancy, any dwelling unit or portion thereof which is not clean and sanitary.
- (iii) No dwelling, or any part thereof, or the lot upon which it is situated, shall be used as a place for storage, keeping or handling of any article dangerous or detrimental to life or health.
- (iv) The Designated Officer is authorized under Section 239 of *The Municipal Act*, with or without the consent of the owner or occupier, to enter upon and inspect premises where there is, in the opinion of the Designated Officer, an emergency or an extraordinary condition.

5. UNUSED VEHICLES

- (a) It is an offence for any owner, occupant, or person in charge of or in control of private property to keep, or allow to be kept, on that property any unused vehicle, unless the vehicle is registered with the Municipality and in compliance with this bylaw, and the storage fee is paid.
- (b) Unused vehicles that are properly permitted for storage on a property must be parked at the rear of the property and neatly protected with a covering/tarpaulin in reasonable repair, or stored in a manner acceptable to the Designated Officer.
- (c) A property may not house more than two unused vehicles at any time. An unused vehicle may be permitted for 12 months, and then subject to a review by the Chief Administrative Officer, may receive a permit for an additional 12 months; there is a fee associated with the storage, as per Schedule D. An unused vehicle may not remain in the Municipality, in that condition, for more than 24 months
- (d) Section 5 (a) shall not apply to any person lawfully engaged in operating a garage, auto wrecking business, used car lot, scrap business, or other similar commercial use, providing they are operating in accordance with the provisions of the Zoning Bylaw.
- (e) Section 5 (a) shall not apply for those properties farther than a distance of 800 meters outside the limits of the town of Gilbert Plains or the Village of Ashville, as noted by the "Town Limits" lines on maps 1 and 2 shown in Schedule E.

The application for a Permit for Storage of Unused Vehicle(s) is outlined in Schedule D.

6. PLACES OF BUSINESS AND SPACES OPEN TO THE PUBLIC

Persons owning or occupying places of business shall keep their property, as well as the sidewalk and boulevard in front of and flanking, and the lane at the rear of their business premises, free of litter.

Owners and tenants in lawful control of a public space are to provide litter and recycling receptacles in appropriate and easily accessible locations and are responsible for the servicing and maintenance of these receptacles.

PART THREE

GENERAL REQUIREMENTS

7. POSTING ORDERS

Where a Designated Officer has placed or caused to be placed, a copy of an order upon any premises under the authority of this bylaw, no person shall remove such copy of the order except with the consent of the Designated Officer.

8. MUNICIPALITY PERFORMING PRESCRIBED ORDER

Where an owner/occupier of any property fails to make the property conform to standards or comply with an order as directed by the Designated Officer or Noxious Weed Inspector, the Municipality may make the property conform or may perform the work as outlined in the order. The costs associated with the work will be an amount owing to the Municipality by the occupier/owner of the property. 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 and added to the owner's taxes. Notwithstanding the foregoing, the Municipality may also choose at their discretion to prosecute in addition to the above.

PART FOUR

ADMINISTRATION AND ENFORCEMENT

9. ADMINISTRATION OF PROPERTY OFFENCES

(a) Investigation

Investigations under this bylaw shall be completed by the Designated Officer who may investigate on a complaint basis and/or regular patrol of the Municipality. Upon discovering issues that need addressing, the Designated Officer may issue an Enforcement Notice, asking for the issue to be rectified within 5 — 7 days.

(b) Notice of Violation (Schedule A)

Upon inspection or upon expiration of an Enforcement Notice, if the Designated Officer determines that a premise does not comply with the requirements of this bylaw, the Designated Officer shall issue a Notice of Violation (Schedule A) respecting same and provide it to the occupier of the premises.

The Notice of Violation is to be forwarded by regular mail and contain the following:

- (i) The names of the registered owner and/or occupier of the premises.
- (ii) Description and location of premises.
- (iii) A description of the situation in contravention of the bylaw and which section of the bylaw has been contravened.
- (iv) Remedial work required.
- (v) The length of time allowed to remedy the situation.

