

Town of Swan River
Bylaw 20/2025

Being a bylaw of The Town of Swan River to maintain property and to regulate nuisances, derelict, abandoned and unsightly property.

WHEREAS The Municipal Act reads in part as follows:

- 232(1) A council may pass by-laws for municipal purposes respecting the following matters:
- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
 - (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.

NOW THEREFORE the Council of the Town of Swan River approve the following policies and procedures which shall govern the inspection, remedy, enforcement or action respecting unsightly and/or unsafe property and/or structures or those which may cause a nuisance in the Town of Swan River.

1. Definitions

- 1(1) In this bylaw,
- a. **“Designated Officer”** a designated officer means the Town of Swan River’s Municipal Services Worker – Bylaw Officer, Municipal Services Worker – Lead Hand, the Building Inspector, or the Chief Administrative Officer;
 - b. **“Interested Person”** means the owner, occupier, or mortgagee of property which is the subject of an order made under the authority of this bylaw;
 - c. **“Mortgagee”** in the case of any property means any person holding a registered real property mortgage against the property according to the records of the land titles office for the area within which the property is situated;
 - d. **“Occupier”** in the case of any property means any person in actual or constructive possession of the property pursuant to a lease, tenancy license or other right to occupy;

- 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. **“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 building;
- g. **“Dwelling”** means a building, any part of which is used or is intended to be used for the purposes of human habitation;
- h. **“Vehicle”** shall have the meaning ascribed to that term in *The Highway Traffic Act* and amendments thereto and shall include an off-road vehicle and any parts of any vehicle exceeding eighteen inches in length.

2. **Application**

- 2(1) This bylaw applies to all property and to all owners and occupiers of property within the Municipality.

3. **General Standards**

- 3(1) No owner or owner of property shall permit on, in front of, or to the flankage of such property:
 - a. Rubbish – This includes garbage, trash, junk, and any unwanted or discarded materials, such as household items, construction or renovation waste, yard debris (e.g., branches, clippings, leaves), motor vehicle parts or tires, paper products, packaging, dead animals, and any other material that creates or is likely to create a public hazard, nuisance, or is offensive under community standards of cleanliness and neighborhood aesthetics;
 - b. Unsafe Structure(s) - including any structure, whether a building, fence, excavation or hole, which in the opinion of the Designated Officer is at risk of collapse or otherwise dangerous to public safety or property;
 - c. Unsightly Property - including a property which in the opinion of the Designated Officer is detrimental to the surrounding area; this includes, but is not limited to, the growth of grass to a length which is unsightly, or the growth of weeds so that same become a nuisance to adjoining properties;
 - d. Household Appliances - the storage of household appliances, regardless of whether they are capable of operation;
 - e. Weeds - the growth of weeds as defined in *The Noxious Weeds Act* so that the same become a nuisance to adjoining properties;

- f. Grass - the growth of grass to a length which exceeds five (5) Inches or 12.7 cm;
- g. Overgrown Vegetation - the growth of vegetation (including, but not limited to trees, hedges, or vines) so that the same encroaches on and becomes a nuisance to any neighbouring properties, sidewalks, fences, back lanes, or buildings;
- h. Nuisance Smoke - smoke which causes a nuisance to adjoining properties;
- i. Snow - all requirements concerning snow as provided in the Town of Swan River Snow Removal Policy are enforceable under this bylaw;
- j. Derelict vehicles - wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned, or unused vehicles, except as permitted by 6(d), and other machinery or any part thereof; and
- k. Poor Drainage – Drainage that causes an issue, becomes a nuisance to neighbours, or is detrimental to the surrounding area.

4. Pest Prevention

- 4(1) Every building shall be maintained free of rodents, vermin and insects at all times and methods used for exterminating rodents, vermin or insects shall conform with generally accepted practice in the Town as determined by the Designated Officer.

5. Health Hazards

- 5(1) No person shall commit any nuisance nor permit or maintain any health-hazard condition in any premises within his/her control or management.
- 5(2) No person shall permit the existence of any condition, matter or thing, which in the opinion of the Designated Officer, provides or may provide food or harborage for rodents, vermin or insects.
- 5(3) No person shall occupy or let to another for occupancy, any dwelling or portion thereof which is not clean and sanitary.
- 5(4) No dwelling, or any part thereof, or the lot upon which it is situated, shall be used as a place for storage, keeping or handling of any article dangerous or detrimental to life or health.
- 5(5) The Designated Officer is authorized under section 239 of the Municipal Act, with or without the consent of the owner or occupier, to enter upon and inspect the premises where there is, in the opinion of the Designated Officer, an emergency or extraordinary condition.

