

BY-LAW NO. 25-12

-of-

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-Law of the Rural Municipality of Springfield to maintain property and to regulate unsightly property within the Municipality.

WHEREAS *The Municipal Act* reads in part as follows:

232(1) A council may pass b-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;...
- (o) the enforcement of by-laws

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

- (a) regulate or prohibit;
- (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:
 - (iii) prohibiting a development, activity, industry, business or thing until a license, permit or approval is granted

233 A by-law under clause 231(1)(c) (activities or things in or on private property) may contain provisions only in respect of...

- (d) activities or things that in the opinion of council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of bylaws), 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 contraventions 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, or other things related to a 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.

239(1) If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) Enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) Request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) Make copies of anything related to the inspection, remedy, enforcement or action.

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 to 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 placed 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.

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 a 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 or hole, require the owner
 - i. To eliminate the danger to public safety in the manner specified, or
 - ii. Fill in the excavation or hole and level the site;
- (c) In the case of property that is 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 must 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 the action or measure at the expense of the person”

AND WHEREAS S. 3(1) of the Municipal Bylaw Enforcement Act provides that a Municipality require administrative penalties to be paid in respect of the contravention of its by-laws.

AND WHEREAS the RM of Springfield has passed such a Bylaw being 19-18 the Municipal Bylaw Enforcement Act Bylaw

AND WHEREAS Manitoba Regulation 50/97 of March 9, 1997, provides that the maximum fine that a council may impose in respect of a contravention of a By-Law is One Thousand (\$1,000.00) Dollars;

AND WHEREAS it is deemed expedient to pass a By-law for the purpose of regulating nuisance in the form of unsightly and unsafe properties that are detrimental to the health, safety and comfort of the residents of the Rural Municipality of Springfield;

NOW THEREFORE the Council of the Rural Municipality of Springfield, in Council assembled enact the following By-Law which shall govern the inspection, remedy, enforcement and action respecting unsightly properties.

1. Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in *The Municipal Act* of the Province of Manitoba.
2. That Council from time to time, by resolution, may amend the schedule attached to this by-law.

DEFINITIONS

3. In this by-law:

“council” means the council duly elected in the Municipality;

“designated officer” means officers appointed pursuant to S. 1 of the Designated Officer Bylaw 18-14 of the Rural Municipality of Springfield.

“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.

“Municipality” means the Rural Municipality of Springfield.

“Notice of Contravention” means a notice pursuant to S. 6 of the Enforcement Bylaw (19-12).

“Notice of Objection” means a notice pursuant to S. 9 of the Enforcement Bylaw (19-12).

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

“Order to Remedy a Contravention” means an Order pursuant to S. 7 of the Enforcement Bylaw (19-12).

“Owner” in the case of any property means the registered owner of the property according to the current assessment records of the Municipality.

“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 *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:

- (a) Unwanted or discarded household items;
- (b) Waste from building construction, remodeling or repair;
- (c) Yard waste including tree branches, grass and shrub clippings, leaves or other waste;
- (d) Motor vehicle parts or tires;
- (e) Newspapers, magazines, packaging materials, waste paper or cardboard

- (f) Dead animal carcasses; and
- (g) 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 of cleanliness or generally accepted neighbourhood aesthetics.

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

“Unsightly Property” means a property which in the opinion of a 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 become a nuisance to adjoining properties.

APPLICATION

- 4. This by-law applies to all property and to all owners and occupiers of property within the Municipality.

STANDARDS

- 5. No owner or occupier of property shall permit on such property, and each owner and occupier of property shall keep such property free and clear of:
 - a. Rubbish;
 - b. Unsafe structures;
 - c. Unsightly property;
 - d. The outdoor storage of household appliances, whether or not the same are capable of operation;
 - e. The growth of weeds as defined in the *Noxious Weeds Act* so that the same become a nuisance to adjoining properties;
 - f. The growth of grass to a length which in the opinion of a designated officer is unsightly.

INSPECTIONS

- 6. On **written report** to a designated officer that a violation of Section 5 may exist, a designated officer pursuant to S. 239(1) of *The Municipal Act* may inspect all property alleged to be in violation of this by-law, in such a manner as shall be reasonably necessary in order to determine whether or not there has been a violation of this by-law.

7. In performing duties related to Section 6 of this Bylaw, if inspection of the property requires a designated officer to physically enter the property or any structure thereon, the designated officer shall give reasonable notice to the owner or occupant of the property pursuant to Section 4 of the Enforcement By-Law (19-12).
8. It shall be an offence to obstruct or hinder a designated officer from conducting an inspection if reasonable notice to enter and inspect has been given.

