

**RIVERDALE MUNICIPALITY
BY-LAW NO. 2019-09**

**BEING A BY-LAW OF RIVERDALE MUNICIPALITY TO
PROVIDE FOR THE MAINTENANCE OF PROPERTY WITHIN
THE URBAN CENTRES OF THE MUNICIPALITY, INCLUDING
RIVERS, CHIMO, WHEATLAND, BRADWARDINE, PARADISE
VALLEY & ASPEN ROAD DEVELOPMENT**

WHEREAS, *The Municipal Act* provides, 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;
 - o) 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 231(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 the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes or vibrations.
- 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.;
 - (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);
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.”
- 242(1) “If a Designated Officer finds a person is contravening a by-law that the municipality is authorized to enforce, such 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 .;
 - (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 has been erected or placed in contravention of a by-law and, if necessary, to prevent a reoccurrence of the contravention;

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- (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.”

244(1) “A person who receives a written order under Section 242 or 243 may request the council to review the order by written notice within 14 days after the date the order is received, or such longer period as a by-law specifies.”

244(2) “After reviewing the order, the council may confirm, vary, substitute or cancel the order.”

247(1) in an emergency, a municipality may take whatever actions or measures are necessary to eliminate the emergency.

Section 1 - DEFINITIONS

“**Appliances**” means fridges, stoves, washers and dryers, freezers, hot water tanks, furnaces, etc. and includes parts thereof.

“**Building**” means any structure used or intended for supporting any use or occupancy.

“**Council**” means the Council of Riverdale Municipality.

“**Derelict Vehicle**” means

- (i) any vehicle or part thereof which in order to be driven on a highway, must be registered under the Highway Traffic Act., and which is not so registered for the current year, and which is or appears to be inoperative for such purposes due to age or mechanical failure of the motor, transmission, assembly system, chassis, body or any other parts.
- (ii) any vehicle, dismantled, partially dismantled, inoperative, discarded, abandoned, or unused vehicles, trailers and other machinery or any part or parts thereof.

“**Derelict and abandoned building**” means a dilapidated or derelict building that has been abandoned by the owner (or where the owner cannot be found); a structure or building that is in gross neglect, structurally unsafe and has not been maintained to accommodate occupancy.

“**Designated Officer**” means a building inspector, employee of Commissionaires Manitoba 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

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Officer of Riverdale Municipality and any employee of Riverdale Municipality to whom he or she has delegated an authority or duly granted or imposed under this By-Law.

“Emergency abatement” means to take immediate action to secure a vacant building.

“Garbage or rubbish” means and includes any garbage or rubbish, scrap wood, scrap metal, 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/refuse which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of the Municipalities standards of cleanliness or generally accepted neighborhood aesthetics.

“Mortgagee” in the case of real property, means any person holding a registered mortgage against real property according to the records of the Brandon Land Titles Office and, in the case of personal property, means any person holding a registered security interest in personal property according to the records of the Personal Property Security Registry of the Province of Manitoba.

“Municipality” means the Riverdale Municipality.

“Occupier” means any person in actual or constructive possession of real or personal property pursuant to a lease or tenancy.

“Owner” includes a person responsible for real property and any person; includes owner, part-owner, and property manager and/or property management companies.

“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.

“Residential building” means a building that has been designed for or has been used for residential occupancy.

“Store” means to keep or allow to be kept.

“Unregistered Vehicles” means cars, trucks, vans, motorcycles, trailers, snowmobiles, buses or any other object required by law to be licensed or registered in order to enter upon a public highway, street or road and which are not for the time being so licensed and includes each detached part or group of parts of any such car, truck, van, motorcycle, trailer, snowmobile, bus or object exceeding one foot in length, width or height.

“Unsightly property” means a property that in the opinion of the Designated Officer is detrimental to the surrounding area, including but not limited to the growth of grass to a length which is unsightly or the growth of weeds so that some become a nuisance to adjoining properties; a property that lacks maintenance and is in a state of neglect.

“Unsightly 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 the public safety or property.

“Vacant” means a building that is not being used or occupied for a protracted period.

“Vehicles” shall have the meaning ascribed to that term in *The Highway Traffic Act* and amendments thereto and shall include all-terrain vehicles, watercraft, aircraft, trailer, wagon, flatbed, farm implement, tractor or any other means of transportation and any parts of any vehicle exceeding 18” in length.

