

**TOWN OF SWAN RIVER**

**BY-LAW NO. 01/2024**

Being a by-law of The Town of Swan River to set structure standards for the Town of Swan River.

---

WHEREAS The Municipal Act reads in part as follows:

- 232(1) A council may pass by-laws for municipal purposes respecting the following matters:
- (c) subject to section 233, activities or things in or on private property;
  - (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;
  - (o) the enforcement of by-laws.
- 232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division...
- (a) regulate or prohibit;
  - (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;
  - (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
  - (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;
- 233 A by-law under clause 231(1)(c) (activities or things in or on private property) may contain provisions only in respect of
- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
  - (d) activities or things that in the opinion of council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

- 236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions
- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
  - (b) remedying contraventions of by-laws, including
    - (i) creating offences,
    - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge, or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,
    - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
- 239(1) If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,
- (a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
  - (c) make copies of anything related to the inspection, remedy, enforcement or action.
- 239(3) In an emergency, or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things referred to in clauses (1)(a) and (c) without the consent of the owner or occupant.

AND WHEREAS it is deemed expedient to pass a by-law for the purpose of setting a standard for the exterior of all structures to regulate and abate unsightly structures that are detrimental to the health, safety and comfort of the residents of the Town of Swan River;

NOW THEREFORE the Council of the Town of Swan River, in Council assembled, enact the following policies and procedures which shall govern the inspection, remedy, enforcement or action respecting such structures in the Town of Swan River.



## Definitions

1) In this bylaw,

- a) **“Council”** means the Council duly elected in the Municipality;
- b) **“Designated Officer”** means a building inspector or other official appointed by Council, from time to time, to enforce this by-law, or, in the absence of such an appointment, the Chief Administrative Officer;
- c) **“Dwelling”** means a building, any part of which is used or is intended to be used for the purposes of human habitation;
- d) **“Municipality”** means the Town of Swan River;
- e) **“Owner”** in the case of any property means the registered Owner of the property according to the current assessment records of the Municipality;
- f) **“Penalty Notice”** means the notice issued by a Designated Officer pursuant to section 10,
- g) **“Property”** means any land as defined in *The Municipal Assessment Act* within the Municipality whether or not there is situated thereon a Dwelling or any other structure;
- h) **“Structure”** means a Dwelling, attached or detached garage, shed, or other construction on a given Property,
- i) **“Structure of Concern”** means a Structure which in the opinion of the designated officer, as measured by the Structure Standards Evaluation Matrix as set out in Schedule A, is deemed a Structure of Concern,
- j) **“Unsightly Structure”** means a Structure which in the opinion of the Designated Officer, as measured by the Structure Standards Evaluation Matrix as set out in Schedule A, is deemed an Unsightly Structure.
- k) **“Warning”** means the Notice in the form substantially set out in Schedule C.

## Application

2) This by-law applies to all Property and to all Owners of Property within the Municipality.

## Structure Standard

3) No Owner of Property shall permit their Property to have an Unsightly Structure.

- 4) The Structure Standard Evaluation Matrix shall consider the following exterior features of any given Structure:
  - a) exterior wall finish, the fascia board, soffit, cornice, flashing, eavestroughs, vents, and rainwater piping;
  - b) doors, door frames, window frames, sashes and casings, weather-stripping, and glass;
  - c) porch, deck, patio, fence, attached/detached garage, shed and stairway in, on or appurtenant to a Property;
  - d) if the home is secured, the boards or covering used to secure the building; and
  - e) exterior house fixtures such as air conditioners, cabling, satellite dishes, or antennas.
- 5) In addition, the Structure Standard Evaluation Matrix shall consider the condition of the exterior features, such as being broken, loose, missing pieces, having paint deterioration, rotting, rusty, warped, repaired in an unsightly fashion, or generally poor condition.

### **Investigations and Inspections**

- 6) Investigations under this bylaw shall be completed by the Designated Officer who may investigate on a complaint basis and/or regular patrol of the Municipality.
- 7) Upon receipt of a complaint, as aforesaid, the Designated Officer shall inspect the Structure alleged to be in violation of this by-law, in such manner as shall be reasonably necessary in order to determine whether or not there has been a violation of this by-law.
- 8) Where inspections reveal a Structure which falls within the definition of a Structure of Concern, the Designated Officer may in his or her discretion serve a Courtesy Notification in the form attached as Schedule B to the Owner.
- 9) Where inspections reveal a Structure which falls within the definition of an Unsightly Structure and is in violation of this bylaw in the sole discretion of the Designated Officer, the Owner is guilty of an offense, and the Designated officer will:
  - a) In his or her discretion serve a Warning to the Owner in the form attached as Schedule C asking for the issue to be rectified within fifteen days and advising they will be served a Penalty Notice if they fail to comply; or
  - b) Serve the Owner a Penalty Notice in accordance with section 10.

