

**RURAL MUNICIPALITY OF OAKVIEW
BY-LAW NUMBER 2019-2**

**Being a By-Law of the Rural Municipality of Oakview
To amend By-Law No. 2015-14**

**Being a By-Law of the Rural Municipality of Oakview to establish a minimum
standard of maintenance for dwellings and other structures, and to regulate
yards, nuisances, litter, & derelict vehicles**

WHEREAS:

The Municipal Act (“Act”) authorizes a council to pass enforcement by-laws under a by-law, the Act or any other Act;

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, derelict vehicles, litter, and unsightly properties.

NOW THEREFORE the Council of the RM of Oakview, in Council assembled, hereby enacts as a By-Law as follows:

**PART ONE
DEFINITIONS AND APPLICATION**

1. DEFINITIONS:

(a) In This By-law:

- 1) “Municipality” means the Rural Municipality of Oakview.
- 2) “Council” means the Council of the Rural Municipality of Oakview, charged with the responsibility of making and enforcing by-laws.
- 3) “Designated Officer” means, in the first instance, the Chief Administrative Officer of the Rural Municipality of Oakview or any other position as named by Council of the Rural Municipality of Oakview by resolution, to carry out the powers, duties and functions of a designated officer under a by-law, the Municipal Act, or any other Act.
- 4) “Engineer” means the retained Engineer or any person duly appointed to act in his stead.
- 5) “Fence” means a railing, wall or other means of enclosing a yard and includes barriers and retaining walls.
- 6) “Appliances” means fridges, stoves, washers and dryers, freezers and includes parts thereof.
- 7) “Garbage” means and includes, but is not limited to, the following: animal and agricultural waste, ashes, construction and demolition waste, dead animals, rubbish, junk, scrap wood, scrap metal, all items of refuse, solid waste, liquid waste, abandoned or unattended shopping carts, and hazardous waste, including but not limited to: street cleanings, containers, packages, bottles, cans or parts thereof, deserted or discarded articles, products or goods of manufacture and piled aggregate, fill, gravel, sand, clay or topsoil.
- 8) “Unsightly Conditions” means unpleasant or offensive to look at, lacks maintenance and is in a state of neglect; unattractive or ugly. Items that are not garbage.
- 9) “Nuisance” means any condition, which is or may become injurious or prejudicial to health or hinder the suppression of disease, or which is offensive and may include such activities or things that are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.
- 10) “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.

- 11) "Order" means a notice of Non-Compliance and Order to demolish or repair a building or clear yards or refuse and debris pursuant to this by-law.
- 12) "Notice of Inspection" means a Notice in writing served or sent by a designated officer of the Rural Municipality of Oakview, to the owner to inspect a Vacant or Derelict Building/Structure – with the owner or his/her representatives being present.
- 13) "Owner" means the registered owner of the land and premises and includes the Person:
 - i) for the time being, managing or receiving the rent of the land or premises in connection with which the word "Owner" is used, whether on his own account or as an agent or trustee of any other Person; or
 - ii) who would so receive the rent if such land and premises were let; or
 - iii) who is the vendor of such land under an agreement for sale who has paid any land taxes thereon after the effective date of the agreement; or
 - iv) for the time being, receiving installments of the purchase price of the land or premises in connection with which the word "Owner" is used, sold under an agreement for sale whether on his own account or as an agent or trustee of any other Person; or
 - v) who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale.
- 14) "Premises" means a building or accessory building and any lands on which the building is situated.
- 15) "Protective Surface" means 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 insulbric siding or any other kind of siding.
- 16) "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 passageways thereon, road ways and pedestrian ways on private property.
- 17) "Public Place" means any and all streets, 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.
- 18) "Repair" means taking the necessary action to bring any building or other structure up to the standards required by the by-law.
- 19) "Standards" means the standards prescribed in this by-law for the maintenance and improvement of the condition and of any building or other structure or properties, or parts thereof, together with the surrounding lands.
- 20) "Street" means any public highway, boulevard, lane, park, square, subway, bridge, wharf, public easement or right-of-way, thoroughfare or way, or any part thereof.
- 21) "Vacant" means a building that is not being used or occupied for a prolonged period.
- 22) "Emergency Abatement" means to take immediate action to secure a vacant building.
- 23) "Structure/building" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, dwellings and associated dwelling units, walls, fences, signs, billboards, poster panels, light standards and similar items.
- 24) "Derelict and Abandoned Building" means a dilapidated building that has been abandoned by the owner (or where the owner cannot be found); structure or building that is in gross neglect, structurally unsafe and has not been maintained to accommodate occupancy.

