

**MUNICIPALITY OF GRASSLAND**  
**BY-LAW No. 04-2022**

BEING A BY-LAW TO MAINTAIN PROPERTY AND TO REGULATE NUISANCES, DERELICT, ABANDONED AND UNSIGHTLY PROPERTY.

**WHEREAS**, Section 232(1) of *The Municipal Act* reads in part as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection, and well-being of people, and the safety and protection of property;
- (c) subject to Section 233, activities or things in or on private property;
- (0) the enforcement of by-laws.

**AND WHEREAS** Section 232(2) of *The Municipal Act* provides in part as follows:

232(2) Without limiting the generality of subsection (1), a council may in by-law passed under this Division....

- (d) establish fees or other charges for services, activities, or things provided or done by the Municipality or for the use of property under the ownership, direction, management or control of the municipality;

**AND WHEREAS** Section 233 of *The Municipal Act* provides as follows:

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

- (a) the requirement that land and improvements be kept and maintained in safe and clean condition;
- (b) the parking and storing of vehicles, including the number and types of vehicles that may be kept or stored and the manner of parking and storing;
- (c) the removal of top soil; and
- (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odors, unsightly property, fumes and vibrations.

**AND WHEREAS** Section 236 of *The Municipal Act* provides as follows:

236(1) Without limiting the generality of clause 232(1)(0) (enforcement of by-laws), a by-law passed under that clause include provisions

- (a) providing for procedures, including inspections, for determining whether By-Laws are being complied with; and
- (b) remedying contravention of by-laws, including
  - (i) creating offences,
  - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or

imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,

- (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
- (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to contravention,
- (v) charging and collecting costs incurred in respect of acting under subclause (iv)
- (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

**AND WHEREAS** Section 242 of *The Municipal Act* provides as follows:

242(1) If a designated officer finds that a person is contravening a by-law or this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require.

242(2) The order may

- (a) direct a person to stop doing something, or change the way in which the person is doing it;
- (b) direct a person to take any action or measure necessary to remedy the contravention of the Act or by-law, including the removal or demolition of a structure that has been erected or place in contravention of a by-law and, if necessary, to prevent a reoccurrence of the contravention;
- (c) state a time within which the person must comply with the directions; and
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

**AND WHEREAS** Section 243 of *The Municipal Act* provides as follows:

243(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, or because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order

- (a) in the case of structure, require the owner
  - (i) to eliminate the danger to public safety in the manner specified, or
  - (ii) remove or demolish the structure and level the site;
- (b) in the case of land that contains the excavation hole, require the owner
  - (i) to eliminate the danger to public safety in the manner specified, or
  - (ii) fill the excavation or hole and level the site;
- (c) in the case of property that in an unsightly condition, require the owner
  - (i) to improve the appearance of the property in the manner specified, or
  - (ii) if the property is a building or other structure, remove or demolish the structure and level the site

243(2) The order may

- (a) state a time within which the person may comply with the order; and
- (b) state that if the person does not comply with the order within the specified time, the municipality will take action or measure at the expense of the person.

**AND WHEREAS** Section 247(1) of *The Municipal Act* provides as follows:

247(1) ... in an emergency, a municipality may take whatever actions or measures are necessary to eliminate the emergency.

**AND WHEREAS** it is deemed expedient to pass a By-Law for the purpose of maintaining property and regulating and abating nuisances and derelict, abandoned and unsightly property that are detrimental to the health, safety and comfort of the residents of the Municipality of Grassland;

**NOW THEREFORE** the Council of the Municipality of Grassland, in Council assembled, enact the following policies and procedures which shall govern the inspections, remedy, enforcement or action respecting unsightly and/or unsafe property and/or structures or those which may cause a nuisance in the Municipality of Grassland:

#### **TITLE**

1.0 That this by-law be referred as "The Municipality of Grassland Property Standards By-Law"

#### **APPLICATION**

2.0 That this by-law applies to all property and to all owners and occupiers of property within the Municipality of Grassland.

#### **DEFINITIONS**

3.0 In this By-law

**"Building"** means any structure used or intended for supporting any use or occupancy.

**"Council"** means the council duly elected in the Municipality of Grassland.

**"Derelict Vehicle"** means

- (i) any vehicle or part thereof which in order to be driven on a highway, must be registered under *The Highway Act*, and which is not so registered for the current year, and which is or appears to be inoperative for such purposes due to age or mechanical failure of the motor, transmission, assembly system, chassis, body or any other parts.
- (ii) any vehicle, dismantled, partially dismantled, inoperative, discarded, abandoned, or unused vehicles, trailers and other machinery or any part or parts thereof.

**"Designated Officer"** means a person appointed by resolution or by-law of the Council of the Municipality of Grassland to carry out powers, duties, and functions under this by-law.