### **Fines and Penalties**

- 10) Administrative penalties, Penalty Notices, and appeals for the contraventions of this by-law shall be administered as set out in the Town of Swan River's Enforcement Bylaw.
- 11) In addition to all other rights of collection which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.

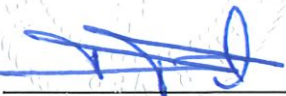
12) Where the contravention, refusal, neglect, omission, or failure continues for more than one day, the Owner is guilty of a separate offence for each day it continues.

13) This by-law shall come into force on June 1, 2024.

Done and passed in Council assembled at the Town of Swan River in the Province of Manitoba this 16th day of April, 2024.



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Chief Administrative Officer

Read the first time this 2nd day of January 2024.

Read a second time this 2nd day of April, 2024.

Read a third time this 16th day of April, 2024.



# THE TOWN OF SWAN RIVER

PHONE (204) 734-4586 FAX (204) 734-5166  
BOX 879 SWAN RIVER, MANITOBA ROL 1ZO

## SCHEDULE "A" Structure Standard - Evaluation Matrix

STATUS	Functional	2	1	0.5	0
	Partially Functional	2.5	1.5	1	0.5
	Non-Functional	3	2	1.5	1
		Highly Conspicuous, Unsightly	Noticeable, Not Severe	Barely Noticeable Slight	No visible Concern
		APPEARANCE			

**Score Grid:**

0 – 0.5: No action

1 – 1.5: Structure of Concern

2 – 3: Unsightly Structure

# THE TOWN OF SWAN RIVER

PHONE (204) 734-4586 FAX (204) 734-5166  
BOX 879 SWAN RIVER, MANITOBA ROL 1Z0

## SCHEDULE "B" Courtesy Notification

Date

File: \_\_\_\_\_

Name and Address

Dear Sir/Madam:

**Re: Town of Swan River – Structure Standards By-Law 01/2024**

The Designated Officer had cause to inspect your Property at  
\_\_\_\_\_ in the Town of Swan River  
civic and legal address

Upon inspection of the Property, there was a Structure of Concern found due to  
\_\_\_\_\_.

Therefore, the Municipality requests that you rectify the situation by (*describe violations/ describe remedy*). If the Structure is inspected at a future date and is found to have further deteriorated it may become enforceable and an administrative penalty (i.e., a fine) as set out in the Town of Swan River's Enforcement Bylaw may be issued. In addition to all other rights of collection which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

Your cooperation and assistance in this matter is appreciated.

If you have any questions, please contact the writer at \_\_\_\_\_.

Sincerely,

By-Law 01/2024

# THE TOWN OF SWAN RIVER

PHONE (204) 734-4586 FAX (204) 734-5166  
BOX 879 SWAN RIVER, MANITOBA ROL 1Z0

## SCHEDULE "C" WARNING

Date

File: \_\_\_\_\_

Name and Address

Dear Sir/Madam:

**Re: Town of Swan River Structure Standards By-Law 01/2024**

Acting upon a written complaint or by regular patrol of the Municipality, the Designated Officer had cause to inspect your Property at \_\_\_\_\_ in the Town of Swan River.  
civic and legal address

Upon inspection of the Property, it is apparent that a violation exists in accordance with the Town of Swan River By-law No. 1/2024 due to \_\_\_\_\_.

Therefore, the Municipality requests that you rectify the situation by (*describe violations/ describe remedy*) on or before \_\_\_\_\_.  
(date)

In accordance with Section 239(1) of the Municipal Act, I will enter onto the Property on \_\_\_\_\_ (date) to conduct a second inspection. If there has been no compliance with this notice, an administrative penalty (i.e., a fine) under the Town of Swan River's Enforcement Bylaw may be given. In addition to all other rights of collection which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

Your cooperation and assistance in this matter is appreciated.

If you have any questions, please contact the writer at \_\_\_\_\_.

Sincerely,