

**TOWN OF INUVIK
BY-LAW #2655/PS/20**

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

PURSUANT TO the *Cities, Towns and Villages Act* of the Northwest Territories, S.N.W.T. 2003, c. 22 as amended;

WHEREAS the Municipal Corporation of the Town of Inuvik has the authority to make by-laws respecting the safety, health and welfare, and the protection of people and property;

AND WHEREAS the Municipal Corporation of the Town of Inuvik deems it appropriate to require the owner of a property to safeguard, secure and protect vacant or derelict buildings from property damage including damage from fire, unauthorized entry or unauthorized occupation;

AND WHEREAS the *Cities, Towns and Villages Act* authorizes officers, upon serving notice to the owner or occupier of the land or structure affected, to enter at all reasonable times and carry out the inspection, remedy, enforcement or action authorized or required by by-law;

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

1.0 SHORT TITLE

1.1 This by-law may be cited as the “**Vacant and Derelict Property By-law**”.

2.0 DEFINITIONS

2.1 In this by-law, the following terms shall have the following meanings:

- 1) “**Derelict Property**” means any building, structure or improvement 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.
- 2) “**Owner**” means the person named on a certificate of title registered with the Northwest Territories Land Titles Office or, if that person is deceased, their estate.
- 3) “**Peace Officer**” means any By-law Enforcement Officer of the Town of Inuvik, or any RCMP officer.
- 4) “**Property**” means all real property including but not limited to buildings, structures, mobile buildings, shacks, and improvements located on real property.
- 5) “**Right of Access**” means the right of a Peace Officer to enter property with and without consent of the property’s owner or occupier to inspect to determine whether to issue a Clean-up Order, or to allow work forces access to the property for the purposes of enforcing a Clean-up Order.
- 6) “**Senior Administrative Officer**” means the Senior Administrative Officer of the Municipal Corporation of the Town of Inuvik, or their designate.
- 7) “**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.
- 8) “**Town**” means the Municipal Corporation of the Town of Inuvik.
- 9) “**Vacant Property**” means any building, structure or improvement which has remained vacant or unused by the owner or any tenant lawfully entitled to occupy the building, structure or improvement.
- 10) “**Vegetation**” means any plant that is susceptible to combustion.

- 11) **“Waste”** means a combustible or explosive material that is not properly stored.

3.0 DUTY OF OWNER

- 3.1 Every property owner shall ensure that if any of the following are visible to a neighbour or from a highway or public space, that they are maintained in good repair:
- (a) fences and their structural members;
 - (b) structures and their structural members including:
 - (i) foundations and foundation walls;
 - (ii) exterior walls and their components;
 - (iii) roofs;
 - (iv) windows and window casings;
 - (v) doors and door frames;
 - (c) protective or decorative finishes of all exterior surfaces of a structure or fence; and,
 - (d) exterior stairs, landings, porches, balconies, and decks.
- 3.2 A property owner shall notify the Town prior to leaving their property vacant for 180 days or longer. The Town will advise the property owner of all requirements that must be fulfilled in order to leave the property safely vacant.
- 3.3 No property owner shall allow a vacant or derelict building, structure, improvement, vegetation, or waste to remain on their property that is a danger to public health, safety or welfare, or is a fire hazard.
- 3.4 A property owner shall maintain steps, walkways, driveways, parking spaces and similar areas to allow safe passage of emergency services under normal use and weather conditions.
- 3.5 A property owner shall ensure that their property has been secured against unauthorized entry or occupation, vandalism, other damage, or fire hazard by one or more of the following methods, and by obtaining a Development Permit from the Town if necessary, to:
- (a) installing fencing or other perimeter barriers;
 - (b) securing windows and entrances using materials and installation methods to effectively stop entry. All doors, window openings or other openings must be securely closed or may be covered by a solid piece of wood, provided the wood is:
 - (i) installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - (ii) of a thickness sufficient to prevent unauthorized entry into the building; and,
 - (iii) secured in a manner sufficient to prevent unauthorized entry into the building;
 - (c) installing other security measures that may be satisfactory to the Town including exterior lighting; or,
 - (d) demolishing the building, structure or improvement and disposing of all demolition debris pursuant to all applicable by-laws.

