

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #651

A BYLAW TO REGULATE UNTIDY OR UNSIGHTLY PREMISES

WHEREAS *Section 8(3)* and *Section 64* of the *Community Charter* authorizes the Village of Montrose to protect and enhance the well being of its community by regulating nuisances, disturbances and other objectionable situations,

NOW THEREFORE, the Council of the Village of Montrose, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. (1) This Bylaw may be cited as the "**UNTIDY OR UNSIGHTLY PREMISES BYLAW**"

BYLAW OBJECTIVE

2. (1) The purpose of this bylaw is to prohibit owners from causing, permitting or allowing their said property to become untidy or unsightly;
- (2) To provide measures to enforce this Bylaw in such instances where the guidelines provided are repeatedly and consistently ignored.

DEFINITIONS

3. (1) "**Authorized Person**" means the Corporate Officer, the Bylaw Enforcement Officer, and such other person as Council may appoint from time to time.
- (2) "**Owner**" includes any owner, occupier or agent of any real property.

REGULATIONS

4. (1) Owners of real property situated within the Village shall not:
 - (a) cause or permit excessive water, discarded material or rubbish, noxious, offensive or unwholesome matter to collect or accumulate on their property;
 - (b) allow their property to become and remain untidy or unsightly;
 - (c) deposit or place bottles, broken glass, or other rubbish in an open place;
 - (d) place, cause to be placed, or permit to remain any graffiti on exterior walls, roofs, fences, or other locations on or adjacent to public or open spaces;
- (2) Owners of real property shall:
 - (a) remove untidy or unsightly accumulations of excessive water, discarded material or rubbish, noxious, offensive or unwholesome matter from their property;
 - (b) maintain their property clear of undesired brush, dead trees, or noxious weeds.

ENFORCEMENT

5. (1) An Authorized Person may enter onto any real property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and may, by notice in writing, within the time period stated in such notice, require an owner to take remedial action as prescribed in this Bylaw.
- (2) The notice in writing under Section 5(1) of this Bylaw shall be deemed to have been given to an Owner when such notice has been sent by mail to the person named on the property tax roll of the Village as the assessed owner, at the address specified on the said roll.
- (3) An Owner may dispute a notice issued pursuant to this Bylaw by delivering either a written or verbal objection, addressed to Council, within one (1) week of the date of the infraction outlined in Section 5(1).
- (4) If an Owner fails to comply with the requirements stated in a notice given pursuant to Section 5(1) of this Bylaw, the Authorized Person shall file a

report stating the reasons for the notice and the order issued to Council.

- (5) Upon receipt of the report by the Authorized Person, Council may issue an order, in writing, to the Owner to remedy the deficiency specified within the time stated in the notice.
- (6) In the event that an Owner fails to comply with an order given by Council, Council may, by resolution, issue an enforcement order to cause the deficiency specified to be correct.
- (7) An enforcement order issued by Council under section 5(6) shall specify the means of executing the order, and the Owner shall be invoiced for the full cost of having the order executed.
- (8) Any person interfering or obstructing the entry of an Authorized Person onto any property in the Village during the performance of duties authorized pursuant to this Bylaw shall be deemed guilty of an infraction and therefore be liable to the penalties hereinafter provided.

PENALTIES

- 6. (1) If an Owner at whose expense an order pursuant to Section 5(6) has been executed does not pay the costs arising from the execution of the order to the Village to on or before December 31 in the year that the order was executed, the costs shall be added to and form part of the taxes payable on the real property identified in the order as taxes in arrears.
- (2) A person found guilty of an infraction set out in Sections 5(8) shall be liable upon summary conviction to a fine not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000).
- (3) Any additional costs incurred by the Village in carrying out the actions set forth in Sections 6(1) and 6(2), shall be recoverable by the Village.

ENACTMENT

- 7. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on final adoption.

READ A FIRST TIME
 READ A SECOND TIME
 READ A THIRD TIME
 RECONSIDERED AND FINALLY ADOPTED

this 4th day of December, 2006
 this 18th day of December, 2006
 this 18th day of December, 2006
 this 8th day of January, 2007

Mayor

Village Clerk

Certified a true copy of Bylaw #651, as adopted

Village Clerk