

## THE RURAL MUNICIPALITY OF ALEXANDER

### BY-LAW NO. 07/98

A By-law of the Rural Municipality of Alexander to provide for the establishment of a designated officer position for the purpose of remedying of dangers and unsightly property

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WHEREAS Sections 239, 243 – 246 of The Municipal Act, S.M. 1996 (the “Act”) provide for inspection of property and the making of orders to remedy, and the remedying of, dangers to public safety and property in an unsightly condition; AND WHEREAS Section 130 of the Act authorizes the Municipality to establish a position to carry out the powers, duties and functions of a designated officer under a by-law;

AND WHEREAS the Council of the Rural Municipality of Alexander 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.

NOW THEREFORE the Rural Municipality of Alexander (the “Municipality”) in council assembled enacts a By-law as follows:

1. Council hereby authorizes the Chief Administrative Officer of the Municipality to act as the designated officer for the purposes of this By-law (the “Officer”) and hereby grants to the Officer all powers, duties, discretion and functions set out in the Act.
2. The Officer shall also have the powers, duties, discretion and functions of a designated officer set out in section 243 to 246 of The Municipal Act, for the purpose of making written orders requiring property owners to:
  - i. eliminate, remove, demolish, or fill in, as the case may be, dangers to public safety; or
  - ii. improve the appearance of property that because of its unsightly condition is detrimental to the surrounding area, or
  - iii. to remove or demolish a structure that is in an unsightly condition, and level the site.
3. The Officer may conduct any inspection necessary, before making an order as outlined in 2 above, to determine what action or measures are required to be taken by a property owner, or, after making an order, to determine whether the required action or measures have been taken to remedy the situation.

4. The order of the Officer will be given in writing, and may provide that if the owner of the property does not comply with the order within the specified time, the Municipality will take the action or measure at the expense of the person.
5. A person served with an order may appeal the order to Council within 14 days after the date the order is received.
6. Upon receiving a notice of appeal, the Chief Administrative Officer shall set a date and time for the hearing of the appeal, and shall notify the appellant at least 7 days prior to the date of the hearing.
7. At the time and place set out in the notice Council shall consider the appeal, and the appellant may appear in person or by counsel. At the conclusion of the hearing Council may confirm, vary, substitute or cancel the order.
8. The time specified in an order for remedying dangers to public safety or property that is in an unsightly condition is suspended from the date of receipt of a notice of appeal to the date upon which Council makes its decision.
9. Orders and notices shall be served in accordance with section 421 of The Municipal Act (service of notices and other documents).
10. As provided for by section 246 of the Act, if the appeal period described above has passed, or if an appeal has been made, decided, and allows the Municipality to take whatever action or measures it 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, the Municipality may then take that action or those measures. If the order of the Officer so provided, the action or measures will be taken at the expense of the owner of the property.
11. This By-law shall come into effect on the date upon which it is duly passed by the Council of the Municipality.

DONE AND PASSED in Council duly assembled, in the Council Chambers of the Municipality in the Village of St. Georges in the Province of Manitoba this day of 23rd A.D. 1998.

THE RURAL MUNICIPALITY OF ALEXANDER

*Original signed by*

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Ken Danwich  
Reeve

*Original signed by*

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Rose-Marie Blanchette  
Chief Administrative Officer

READ A FIRST TIME this 15th day of April A.D. 1998

READ A SECOND TIME this 23<sup>rd</sup> day of April A.D. 1998

READ A THIRD TIME this 23rd day of April A.D. 1998