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“Yards” means privately owned real property around and appurtenant to a dwelling or other building used or reasonably capable of being used as a dwelling.

ADMINISTRATION & ENFORCEMENT

3. This by-law shall be administered and enforced by the designated officers or agents.
4. In reference to the administration and enforcement of this by-law, designated agents shall include:
 - (i) designated officers in the employ of Riverdale Municipality;
 - (ii) Building Inspectors, Fire Inspectors, Health Inspectors, Weed Inspectors and any other persons or agencies employed by or acting for Riverdale Municipality and partially or wholly responsible for fire and building safety and standards within the Municipality.
5. No person acting within the scope of their duty to administer and enforce this by-law shall be personally liable for any act or omission while so acting.

COMPLAINTS

6. Any person may allege a violation of this by-law by filing with Riverdale Municipality a complaint in writing and with such particulars as Riverdale Municipality from time to time may require.

INSPECTIONS

7. Upon receipt of a written complaint, a designated officer shall inspect the real and personal property identified in the complaint as shall be deemed reasonably necessary to determine whether or not there is or has been a violation of this by-law.
8. For the purpose of inspection under this by-law, a designated officer may enter upon, inspect and view any real or personal property at all reasonable times with or without the consent of any person.

ORDERS

9. If the designated officer is satisfied upon inspection that there is a violation of this by-law, the designated officer shall make an order in the form attached hereto and marked as **Schedule “A”**.
10. There shall be attached to the Order a form of Notice of Objection, attached hereto and marked as **Schedule “B”**, which shall indicate the place to which the Notice of Objection shall be delivered.
11. Each order made by the designated officer shall specify a time within which compliance shall be required, and the time for compliance shall be not less than (7) seven days or more than (150) one hundred and fifty days from the date of the Order.
12. The time for compliance with an Order may be postponed once by the designated officer for a period of not more than ninety days, only upon the owner showing that reasonable efforts to comply with the Order have been made but full compliance cannot be effected within the time provided because of technical difficulties, inability to obtain necessary labour, repairs or materials.
13. Except in the case of non-conformance posing an immediate danger to any person, the filing of an objection to an Order or any of the provisions of an Order shall operate as a stay of proceedings until consideration of the objection by the municipality through the prescribed appeal process.
14. In the case of non-conformance posing an immediate danger to any person, the designated officer may, pursuant to Sections 7 & 8 of this By-Law, order the owner to correct the non-conformance forthwith.
15. In the event the designated officer is unable to contact the owner either by attending at the site of the non-conformance or by telephoning at the residence of

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the owner, the Municipality may cause the non-conformance to be corrected with no further attempt to notify the owner and the cost thereof may be added to the real property taxes applicable to the property made subject to the order or collected in any other manner available to the municipality by law.

16. Each Order made under this by-law, excepting an Order issued in the case of non-conformance posing an immediate danger to any person referred to in Section 14, shall be in writing, and served in accordance with provisions 21 & 23 of this by-law.

APPEALS

17. An interested person may appeal an order made by the designated officer by filing a Notice of Objection, in the form attached to this by-law and marked as Schedule "B", with the Chief Administrative Officer of Riverdale Municipality at any time before the time for compliance with such order.
18. Upon receipt of a Notice of Objection in the required form, the municipality shall hold a hearing within forty days immediately following receipt of the Notice of Objection. Each interested person filing a Notice of Objection and the designated officer are entitled to attend the hearing with or without counsel and to present evidence and make submissions. The procedure to be used at the hearing shall be the procedure set out in the then current procedural by-law of the municipality for public hearings, supplemented and modified as the Council of Riverdale Municipality shall determine. The majority of the councillors currently holding office, including the Mayor, shall constitute a quorum and the decision of the majority shall stand in the place of the Order in respect of which the Notice of Objection is made, for all purposes. The decision rendered at the hearing is final and no further appeal may be taken in respect of the subject matter of the Order.
19. If any person who has filed a Notice of Objections to an Order fails to appear at the hearing, either in person or by counsel to make representation, a decision may be made in their absence.
20. The Council of the Municipality may reserve their decision on appeal, however, they shall in any event, render a decision on an appeal within five days of the date of the hearing of the appeal and shall serve upon all interested persons a notice of disposition forthwith upon determination. The Council of Riverdale Municipality may:
- (a) confirm the order of the designated officer; or
 - (b) vary the order of the designated officer in any respect; or
 - (c) set aside the order of the designated officer.