CONTRAVENTIONS AND ORDERS

9. Where an inspection reveals a violation of any provision of this by-law, a designated officer may in his or her discretion provide a written Notice of Contravention to the owner or occupant of the property via any means referred to in Section 8 of the Enforcement Bylaw (19-12).
10. The Notice of Contravention must follow all requirements and include all information referred to in Section 6 of the Enforcement Bylaw (19-12). This includes:
 - a. The name(s) of the owner and/or occupant of the property;
 - b. The civic and legal description of the property;
 - c. A description of the contravention of this by-law and which section of this by-law has been contravened;
 - d. The particulars of the contravention/non-compliance and any remedial work or actions required to achieve compliance;
 - e. A warning that if the owner or occupant does not remedy the contravention, the Municipality may issue an Order to Remedy a Contravention requiring the owner/occupant to remedy the contravention, and failure to comply with such Order to Remedy a Contravention may cause:
 - i. The owner/occupant being charged with an offence and subject to a fine or other penalty;
 - ii. The Municipality undertaking the work necessary to comply with the Order to Remedy a Contravention and the cost of such action (including legal costs incurred by the Municipality) will be a debt owing to the Municipality.
11. A Notice of Contravention is not an Administrative Penalty Notice (by-law ticket). The issuing of a Notice of Contravention does not prohibit a designated officer from also issuing a penalty notice for the by-law contravention alleged.

12. If the contravention continues following receipt of a Notice of Contravention provided under Section 8 above, a designated officer shall issue a written Order to Remedy a Contravention pursuant to S. 242(1) of *The Municipal Act* to the owner or occupant of the property via any means referred to in Section 8 of the Enforcement Bylaw.
13. The Order to Remedy a Contravention must follow all requirements and include all information referred to in Section 7 of the Enforcement Bylaw (19-12). This includes:
- a. The name(s) of the owner and/or occupant of the property;
 - b. The civic and legal description of the property;
 - c. A description of the contravention of this by-law and which section of this by-law has been contravened;
 - d. The particulars of the contravention/non-compliance;
 - e. Direction to the owner or occupant to stop doing something, or change how the owner or occupant is doing it;
 - f. Direction to the owner or occupant to take any action or measure necessary to remedy the contravention including the removal or demolition of a structure erected or placed in contravention of the by-law and to prevent a reoccurrence of the contravention;
 - g. The timeframe in which the non-compliance must be remedied which will not be less than 14 days from the date the Order to Remedy a Contravention is served;
 - h. Information on how the owner/occupant may request Council to review the Order to Remedy a Contravention;
 - i. A notice that if the owner/occupant violates the Order to Remedy a Contravention within the specified time:
 - i. The owner/occupant may be charged with an offence and subject to a fine or penalty;
 - ii. The Municipality may take the action or measures to comply with the Order to Remedy a Contravention at the expense of the owner/occupant (including legal costs incurred by the Municipality).
14. An Order to Remedy a Contravention is not an Administrative Penalty Notice (by-law ticket). The issuing of an Order to Remedy a Contravention does not prohibit a designated officer from also issuing a penalty notice for the by-law contravention alleged.

15. Failing to comply with an Order to Remedy a Contravention is an offence however if the owner/occupant appeals the Order, any subsequent Penalty Notice will be held in abeyance to await the conclusion of the hearing before Council.

APPEALS

16. Any interested person may within 14 days of being served an Order to Remedy a Contravention issued by a designated officer appeal the Order to Remedy a Contravention by providing the Chief Administrative Officer (or their designate) with a Notice of Objection.
17. The Notice of Objection shall take the form referred to in the Enforcement Bylaw Section 9 but in any event must include the name and address of the appellant and be dated and signed by the appellant.
18. Within 30 days of receiving a Notice of Objection, the Chief Administrative Officer of the Municipality shall set a date and time for the hearing of the appeal by Council and shall advise the Appellant in writing of the date, time and place of the hearing.
19. The time specified for the compliance in an Order to Remedy a Contravention is suspended from the date of receipt of a Notice of Objection by the Municipality until the date upon which Council makes its decision.
20. At the time and place set out in Section 16, the Council shall consider the appeal and may hear from the Appellant in person or through counsel. The conduct of the hearing is set out in Section 9 of the Enforcement Bylaw (19-12) and included herein. In the event of a conflict between this by-law and the Enforcement By-Law, the Enforcement By-Law takes precedence.
- a. A hearing may be adjourned at the discretion of Council;
 - b. Upon hearing the appeal or within a reasonable period thereafter (but not later than 30 days) the Council shall in writing, decide to:
 - i. Confirm the Order to Remedy a Contravention;
 - ii. Provide additional time to comply with the Order to Remedy a Contravention;
 - iii. Substitute the Order to Remedy a Contravention;
 - iv. Vary the Order to Remedy a Contravention; or
 - v. Cancel the Order to Remedy a Contravention.

