

VILLAGE OF SUSSEX CORNER
BY-LAW #137-20
A BY-LAW RESPECTING
DANGEROUS OR UNSIGHTLY PREMISES

The Council of the Municipality of the Village of Sussex Corner, under authority vested in it by Section 10 (1) of the Local Governance Act, Part 13 and amendments thereto enacts as follows:

1. TITLE

This by-law is titled as the Dangerous or Unsightly Premises By-law.

2. DEFINITIONS

In this by-law,

2.1 “**inspector**” means **Works Supervisor** or a person appointed by Council;

2.2 “**council**” means the Council of the Village of Sussex Corner;

2.3 “**municipality**” means the Village of Sussex Corner;

2.4 “**dwelling**” means a building any part of which is used or is intended to be used for the purposes of human habitation;

2.5 “**dwelling unit**” means one or more rooms located within a dwelling and used or intended to be used for human habitation.

3. GENERAL (Removal of section 190-190.07 and replaced with sections 130 – 143 of the Local Governance Act)

Sections 130 to Section 143 of the Local Governance Act applies to the entire area within the Village limits of Sussex Corner.

131(1) No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises

- (a) any ashes, junk, rubbish, or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) a derelict vehicle, equipment or machinery or the body or any part

of a vehicle, equipment or machinery, or

(d) a dilapidated building.

131(2) No person shall permit a building or other structure owned or occupied by him or her to become a hazard to the safety of the public by reason of being vacant or unoccupied.

131(3) No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

131(4) A person who violates or fails to comply with subsection (2) or (3) commits an offence that is, subject to subsection (5) and (6) punished under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

131(5) Notwithstanding subsection 56(6) of the *Provincial Offences Procedure Act*, if a person who is leasing a dwelling or dwelling unit to another person commits an offence under subsection (4) in relation to the dwelling or dwelling unit, the minimum fine that may be imposed by a judge under that Act in respect of the offence shall be one thousand dollars (\$1000.00).

131(6) If an offence under subsection (4) continues for more than one day.

(a) if the offence was committed in relation to a dwelling or dwelling unit by a person who is leasing the dwelling or dwelling unit to another person,

(i) the minimum fine that may be imposed is the sum of

(1) one thousand dollars, and

(2) the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues after the first day, and

(ii) the maximum fine that may be imposed is the maximum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues, and

(b) in any other case,

(i) the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during

which the offence continues, and

- (ii) the maximum fine that may be imposed is the maximum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues.

4. INSPECTOR

The Inspector is hereby designated as the officer responsible for the administration and enforcement of this by-law.

5. FORM

The notice form under this by-law will be the Local Governance Act, Part 13 #132(2) FORM 4 – Notice to Comply – Dangerous or Unsightly Premises.

6. VALIDITY

The invalidity of any section, subsection, clause, sentence or provision of this by-law shall not affect the validity of any other section, subsection, clause, sentence or provision of this by-law which can be given effect without such parts.

7. BY-LAW REPEALED

7.1 The repeal of this By-law Respecting Dangerous or Unsightly Premises in the Village of Sussex Corner shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any manner or thing whatever completed, existing or pending at the time of repeal.

7.2. Upon enactment of this by-law, the following by-law(s) and any amendments thereto shall be repealed:

By-law # 102-08 A by-law respecting Dangerous or Unsightly Premises

READ A FIRST TIME:

November 17, 2020

READ A SECOND TIME:

November 17, 2020

READ A THIRD TIME AND ENACTED:

CLERK

MAYOR