(c) Order to Comply (Schedule B)

In the event that the action specified in the Notice of Violation has not been taken by the specified date, an Order to Comply (Schedule B) shall be directed to the occupier and registered owner, and contain:

- (i) Action required to be taken in order to remedy the contravention, including, if applicable, an order to demolish all or part of the premises;
- (ii) The final date specified for remedying contravention, at least twenty-one (21) days from the date of the Order to Comply;
- (iii) The final date for filing a Notice of Objection/Appeal to the Order to Comply by the registered owner and/or occupier; (being at most 21 days from the date of the Order to Comply);
- (iv) That the occupier's/owner's noncompliance would result in the Municipality carrying out the terms of the Order to Comply as issued by the Designated Officer and that any costs incurred by the Municipality would be an amount owing to the Municipality and charged to the Owner as Part 4, Section g(a) of this bylaw;
- (v) A copy of the Notice of Objection/Appeal (Schedule C);
- (vi) A copy of the penalty provision of this bylaw; and
- (vii) Such other information or direction as the Gilbert Plains Municipality deems appropriate.

(d) Manner in Which to Serve an Order to Comply (Schedule B)

The Municipality shall serve the original Order to Comply (Schedule B) issued under this Part on the occupier(s), and owner(s) if different than the occupier(s), of the subject premises in one or more of the following manners:

- (i) Personal service on the owner(s) and/or occupier(s) or on any officer, director or attorney for service of same;
- (ii) Certified mail service on the owner(s) and/or occupier(s) or on any officer, director or attorney at the last known address;
- (iii) Registered mail service on the owner(s) and/or occupier(s) or on any officer, director or attorney at the last known address;
- (iv) E-mail service on the owner(s) and/or occupier(s) or on any officer, director or attorney at the last known email address;

- (v) Fax service on the owner(s) and/or occupier(s) or on any officer, director or attorney at the last known facsimile number; or
- (vi) Attaching same to a prominent place on the subject premises.

Personal service shall be deemed to have been effected on the date of service.

In all other manners of service, whether inside or outside the Province of Manitoba, service shall be deemed to have been effected on the 5th day after the document has been mailed, e-mailed, faxed or attached.

If for any reason, written notice cannot be given as outlined above, notice may instead be given by posting it in the Municipality's Office and on the property and/or vehicles in question for at least fifteen (15) days.

(e) Notice of Objection/Appeal (Schedule C)

If an owner/occupier either does not agree with the issuance of an Order to Comply (Schedule B) or the timeline provided, they may respond back to the Municipality by the prescribed date (which will be at least 21 days after the issuance of the Order to Comply), asking for the Order to Comply to be reviewed at an Appeal Hearing.

When a property owner files a Notice of Objection/Appeal (Schedule C) with the Municipality, the following occurs:

- (i) An appeal of the Order to Comply is deemed to be commenced.
- (ii) The Municipality shall set a date, time and place for the appeal hearing and serve notice of same on the appellant by registered mail.
- (iii) The appeal shall be heard by the Council of the Gilbert Plains Municipality.
- (iv) The hearing may be adjourned from time to time as Council may decide.
- (v) If the appellant fails to appear at the Appeal Hearing, the appeal shall be dismissed, the Order to Comply automatically affirmed, and the enforcement reinstated retroactive to the dates specified therein.
- (vi) After hearing the appeal, Council may:
 - (a) Affirm the Order to Comply;
 - (b) Rescind the Order to Comply if the appellant has since complied; or
 - (c) Vary the Order to Comply at its discretion.

Council's decision is final on the issue and not subject to further appeal.

Where the Designated Officer deems that any condition or situation existing in a public place or in a public area or on private property of another person may be a nuisance, emergency, immediate dangerous concern and or a health concern, the owner shall have no right to file a Notice of Objection.

