



Town of Winnipeg Beach
BY-LAW #2/2004

THE GENERAL ENFORCEMENT BY-LAW

BEING A BY-LAW OF THE TOWN OF WINNIPEG BEACH TO PROVIDE GENERAL ENFORCEMENT

WHEREAS Section 232(1)(0) of *The Act* BEING Chapter 58 of the Statutes of Manitoba, 1996 provides as follows:

- 232(1) A Council may pass by-laws for municipal purposes respecting the following matters:
 - (0) the enforcement of by-laws

AND WHEREAS Section 236(1) of being Chapter 58 of the Statutes of Manitoba 1996 provides for the content of by-laws enacted pursuant to clause 232 (1) (0).

AND WHEREAS the Council of The Town of Winnipeg Beach deems it expedient and in the public interest to enact a by-law for the general enforcement of by-laws.

NOW THEREFORE the Council of The Town of Winnipeg Beach, in council duly assembled, enacts as follows:

1.0 SHORT TITLE:

- 1.1 THAT this by-law may be referred to as the "General Enforcement By-Law".

2.0 DEFINITIONS:

- 2.1 THAT in this by-law "By-Law Enforcement Officer"/"Peace Officer"/or "Designated Officer" means the "By-Law Enforcement Officer" appointed or authorized by the Council of The Town of Winnipeg Beach to enforce by-laws of the Town.
- 2.2 THAT in this by-law "Town" means The Town of Winnipeg Beach.
- 2.3 THAT in this by-law "Emergency" means a sudden unexpected or unforeseen action, occurrence or condition that is a threat to life and/or safety that calls for immediate action by the By-Law Enforcement Officer in accordance with clause 239(3) of *the Municipal Act L.M.* 1996, c 58 .

2.4 THAT in this By-Law "Property" means any land as defined in *The Municipal Act* within the Municipality whether or not there is situated thereon a dwelling house or any other building.

2.5 THAT in this By-Law "Site" means a area of land which has frontage on a street and of at least sufficient size to provide the minimum requirements for use, area, yards and other open spaces as are herein required

Or,

An area of land without frontage on a street as of December 31, 1983, and And having lawful means of access to a street and of at least sufficient size to provide the minimum requirements for use, area, yards and other open spaces as are herein required.

2.6 THAT in this By-Law "Building" means a structure having a roof supported By columns or walls for the housing or enclosure of persons, animals, goods or chattels. Where a dwelling is separated by a division wall without openings each portion of such dwelling shall be deemed a separate building.

3.0 INSPECTIONS:

3.1 THAT if a by-law of The Town requires anything to be inspected, remedied, enforced or done, the By-Law Enforcement Officer may after giving seven (7) days written notice (such notice to be delivered by Registered or Certified Mail) to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action;

- (a) enter the land, building or structure at any reasonable time, and carry out the inspection, enforcement or action required by the by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.
- (d) if written notice is refused the By-Law Enforcement Officer shall obtain a warrant to enter.

4.0 ENFORCEMENT BY WRITTEN ORDER:

4.1 THAT if the By-law Enforcement Officer determined that a person is Contravening a by-law of The Town or any other Act the Town is authorized to enforce, such contravention shall be considered an offence. The By-Law Enforcement Officer may by written order (The "Order") require the person responsible for the contravention to remedy it if, in the opinion of the By-Law Enforcement Officer, the circumstances so require. Such remedy may include the removal or demolition of a structure that has been erected or placed in contravention of a by-law.

4.2 THAT the order made pursuant to section 4.1:

- (a) must state a time in which a person must comply with the Order,

- (b) direct that the person stop doing something, or change the way in which the person is doing it; and,
 - (c) that if the person does not comply with Order within a specific time, the Town will take the action or measure at the expense of the person.
- 4.3 **THAT** every person who receives an Order pursuant to section 4.1 shall:
- (a) be liable to a fine of \$250.00 for the first offence, \$ 500.00 for a second offence and \$1000.00 for a third or subsequent offence;
 - (b) in addition pay, as a penalty, all associated costs related to enforcing the Order.
- 4.4 **THAT** an amount owing under section 4.3 may be collected in any Manner in which a tax may be collected or enforced.
- 4.5 **THAT** the person who receives the Order shall have fourteen (14) days from the date that the Order is received to either;
- (a) comply with the Order, or;
 - (b) by written notice request the Council to review the Order.
- 4.6 **THAT** the person who received the Order request the Council to review the Order, the Council shall review the same and either confirm, vary, substitute or cancel the Order.
- 4.7 **THAT** should the person who receives the Order fail to comply with the order after the fourteenth (14) day, review period has expired, or fourteen (14) days after Council has confirmed, waived or substitutes the Order, Council may take whatever action or measure is necessary to remedy the contravention of the by-law or any other Act the Council is authorized to enforce, such action may include seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to the contravention.
- 4.8 **THAT** the person who fails to comply with the Order shall be liable for the costs incurred under section 4.3 in respect of actions taken by Council or the By-law Enforcement Officer to remedy a contravention of a by-law or any other Act that The Town is authorized to enforce. Such costs are an amount owing to The Town by the person who contravened the by-law or Act.