SERVICE

21. A copy of any Order or postponement thereof made by the designated officer shall be served by personal service or by registered mail upon
- (a) the owner;
 - (b) the occupier, if any, and
 - (c) the mortgagee, if any
- of the real or personal property affected by the Order and, if service cannot be by personal service or by registered mail, such Order or postponement of it may be posted on the property which is the subject of the Order or postponement.
22. A Notice of Hearing by the Council shall be served by personal service or by registered mail upon each person filing a Notice of Objection in the required form, and upon the designated officer. The Notice of Hearing shall state the time, date and place of the hearing. The Notice of Hearing shall be served no later than five days prior to the date set for the hearing.
23. Personal service shall be deemed to have been made on the date service is actually effected upon the person and service by registered mail shall be deemed to have been made the day after posting.

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24. Service upon 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 on file with the Corporations Office or upon any adult person at the usual place of business of the corporation who appears to the person effecting service to be in charge.

STANDARDS

Maintenance of Real Property

25. (a) An owner or occupier of real property that includes buildings or dwellings shall
- (i) ensure, on a continuing basis, that all requirements are met in relation to the minimum standards of maintenance and occupancy in accordance with all codes and standards enforced by the Province of Manitoba and the local planning district.
 - (ii) maintain the appearance of buildings and other structures so not to become unsightly and a detriment to the surrounding areas.
26. (a) An owner or occupier of real property shall keep it free and clear from:
- (i) rubbish, garbage and other debris;
 - (ii) objects, conditions and substances that present a health, fire or accident hazard;
 - (iii) objects and conditions, including holes and excavations, that are health, fire or accident hazards;
 - (iv) objects, conditions and substances that contaminate or pollute the air or water;
 - (v) objects, conditions and substances that constitute a nuisance and may degrade the surrounding properties;
 - (vi) the growth of weeds so that the same become a nuisance to adjoining properties;
 - (vii) the growth of grass to a length which is unsightly;
 - (viii) the storage of household appliances whether or not the same are capable of operation in a place which is visible from any public street, road, or lane; and
 - (ix) the storage of motor vehicles that have been abandoned or derelict, wrecked, dismantled, partially dismantled, inoperative, discarded, or any parts thereof.
- (b) No owner or occupier of real property shall have on it at any time more than one unregistered vehicles unless each unregistered vehicle in excess of one is:
- (i) stored in a garage, shed or completely enclosed structure; or
 - (ii) is fully secured from public view by a natural or artificial barrier.
- (c) Yards shall be graded in such a manner as to prevent the excessive or recurrent ponding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.

Drainage

27. No roof drainage or surface drainage shall be discharged on neighbouring property and all such 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.

Fences and Accessory Buildings

28. All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

Garbage Disposal

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29. Garbage disposal shall be in accordance with the applicable municipal by-laws.

Health Standards

30. An owner or occupier of real or personal property shall keep it 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 Riverdale Municipality, as determined by the designated officer.
31. All properties shall comply with the Public Health Standards as determined by the Province of Manitoba.

Conflict with Other By-Laws

32. Where a provision of this By-Law conflicts with a provision of another By-Law in force in the Municipality, or of any building, safety or Fire Code, the provision that establishes the higher standard to protect health, safety and welfare of the general public shall prevail.

ENFORCEMENT

33. Every person who omits, neglects or refuses to comply with an Order made under this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding \$1000.00 (one thousand dollars) or to imprisonment for a term not exceeding 30 days, or both.
34. Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day it continues.
35. Every person who obstructs or interferes with an inspection being conducted under the authority of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding \$1000.00 (one thousand dollars) or to imprisonment for a term not exceeding 30 days, or both.
36. Where an order has not been complied with, the designated officer may take any lawful action and do all things necessary to effect compliance, and where the municipality incurs any cost as outlined in Schedule "C" hereto attached, to effect compliance, that cost may be added to the real property taxes applicable to the property made subject to the Order and may be collected in any other manner available to the municipality by law.
37. This By-law shall come into force and effect on the day it is passed by the Council of Riverdale Municipality.
38. This By-Law shall apply retroactively to all dwellings, other structures, or parts thereof together with, and including, all surroundings lands.
39. Town of Rivers By-Law No. 2014-08 and RM of Daly By-Law No. 2004-01 are hereby repealed.