- 25) "Tarpaulin" means a heavy waterproof canvas or synthetic fabric/material used for covering.
- 26) "Unsanitary Condition" means a condition or circumstance that:
- i) is offensive; or
 - ii) is, or may be, or might become, injurious to health; or
 - iii) prevents or hinders the suppression of disease; or
 - iv) contaminates or pollutes, or may contaminate or pollute food, air or water; or
 - v) might render food, air or water injurious to the health of any Person, and includes nuisance and any circumstance or condition declared to be an Unsanitary Condition under this by-law.
- 27) "Vehicle" means motor vehicle, all terrain vehicle, watercraft, aircraft, trailer, wagon, flatbed, farm implement, tractor or any other means of transportation.
- 28) "Derelict Vehicle(s)" means any motor vehicle that is rusted, partially scrapped or wrecked or dismantled to the extent that it is not road-worthy, inoperable or stored for scrapping.

2. LITTER ON PUBLIC PROPERTY

- (a) No person shall sweep, dump or otherwise deposit litter into any gutter, boulevard, street or other public place.
- (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.

PART TWO STANDARDS

1. PROPERTY STANDARDS

- (a) 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) Accumulation of garbage or items of refuse;
 - ii) The storage of household appliances and devices, whether or not the same are capable of operation; and/or the storage of furnishings;
 - iii) The growth of weeds as defined in *The Noxious Weeds Act* so that the same become unsightly conditions and causes a nuisance to adjoining properties;
 - iv) The growth of grass to a length which exceeds five (5) inches;
 - v) Wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned, unregistered or unused vehicles, trailers and other machinery or any part thereof unless otherwise provided for in Sections 3 of this by-law.
 - viii) Excavation holes that are not secured and may pose danger.
- (b) **Trees and Shrubs**
 No owner or occupier of property shall allow any part of a tree, shrub or sapling growing thereon to extend over or upon any street or sidewalk or back lane so as to interfere with impede or endanger persons using such street or sidewalk or lane or vehicles and maintenance equipment travelling or using lanes. Also, no owner or occupier of property shall allow any part of a tree, which has become a hazard and may be in danger of falling to be kept on the property. When deemed necessary for the convenient and safe use of a street, sidewalk, lane or to remove a hazard, the Designated Officer after giving notice, may cause any tree, sapling or shrub growing or planted on any land adjoining the street or sidewalk, right-of-way or back lane and encroaching thereon, or any tree which has become a hazard which is located on any property, to be trimmed by the Municipality and the cost thereof shall be charged to the owner of the property.

2. 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 repairing of eavestroughing and rainwater piping and using other suitable means.

(b) Pest Prevention

Every building, structure or chattel located on property shall be maintained free of rodents, vermin and insects at all times.

(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 or any other means of remedy as specified.
- ii) Where any building is on a 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, the Designated Officer may require that the owner hire at his/her cost, a professional engineer, to verify the structural integrity of the supporting elements 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.

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

Every structure, porch, shed, stairway and fence, in or on any premise 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) Unsanitary and Hazardous Conditions

- i) No person shall commit any nuisance nor permit or maintain any unsanitary condition in any premises within his/her control or management, nor shall he/she permit the existence of any condition, matter or thing which provides or may provide food or harborage for rodents, vermin and 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 (structures or conditions), 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 to any person or animals, or that may cause a fire.
- vi) No derelict and abandoned buildings/structures that represents Urban Blight.

3. VEHICLES**(a) Storage of Vehicles**

No owner shall store, keep or park vehicles capable of being registered under the Highway Traffic Act that are not registered unless the said property is licensed as a Commercial Automobile Dealership.

(b) Storage of Vehicles Exceptions

The following vehicles are allowed to be stored on property:

- i) Two (2) unregistered vehicles are allowed to be stored at the back of the property located in "GD" General Development, "UD" Urban Development and all "Residential Zones", provided that they are properly covered and secured from public view.
- ii) That the said vehicles stored are NOT derelict, but are in good road worthy condition, free from rodents and are not stored in long grass and noxious weeds.

