

BY-LAW #2655/15

OF THE

RURAL MUNICIPALITY OF WOODLANDS

**Being a By-Law of the Rural Municipality of Woodlands
respecting unsightly properties and derelict vehicles within the
Townsites of the Rural Municipality of Woodlands.**

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

NOW THEREFORE the Council of the Rural Municipality of Woodlands, 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 Woodlands.
 - b) **“COUNCIL”** shall mean the Council of the Rural Municipality of Woodlands.
 - c) **“DERELICT VEHICLE”** means a vehicle that is not in operating condition; does not have a current “safety” validation; does not have attached and exposed a license plate issued under The Highway Traffic Act for the current registration year under that Act and is kept in the open; or the vehicle is primarily for the purpose of salvaging or selling parts; or parts of the auto body or chassis of a used motor vehicle which has had all or some of the parts removed.
 - 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 Woodlands.
 - f) **“RUBBISH”** shall mean any garbage, trash or junk including, but not limited, 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 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) **“TOWNSITE”** shall, for the purpose of this By-Law, apply to the following Townsites unless otherwise provided herein:
- i) The Townsite of Erinview shall be defined as the settled portion of the North East Quarter of Section Fourteen, all in Township Sixteen, Range One West of the Principal Meridian, in Manitoba.
(NE 1-16-1W).
 - ii) The Townsite of Lake Francis shall be defined as the settled portion of the South West Quarter of Section Twenty-seven, Township Fifteen, Range Three West of the Principal Meridian, in Manitoba.
(SW 27-15-3W).
 - iii) The Townsite of Marquette shall be defined as the settled portion of the South West Quarter of Section Six, Township Thirteen, Range Two West of the Principal Meridian, in Manitoba.
(SW 6-13-2W).
 - iv) The Resort of Twin Beach shall be defined as the settled portion of Section Thirty, Thirty-one and Thirty-two, Township Fifteen, Range Four West of the Principal Meridian, in Manitoba.
(30-15-4W, 31-15-4W, 32-15-4W).
 - v) The Townsite of Warren shall be defined as the settled portion of Section Twenty-eight, Twenty-nine, Thirty-two, Township Thirteen, Range One West of the Principal Meridian, in Manitoba.
(28-13-1W, 29-13-1W, 32-13-1W).
 - vi) The Townsite of Woodlands shall be defined as the settled portion in the North East of the North East of Section 21, North half of Section 22 and North West of the South East of Section 22, and South half of the South East of Section 28, Township 14, Range 2 West of the Principal Meridian, in Manitoba.
(NE of the NE 21-14-2W, N ½ of 22-14-2W, NW of SE 22-14-2W, S ½ of SE 28-14-2W).


The Council of the Rural Municipality of Woodlands may, by resolution, delete or designate areas of the Rural Municipality of Woodlands as Townsites for the purposes of paragraph numbered 1(1)(x) hereof.

- h) **“UNSIGHTLY PROPERTY”** shall mean any property, structure, yard or excavation which, in the opinion of the Rural Municipality of Woodlands and/or the Designated Officer, is detrimental or a nuisance to the surrounding area. (Nuisance may include noise, weeds, odours, unsightly property, fumes or vibrations).
2. No person shall, within a Townsite of the Municipality, park, store or keep a derelict vehicle on private property, with or without the consent of the property owner for a period in excess of 30 days.
 3. No person shall, within a Townsite of the Municipality, allow or cause a property to become unsightly, collect rubbish, or to remain in such an unkempt manner as to be detrimental or a nuisance to neighbouring areas.
 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 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;

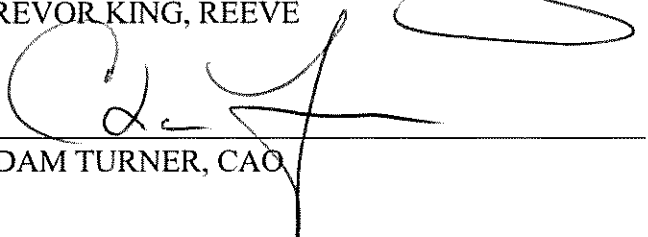
- b) remove or demolish a building or structure and level the site; and/or
 - c) remove or otherwise store a derelict vehicle.
6. The written Order shall be served on the owner of the property, either personally or by mailing it by registered mail to the most current address available in the current 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 endeavour 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 15 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 circumstances 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 measures taken by the Municipality to carry out the terms of an Order issued by the Designated Officer are an amount owing to the Municipality by the 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 #2145/86 is hereby and is repealed upon Third Reading of this By-Law, #2655/15.

DONE AND PASSED in Council assembled at the Council Chamber of the Rural Municipality of Woodlands, at Woodlands, in the Province of Manitoba, this day of , A.D., 2015.

THE RURAL MUNICIPALITY OF WOODLANDS



 TREVOR KING, REEVE



 ADAM TURNER, CAO

GIVEN First Reading this 21st day of April, A.D., 2015.
 GIVEN Second Reading this 12th day of May, A.D., 2015.
 GIVEN Third Reading this 12th day of May, A.D., 2015.