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DONE AND PASSED as a by-law of Riverdale Municipality at Rivers in the Province of Manitoba this 17th day of December, 2019.

Original signed by T. Gill

Mayor

Original signed by K. Bridgeman

Chief Administrative Officer

Read a first time this	<u>19</u>	day of	<u>November</u>	A.D.	<u>2019</u>
Read a second time this	<u>3rd</u>	day of	<u>December</u>	A.D.	<u>2019</u>
Read a third time this	<u>17th</u>	day of	<u>December</u>	A.D.	<u>2019</u>

**RIVERDALE MUNICIPALITY
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SCHEDULE "A"

PROPERTY STANDARDS BY-LAW NO. 2019-09

ORDER TO MAINTAIN

TO: _____, as registered owner

FROM: _____, Chief Administrative Officer, Designated Officer/Agent on behalf of Riverdale Municipality.

PURSUANT to Riverdale Municipality Property Standards By-Law No. 2019-09, a designated Officer/Agent for Riverdale Municipality has inspected the land, building and premises commonly known as:

Civic address., in Riverdale Municipality, in Manitoba,

being legally described as:

Legal Address

the registered owner being:

Owner

and as a result of this inspection, the Designated Officer/Agent is satisfied that the land, building, and premises do not comply with the standards prescribed in the By-Law in that:

Description of non-compliance

The above are contraventions of Section(s)

State section outlining contravention

PURSUANT to SECTION 7 & 8 of the said By-Law, Riverdale Municipality, by _____, being a designated officer/agent of Riverdale Municipality, orders you to bring the property into conformity with the provisions of the said by-law and within **SEVEN (7)** days of service of this Order.

PURSUANT to SECTION 11 of the said By-Law, the owner(s) or a person authorized in writing by him/her to act on his/her behalf, may appeal this Order or any of its provisions by filing with the Chief Administrative Officer of Riverdale Municipality, a NOTICE OF OBJECTION (attached herewith) within SEVEN (7) DAYS following the service of this Order.

SECTION 36 of the said by-law provides:

"Where an order has not been complied with, the designated officer may take any lawful action and do all things necessary to effect compliance, and where the municipality incurs any cost as outlined in Schedule "C" hereto attached, to effect compliance, that cost may be added to the real property taxes applicable to the property made subject to the Order and may be collected in any other manner available to the municipality by law."

SIGNED at Riverdale Municipality, this ___th day of _____, 20 .

RIVERDALE MUNICIPALITY
Per:

Chief Administrative Officer

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SCHEDULE "B"

PROPERTY STANDARDS BY-LAW NO. 2019-09

IN THE MATTER of the Property Standards By-Law No. 2019-09 of Riverdale Municipality.

NOTICE OF OBJECTION

TO: Chief Administrative Officer
Municipality of Rivers
P.O. Box 520
Rivers, Manitoba R0K 1X0

PLEASE TAKE NOTICE that the undersigned Appellant hereby appeals to the Council of Riverdale Municipality from the Order to _____

Repair or Demolish; Vacate Dwelling; etc.

made by _____
Name and Title

on the ____ day of _____, A.D. 20__ respecting the residential premises or non-residential property known as _____

on the following grounds:

Dated at Rivers, Manitoba, this ____ day of _____, A.D. 20__.

Signature of Appellant

Address

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SCHEDULE "C"

PROPERTY STANDARDS BY-LAW NO. 2019-09

IN THE MATTER of the Property Standards By-law No. 2019-09 of Riverdale Municipality the following rates shall apply when the said Municipality is rectifying a violation.

NOTICE OF FEES

- a) For a lot in mowing condition, the grass cutting fee shall be \$50.00 per hour or any part thereof;
- b) For a lot which is not in mowing condition with rough terrain, and a weed eater must be used, the fee shall be \$75.00 per hour or any part thereof;
- c) For snow removal, the fee shall be \$175.00 per hour or any part thereof;
- d) For garbage pick up, the garbage pickup fee charge shall be \$75.00 per hour or any part thereof;
- e) If municipal employees are required, the fee charged shall be \$50.00 per employee/per hour or any part thereof;
- f) When Contractors are required, the costs shall be as per Contractors price plus an administration fee of 20% of Contractors fee.

Derelict Vehicles

- a) removal of derelict vehicle, the fee shall be \$250.00, plus any third party fees associated with the towing and storage or impoundment of the vehicle