5.0 ENFORCEMENT BY COMMON OFFENCE NOTICE:

- 5.1 **THAT** where the By-law Enforcement Officer determines that a person is contravening a by-law of The Town passed pursuant to Part 7 of the Municipal Act L.M. 1996, c 58 -- Chapter M225, this contravention shall be considered an offence. The By-law Enforcement Officer may enforce The Town by-law under which the offence occurs by the issuance of a Common Offence Notice, whether or not The Town by-law which is being contravened specifically provides for this method of enforcement.
- 5.2 **THAT** every person who receives a Common Offence Notice under section 5.1 and is found guilty of the offence alleged thereon, shall
- (a) be liable for a fine as provided for in The Town by-law which was contravened; or

(b) where The Town by-law which was contravened does not provide for a fine, be liable for a fine of \$250.00 for a first offence, \$500.00 for a second offence and \$1000.00 for a third or subsequent offence.

5.3 THAT the By-law Enforcement Officer may take action simultaneously under sections 4 and 5 herein to enforce The Town By-law.

5.4 THAT the fourteenth (14) day review period in section 4.5 does not apply to the provisions under section 5.

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a by-law of the Town of Winnipeg Beach as follows:

DONE AND PASSED as a By-Law of the Town of Winnipeg Beach in the Province of Manitoba this ___ day of _____ A.D.



Don Pepe
Mayor

Cory S. Young
Chief Executive Officer

Read a first time on this 27 day of April 2004, A.D.
Read a second time on this 27 day of April 2004 A.D.
Read a third time this 11 day of MAY 2004, A.D.



Town of Winnipeg Beach
BY-LAW #2/2004

DATE:

PROPERTY OWNER:

PROPERTY ADDRESS:

ROLL NO.:

Registered

ORDER TO CLEAN PROPERTY OF DEBRIS

Pursuant to the General Enforcement By-law 2/2004 of The Town of Winnipeg Beach ("The By-law") and Section 243 (1) of The Municipal Act S.M.1996 C.58 ("The Act"), the Designated Officer of The Town of Winnipeg Beach ("Designated Officer") hereby provides notice of the following:

1. The property located at _____ in The Town of Winnipeg, legally described as _____ (The "Property"), and further described under Certificate of Title No. _____ is deemed to be **unsightly and detrimental to the surrounding area.**
2. To remedy your contravention of Section 243 (1) © of The Act, you are required to remove all debris, derelict equipment, metal, wood, pipe, plastics, glass, insulation, tires, rubber and any other items not specifically mentioned which fall into the same category (the "Debris") within 30 days of receipt of this Order.
3. Under Section 244 (1) of The Act, you have fourteen (14) days upon receipt of this Order to make a written request to The Town of Winnipeg Beach Council (the "Council") to review this Order. If such a request is made, Council will review the request and either confirm, vary, substitute or cancel the Order.
4. If you do not make a written request to Council to review the Order within the fourteen (14) days review period and, following the expiration of the fourteenth (14) day review period, you continue to refuse to remove the Debris, Council may take whatever action or measure that is necessary to remedy the contravention of Section 243 (1) © of The Act, such action may include, seizing and removing the Debris.
5. If you exercise your right to make a written request to Council to review the Order, and Council confirms the Order, you will be required to remove the Debris within fourteen (14) days of Council providing notice to you of the confirmation of the Order. If you do not remove the Debris from the Property within such time, Council may take whatever action or measure is necessary to remedy the contravention of The Act, such action may include removing the Debris.
6. If pursuant to this Order, the Debris is removed, Council will add the costs associated with such action to your municipal taxes.

Dated this _____ day of _____ A.D., _____

Govern yourself accordingly.

THE TOWN OF WINNIPEG BEACH

Per:

By-Law Enforcement Officer