

THE RURAL MUNICIPALITY OF RITCHOT

BY-LAW NO. 6-2004

A by-law to establish a designated officer position for the purpose of making orders for remedying dangers to public safety or unsightly property

WHEREAS:

1. Subsections 232(1)(o) and 236(1) of *The Municipal Act* (“Act”) authorize a council pass by-laws for municipal purposes respecting the enforcement of by-laws, which by-laws may include provisions for inspections and the remedying of by-law contraventions;
2. Section 130 of the Act authorizes the establishment of a position to carry out the powers, duties and functions of a designated officer under a by-law, the Act or any other Act;
3. Subsection 85(1) of the Act authorizes a council to delegate any of its powers, duties or functions under the Act to a designated officer, unless the Act otherwise provides;
4. Sections 243 and 246 of the Act authorize a designated officer to make orders to remedy and provide for the remedying of, dangers to public safety and property in an unsightly condition;
5. Section 239 of the Act authorizes a designated officer to enter onto land, or into buildings or other structures if the Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality to carry out the inspection, remedy, enforcement or action;
6. The Council of the Rural Municipality of Ritchot deems it advisable and in the public interest to establish a designated officer position for the purpose of making orders for the remedying of dangers to public safety or property that is in an unsightly condition, and taking remedial action where required;

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NOW THEREFORE, the Rural Municipality of Ritchot (“Municipality”) in council assembled enacts as a by-law the following:

1. The position of designated officer (“Officer”) is established.
2. Council grants the Officer all powers, duties, discretion and functions set out in the Act and authorizes the Officer to act as the designated officer for the purposes of this by-law.
3. The Officer shall also have the powers, duties, discretion and functions of a designated officer set out in section 243 and 246 of the Act, for the purpose of making orders requiring property owners to:
 - a. eliminate, remove, demolish, or fill in, as the case may be, structures, excavations or holes that are dangers to public safety; or
 - b. improve the appearance of property that because of its unsightly condition is detrimental to the surrounding area; or
 - c. remove or demolish a building or other structure that is in an unsightly condition, and level the site.
4. The Officer may conduct any inspection, before making an order to determine what actions or measures a property owner needs to take in connection with any of the purposes set out in paragraph 3, or, after making an order, to determine whether the required actions or measures have been taken to remedy the situation.
5. Any order issued by the Officer shall be in writing, and may provide that if the person subject to the order does not comply with the order within the specified time, the Municipality will take the actions or measures at the expense of the person.
6. A person served with an order may request Council to review the order, by written notice to Council within 14 days after the date the order is received.

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7. Upon receiving a request for review, the Chief Administrative Officer shall set a date and time for the review of the order, and shall notify the person of the date of the review.
8. At the time and place set out in the notice Council shall consider the request for review, and the person may appear in person or by counsel. After reviewing the order, Council may confirm, vary, substitute or cancel the order.
9. The time specified in the order of the Officer is suspended from the date of receipt of a request for review to the date upon which Council makes its decision.
10. Orders and notices shall be served in accordance with section 421 of *The Municipal Act* (service of notices and other documents).
11. If the person to whom an order was directed does not comply with it within the time specified, and either
 - a. did not ask Council to review the order, or
 - b. requested Council to review the order, and Council did so and confirmed it,the Officer is authorized to take any actions or measures the Officer considers necessary to eliminate the danger to public safety caused by a structure, excavation or hole, or to deal with the unsightly condition of property (“measures”). If the order of the Officer so provided, the measures will be taken at the person’s expense.
12. The costs of any measures taken will be an amount owing by the person to the Municipality, and may be collected in any manner in which a tax may be collected or enforced under the Act.

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13. The Municipality may store and sell all or part of any structures, materials or items removed as a result of any measures taken. The proceeds of any such sale will be used to pay expenses and costs incurred in connection with the making of the order and taking of the measures by the Officer. Any excess proceeds will be paid to the person entitled to them.
14. The Officer may be appointed by resolution on such terms and conditions as Council may consider appropriate.
15. By-law No. 10-98 is hereby repealed. Any orders made or measures taken under By-law No. 10-98 are deemed to have been made or taken under this by-law.

DONE AND PASSED by the Rural Municipality of Ritchot, in open Council, duly assembled, in the Council Chambers, at St. Adolphe, in Manitoba this 1st day of June, 2004.

R. Stefaniuk, Mayor

Y. Sabourin
Chief Administrative Officer

READ A FIRST TIME this 4th day of May, 2004

READ A SECOND TIME this 19th day of May, 2004

READ A THIRD TIME this 1st day of June, 2004