(c) Uncovered Vehicles

No person shall load a vehicle with litter such that said litter may be readily disturbed by vehicular movement or wind, unless such vehicle is so constructed as to totally enclose the load or the load is covered by a tarpaulin, netting or other device of adequate size and design so as to totally cover the load.

(d) Vehicle Loads Causing Litter

No person shall drive or move any vehicle within the Municipality unless such vehicle is so constructed, loaded, or covered to prevent any load, contents, or litter from being blown or deposited upon any public place, public area, or private property.

(e) Prima Facie Evidence

Whenever litter is thrown, deposited, dropped, blown, or dumped from any vehicle, it shall be prima facie evidence that the operator of said vehicle shall have violated this by-law.

4. UNSIGHTLY CONDITIONS**(a) Littering a property to the extent that the property is unsightly and needs to be cleaned up by the owner.**

The owner needs/can store away their items and goods to remedy the unsightly conditions

5. WASTE RECEPTACLES**(a) Placement and Servicing of Receptacles Under the Jurisdiction of the Municipality**

The Municipality may provide adequate litter receptacles as determined by the Municipality in prominent and easily accessible locations in public places and may be responsible for the servicing and maintenance of these receptacles.

(b) Placement and Servicing of Receptacles in Public Areas

Owners and tenants in lawful control of a public area shall provide litter receptacles in appropriate and easily accessible locations and shall be responsible for the servicing and maintenance of these receptacles.

6. MERCHANTS AND PROPRIETORS OF PLACES OF BUSINESS**(a) Persons owning or occupying places of business shall keep the sidewalk and boulevard in front of and flanking, and the lane at the rear of their business premises free of litter.****(b) Every proprietor of any place where food or refreshments are sold in cartons, containers or papers, and the business is carried on under such circumstances that cartons, containers or papers are discarded in the vicinity by patrons of the place, shall keep his premises and all public or private lands, areas, streets, lanes or passageways within a distance of 15 metres from his/her premises free of all discarded cartons, containers, or papers by collecting and disposing of the same.****(c) Where a business described in Subsection 6(b) is carried on in any place, all discarded cartons, containers and papers, or a kind used in the business, that are found within the 15 metres distance from the place pursuant to Subsection 6(b) shall be presumed to have been used for the sale of goods sold in that place, and to have been discarded by patrons thereon.****(d) No person shall in any public place abandon a shopping cart or leave a shopping cart unattended.**

PART THREE GENERAL REQUIREMENTS

1. General Duties and Obligations

- (a)** The owner of every building shall:
 - i) Repair and maintain the building in accordance with the Standards; or
 - ii) Demolish the whole or the offending part thereof that is not in accordance with the Standards.
- (b)** Where a Designated Officer has placed or caused to be placed, a copy of an Order upon any premises under the authority of this by-law, no person shall remove such copy of the Order except with the consent of the Designated Officer.
- (c)** All repairs to a building shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose and in compliance with the Manitoba Building Code.
- (d)** The Designated Officer may condemn, close up and prevent the occupancy of any dwelling found by him/her or a health officer to be in an unsanitary and/or unsafe condition.
- (e)** Where an owner of any dwelling fails to make the dwelling conform to Standards or fails to demolish all or any part of a dwelling as directed by the Designated Officer, the Municipality may make the dwelling conform or may demolish all or any part of the dwelling and may add the cost of the work to the tax roll as taxes for the current year, and collectable as taxes.

PART FOUR ADMINISTRATION

1. INVESTIGATION/NOTICE/APPEAL

- (a)** Investigations under this by-law may be completed by the Chief Administrative Officer, the Designated Officer, or any other duly appointed Designated Officer of the Rural Municipality of Oakview who may investigate based on a complaint basis and/or regular patrol of the Municipality. A written complaint may be filed with the Designated Officer from the Rural Municipality of Oakview in such a form and with such particulars as the Designated Officer from time to time may require.
- (b)** Upon receipt of a complaint, as aforesaid, the Designated Officer may inspect all property alleged to be in violation of this by-law, in such manner as may be reasonably necessary in order to determine whether or not there has been a violation of this by-law.
- (c)** Upon inspection, if the Designated Officer determines that the premises do not comply with the Standards described herein, or the minimum standards of the Manitoba Building Code which includes any applicable standards and amendments hereto, the Designated Officer may issue a **"NOTICE OF VIOLATION"** respecting same and deliver a copy to the registered owner and/or the occupier, of the premises (Schedule "A").
- (d)** Said Notice may 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 By-law and which section of the By-law has been contravened.
 - iv) Remedial work required.

