

RURAL MUNICIPALITY OF WHITEMOUTH

BY- LAW NO. 602/13

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH TO ESTABLISH GENERAL ENFORCEMENT BY-LAWS.

Whereas:

- A. The Municipal Act ("Act") authorizes a council to pass enforcement by-laws and to establish positions to carry out the powers, duties and functions of a designated officer under a by-law, the Act or any other Act;

- B. The Council of the Rural Municipality of Whitemouth deems it advisable and in the public interest to establish certain designated officer positions for the purpose of
 - a. enforcing by-laws,

 - b. making orders for the remedying of
 - i. contraventions of by-laws, the Act or any other Act the Municipality is authorized to enforce,

 - ii. contraventions of permits, approvals, orders and agreements made or issued under the by-laws, the Act, or any other Act the Municipality is authorized to enforce,

 - iii. dangers to public safety or property that is in an unsightly condition; and

 - c. taking remedial action where required;

NOW THEREFORE, Council of the Rural Municipality of Whitemouth enacts as a by-law the following:

- 1. The purpose of this by-law is to establish a designated officer position to enforce the Municipality's by-laws, the Act, any other Act the Municipality is authorized to enforce, and permits, approvals, orders and agreements.

- 2. The position of By-law Enforcement Officer ("Officer") is established. The Officer shall be appointed by resolution of Council.

- 3. The Officer has all powers, duties, discretion and functions set out in the Act and is authorized to:
 - a. enforce the by-laws of the Municipality, the Act and any other Act the Municipality is authorized to enforce,

 - b. enforce permits, approvals, orders and agreements made or issued under the by-laws, the Act, or any other Act the Municipality is authorized to enforce, and

 - c. act as a designated officer for the purposes of this by-law.

4. The Officer shall have the powers, duties, discretion and functions of a designated officer set out in:
 - a. section 242 of the Act, for the purpose of making orders requiring persons responsible for the contravention of a by-law, the Act, any other Act the Municipality is authorized to enforce, and any permits, approvals, orders and agreements made or issued under the by-laws, the Act, or any other Act the Municipality is authorized to enforce, to remedy the contravention;
 - b. section 243 of the Act, for the purpose of making orders with respect to dangers to public safety or property that is in an unsightly condition; and
 - c. section 249 of the Act, for the purpose of enforcing a contravention through an offence.
5. The Officer may carry out inspections to determine what actions or measures a person must take in connection with any matter set out in section 4, whether the actions or measures set out in the order have been taken, and to prevent a re-occurrence of a contravention.
6. An order of the Officer must be given in writing, and may provide that if the person does not comply with the order within the specified time, the Municipality will take the actions or measures at the expense of that person.
7. A person served with an order may request that Council review the order, by written notice to Council within 14 days after the date of receipt of the order.
8. Upon receiving a request for review, the Chief Administrative Officer shall set a date and time for the review of the order, and shall notify the person of the date of the review.
9. At the time and place set out in the notice, Council shall meet to consider the request for review, and the person may appear in person or by counsel. After reviewing the order, Council may confirm, vary, substitute or cancel the order.
10. The time specified in an order made as outlined in section 6 is suspended from the date of receipt of a request for review to the date upon which Council makes its decision.
11. If the order of the Officer so provided, the actions or measures will be taken at the person's expense. The costs of any actions or measures taken will be an amount owing by the person to the Municipality, and may be collected in any manner in which a tax may be collected or enforced under the Act.


12. The Officer is authorized to make expenditures on behalf of the Municipality to carry out the actions or measures if the time provided for in an order has expired and the order has not been appealed or the order has been appealed and Council has confirmed, varied or substituted the order.

13. The Municipality may store or sell all or part of any structures, materials or items removed as a result of any actions or measures taken. The proceeds of any such sale will be used to pay expenses and costs incurred in connection with the making of the order and taking of the actions or measures by the Officer. Any excess proceeds will be paid to the person entitled to them.

DONE AND PASSED by the Council of the Rural Municipality of Whitemouth in regular session assembled, this 12th day of April, 2013.



Reeve



Chief Administrative Officer

Read a first time this 27th day of March, AD. 2013.

Read a second time this 27th day of March, AD. 2013.

Read a third time this 12th day of April, AD. 2013.