**“Dwelling”** includes any building, or part thereof, residence, shelter, mobile home, trailer or other structures, the whole or part of which has been or is capable of being used for the purpose of human habitation.

**“Inspector”** means any person from time to time appointed by Council or its agents to enforce the provisions of this by-law.

**“Interested Person”** means the owner, occupier or mortgagee of property which is the subject of an order made under the authority of this by-law.

**“Mortgagee”** in the case of real property, means any person holding a registered mortgage against the property according to the records of the Brandon Land Titles Office and, in the case of personal property, means any person holding a registered security interest in personal property according to the records of the Personal Property Security Registry of the Province of Manitoba.

**“Municipality”** means the Municipality of Grassland.

**“Non-Conformance”** means a breach or an alleged breach of this by-law.

**“Occupier”** means any person in actual or constructive possession of the property pursuant to a lease, tenancy license or other right to occupy.

**“Owner”** in the case of real property, means the registered owner according to the records of the Brandon Land Titles Office and, in the case of personal property, means the person in actual or constructive possession of such property.

**“Person”** means an individual, firm, partnership or corporation and where the context requires shall include the plural as well as the singular.

**“Property”** means any land as defined in the *The Municipal Assessment Act* within the Municipality whether or not there is situated thereon a dwelling house or any other building.

**“Rubbish”** means any garbage, trash or junk including, but not limited to unwanted or discarded household items, waste from building construction, remodelling and repair; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; motor vehicle parts or tires; newspapers, magazines, packaging materials, waste paper or cardboard, dead animal carcasses, and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards or cleanliness or generally accepted neighbourhood aesthetics.

**“Unregistered Vehicles”** means cars, trucks, vans, motorcycles, trailers, snowmobiles, buses or any other object required by law to be licensed or registered in order to enter upon a public highway, street or road and which are not for the time being so licensed and includes each detached part or group of parts of any such car, truck, van, motorcycle, trailer, snowmobile, bus or object exceeding one foot in the length, width or height

**“Unsafe Property”** means a property which in the opinion of the designated officer is detrimental to the surrounding area, including but not limited to the growth of grass to a length which is unsightly or the growth of weeds so that same becomes a nuisance to adjoining properties.

**“Unsafe Structure”** means any structure, whether a building, fence, excavation or hole, which in the opinion of the designated officer is at risk of collapse or otherwise dangerous to public safety or property.

**“Yards”** means privately owned real property around and appurtenant to a dwelling or other building used or reasonably capable of being used as a dwelling.

## **ADMINISTRATION & ENFORCEMENT**

- 4.0 This by-law shall be administered and enforced by the designated officers or agents.
- 4.1 In reference to the administration and enforcement of this by-law, designated agents shall include:
- (i) Designated Officers in the employ of the Municipality of Grassland
  - (ii) Building Inspectors, Fire Inspectors, Health Inspectors, Weed Inspectors and any other persons or agencies employed by or acting for the Municipality of Grassland and partially or wholly responsible for fire and building safety and standards within the town.
- 4.2 No person acting within the scope of their duty to administer and enforce this by-law shall be personally liable for any act or omission while so acting.

## **COMPLAINTS**

- 5.0 Any person may allege a violation of this by-law by filing with the Municipality of Grassland a complaint in writing and with such particulars as the Municipality of Grassland from time to time may require.

## **INSPECTIONS**

- 6.0 Upon receipt of a written complaint, a Designated Officer shall inspect the real and personal property identified in the complaint as shall be deemed reasonably necessary to determine whether or not there is or has been a violation of this by-law.
- 6.1 For the purpose of inspection under this by-law, a Designated Officer may enter upon, inspection and view any real or personal property at all reasonable times with or without the consent of any person.

## **WARNINGS and ORDERS**

- 7.0 If the Designated Officer is satisfied upon inspection that there is a violation of this by-law, the Designated Officer may in his or her discretion give written notice of the contravention to the

owner and occupier of the property by regular mail substantially in the form attached as Schedule "A".