10. REMEDIAL WORK

(a) Remedial Work Carried Out by Municipality on Private Property

Where any owner, agent, lessee or occupier who has been given a Notice of Violation, Order to Comply, or direction by the Designated Officer to do any act or thing to remedy any situation or condition existing on his or her property which is in contravention to any part of this bylaw, and who neglects or refuses to comply with such notices, orders, or directions within the time specified, the Designated Officer may order the work to be performed by the Municipality or its agent, and charge the cost of said work and any other costs incurred for the enforcement of this bylaw, to the owner, agent, lessee or occupier, and in default of payment:

- (i) recover the cost and any other costs incurred for the enforcement of this bylaw as a debt due to the Municipality; or
- (ii) charge the cost and any other costs incurred for the enforcement of this bylaw against the land concerned in the same manner as a tax may be collected or enforced under this bylaw; or,
- (iii) both (i) and (ii).

(b) Remedial Work Carried Out by Municipality in Public Places, Public Areas and on Private Property

Where any person who has been given a Notice of Violation, Order to Comply, or direction by the Designated Officer to do any act or thing to remedy any situation or condition existing on a public place, public area, or on private property of another person which is in contravention to any part of this bylaw, and who neglects or refuses to comply with such notices, orders, or directions within the time specified, the Designated Officer may order the work to be performed by the Municipality or its agent, and charge the cost of said work and any other costs incurred for the enforcement of this bylaw, to the person or agency in receipt of such notice, order, or direction, and in default of payment:

- (i) recover the cost and any other costs incurred for the enforcement of this bylaw as a debt due to the Municipality; or
- (ii) charge the cost and any other costs incurred for the enforcement of this bylaw against the land concerned in the same manner as a tax may be collected or enforced under this bylaw; or
- (iii) both (i) and (ii).

(c) Emergency, Nuisance and/or Health Concern

Where the Designated Officer deems that any situation or condition existing in a public place or in a public area or on private property may be a nuisance, emergency, immediate dangerous concern and/or a health concern, the Designated Officer may waive the appeal procedure and order the Municipality to carry out the remedial work and charge the cost of the work done as per Part Four, Item 10 (a) & (b) above.

(d) Entry Upon Property

The Municipality and its employees and agents, with reasonable notice, may enter upon any property whether private or public, to investigate (including gathering photographic evidence for records) and/or remedy a contravention of this bylaw.

(e) Evacuation

The Municipality may order the evacuation of all persons from a premise and close the premises until conformance is achieved, and incidental thereto, the Municipality has the right to enter upon the premises and use reasonable force to remove all occupants therefrom.

11. UNUSED VEHICLES

(a) Proper Storage of Unused Vehicle; First 12 Months

Notwithstanding Part Two, Item 5 of this bylaw, an owner, occupant, or person in charge of or in control of private property may make application to the Municipality for approval of a permit. The yearly permit fee is set out in Section D of this bylaw. The permit is valid for a maximum of 12 months, prorated per quarter, and payable in advance.

- (i) Unused vehicles that are properly permitted for storage on a property must be parked at the rear of the property and neatly protected with a covering/tarpaulin in reasonable repair, or stored in a manner acceptable to the Designated Officer.
- (ii) A property may not house more than two unused vehicles at any time.
- (iii) An unused vehicle may not remain in the Municipality, in that condition, for more than 12 months.

(b) Property Storage of Unused Vehicle; Additional 12 Months

Notwithstanding Part Four Item 11(a) of this bylaw, a request for an extension of up to 12 additional months may be made in writing to the Chief Administrative Officer (CAO), where the application will be reviewed by the Municipality's Administration before granting the request. The yearly fee, prorated per quarter, and payable in advance, continues to apply.

(c) Enforcement for Improperly Stored Unused Vehicles

Any unused vehicle on a property found contrary to the provisions in this bylaw may result in the property owner being given 30 days to apply for and receive a permit with the municipality, or receive a Fine under Part Five Section 14 of this bylaw, and/or the unused vehicle in question may, upon direction from the Designated Officer, be removed by the Municipality and impounded for a period of 45 days.

(i) The owner of the unused vehicle may recover the impounded unused vehicle by paying the invoice/Fine, the costs for removal, and impoundment.

(a) If the vehicle can lawfully remain in the Municipality as an unused vehicle, the unused vehicle must be permitted as per this bylaw.

(b) If the vehicle cannot lawfully remain in the Municipality as an unused vehicle, the unused vehicle must be removed from the Municipality.