- (v) The length of time allowed to remedy the situation.
 - (vi) That if the required work is not completed then the cost will be charged to the owner as per Section 2 of Part 4.
- (e) In the event that the action specified in the Notice has not been taken by the specified date, an **ORDER TO COMPLY** (Schedule "B") may be directed to the registered owner and occupier, if any, 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, being twenty (20) days from the date of Order or as specified by the Designated Officer;
 - (iii) The final date for filing a Notice of objection to the Order by the registered owner and/or occupier; (being twenty (20) days from the receipt of the Order);
 - (iv) Notice that owner's non compliance would result in the Municipality carrying out the terms of an Order as issued by the Designated Officer and that any costs incurred the Municipality to be an amount owing to the Municipality and charged to the owner as per Section 2 of Part 4 of this By-law.
 - (v) A copy of the Notice of Objection (Schedule "C");
 - (vi) A copy of the penalty provision of this by-law;
 - (vii) Such other information or direction as the Municipality or the Designated Officer deems appropriate.
- (f) The Municipality or the Designated Officer may serve a true copy of any **Order To Comply** (Schedule "B") issued under this Part on the owner(s) and/or 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) Regular mail service on the owner(s) and/or occupier(s) or on any officer, director or attorney at the last known address;
 - (iii) Certified mail service on the owner(s) and/or occupier(s) or on any officer, director or attorney at the last known address;
 - (iv) Registered mail service on the owner(s) and/or occupier(s) or on any officer, director or attorney at the last known address;
 - (v) Other delivery or facsimile transmission or communication may be used providing that confirmation of the notice having being sent may be obtained;
- 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 7th day after the document has been sent.
- (g) If for any reason written notice cannot be given, notice may instead be given by posting it in the Municipal Office and on the property and/or vehicles in question for at least twenty (20) days.
- (h) When a property owner files a Notice of Objection - Schedule "C" with the Municipality the following shall occur:
- i) An appeal of the Order is deemed to be commenced;
 - ii) The Municipality shall set a date, time and place for the hearing of the appeal and serve notice of same on the appellant by registered mail;

- iii) The tribunal set to hear the appeal shall be the Council of the Municipality;
- iv) The hearing may be adjourned from time to time as Council may decide, and prior to the adjournment of the hearing, the appellant shall be informed of the date, time and location of the reconvened hearing with no further notice required;
- v) If the appellant fails to appear at the hearing, the appeal may be dismissed, the Order automatically affirmed and the enforcement reinstated retroactive to the dates specified therein, however Council may accept and consider a written submission provided by the appellant;
- vi) After hearing the appeal, Council may:
 - a) Affirm the Order
 - b) Rescind the Order if the appellant has since complied; or
 - c) Vary the Order at its discretion.
- (i) Council's decision is final and not subject to further appeal.
- (j) 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.

2. REMEDIAL WORK

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

Where any owner, agent, lessee or occupier who has been given a notice, order or direction by the Designated Officer to do any act or thing to remedy any situation or condition existing on his or her property contrary to any part of this By-law, and who neglects or refuses to comply with such notice, order or direction within the time specified, Council may order the work carried out and charge the cost of the work done and any other costs incurred for the enforcement of this By-law, 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 by-law as a debt due to the Municipality; or
- ii) charge the cost and any other costs incurred for the enforcement of this by-law against the land concerned in the same manner as a tax may be collected or enforced under this by-law; or
- iii) both (i) and (ii).

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

Where any person who has been given a notice, order or direction by the Designated Officer to do any act or thing to remedy any situation or conditions existing in a public place or in a public area or on private property of another person, contrary to any part of this by-law, and who neglects or refuses to comply with such notice, order or direction within the time specified, Council may order the work carried out including demolition, if necessary and charge the cost of the work done to the person 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 by-law as a debt due to the Municipality; or
- ii) charge the cost and any other costs incurred for the enforcement of this by-law against the land concerned in the same manner as a tax may be collected or enforced under this by-law; or
- iii) both (i) and (ii).