- 7.2 If the contravention continues following the warning notice, if any, provided under subsection 7.0, or if in his or her discretion no such warning notice is provided, the designated officer shall issue a written order which shall specify a time within which compliances shall be required, and the time for compliance shall not be less than twenty days or more than one hundred and fifty from the date of the order.
- 7.3 There shall be attached to the Order a form of Notice of Objection, attached hereto and marked as Schedule "B", which shall indicate the place to which the Notice of Objection shall be delivered.
- 7.4 The time for the compliance with an Order may be postponed once by the Designated Officer for a period of not more than ninety days, only upon the owner showing that reasonable efforts to comply with the Order have been made but full compliance cannot be effected within the time provided because of technical difficulties, inability to obtain necessary labour, repairs or materials, or weather conditions.
- 7.5 Except in the case of non-conformance posing an immediate danger to any person, the filing of an objection to an Order or any of the provisions of an Order shall operate as a stay of proceedings until consideration of the objection by the municipality through the prescribed appeal process.
- 7.6 In the case of non-conformance posing an immediate danger to any person, the Designated Officer may, pursuant to Sections 6 of this by-law, order the owner to correct the non-conformance forthwith.
- 7.7 In the event the Designated Officer is unable to contact the owner either by attending at the site on the non-conformance or by telephoning at the residence of the owner, the Municipality may cause the non-conformance to be corrected with no further attempt to notify the owner and the cost thereof may be added to the real property taxes applicable to property made subject to the order or collected in any other manner available to the municipality by-law.
- 7.8 Each Order made under this by-law, excepting an Order issued in the case of non-conformance posing an immediate danger to any person referred to in Subsection 7.6, shall be in writing, and served in accordance with provisions 9.0 & 9.2 of this by-law.

## **APPEALS**

- 8.0 An interested person may appeal an Order made by the Designated Officer by filing a Notice of Objection, in the form attached to this by-law and marked as Schedule "B", with the Chief Administrative Officer of the Municipality of Grassland at any time before the time for compliance with such Order.
- 8.1 Upon receipt of a Notice of Objection in the required form, the municipality shall hold a hearing within forty days immediately following receipt of the Notice of Objection. Each interested person filing a Notice of Objection and the Designated Officer are entitled to attend the hearing

with or without counsel and to present the evidence and make submissions. The procedure to be used at the hearing shall be the procedure set out in the then current procedural by-law of the municipality for public hearing, supplemented and modified as the Council of the Municipality of Grassland shall determine. The majority of the councillors currently holding office, including the Reeve, shall constitute a quorum and the decision of the majority shall stand in the place of the Order in respect of which the Notice of Objection is made, for all purposes. The decision rendered at the hearing is final and no further appeal may be taken in respect of the subject matter of the Order.

- 8.2 If any person who has filed a Notice of Objection to an Order fails to appear at the hearing, either in person or by counsel to make a representation, a decision may be made in their absence.
- 8.3 The Council of the Municipality of Grassland may reserve their decision on appeal, however, they shall in any event, render a decision on an appeal within five days of the date of the hearing of the appeal and shall serve upon all interested persons a notice of disposition forthwith upon determination. The Council of the Municipality of Grassland may:
- (a) confirm the Order of the Designated Officer; or
  - (b) vary the Order of the Designated Officer in any respect;
  - (c) set aside the Order of the Designated Officer.

#### **SERVICE of NOITICES or ORDERS**

- 9.0 A copy of any Order or postponement thereof made by the Designated Officer shall be served by personal service or by registered mail upon
- (a) the owner;
  - (b) the occupier, if any, and
  - (c) the mortgagee, if any
- of the real or personal property affected by the Order and, if service cannot be by personal service or by registered mail, such Order or postponement of it may be posted on the property which is the subject of the Order or postponement.
- 9.1 A Notice of Hearing by the Council shall be served by personal service or by registered mail upon each person filing a Notice of Objection in the required form, an upon the Designated Officer. The Notice of Hearing shall state the time, date and place of the hearing. The Notice of Hearing shall state the time, date and place of the hearing. The Notice of Hearing shall be served no later than five days prior to the date set for the hearing.
- 9.2 Personal services shall be deemed to have been made on the date service is actually effected upon the person and service by registered mail shall be deemed to have been made the day after posting.
- 9.3 Services upon deceased persons may be made by service upon any one of their heirs, executors or administrators and service upon corporations may be made by service of upon any officer of

the corporation as disclosed in its most current information on file with the Corporations Office or upon any adult person at the usual place of business of the corporation who appears to the person effecting service to be in charge.

## **STANDARDS**

### Maintenance of Real Property

- 10.0 An owner or occupier of real property that includes buildings or dwelling shall
- (i) ensure, on a continuing basis, that all requirements are met in relation to the minimum standards of maintenance and occupancy in accordance with all codes and standards enforced by the Province of Manitoba and the Local Planning District.
  - (ii) An owner or occupier of real property shall keep it free and clear from:
    - (i) rubbish, garbage and other debris;
    - (ii) objects, conditions and substances that present a health, fire or accident hazard;
    - (iii) objects and conditions, including holes and excavations, that are health, fire or accident hazards;
    - (iv) objects, conditions and substances that contaminate or pollute the air or water;
    - (v) objects, conditions and substances that constitute a nuisance and may degrade the surrounding properties;
    - (vi) the growth of weeds as defined in *The Noxious Weeds Act* so that the same become a nuisance to adjoining properties;
    - (vii) the growth of grass to a length which is unsightly;
    - (viii) the storage of household appliances, whether or not the same are capable of operation in a place which is visible from any public street, or road or lane; and;
    - (ix) the storage of motor vehicles that have been abandoned or derelict, wrecked, dismantled, partially dismantled, inoperative, discarded, or any parts thereof.
    - (x) regular outdoor burning, the smoke of which causes a nuisance to adjoining properties.

