

**REPEALED BY THE UNSIGHTLY PREMISES BY-LAW NO. 8151/2002
DECEMBER 11, 2002**

CONSOLIDATION UPDATE: SEPTEMBER 20, 2000

THE CITY OF WINNIPEG

BY-LAW NO. 762/74

A By-Law to regulate untidy and unsightly premises and to prevent and compel the abatement of nuisances generally.

WHEREAS subsection 418(1) of *The City of Winnipeg Act* provides:
amended 6595/95

"418(1) *The council may by pass by-laws*

(a) *prohibiting nuisances and requiring nuisances to be abated,
and for the purpose of prohibiting, regulating and remedying
untidy and unsightly premises;"*
amended 6595/95

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. In this By-law

"Director" includes the Director of Community Services or the Director of Planning, Property and Development or any person authorized by either of the said Directors to exercise some or all of the powers vested in the said Directors by this By-law.
added 7693/2000

"Person" means owner, agent, lessee or occupier of any land or premises within the City;
amended 6595/95

"Untidy" means premises that are in a disorderly, slovenly, or littered condition or are not kept in generally good order;
amended 2123/78, 6595/95

"Unsightly" means premises that are unpleasant to look at or are aesthetically objectionable.
amended 6595/95

2. No person shall:

- (1) Permit the land or premises of which such person is the owner, agent, lessee or occupier, to be or to remain untidy or unsightly;
- (2) Permit the land or premises of which such person is the owner, agent, lessee or occupier to be or to remain a nuisance;
- (3) Permit any building, structure or erection of any kind whatsoever, or any excavation, depression, drain, ditch, watercourse, pond, surface water, refuse or other matter or thing upon any private land, street or road, or in or about any building or structure of which such person is the owner, agent, lessee or occupier, to be or remain untidy or unsightly or to be or to remain a nuisance and dangerous to public safety or health.

3. (1) If the Director, upon due examination of the land and premises, is satisfied that the land and premises are untidy or unsightly or constitute a nuisance, he may issue a notice, addressed to the owner, agent, lessee or occupier of the land and premises requiring the land and premises to be put into a condition satisfactory to the Director within a certain period of time.

amended 5662/91; 7693/2000

- (2) Any person receiving such notice may appeal same within fourteen (14) days of receiving the notice from the Director to the Standing Policy Committee on Property and Development of the City by writing to the Secretary of the Committee.

amended 5662/91; 7693/2000

- (3) The Standing Policy Committee on Property and Development shall then hear the appeal and make such order varying, cancelling, revoking or confirming the notice of the Director as it deems proper and the order of the Committee shall be final and binding.

amended 5662/9; 7693/2000

4. (1) If the person receiving the notice does not comply with the notice within the period of time set by the Director and has not indicated his intention in writing to appeal within the period of time set out in subsection (2) of section 3 or upon an appeal hearing being held does not comply with the order of the Committee, the Director may cause the lands and premises to be put into a condition satisfactory to him or into the condition ordered by the Committee.

amended 5662/91; 7693/2000

- (2) The cost of the work carried out under subsection (1) may be recovered by the City by summary process of law, and shall be a lien upon the lot or parcel of land affected thereby and the cost when certified by the Director may be added to the taxes on the land or buildings and be collected in the same manner as the ordinary municipal rates of the City.

amended 5662/91; 7693/2000

5. Any person who fails to comply with the notice of the Director or, after appeal, fails to comply with an order of the Standing Policy Committee on Property and Development, or who contravenes or fails to comply with the provisions of this By-law is guilty of an offense and is liable, on summary conviction,

amended 5662/91; 7693/2000

- (1) if an individual, to a fine not exceeding One Thousand Dollars (\$1,000.00), to imprisonment for a term not exceeding six (6) months, or to both fine and imprisonment;
- (2) if a corporation, to a fine not exceeding Five Thousand Dollars (\$5,000.00).
- (3) In addition to section 5 (1) and 5 (2) aforesaid, any person or corporation may be required to observe or perform such terms and conditions as a Judge may impose.

added 3474/83

6. Whenever the Standing Policy Committee on Property and Development directs a person, whether he is an owner, agent, lessee or occupier, to do any matter or thing, then in default of its being done by that person, whether he is the owner, agent, lessee or occupier, or any or all of them, such person shall be liable to prosecution, and it shall be no defence for any owner, agent, lessee or occupier so prosecuted to allege that any other person is responsible for such default.

amended 5662/91; 7693/2000

7. Subject to section 155(1) of *The City of Winnipeg Act*, the Director is hereby authorized to enter any lands or premises to inspect for conditions that may be untidy or unsightly or constitute a nuisance or contravene or fail to comply with the provisions of this By-law.

amended 5662/91; 7693/2000

DONE AND PASSED in Council assembled, this 12th day of September, 1974.