

TOWN OF MORDEN

By-law No. 22-2006

BEING a By-law of the Town of Morden to regulate Nuisances and Derelict, Abandoned and Unsightly Property.

WHEREAS The Municipal Act Sec. 232(1) reads in part as follows:

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

- c) subject to section 233, activities or things in or on private property,
- f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned,
- o) the enforcement of by-laws,

AND WHEREAS The Municipal Act, Sec. 233 reads in part as follows:

A by-law under clause 231(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 type of vehicles that may be kept or stored and the manner of parking and storing; and
- d) activities or things that in the opinion of the council are or could become nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS The Municipal Act, Sec. 234 reads in part as follows:

Without limiting the generality of clause 232(1)(f) (property adjacent to highways or municipal roads), a by-law passed under that clause may include provisions respecting signs, survey monuments, landscaping and setbacks, including

- a) the growing of trees and shrubs and construction of improvements;
- b) the control and removal of trees, shrubs, weeds, grass, snow, ice and obstructions; and
- c) the construction, repair and removal of fences and snow fences.

AND WHEREAS The Municipal Act, Sec. 236(1) reads in part as follows:

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

- a) providing for procedures, including inspections, for determining whether by-

laws are being complied with; and

b) remedying contravention's of by-laws including

(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 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 a contravention,

(v) charging and collecting costs incurred in respect of acting under subclause (iv),

AND WHEREAS it is deemed expedient to pass a By-law for the purpose of regulating nuisances and derelict, abandoned and unsightly property;

NOW THEREFORE the Council of the Town of Morden in Council assembled, enacted as follows:

1. **THAT** no person being the registered owner of land within the Town of Morden, or tenant under any commercial lease or residential tenancy agreement affecting such land shall permit on such land:

a) unless the said property is used as a commercial automobile dealership, the storage of motor vehicles capable of registration under the Highway Traffic Act or the Off-Road Vehicles Act which are not registered under either of those statutes in a place which is visible from any public street, road, or lane, or

b) the storage of household appliances whether or not the same are capable of operation in a place which is visible from any public street, road, or lane, or

c) the growth of weeds so that the same become a nuisance to adjoining properties; or

d) the growth of grass or weeds to a length which is unsightly; or

e) any structure which is dangerous or at risk of collapse; or

f) the growth of trees, shrubs or plants on property adjacent to highways or municipal roads if the trees shrubs or plants create a safety hazard for traffic.

1. **THAT** Council where it deems that this by-law has been contravened, authorizes the Chief Administrative Officer or any person he delegates to:

- a) give notice in writing to the person or persons name as the assessed owner of the property in the most recent assessment roll, to the address as stated on the said roll to remedy the said contravention within a reasonable time in which time shall be specified in the said notice; and
- b) enter upon private property to inspect the same; and
- c) where the contravention has not been remedied within the time specified in the notice referred to in paragraph 2(a), enter upon the property and to remedy the said contravention; and
- d) where the contravention consists of the enforcement of this by-law may be charged to the assessed owner of the property on which the contravention takes place and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act, R.S.M.

1. **THAT** By-law No. 01-01 be repealed upon the passing of this by-law.

2. **THAT** this By-law shall come into force and have effect immediately from and after the passing thereof.

DONE AND PASSED at a duly assembled and constituted meeting of the Council of the Town of Morden held this 25th day of September, A.D. 2006.

TOWN OF MORDEN

John B Wiens

Mayor

Garry Hiebert

Director of Finance & Administration

Read a first time this	11th	day of	September	A.D. 2006
Read a second time this	25th	day of	September	A.D. 2006
Read a third time this	25th	day of	September	A.D. 2006