

**VILLAGE OF MACGREGOR**

**BY-LAW No. 673/98**

**BEING A BY-LAW OF THE VILLAGE OF MACGREGOR RESPECTING UNSIGHTLY PROPERTY**

**WHEREAS** Section 232 (1)© and (f), 232 (2)(a), 233(d), 234 and 243(1) of The Municipal Act provide, in part, that a Municipality may regulate or prohibit unsightly property;

**AND WHEREAS** the Council of the Village of MacGregor deems it necessary to pass a By-Law prohibiting and rectifying unsightly property;

**NOW THEREFORE THE COUNCIL OF THE VILLAGE OF MACGREGOR IN OPEN SESSION DULY ASSEMBLED ENACTS A BY-LAW AS FOLLOWS:**

1. In the By-Law, "designated officer" means to a building inspector or other official appointed by Council from time to time to enforce this By-Law, or, in the absence of such an appointment, the Chief Administrative Officer.
2. If, in the opinion of the designated officer:
  - a) a structure, fence, excavation or hole; or
  - b) trees, shrubs, weeds or grass; or
  - c) dirt or manure piles, paper, filth, rubbish or other refuse deposited on private property;

are, because of the their unsightly condition, detrimental to the surrounding area, or if they encroach into or above Municipal property, the designated officer may by written order, require the owner to:

- i) improve the appearance of the property in the manner specified in the written order; or
  - ii) if the property of a structure, fence, excavation or hole, remove or demolish the structure or fence and/or level the site; or
  - iii) take all necessary steps to end the encroachment
3. The written order issued by the designated officer shall state a time within which the owner must comply with the order and state that if the order is not complied with within the specified time, the Municipality will take the action or measure at the expense of the owner.
4. The written order issued by the designated officer shall be served on the owner of the property, either personally or by mailing it by registered or certified mail to the last address for that owner recorded on the Municipality's tax rolls, in the event service is carried out by registered or certified mail, it shall be conclusively deemed to have been served on the owner five days after it was mailed.
5. Any owner aggrieved by an order issued by the designated officer under this By-law may, within 15 days of service of the order, appeal to the Council.
6. Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.

7. Upon hearing of an appeal, the Council may;
- a) uphold, rescind, suspend or modify the order issued by the designated officer;
  - b) extend the time within which compliance with the order shall be made; or
  - c) make such other decision or order as in the circumstances of each case it deems just,
- and the decision or order of the Council upon being communicated to the appellants, shall stand in place of the order against which the appeal is made.
8. The costs of actions or measures taken by the Municipality to carry out the terms of an order issued by the designated officer are an amount owing to the Municipality by the owner of the property and may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.
9. An person who contravenes or disobeys, or refuses or neglects to obey any order made under this By-Law is guilty of an offense and is liable, on summary conviction, to a fine not exceeding \$5,000, or in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such an imprisonment.
10. Where a corporation commits an offense under this By-Law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in the doing of the act or omission that constitutes the offense and is liable, on summary conviction, to the penalties for which provision is made in Section 9, above.
11. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person or corporation is guilty of a separate offense for each day it continues.
12. A fine imposed for a breach of this By-Law is an amount owing to the Municipality by the owner of the property and may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

**DONE AND PASSED** as a by-law of The Village of MacGregor, by the Mayor and Council, this 5<sup>th</sup> day of August, 1998.

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Darwin Crabbe  
Mayor

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Lawrence Hart  
Chief Administrative Officer

Received first reading the 9<sup>th</sup> day of July, 1998  
Received second reading the 5<sup>th</sup> day of August, 1998  
Received third reading the 5<sup>th</sup> day of August, 1998