(c) Remedial Work Carried Out by the Municipality Regarding vehicles;

- i) Any vehicle, which is parked or left standing on private property, after the notice procedure having been followed pursuant to Section 3 of Part 2, and no appeal having been made, or if an appeal made, such appeal having been denied, may be removed from the property by the Municipality and may be impounded and stored in such facilities as the Municipality, by resolution of Council, may determine.
- ii) Unless a vehicle(s) is soon taken out of the pound, the Municipality may, upon the expiration of 14 days after the removal and impoundment, destroy or sell the vehicle(s). The proceeds of a sale shall form part of the general revenue of the Municipality.
- iii) The Municipality shall be entitled to charge for costs and charges incurred for towing, impounding, storing, destroying or otherwise disposing of such vehicles(s) in such amount as may from time to time be authorized and approved by Council. Said costs and charges may be recovered in a similar manner as taxes or a debt, or both at the option of the Municipality.
- iv) The owner, or the person entitled to possession of a vehicle(s) removed and impounded under Subsection (b) may take the vehicle out of the pound by first paying the Municipality, within 14 days of the date of impoundment, the charges outlined in Subsection (v) below, should the owner be permitted to keep the vehicle within the Municipality.
- v) The Municipality is not liable for damages for anything done by it under this section if it satisfies the Court that it had reasonable cause to believe that the vehicle in respect of which the action was taken was in fact a vehicle in contravention of Subsection 3 of Part 2.

**PART FIVE
PENALTIES**

1. Any person who contravenes or disobeys, or refuses or neglects to obey
 - (a) Any provision of this by-law or any provision of any other by-law that, by this by-law, is made applicable; or
 - (b) Any order or decision of the Council of the RM of Oakview under Part 4 herein;

for which no other penalty is herein provided is guilty of any offense and liable, on summary conviction, to a fine not exceeding one thousand dollars (\$1,000.00) and costs, or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and such an imprisonment, and costs

Minimum fines hereunder shall be:

- 1st Offence - \$100.00
- 2nd Offence - \$300.00
- 3rd Offence - \$500.00

2. Where a corporation commits an offense against 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 that constitutes the offense, is likewise guilty of the offenses and liable, on summary conviction, to the penalty for which provision is made in Subsection 1 aforesaid.
3. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offenses for each day it continues.

**PART SIX
POWERS OF THE DESIGNATED OFFICER**

1. **THAT** in this by-law, “Designated Officer” refers to a building inspector, By-law Officer 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. The Designated Officer has all powers, duties, discretion and functions as set out in the Municipal Act and is authorized to enforce the by-laws of the Municipality, the Municipal Act and any other Act the Municipality is authorized to enforce, and to act as a Designated Officer for the purposes of this by-law.
3. The Designated Officer shall have the power to enforce a by-law under section 249 of the Municipal Act. The Designated Officer shall also have the powers, duties, discretion and functions of a Designated Officer set out in:
 - a. *section 242 of the Municipal Act, for the purpose of making orders requiring persons responsible for the contravention of a by-law, the Municipal Act or any other Act the Municipality is authorized to enforce, to remedy the contravention; and*
 - b. *section 243 of the Municipal Act, for the purpose of making orders with respect to dangers to public safety or property that is in an unsightly condition.*
4. The Designated Officer may carry out inspections to determine whether by-laws, the Municipal Act or any other Act the Municipality is authorized to enforce are being complied with, what actions or measures a person needs to take in connection with any of the purposes set out in paragraph 3.a. or 3 b. and whether the actions or measures set out in the order have been taken, and to prevent a re-occurrence of a contravention.
5. 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 apparent unhealthful or unsafe condition.

FORCE AND EFFECT

This By-law shall come in full force and have effect immediately from and after the passing thereof.

DONE AND PASSED by the Council of the Rural Municipality of Oakview in Regular Session assembled at the Rural Municipality of Oakview, in Manitoba, this 26th day of March, A.D. 2019.

Original signed by Brent Fortune

Brent Fortune
Reeve

Original signed by Diane Kuculym

Diane Kuculym
Chief Administrative Officer

READ A FIRST TIME this 26th day of February, A.D., 2019.

READ A SECOND TIME this 12th day of March, A.D., 2019.

READ A THIRD TIME this 26th day of March, A.D., 2019.