4.0 INSPECTION

4.1 If a Peace Officer has reason to believe that any property has become vacant or is in a derelict state, they may exercise a right of access to the property with and without consent of the property's owner or occupier in order to inspect the property to determine whether it contravenes the provisions of this by-law.

5.0 NOTICE TO PROPERTY OWNER

5.1 If a Peace Officer considers any property to be vacant or in a derelict state, they may issue a notice to the owner and any other persons having an interest in the property as shown by the records at the Land Titles Office by one of the following methods:

- (a) by being delivered personally to the person who is intended to be served; or
- (b) where personal service cannot be made because the address of the person is not known, service may be effected by publishing a summary of the contents of the notice twice in a newspaper having general circulation in the municipality or in the Northwest Territories.

5.2 If the Peace Officer has reason to believe a vacant or derelict property is occupied by someone other than the property owner, the occupant of the property shall be served in accordance with section 5.1 of this by-law.

5.3 Each notice shall:

- (a) describe the property by name, if any, and the municipal civic address and legal description or a plan showing the location of the property;
- (b) state that the property contravenes the provisions of this by-law;
- (c) give reasonable particulars of the extent of the vacant or derelict state;
- (d) order that any action or measure necessary to remedy the contravention be taken;
- (e) state a time within which the person must comply with the order, which shall not exceed 60 days;
- (f) state that if the required actions are not completed within the time specified in the notice, the Town may carry out the required actions to secure the property including, where the structure has been identified as dangerous to public safety or property, removal or destruction of the property in question, and to charge the cost thereof against the property owner; and
- (g) advise of the appeal process to Council.

5.4 For greater certainty, a notice made under section 5.1 may require the person to whom it is to take any steps necessary to remedy the contravention of this by-law, including but not limited to:

- (a) removing any material causing or contributing to the unsafe nature of the property;
- (b) securing any buildings on the property as directed in the notice; and
- (c) placing in waste receptacles any material causing or contributing to the derelict nature of the property.

5.5 A Peace Officer may, in writing, extend the time for doing anything which is required to be done by the terms of the notice.

6.0 FAILURE TO COMPLY WITH NOTICE

6.1 If the property owner fails to comply with the notice received from the Town within the time stated on the notice, the Town or its contractors, employees or agents may enter onto the property and perform the required work to secure or remove the property in accordance with this by-law and may issue a fine to the owner as per Schedule C.

7.0 NOTICE OF APPEAL PROCEDURE AND COUNCIL HEARING

7.1 Within 14 days of receiving a notice under section 5, a property owner or other person may appeal the notice to Council by submitting a written appeal request to the Senior Administrative Officer.

7.2 Each written appeal request shall:

- (a) state with reasonable exactness the grounds of appeal;
- (b) state the name, address and interest of the appellant in the property; and,
- (c) be dated and signed by the appellant or on their behalf by their agent; if signed by an agent, it shall state the name and address of the agent.

7.3 Upon receiving a written appeal request, the Senior Administrative Officer shall set a date for the appeal hearing which shall be held within 20 business days of the receipt of the written appeal request.

7.4 In cases where a written appeal request has been received, the effect of the notice is stayed.

7.5 During the hearing, Council may allow any person to be heard that Council considers is or may be affected by the vacant and derelict property, vegetation, or waste.

7.6 Council shall consider each appeal having regard to the circumstances and merits of the case and applicable provisions of this by-law. When hearing an appeal, Council shall:

- (a) not be bound by the technical rules of evidence; and,
- (b) afford to every person concerned the opportunity to be heard, to submit evidence and to hear the evidence of others.

7.7 Council may, after hearing the appeal:

- (a) confirm, vary or revoke the notice or may substitute its decision in place of the notice that was issued;
- (b) extend the timeframe within which anything required to be done by the notice order is to be performed; or,
- (c) direct anything to be done that a Peace Officer can direct to be done either in addition to or in substitution for the direction in the notice appealed from.

Council shall serve a copy of its decision on the person who requested the appeal within 14 days of making the decision.

8.0 APPEAL OF COUNCIL DECISION

8.1 An appeal may be taken from the decision of Council to a judge of the Supreme Court of the Northwest Territories pursuant to the *Cities, Towns and Villages Act*.

8.2 The appeal must be made not later than 30 days after the decision appealed from.

8.3 No action shall be taken by the Town, except in accordance with section 9 of this by-law, 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.