21. If the Appellant fails to appear at the hearing without reasonable excuse the appeal shall be dismissed, the Order to Remedy a Contravention shall be automatically affirmed, and no further time will be provided to comply with the Order to Remedy a Contravention.
22. The decision of Council is final and is not subject to further appeal.

REMEDYING CONTRAVENTIONS

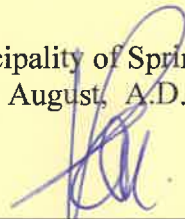
21. Pursuant to S. 236(1) of *The Municipal Act* and Section 10 of the Enforcement By-Law (19-12) the Municipality may take whatever action or measures are necessary to remedy a contravention of this by-law or to prevent a reoccurrence of the contravention if:

- a. A Designated Officer has issued a written Order to Remedy a Contravention in accordance with the Enforcement Bylaw (19-12);
 - b. The Order to Remedy a Contravention directs the owner or occupant to take any actions or measures necessary to remedy the contravention of the bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a by-law and, if necessary, preventing a re-occurrence of the contravention;
 - c. The owner or occupant has not complied with the Order to Remedy a Contravention within the time specified in the Order to Remedy a Contravention; and
 - d. The appeal period respecting the Order to Remedy a Contravention has passed or, if an appeal has been made, the appeal has been decided and it allows the Municipality to take the action or measures.
22. If the Order to Remedy a Contravention directs that a premise be put and maintained in a sanitary condition, the Municipality may close the premises and use reasonable force to remove occupants.
 23. If a structure is being removed or demolished by the Municipality pursuant to this by-law, the Municipality may use reasonable force to remove the occupants.
 24. The costs of actions or measures taken by the Municipality to carry out the terms of an order issued by a designated officer 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, costs of the work carried out shall be a lien upon the lot or parcel of land affected thereby, and such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under the *Municipal Act*.

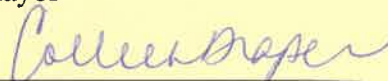
OFFENCES AND ENFORCEMENT

25. Where a corporation commits an offence 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 offence or offences, is likewise guilty of the offence and is liable to the penalties included in the penalty schedule attached to this bylaw and the Municipal Bylaw Enforcement Act Bylaw (19-18).
26. Where a corporation commits an offence under this by-law, any penalty assigned pursuant to Section 27 will be multiplied by one- and one-half times to a maximum fine amount of \$1,000.00.
27. Pursuant to the *Municipal Bylaw Enforcement Act* and the Municipalities corresponding Bylaw (19-18), offences covered by this Bylaw shall be enforced via administrative Penalty Notice. Attached as a schedule to this Bylaw is the designated offence wording for specific offences and the set fine amount.
28. Where the contravention of this by-law continues for more than one day, the person is guilty of a separate offence for each day it continues.
29. By-law 15-09 and any amendments made are hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Springfield, in Council duly assembled, in Oakbank, Manitoba, this 19th day of August, A.D. 2025.



Patrick Therrien
Mayor



Colleen Draper
Chief Administrative Officer

READ a First time this 15th day of July, A.D 2025.
READ a Second time this 19th day of, August, A.D 2025.
READ a Third time this 19th day of, August, A.D 2025.

**SCHEDULE 'A' to RM of Springfield BY-LAW No. 25-12 otherwise known as the
Unsightly Bylaw**

Paragraph Number	Designated Offence Wording	Fine Amount (Individual)	Fine Amount (Corporation)
5 (a)	Accumulate rubbish on property	\$100.00	\$150.00
5 (b)	Unsafe structure on property	\$250.00	\$375.00
5 (c)	Unsightly property	\$100.00	\$150.00
5 (d)	Storage of appliances on property	\$100.00	\$150.00
5 (e)	Nuisance weeds on property	\$100.00	\$150.00
5 (f)	Unsightly grass on property	\$100.00	\$150.00
8	Obstruct designated officer	\$500.00	\$750.00
15	Failing to comply with an Order to Remedy	\$500.00	\$750.00