(ii) All costs for removal and impoundment of the vehicle are the responsibility of the vehicle owner. If these costs are not paid in response to the Permit Fee mentioned in Part Four, Section 11(a) of this bylaw, the Municipality may add these costs to that property's taxes.

(iii) In the event that the unused vehicle is not claimed during the impoundment period, the Designated Officer may destroy or otherwise dispose of the unused vehicle. Where disposal of the unused vehicle generates more revenue than the outstanding costs owing to the Municipality, any excess monies will be released to the owner of the vehicle, and failing that, the owner of the property from which the vehicle was removed. If the owner of the vehicle and/or the owner of the property cannot be located, any excess monies will be retained by the Municipality and deposited in its General Revenue account.

(d) Unused Vehicle Storage Beyond 24 Months

An unused vehicle may only be stored for a maximum of 24 months total in the Municipality, regardless of those months being consecutive or not. Unused vehicles stored in Gilbert Plains in excess of 24 months will be impounded and destroyed or otherwise disposed of. Where disposal of the unused vehicle generates more revenue than the outstanding costs owing to the Municipality, any excess monies will be released to the owner of the vehicle, and failing that, the owner of the property from which the vehicle was removed. If the owner of the vehicle and/or the owner of the property cannot be located, any excess monies will be retained by the Municipality and deposited in its General Revenue account.

PART FIVE

PENALTIES

12. SEPARATE OFFENCE EACH DAY

Where the contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offence for each day that it continues.

13. SUMMARY CONVICTION

Notwithstanding any other remedies available to the Municipality under this bylaw or any other, any person who contravenes or disobeys, or refuses or neglects to obey any provision of this bylaw is guilty of an offence upon summary conviction, and is liable to a fine not exceeding five hundred dollars (\$500).

PART SIX

REPEALS AND ENACTMENT

14. REPEAL

Gilbert Plains Municipality by-law 2010/07 is repealed upon this by-law coming into effect.

15. EFFECTIVE DATE

This by-law shall come in full force and effect the day following its third reading.

DONE AND PASSED by the Council of the Gilbert Plains Municipality in Regular Session assembled at the Gilbert Plains Municipality, in Manitoba, this 12th day of January, 2021.

Reeve

Chief Administrative Officer

READ A FIRST TIME this 24th day of November, 2020.

READ A SECOND TIME this 12th day of January, 2021.

READ A THIRD TIME this 12th day of January, 2021.

Certified a true and correct copy of By-Law No. 2020-09, being a by law of the Gilbert Plains Municipality passed the 12th day of January, 2021.

Chief Administrative Officer

Gilbert Plains Municipality

Schedule "A"

Gilbert Plains Municipality Notice of Violation Under The Gilbert Plain’s Municipality Bylaw Establishing Minimum Standards of Maintenance for Dwellings, Structures, Properties, and Unused Vehicles By-Law [Section 239 of <i>The Municipal Act</i>]	
On Property located at:	Roll #:
Legal Description:	Lot Block Plan
Date of Notice of Violation:	
Registered Owner: Address: <i>(If different from above)</i>	Occupier (Tenant) , if any:
Date of Inspection made by Designated Officer in response to a complaint or inspection:	
Description of contravention(s):	
WE REQUEST THAT YOU RECTIFY THE SITUATION IN THE FOLLOWING MANNER:	TO BE COMPLETED BY:
In accordance with Section 239(1) of <i>The Municipal Act</i> , the Municipality will enter onto the property to conduct a second inspection after the date which the remedy was to be completed. If there has been no compliance with this Notice of Violation, an Order to Comply may be issued. Your co-operation and assistance addressing this contravention is appreciated.	
DATE OF YOUR SECOND INSPECTION:	If you have any questions, please call:
Date	
By-law Enforcement Officer/Designated Officer	

Schedule "B"

