

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	AM - 1.4.15
Section MUNICIPAL SERVICES	Subject Dangerous and Unsightly Premises Policy

1.0 Purpose

It is the desire of Municipal Council that every property in the Municipality be maintained such that the property is not dangerous or unsightly. This policy defines the practices to be followed in a circumstance whereby a property is alleged to be dangerous or unsightly.

2.0 Authority

This policy is enacted pursuant to Subsection 345 (1) of the Municipal Government Act, as amended.

3.0 Definitions

Unless otherwise defined herein, terms used in this policy shall have the same meanings as those defined in the *Municipal Government Act*.

4.0 Delegation

4.1 Municipal Council delegates its authority to act in regard to dangerous and unsightly premises to the Administrator, except the authority to order demolition.

4.2 Municipal Council delegates its authority to order demolition of a dangerous or unsightly premise to the Committee of the Whole.

4.3 Notwithstanding Subsection 4.2, in circumstances where public safety may be an issue, the Administrator may take immediate necessary action to prevent danger or to remove a dangerous structure or condition.

4.4 Municipal Council delegates its authority to hear appeals or orders made by the Administrator to the Committee of the Whole.

5.0 Report of Dangerous or Unsightly Condition

5.1 The reporting of a dangerous or unsightly property can be made by a resident or ratepayer of the Municipality. Each report of dangerous or unsightly property will be duly recorded on a form for this purpose, and within fourteen (14) days of receiving complete and required information, will be followed up by an initial site inspection and subsequent inspection report prepared by / under the supervision of the Administrator.

6.0 Report of Dangerous or Unsightly Condition

6.1 In preparation of the initial site inspection report, the Administrator will determine whether the property is dangerous or unsightly.

- (a) If the Administrator determines that the property is not dangerous or unsightly, no action will be taken.
- (b) If the Administrator determines that the property is unsafe, the Administrator may make an order to have the property vacated.
- (c) If the Administrator determines public safety requires immediate action, the Administrator may make take action to prevent damage or may remove the dangerous structure or condition.
- (d) If the Administrator determines that the property is dangerous or unsightly, the Administrator shall so advise the property owner by mail or personal service, of what is required to remedy the unsightly or dangerous condition within thirty (30) days of the date the letter was registered or served (*letter requesting condition be remedied*).
- (e) Where an alleged dangerous or unsightly property has been reported by a resident or ratepayer, the Administrator shall advise the reporting person of the action taken.

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(f) A monthly summary of all reports made, actions taken, current status with respect to the dangerous or unsightly premises will be submitted to the Committee of the Whole by the Administrator.

7.0 Order

7.1 In the event that the dangerous or unsightly condition has not been remedied in accordance with a notice given pursuant to Subsection 6.1, the Administrator may issue an order requiring the owner to remedy the unsightly or dangerous condition within thirty (30) days. The order shall be posted on the property and a copy shall be sent to the owner by registered or regular mail.

7.2 An order made by the Administrator may be appealed to the Committee of the Whole if such appeal is registered within seven (7) days after the order is delivered.

8.0 Demolition

8.1 In the event that the Administrator determines that the property is dangerous or unsightly and he / she is of the opinion that to remedy the condition demolition is necessary, the owner shall be given not less than seven (7) days’ notice of the date, time and place of the Committee of the Whole Meeting at which the making of such an order will be considered.

9.0 Court Order

9.1 Notwithstanding any other provisions of this policy, the Municipality may also apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and for an order requiring the work to be done to remedy the condition.

10.0 Charges

10.1 Where the owner fails to comply with an order made pursuant to this policy and the Administrator determines that it is necessary for the Municipality to carry out the work specified in an order, such costs to carry out the work (plus interest) shall be recovered from the property owner as provided under Subsection 507 of the *Municipal Government Act*.

10.2 Where the owner fails to comply with an order made herein within the specified time, the owner may be charged a penalty pursuant to the powers granted under the *Municipal Government Act* and as may be amended from time to time; as such, any person who fails to comply with the terms of an order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

11.0 Notification to Councillors

11.1 The Administrator shall notify the councillor of the area by phone or email (*as appropriate to the circumstance*) prior to issuing a letter requesting a condition be remedied or a thirty day notice to comply. A copy of all correspondence shall also be provided to the councillor.

Municipal Clerk’s Annotation for Official Policy Book	
I certify that this policy was adopted by Municipal Council as indicated below:	
<i>Seven (7) Day Notice</i>	<i>October 18, 2022</i>
<i>Council Approval</i>	<i>October 25, 2022</i>
<u><i>Carolyn Young</i></u>	<u>October 26, 2022</u>
Municipal Clerk	Date
<i>At Annapolis Royal Nova Scotia</i>	

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Amendments:

2016-07-19 Deleted the words “*be referred to*” in Sub-section 5.2

AND

ADDED 10.2 *Where the owner fails to comply with an order made herein within the specified time, the owner may be charged a penalty pursuant to the powers granted under the Municipal Government Act and as may be amended from time to time; as such, any person who fails to comply with the terms of an order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.*

2018-01-16 - added the words “*or regular*” in Sub-section 7.1

Amended 2022/10/25:

- deleted Sub-section 5.2: *As councillors may ultimately be required to serve as “jury” in a dangerous or unsightly premises appeal, all residents or ratepayers wishing to register a complaint in regard to an unsightly or dangerous premises matter should contact the Administrator.*