

**THE CORPORATION OF THE VILLAGE OF MIDWAY
BYLAW NO. 390, 2007**

A Bylaw to establish required standards for the maintenance of real property and to prohibit unsightly premises.

Whereas Section 8(3) of the Community Charter empowers Council to enact regulations governing protection and enhancement of the well-being of its community.

Now Therefore, the Municipal Council of the Corporation of the Village of Midway in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the “Property Maintenance Bylaw No. 390, 2007.
2. In this Bylaw:

“**Bylaw Enforcement Officer**” means the Chief Administrative Officer, Public Works Foreman or any other person designated by Council, for the Village of Midway.

“**Council**” means the Council of the Corporation of the Village of Midway.

“**Occupier**” has the meaning as outlined in the Community Charter

“**Owner**” has the meaning as outlined in the Community Charter.

“**Municipality**” means the Corporation of the Village of Midway.

“**Noxious Weeds**” means any weed so designated by the Provincial Weed Control Act.

“**Unsightly**” includes, but is not limited to:

- (a) an outdoor accumulation of building materials on any property other than premises identified in a business licence for building materials sales or storage, or premises where construction is in progress, pursuant to a valid building permit or regular repair and maintenance:

- (b) an accumulation of motor vehicle parts or all or part of any motor vehicle which is not:
 - (i) registered and licenced in accordance with the Motor Vehicle Act; or
 - (ii) capable of movement under its own power; or
 - (iii) situated on property identified in a business licence for storage or sales of motor vehicles or motor vehicle parts; or
 - (iv) stored in a building or structure lawfully erected or used as an enclosure such that the vehicle parts or all or part of any vehicle is not visible from another property or a public place.

 - (c) any accumulation of filth, discarded materials or rubbish of any kind, including but not limited to ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags and appliances.
3. No owner or occupier of real property shall allow that property to become or remain unsightly.
 4. No person shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate on their premises.
 5. No person shall deposit or throw bottles, broken glass or other rubbish in any open space.
 6. No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.
 7. Every owner and occupier of real property shall eliminate or reduce the emission of dust from that property into the atmosphere such that no airborne dust travels beyond any boundary of the property. Without limiting the generality of this section, during excavation or construction on property, dust shall be controlled by the application of water or other dust control agents. Property governed by the Right to Farm Legislation, where appropriate farm practices are being followed, is exempt from this section.

8. Every owner and every occupier of real property shall:
 - (a) remove from the property every unsightly accumulation of filth, discarded materials, rubbish or graffiti;
 - (b) clear the property of brush, noxious weeds, wild grass and other untended growths;
 - (c) prevent infestation of caterpillars and other noxious or destructive insects and shall clear the property of such caterpillars and insects.
9. Where any person fails to comply with Section 8 of this bylaw, the Bylaw Enforcement Officer may give written notice to that person to comply within twenty-one (21) days of delivery of the notice, and in the event of failure to comply with the notice the municipality may by its employees or contractors, at reasonable times and in a reasonable manner, enter the property and effect the removal of the offending materials, growths or infestations at the expense of the person who has failed to comply.
10. The cost of effecting removal pursuant to Section 9 of this bylaw shall be due and payable by the person in default immediately upon removal, and if such costs remain unpaid on December 31st, in the year the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes arrear.
11. Any Bylaw Enforcement Officer may at all reasonable times enter on property to ascertain whether the regulations and directions of this bylaw are being observed.
12. If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.
13. Any person who violates any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by this bylaw, is guilty of an offence and on summary conviction therefore shall be liable to a fine not exceeding two hundred and fifty (\$250.00) dollars, and the cost of the prosecution and every day during which there is an infraction of this bylaw, shall constitute a separate offence.

14. The "Unsightly Premises Bylaw No. 295, 1998" is hereby repealed.

READ a first time by Council this 19th day of November, 2007.

READ a second time by Council this 19th day of November, 2007.

READ a third time by Council this 19th day of November, 2007.

ADOPTED by Council this 3rd day of December, 2007.

MAYOR
OFFICER

CHIEF ADMINISTRATIVE

I hereby certify this to be a true and correct copy
of "Property Maintenance Bylaw No. 390 , 2007."
As adopted by Municipal Council of the Corporation
of the Village of Midway on the day of September, 2007

CHIEF ADMINISTRATIVE OFFICER