

TOWN OF INUVIK
BY-LAW # 2442/P+D/08

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO REGULATE THE DEMOLITION, REMOVAL OR ALTERATION OF ABANDONED AND DERELICT BUILDINGS OR STRUCTURES, VEGETATION OR WASTE WITHIN THE TOWN OF INUVIK

WHEREAS the Municipal Corporation of the Town of Inuvik has the authority to regulate the demolition, removal or alteration of derelict buildings or structures, vegetation or waste in the Town of Inuvik, pursuant to the Cities, Towns and Villages Act, R.S.N.W.T., 2003, c. C-22, section 70 and subsequent amendments thereto, which states:

70. ...council may, make bylaws for municipal purposes respecting:
- (a) the safety, health and welfare of people and the protection of people and property;
 - (c) public nuisances, including unsightly property

NOW THEREFORE, the Council of the Town of Inuvik, in a duly assembled meeting, enacts as follows:

SHORT TITLE

- 1.0 This by-law may be cited as the **“Abandoned and Derelict Building By-law”**.

DEFINITIONS

- 2.0 In this by-law, the following terms shall have the following meanings:
- a) “Abandoned” means any building or structure that is unoccupied or unused.
 - b) “By-law Officer” means the appointed By-law officer for the Town, and his or her designate;
 - c) “Derelict Building or Structure” means any building or structure that is in such condition, by reason of want of repair, environmental damage, age or dilapidated condition, as to pose a danger to public safety, health or welfare, or is a fire hazard;
 - d) “Property Owner” is the holder of a certificate of title to a property, as registered with the Land Titles Office;
 - e) “Senior Administrative Officer” means the appointed Senior Administrative Officer for the Village, and his or her designate;
 - f) “Structure” means any building, plant machinery, equipment, storage tank, place or fixture of any kind, erected or placed on, in, over or under any area of land or water within the municipal boundaries of the Town of Inuvik;
 - g) “Vegetation” means any plant that is susceptible to combustion.
 - h) “Town” means the Municipal Corporation of the Town of Inuvik;
 - i) “Waste” means a combustible or explosive material that is not properly stored;

3.0 **GENERAL**

- a) No property owner shall allow an abandoned derelict building or structure, vegetation or waste to remain on their property that is a danger to the public health, safety or welfare or is a fire hazard.
- b) The Senior Administrative Officer or the By-law Officer are hereby authorised to provide notice to a Property Owner where there is an Abandoned and Derelict Building or Structure, Vegetation or Waste that is a danger to the public health, safety or welfare or is a fire hazard that the Derelict Building or Structure, Vegetation or Waste be demolished, removed or altered by the property owner so as to eliminate the danger or fire hazard.
- c) Notice given in accordance with this By-law shall contain a definite time period during which a Property Owner shall have the opportunity to correct the situation which gave rise to the Notice.

4.0 NOTIFICATION AND APPEAL PROCEDURE

- a) Notice under this By-law must be served personally on a Property Owner unless the actual address of that person is not known;
- b) Where the actual address of a Property Owner is not known, Notice under this By-law may be served by publishing a summary of the contents of the Notice once per week for two consecutive weeks in a newspaper having general circulation in the Town of Inuvik or the Northwest Territories;
- c) Notice must be served on the property owner at least three days before the date of the hearing;
- d) In the case of an Abandoned and Derelict Building or Structure owned by someone other than the property owner, service of the Notice on the Property Owner shall be deemed to be good and sufficient service of the Notice on any affected person, including the actual owner of the Abandoned and Derelict Building or Structure;
- e) Notice under this By-law must set out the time and place of the Council Hearing described below;
- f) Notice under this By-law must advise a Property Owner of the purpose of the Council Hearing, described below, and must further advise a Property Owner of the right of that person or company to attend the Council Hearing and make representations

5.0 POWERS OF COUNCIL

- a) Where a Property Owner fails to correct a situation as required by paragraph 2.b) or 3.b) of this By-law, Council may, after a Council Hearing, take any step Council may deem necessary to demolish, remove or alter the Abandoned and Derelict Building or Structure, Vegetation, Waste in question;
- b) Before Council takes any step under paragraph 5.a) of this By-law, Council shall hold a Council Hearing and shall allow a Property Owner, or the representative of a Property Owner to attend and be heard;
- c) The Council Hearing must be conducted by Council and must be open to the public;
- d) During the Council Hearing, Council may allow any person to be heard that Council deems is or may be affected by the Abandoned and Derelict Building or Structure, Vegetation, or Waste;

- e) Council shall make a written decision after every Council Hearing and shall make same available to a Property Owner or a representative of a Property Owner.

6.0 IMMINENT DANGER TO PUBLIC HEALTH OR SAFETY

Where the Council, the Senior Administrative Officer or the By-law Officer is of the opinion that there is an imminent danger to public health or safety caused by an Abandoned and Derelict Building or Structure, Vegetation, or Waste, Council, the Senior Administrative Officer or the By-law Officer may:

- a) reduce the period of Notice required by paragraph 4.c) of this By-law; or
- b) take any action deemed necessary to reduce or eliminate the imminent danger to public health or safety, without providing Notice or holding a Council Hearing as required by this By-law.

7.0 APPEAL OF DECISION

- a) An appeal may be taken from the decision of Council under section 5 of this By-law or by a decision under paragraph 6 of this By-law, to a judge of the Supreme Court of the Northwest Territories.
- b) The appeal must be made not later than thirty (30) days after the decision appealed from.
- c) No action shall be taken by the Senior Administrative Officer or the By-Law Officer, except in accordance with paragraph 6, until the period for taking an appeal has expired or any appeal taken has been decided, dismissed or otherwise dealt with by the Supreme Court of the Northwest Territories.

8.0 RECOVERY OF COSTS

- a) Where a Property Owner does not take steps under paragraph 2.b) or 3.b) of this By-law, any action taken or caused to be taken by Council shall be taken at the expense of the Property Owner; and
- b) Any expense incurred by the Town under this section is a debt owed to the Town and may be recovered from the Property Owner in default by charging it against the property in respect of which the expense was incurred in the same manner as arrears of property taxes under the *Property Assessment and Taxation Act*.

9.0 EFFECT

This bylaw takes effect on Third and Final Reading.

10.0 SEVERABILITY

If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

11.0 CONFLICT WITH ANY OTHER BY-LAW

In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.


READ A FIRST TIME THIS 13 DAY OF February 2008

READ A SECOND TIME THIS 27th DAY OF February 2008.

READ A THIRD TIME THIS 12 DAY OF MARCH, 2008.



Senior Administrative Officer



Mayor