9.0 IMMINENT DANGER TO PUBLIC HEALTH OR SAFETY

9.1 Notwithstanding any other provision of this by-law, where Council or the Town is of the opinion that there is imminent and serious danger to public health or safety caused by a vacant and derelict property, vegetation, or waste, Council or the Town may:

- (a) reduce the period of notice required under this by-law; and
- (b) take any action the Senior Administrative Officer considers necessary to reduce or eliminate the imminent and serious danger to public health or safety, without providing notice.

10.0 RECOVERY OF COSTS

10.1 Where a property owner does not take steps specified under this by-law, any action taken or caused to be taken by the Town shall be taken at the expense of the property owner.

10.2 The property owner shall immediately reimburse the Town upon receipt of an invoice for any expenses incurred by the Town as a result of work performed under this by-law. Any amounts remaining unpaid as of December 31 in any year shall be added to the property taxes for property and collected in the same manner as property taxes under the *Property Assessment and Taxation Act*.

11.0 OBSTRUCTION

11.1 No Person shall obstruct, hinder, or impede a Peace Officer in the exercise of any of their powers or duties under this by-law.

12.0 OFFENCES

12.1 Every person who contravenes any provision of this by-law is guilty of an offence and is liable upon Summary Conviction (if a fine is not otherwise specified in Schedule A attached to and forming part of this by-law) to:

- (a) for the first and each subsequent offence:
 - i) for a person, to a fine not exceeding two thousand dollars (\$2,000.00), or to imprisonment for a term not exceeding six (6) months, or to both;
 - ii) for a corporation, to a fine not exceeding ten thousand dollars (\$10,000.00), or to imprisonment for a term not exceeding six (6) months, or to both.

12.2 In addition to any fine that may be levied, the court, subject to its jurisdiction, may order a person convicted of an offence under this by-law:

- i) to pay any fee or charge that may otherwise be payable by the person to the Town in respect of any licence or permit that should have been obtained by the person; and,
- ii) to do or refrain from doing any activity that the court may specify.

12.3 If any responsible person as defined herein is liable for payment to the Town for the collection, removal or disposal of any garbage, collectible refuse, ashes or other waste material and shall default in such payment, the amount in arrears and costs shall become a charge against the property in respect of which the service was performed, whether or not the responsible person is the owner of the premises, collectible against the owner thereof in the same manner as taxes levied by the Town.

12.4 A Peace Officer may issue a Summary Offence Ticket in the form prescribed by the *Summary Convictions Procedures Act* to any person who contravenes any provision of this by-law, and such person may, in lieu of prosecution, pay the Town of Inuvik the specified penalty for the offence as listed in Schedule A attached to and forming part of this by-law, prior to the court date specified on the ticket.

13.0 SEVERABILITY

13.1 If any provision or part of a provision of this by-law is declared by a 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.

14.0 REPEALS

14.1 By-law 2442/PS/08 as amended and any previous vacant, abandoned, and derelict property by-laws previously in effect are hereby repealed.

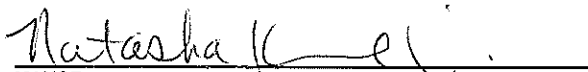
15.0 EFFECT


15.1 This by-law shall come into effect upon the day of its final passage.

READ A FIRST TIME THIS 30TH DAY OF SEPTEMBER, 2020 A.D.

READ A SECOND TIME THIS 27TH DAY OF JANUARY, 2021 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF JULY, 2021 A.D.


MAYOR


SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Town of Inuvik.


SENIOR ADMINISTRATIVE OFFICER

SCHEDULE A

SPECIFIED PENALTIES

SECTION	OFFENCE	PENALTY		
		1 st Offence	2 nd Offence	3 rd Offence
3.1	Structure not in good repair	\$250.00	\$500.00	\$1,000.00
3.3	Allowing a property to become derelict	\$250.00	\$500.00	\$1,000.00
3.4	Fail to maintain safe access for emergency services	\$500.00	\$1,000.00	\$2,000.00
3.5	Fail to secure vacant or derelict premises	\$250.00	\$500.00	\$1,000.00
6.1	Failure to comply with a notice	\$500.00	\$1,000.00	\$2,000.00
9.1	Improperly stored hazardous materials on property	\$500.00	\$1,000.00	\$2,000.00
11.1	Obstructing a Peace Officer	\$250.00	\$500.00	\$1,000.00