

## **BY-LAW NO. 2769**

### **A BY-LAW OF THE RURAL MUNICIPALITY OF PORTAGE la PRAIRIE RESPECTING UNTIDY AND UNSIGHTLY PREMISES**

WHEREAS Section 313 of the Municipal Act provides as follows:

No person shall permit premises within 500 feet of a highway, and that are owned or occupied by him, to be unsightly by permitting to remain, on any part of the premises, any ashes, junk, rubbish, refuse, residue of production or construction, or abandoned machinery, other than automobiles, unless the premises are adequately concealed from the view of any person standing on the highway, by a fence, hedge, or other structure.

WHEREAS Section 345(c) of the Municipal Act provides as follows:

The Municipality may pass a By-Law prohibiting, restricting, controlling, and regulating the placing or depositing of dirt, manure, paper, filth, rubbish, or other refuse on any private or public property, including a highway;

AND WHEREAS the Council of the Rural Municipality of Portage la Prairie deems it necessary to pass a By-Law to control untidy and unsightly premises;

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF  
PORTAGE la PRAIRIE IN OPEN SESSION DULY ASSEMBLED ENACTS A BY-  
LAW AS FOLLOWS:

1. This By-Law may be cited as the UNTIDY AND UNSIGHTLY PREMISES BY-LAW.
2. In this By-Law:
  - (a) ``Person`` means owner, agent, lessee, or occupier of any land or premises within the Rural Municipality;
3. No person shall permit any land or premises to be untidy, unsightly, or in contravention of Section 313 of the Municipal Act.
4. Where Council is satisfied that a person is in breach of Paragraph 3, hereof, it may cause an order, as provided under S 314(2) of the Municipal Act and all amendments thereto, to be served on that person requiring the breach of Paragraph 3 to be remedied by a date set out in that order.

5. Where a person to whom a notice is sent under paragraph 4 refuses to comply with the order, or omits, fails or neglects to do so within the time set by the order, the Municipality may, by its employees or agents, enter upon the land or premises where the unsightly condition exists and take such measures as are necessary to remedy or correct the condition, and may charge the cost thereof against the land and collect it in the manner in which taxes are collected, or may sue for, and recover judgement for the amount of the costs in any court of competent jurisdiction.
6. The Municipality may direct:
  - (a) The owner of any private property on which there has been deposited anything set out in Section 345(c) of the Municipal Act; or
  - (b) The person who placed or deposited, or is responsible for the placing or depositing, of anything set out in Section 345(c) on private or public property,  
  
to remove it and, at his own expense, to place or deposit it in a disposal area, either in or outside the Municipality, designated by the Council.
7. The Municipality shall service a written notice under paragraph 6 on the owner or person involved at his address shown on the Municipal records. The notice shall instruct the owner or person what has to be removed from the property and it has to be removed within 30 days of the mailing date of the notice by the Municipality.
8. Where an owner or person served with an order under paragraph 7 refuses to comply with the order or omits, fails, or neglects to do so within the 30 day period, the Municipality may, by its employees or agents, enter on the land and remove what was ordered to be removed, and may charge the cost thereof against the land and collect it in the manner in which taxes are collected, or may sue for, and recover judgment for, the amount of the costs against the owner or occupant in any court of competent jurisdiction.

DONE AND PASSED as a By-Law of the Rural Municipality of Portage la Prairie by the Reeve and Council thereof in open session assembled this 23<sup>rd</sup> day of May, 1995.

[Original signed by James A. Knight]  
REEVE

[Original signed by Richard C. Locke]  
SECRETARY, TREASURER