6. Storage of Vehicles

- 6(1) A person may park vehicles on a property which is residential or commercially zoned provided that:
- a. the vehicles are registered for use pursuant to The Highway Traffic Act or The Off-Road Vehicles Act; or
 - b. the person can provide proof that the vehicles are currently under Lay-Up Coverage or have been registered for a minimum duration of 4 months pursuant to The Highway Traffic Act or the Off-Road Vehicles Act within the last 12 months; or
 - c. the vehicles are wholly contained within a lawfully existing structure on the property; or
 - d. the vehicles are parked or stored at the rear of any dwelling on the property in a tidy, well-maintained manner. No more than one unregistered vehicle may be parked or stored pursuant to this sub-paragraph.
- 6(2) All vehicles parked on the front or side yard of a property must be parked on a built, designated driveway which shall be determined in the opinion of the Designated Officer, in accordance with the current Zoning Bylaw.
- 6(3) Businesses which are legally zoned and lawfully licensed as a commercial automobile dealership or automotive repair shop are exempt from the provisions of this section as required by the nature of their business.

7. Complaints

- 7(1) Any person may allege a violation of this bylaw by filing a complaint with the Designated Officer in person, phone, or by submitting the Request/Feedback Form which can be found at the town office or on the Town of Swan River website.

8. Investigations

- 8(1) Investigations under this bylaw shall be completed by the Designated Officer who may investigate on a complaint basis and/or regular patrol of the Town. Upon discovering issues that need addressing, the Designated Officer may issue a warning, order, and/or penalty notice.
- 8(2) The Designated Officer may investigate a property alleged to be in violation in such manner as shall be reasonably necessary to determine whether there has been a violation of this bylaw.

9. Warnings, Penalty Notices, and Orders

- 9(1) Where an investigation reveals a violation of any provision of this bylaw, the Designated Officer may, at their discretion, provide a warning of the contravention to the owner or occupier of the property in person, electronic delivery, or by regular mail, in the form approved by a Designated Officer.
- 9(2) If the contravention continues following the warning, or if, at their discretion no such warning should be provided, the Designated Officer may issue a penalty notice or a written order as authorized by section 242 of the Act.

10. Service of Notices or Orders

- 10(1) Any order or notice issued by the Designated Officer under section 9 of this bylaw shall be served by personal service, email, or by mail upon:
- a. the property owner,
 - b. the occupier, if applicable, or
 - c. in respect to any order alleging a violation of clause 3(b) (unsafe structures), the mortgagee, if applicable.
- 10(2) A notice or order:
- a. served personally shall be deemed to have been received on the date of such service; or
 - b. shall be deemed to have been received either seven days after posting or on the day the receiver acknowledges receipt; or
 - c. sent by email is deemed to have been given or delivered two days after the day it was sent or on the day the receiver acknowledges receipt.
- 10(3) In the case of service upon an occupier, the address for mailing shall be the address of the property.
- 10(4) In the case of an owner, the address for mailing shall be as shown on the current assessment records of the Municipality.
- 10(5) In the case of a mortgagee, the address for mailing shall be as shown according to the records of the Land Titles Office for the area within which the property is situated.

11. Appeal of an Order

- 11(1) Any interested person may appeal an order made by the Designated Officer, or expenses charged under the current Snow Removal Policy, by filing with the Chief

Administrative Officer of the Municipality, an objection in the form approved by a Designated Officer within 14 days after the date the order is received.

- 11(2) Upon receipt of an appeal in the required form, the Chief Administrative Officer of the Municipality shall cause a copy to be forwarded to the Council, and the Council shall consider the appeal within forty days by holding a hearing. Council may hear the appeal as a committee of the whole or delegate to the Protective Services Committee for consideration.
- 11(3) A notice of hearing shall be issued to the interested persons in the manner specified in section 10 no later than 5 days prior to the appeal hearing.
- 11(4) The council shall decide on an appeal within 5 days of a hearing and shall serve a notice of disposition following their determination upon the interested persons.
- 11(5) The council may:
- a. confirm the order of the Designated Officer; or
 - b. vary the order of the Designated Officer in any respect, or
 - c. set aside the order of the Designated Officer.

12. Enforcement and Administrative Penalties

- 12(1) The costs of actions or measures taken by the Municipality to carry out the terms of an order issued by the Designated Officer, or the expenses associated with the clearing of snow as provided in the current Snow Removal Policy, are an amount owing to the Municipality by the owner of the property. 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(2) Additionally, any person who contravenes, disobeys, refuses, or neglects to obey or comply with any provision under this bylaw is guilty of an offence and is liable to a penalty. Administrative penalties and appeals for the contraventions of this bylaw shall be administered as set out in the most current Enforcement Bylaw.
- a. 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(3) Where a corporation commits an offence under this bylaw, each director or officer of the corporation is equally liable for committing the offense.

12(4) Where the contravention, refusal, neglect, omission, or failure continues for more than one day, the person or corporation is guilty of a separate offence for each day it continues.

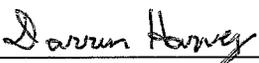
13. Transitional

13(1) That Bylaw No. 6/2023 be hereby repealed.

Done and passed in council assembled at the Town of Swan River in the Province of Manitoba this 17th day of March, 2026.



Mayor

Acting 

Chief Administrative Officer

Read the first time this 3rd day of February, 2026.

Read a second time this 3rd day of March, 2026.

Read a third time this 17th day of March, 2026.