### Drainage

- 11.0 No roof drainage or surface drainage shall be discharged on neighbouring property and all such 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.

### Fences and Accessory Buildings

- 12.0 All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

### Garbage Disposal

- 13.0 Garbage disposal shall be in accordance with the applicable municipal by-laws.

### Conflict with Other By-Laws



14.0 Where a provision of this By-Law conflicts with a provision of another By-Law in force in the Municipality of Grassland, or of any building, safety or Fire Code, the provision that establishes the higher standard to protect health, safety and welfare of the general public shall prevail.

#### **ENFORCEMENT**

15.0 Every person who omits, neglects, or refuses to comply with an Order made under this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for a term not exceeding thirty (30) days, or both.

15.1 Every person who obstructs or interferes with an inspection being conducted under the authority of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for a term not exceeding 30 days, or both.

15.2 Where an Order has not been complied with, the Designated Officer may take any lawful action and do all things necessary to effect compliance, and where the municipality incurs any costs as outlined in Schedule "C" hereto attached, to effect compliance, that cost may be added to the real property taxes applicable to the property made subject to the Order and may be collected in any other manner available to the municipality by law.

15.3 This By-law shall come into force and effect on the day it is passed by the Council of the Municipality of Grassland.

15.4 This By-law shall apply retroactively to all dwellings, other structures, or parts thereof together with, and including, all surrounding lands.

15.5 That By-Law No. 31-2017 is hereby repealed.

**DONE AND PASSED** by the Council of the Municipality of Grassland in regular session assembled this 14th day of June 2022.

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REEVE

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Chief Administrative Officer

Read a first time 24<sup>th</sup> day of May, 2022

Read a second time this 14th day of June, 2022

Read a third time this 14th day of June, 2022

**Schedule "A"**

Date: \_\_\_\_\_

File: \_\_\_\_\_

Name & Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir/Madam:

**Re: Municipality of Grassland Property Standards By-Law No. 04-2022**

Acting upon a written complaint, the designated officer had cause to inspect your property at \_\_\_\_\_ in the Municipality of Grassland.  
(civic and legal address)

Upon inspection of the property, it is apparent that a violation exists in accordance with the Municipality of Grassland By-Law No 04-2022 due to \_\_\_\_\_

Therefore, the Municipality requests that you rectify the situation by:

\_\_\_\_\_  
(describe violations/ describe remedy)

On or before \_\_\_\_\_  
(date)

In accordance with Section 239(1) of *The Municipal Act*, I will enter onto the property on \_\_\_\_\_  
(date)

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 the compliance with By-Law No. 04-2022 and 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*.

Your cooperation and assistance in this matter is appreciated.

If you have any questions, please contact the writer at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Designated Officer  
Municipality of Grassland

**SCHEDULE "B"**

IN THE MATTER of the Property Standards By-Law No. 04-2022 of the Municipality of Grassland.

**NOTICE OF OBJECTION**

TO: Chief Administrative Officer  
PO Box 399  
Hartney, MB  
R0M 0X0

PLEASE TAKE NOTICE that the undersigned Appellant hereby appeals to the Council for the Municipality of Grassland from the Order to \_\_\_\_\_

\_\_\_\_\_ Repair or Demolish; Remove Derelict Vehicles, Vacate Dwelling, etc.

made by \_\_\_\_\_ (Name and Title)

on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ respecting the residential premises or non-residential property known as \_\_\_\_\_

\_\_\_\_\_ on the following grounds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at \_\_\_\_\_, Manitoba this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_

\_\_\_\_\_  
Signature of Appellant

\_\_\_\_\_

Address

## **SCHEDULE “C”**

IN THE MATTER of the Property Standards By-Law No. 04-2022 of the Municipality of Grassland the following rates shall apply when the said Municipality is rectifying a violation.

### **NOTICE OF FEES**

- a) For a lot in mowing condition, the grass cutting fee shall be \$50 per hour or any part thereof;
- b) For a lot which is not in mowing condition with rough terrain, and a weed eater must be used, the fee shall be \$125.00 per hour or any part thereof;
- c) For snow removal, the fee shall be \$125.00 per hour or any part thereof;
- d) If municipal employees are required, the fee charged shall be \$75.00 per hour or any part thereof;
- e) When Contractors are required in the removal of derelict vehicles, demolition of buildings etc. the costs shall be as per Contractors price plus and administration fee of 25% of Contractors fee.