

DANGEROUS OR UNSIGHTLY PREMISES

46.1 PURPOSE

- 1.1 Every property in the Municipality shall be maintained so that the property is not dangerous or unsightly. This policy defines the manner of action the Municipality will undertake where a property is alleged to be dangerous or unsightly.
- 1.2 Dangerous or unsightly is defined as in section 3 (r) of the Municipal Government Act of Nova Scotia.

46.2 DELEGATION

- 2.1 The Council delegates its authority to act where property is dangerous or unsightly to the Administrator, except the authority to order demolition.

46.3 REPORT OF DANGEROUS OR UNSIGHTLY PROPERTY

- 3.1 A complaint of a dangerous or unsightly property can be made by a resident or rate payer of the Municipality or the Administrator (the "complainant"). The complaint may be accompanied by the name of the complainant, or it can be noted as received anonymously. Each complaint will be recorded on a form for this purpose and, with fourteen (14) days, will be followed by a site inspection and an initial site inspection report, conducted and prepared by the Administrator.
- 3.2 The Administrator will only disclose the name of a complainant in accordance with the *Nova Scotia Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5*.

46.4 INITIAL SITE INSPECTION REPORT

- 4.1 In the preparation of the initial site inspection report, the Administrator will determine whether the property is dangerous or unsightly.
- 4.2 The Administrator may take photographs and video recordings of the property as necessary to document its condition.
- 4.3 If the Administrator determines that the property is not dangerous or unsightly, no action will be taken, and the complainant shall be advised accordingly.
- 4.4 If the Administrator determines that the property is unsafe, the Administrator may make an order to vacate the property and immediately notify the CAO.
- 4.5 If the Administrator determines that a dangerous or unsightly condition requires immediate action in order to protect public safety, the Administrator may immediately take action to prevent damage or remove the dangerous structure or condition and immediately notify the CAO.

- 4.6 If the Administrator determines that the property is dangerous or unsightly but there is no need for immediate action, the Administrator shall so advise the property owner by registered mail or by personal service of what is required to remedy the dangerous or unsightly condition within thirty days of the date the letter was registered, or within such other reasonable time as determined by the Administrator.
- 4.7 If the Administrator determines that the property is dangerous or unsightly, the complainant shall be advised of the action taken to remedy the condition.
- 4.8 A monthly summary of all reports made, and actions taken by the Administrator with respect to dangerous or unsightly property will be submitted to the CAO by the Administrator.
- 4.9 A repeat offender is the owner of a property for which the Municipality has received a valid second complaint within 365 days of the previous valid complaint.

46.5 ORDER

- 5.1 In the event that a dangerous or unsightly condition is not remedied in accordance with a notice given pursuant to section 4.6 herein, the Administrator may issue an Order requiring the owner to remedy the condition, or in the event of a repeat offender, the Administrator may order immediate remedy, except ordering demolition as a remedy. The order shall be posted in a conspicuous place on the property and a copy shall be sent to the owner by Registered Mail. In the event that the owner does not receive the Registered Mail, the owner may be personally served or served by substituted service.
- 5.2 An order made by the Administrator may be appealed to the Council within seven days after the Order is made.

46.6 DEMOLITION

- 6.1 In the event that the Administrator determines that the property is dangerous or unsightly and is of the opinion that to remedy the condition demolition is necessary, the owner shall be given not less than seven days notice of the day, time and place of the Council meeting at which the making of such order will be considered. No further notice will be given to the owner.
- 6.2 If the Council consider demolition necessary to remedy the property, they will issue an Order to the owner of the property with directions to demolish. The Order shall be posted in a conspicuous place on the property and a copy shall be sent to the owner by Registered Mail. In the event that the owner does not receive the Registered Mail, the owner shall be personally served with the Order.

46.7 COURT ORDER

- 7.1 Notwithstanding sections 4, 5, and 6 herein, the Municipality may also apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and for an order specifying the work required to be done to remedy the condition.

46.8 ENFORCEMENT

- 8.1 Where an owner fails to comply with an Order made pursuant to Section 5 or 6 herein thirty days after being served, the Administrator may enter upon the property without warrant or other legal process in order to carry out the work specified in the Order without further notice to the owner.
- 8.2 Where the Administrator intends to carry out the work specified in an Order, the Administrator shall obtain an estimate of cost involved and the Administrator shall obtain the approval of the Council before carrying out the work.
- 8.3 All costs associated with carrying out the work under Section 8.1 shall form a lien against the subject property pursuant to Section 507 of the *Municipal Government Act*.

46.9 CHARGES

- 9.1 Where the owner fails to comply with an Order made pursuant to Section 5 or 6 herein within the specified time, the owner may be charged pursuant to the powers granted under the *Municipal Government Act*.

THIS IS TO CERTIFY that the Council of the Municipality of the District of Shelburne duly passes the policy respecting Dangerous or Unsightly Premises on the 9th day of December, 2019.

SIGNED this 9th day of December, 2019



WARDEN- Penny Smith



CHIEF ADMINISTRATIVE OFFICER- Trudy Payne

Approved by Council: December 9, 2019

Effective Date: December 9, 2019