<p>Gilbert Plains Municipality</p> <p>Order to Comply</p> <p>Under The Gilbert Plains Municipality’s Bylaw Establishing Minimum Standards of Maintenance for Dwellings, Structures, Properties, and Unused Vehicles</p> <p>By-Law</p> <p>[Section 242 of <i>The Municipal Act</i>]</p>			
On Property located at:		Roll #:	
Legal Description:	Lot	Block	Plan
Date of Order to Comply:		Date to be completed:	
Registered Owner: Address: <i>(If different from above)</i>		Occupier (Tenant) , if any:	
Further to the Notice of Violation dated _____, a second inspection of your property found that it continues to be in contravention of the Gilbert Plains Municipality Property Standards Bylaw.			
Description of contravention(s):			
<p>Under the authority of Section 242(1) of <i>The Municipal Act</i>, you are hereby ordered to make the following changes to bring your property into compliance with the Gilbert Plains Municipality Minimum Standard Of Maintenance For Dwellings And Other Structures, And To Regulate Yards, Nuisances, Litter, Unused Vehicles and Abandoned Properties By-law.</p> <p>Action required to remedy contraventions:</p>			
<p>Non Compliance with this Order to Comply:</p> <p>In the event that you do not comply with this Order to Comply, please note that the costs of actions or measures taken by the Municipality to carry out the terms of this 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 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 <i>The Municipal Act</i> and added to the owner's taxes.</p> <p>Notwithstanding the foregoing, the Municipality may also choose at their discretion to prosecute you in addition to the above.</p>			
If you have any questions, please call:			
Date			
Bylaw Enforcement Officer/Designated Officer			
SEE OVER FOR INFORMATION REGARDING THE APPEAL PROCESS			

Notice of Objection/Appeal:

You may appeal this Order to Comply in writing by filing with the Chief Administrative Officer of the Gilbert Plains Municipality, **within (21) twenty-one** days of the date of this order, or in this case on or before _____, an objection substantially in the form indicated in the bylaw as a Notice of Objection/Appeal (Schedule C), a copy of which is attached.

Enclosures:

- Copy of Notice of Violation
- Copy of Notice of Objection/Appeal
- Copy of pertinent sections of the Property Standards Bylaw
- Photos of contravention(s), if applicable

Schedule "C"

Gilbert Plains Municipality

NOTICE OF OBJECTION/APPEAL

To: The Gilbert Plains Municipality

From: _____

REGARDING the matter of an appeal to an Order to Comply under the Property Standards Bylaw of the Gilbert Plains Municipality, _____ for the property at _____.

PLEASE TAKE NOTICE that the undersigned Appellant hereby appeals to the Council of the Gilbert Plains Municipality regarding the Order to Comply for _____

Reason for appeal:

Dated at the Gilbert Plains Municipality this _____ day of _____, 20____

Name of Appellant (Please print)

Signature of Appellant

Address

Schedule "D"

Gilbert Plains Municipality

APPLICATION FOR PERMIT FOR UNUSED VEHICLE STORAGE

First 12 months of storage: \$10 per month, totalling \$120, payable at time of application. remaining quarter's refund can be provided if unused vehicle is (a) removed from the Municipality or (b) made operational and properly insured for use on the road.

Maximum 12 additional months of storage: Approved by Chief Administrative Officer or designate. \$10 per month, totalling \$120, payable at time of application. Remaining quarter's refund can be provided if unused vehicle is (a) removed from Municipality or (b) made operational and sufficiently insured for use on the road.

Vehicle Owner Information

Name: _____ Phone #: _____

Address: _____

Vehicle Information

Make: _____ Model: _____

Year: _____ Vehicle Identification Number (VIN): _____

Reason for vehicle being unused: _____

Property (where vehicle is being stored) Owner Information:

Same as Vehicle Owner Information? (Yes / No) If No, then:

Name: _____ Phone #: _____

Address: _____

Approval Signature: _____

Storage Information:

Storage start date: _____

End of 12-month period: _____

Request for additional storage time. Reason: _____

Anticipated date vehicle will be removed from the Gilbert Plains Municipality or made operational and sufficiently insured for use on the road: _____

<i>For Office Use Only</i>	Property Roll #: _____
Application Date: _____	Customer ID: _____
Application Received by: _____	Invoice #: _____

Schedule “E”

Town of Gilbert Plains / Village
of Ashville Limits