

BY-LAW NO. S-3

A BY-LAW RESPECTING DANGEROUS OR UNSIGHTLY PREMISES

WHEREAS SECTION 190 OF THE MUNICIPALITIES ACT, CHAPTER M-22, RSNB, 1973, WITH AMENDMENTS THERETO, PROVIDES AS FOLLOWS:

- 190 (1) A municipality may by by-law provide that this section applies to such areas of the municipality as the by-law prescribes.
- 190 (2) No person
- a) shall permit property owned or occupied by him in an area or areas mentioned in any such by-law to be or to become dilapidated or deteriorated so as to be in a dangerous, unsightly or unhealthful condition, or
  - b) shall permit to be or to remain on such property owned or occupied by him in such area or areas mentioned in a by-law made under subsection (1) any ashes, junk, cleanings of yards, bodies or parts of automobiles or of other vehicles or machinery, rubbish or refuse, so as to cause such place to be dangerous, unsightly or unhealthful to all or any part of the public.
- 190 (3) Where such conditions arise or exist, whether it arose before or after the passing of this Act, or of a by-law made under it, an officer appointed by Council may serve notice on the owner or occupier requiring him to remedy the condition and specifying in such notice a full description of the property and what is required to be done and the time in which to do it.
- 190 (3.1) A copy of the notice to be served under subsection (3) may be registered in the registry office for the county in which the lands referred to in the notice are situated and upon such registration the notice
- a) binds the land, and
  - b) is deemed for the purposed of this section, to be a notice made to all subsequent owners or occupiers.
- 190 (3.2) A copy of the notice referred to in subsection (3.1) shall be received and registered by the registrar without acknowledgement or proof of the signature or official position of the officer who served the notice pursuant to subsection (3).
- 190 (4) Such notice may be served by being posted in a conspicuous place upon the property or by personal service upon the person named therein.

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- 190 (5) In event of the failure of the person so notified to comply with the requirements of such notice, any person authorized by the Council may enter upon the property without writ, warrant or other legal process and thereupon remedy the condition which the Council has required to be remedied.
- 190 (6) The cost of remedying the condition may be recovered by the municipality in an action for debt against the owner or occupier of the premises.
- 190 (7) A person who has been served with a notice under subsection (3) and who fails to comply with the terms thereof commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category E offence.

NOW THEREFORE BE IT ENACTED by the Council of the Village of Stanley as follows:

**1. Adoption**

Section 190 of the *Municipalities Act*, Chapter M-22, RSNB, 1973, with amendments thereto applies to the whole area within the Village limits of the Village of Stanley.

**2. Repeal Provision**

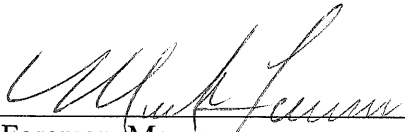
2.01 By-law No. 14, A By-law Of The Village of Stanley Respecting Dangerous Or Unsightly Premises, passed by Village Council on April 8, 1976, is hereby repealed.

2.02 The repeal of By-law No. 14, A Bylaw Of The Village of Stanley Respecting Dangerous or Unsightly Premises, of the Village of Stanley, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

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DULY PASSED AND ENACTED BY THE COUNCIL OF THE VILLAGE OF STANLEY ON

Oct. 16, 2003

  
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Mark Foreman, Mayor

  
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Lorna Pinnock, Town Clerk

Read for the first time on: Sept. 15/03  
Read for the second time on: Sept 15/03  
Read for the third time and enacted on: Oct. 16/03