Schedule "A"

<p>Notice Of Violation Under The RM of Oakview Minimum Standard Of Maintenance For Dwellings And Other Structures, And To Regulate Yards, Nuisances, Litter, and Derelict Vehicles By-law No. 2019-2 [Section 239 Municipal Act]</p>			
On Property located at:			
			Reference #
Legal Description:	Lot/Section	Block/Township	Plan/Range
Date of Notice:		Roll No.:	
Registered Owner: <i>Address (If different from above)</i>		Occupier (Tenant) , if any:	
Date of Inspection made by Designated Officer in response to a complaint:			
Description of Non-Compliance(s):			
WE REQUEST THAT YOU RECTIFY THE SITUATION IN THE FOLLOWING MANNER:		TO BE COMPLETED BY:	
<p>In accordance with Section 239(1) of The Municipal Act, the Designated Officer will enter onto the Property to conduct a second inspection. If there has been no compliance with this Notice, an Order may be issued authorizing the Municipality to take actions or measures necessary to bring the Property into compliance with the By-Law. The costs of such actions or measures 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 The Municipal Act and added to the owner's taxes. Your co-operation and assistance in this matter is appreciated.</p> <p>Notwithstanding the foregoing, the Municipality may also choose at its sole discretion, to prosecute any breach of this by-law.</p>			
DATE OF YOUR SECOND INSPECTION WILL BE:		If you have any questions, please call:	
Date: _____		_____ Insert name of Designated Officer (Designated Officer)	

Schedule "B"

Order to Comply
Under The RM of Oakview Minimum Standard Of Maintenance For Dwellings
And Other Structures, And To Regulate Yards, Nuisances, Litter, and Derelict
Vehicles By-law No. 2019-2

[Section 242 The Municipal Act]

(to be delivered by Registered Mail or Personal Service)

On Property Located At:	Reference #
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Legal Description:	Roll No.:
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Registered Owner: Address (If other then above)	Occupier, (Tenant) if any:
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Further to the Notice sent to you on _____, a second inspection of your Property found that it continues to be in violation of the RM of Oakview Dwelling Maintenance, Litter and Unsightly By-Law.

Description of Contravention:

Order to Comply:
 Under the authority of Section 242(1) of The Municipal Act, you are hereby ordered to make the following changes to bring your property into compliance with the RM of Oakview Minimum Standard Of Maintenance For Dwellings And Other Structures, And To Regulate Yards, Nuisances, Litter, Derelict Vehicles and Abandoned Properties By-law No. 2019-2.

Action required to remedy contraventions: (CONTENT TO BE IN ACCORDANCE WITH SECTION 242(2))

Date of Order:	Type of non-compliance: <input type="checkbox"/> Immediately Dangerous <input type="checkbox"/> Other	DATE TO BE COMPLETED TO BE IN COMPLIANCE:
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Non Compliance with this Order:
 In the event that you do not comply with this Order, please note that the 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 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 you in addition to the above.

Appeal:
 You may appeal this Order in writing by filing with the Chief Administrative Officer of the RM of Oakview **within (15) fifteen days**, an objection substantially in the form attached to the By-Law as Schedule "C", a copy of which is attached.

If you have any questions, please call:

Date: _____

Insert name of Designated Officer
(Designated Officer)

FOR OFFICE USE ONLY:

NOTICE OF CORRECTION OF NON-COMPLIANCE:

completed by Owner/Occupier on _____

not completed and objection filed on _____

Result of objection and action taken:

Date

Signature (Designated Officer)

Attachments:

- Copy of previous notice, if served
- Copy of NOTICE OF OBJECTION form
- Copy of the penalty provisions

Schedule "C"

NOTICE OF OBJECTION

IN THE MATTER OF the Minimum Standard Of Maintenance For Dwellings And Other Structures, And To Regulate Yards, Nuisances, Litter, Derelict Vehicles and Abandoned Properties By-law No. 2019-2 of the Rural Municipality of Oakview.

To: The Rural Municipality of Oakview
Box 179 Oak River, MB R0K 1T0

PLEASE TAKE NOTICE that the undersigned Appellant hereby appeals to the Council of the Rural Municipality of Oakview regarding the Order to

made by _____ on the _____ day of _____,

20____, respecting the Premises known as _____.

Dated at the _____ this _____ day of _____, 20____.

Name of Appellant (Please print)

Signature of Appellant

Address