

**TOWN OF YARMOUTH
BY-LAW NUMBER 35**

**RESPECTING VACANT BUILDINGS
IN THE TOWN OF YARMOUTH**

SHORT TITLE

1. This By-law shall be known as By-law No. 35 and may be cited as the “Vacant Buildings By-law”.

APPLICATION

2. This bylaw shall apply to all buildings within the Town of Yarmouth.

DEFINITIONS

3. Words in this bylaw shall have their normal dictionary and contextual meanings, except as follows:

(a) “boarded” or “boarded up”, in relation to a building means a vacant building in which any door, window or other opening of the building has been covered for more than 7 days by affixing wood, metal or some other material over it to prevent entry.

(b) “building” means any structure used or intended to be used to support or shelter any use or occupancy.

(c) “owner” means the owner of the property as they appear on the assessment role or under the land registration system or the registry of deeds.

(d) “vacant” in relation to a building means a building that is not being used or occupied.

4. For the purposes of this By-law, a building is not being used or occupied solely by reason of:

(a) individuals who are present in the building without the consent of the owner; or

(b) the existence of equipment or stock in trade within a building or the occasional operation of such equipment.

PERMIT TO BOARD UP BUILDING

5. The owner of a property within the Town shall apply to the Town for a permit to board up a building, if the building will be boarded up for more than 7 days.

6. Permits issued by the Town shall be valid for a maximum period of one year from the date of the permit.

7. The Town may refuse to issue a new permit after an existing permit has expired, if the Town is of the belief that adequate steps are not be taken to ensure the building is not boarded up for an indefinite period of time or for an unreasonable purpose.

8. Any owner that permits a building to be boarded up without a permit shall be guilty of an offence under this by-law.

9. Each day that an owner permits a building to be boarded up without a permit shall constitute a new offense.

STANDARDS FOR SECURING AND MAINTAINING A VACANT BUILDING

10. All vacant buildings shall be secured and maintained to the following standards:

(a) panel type material must be used to secure all openings of a building;

(b) panels used to secure openings must be tightly fitted and painted or otherwise "treated" so as to prevent deterioration;

(c) the Town reserves the right to determine if the panel material used to secure an opening is made of satisfactory material.

(d) the remainder of the building and property must be maintained so as not to be "dangerous or unsightly" pursuant to section 344 of the *Municipal Government Act*.

FAILURE TO SECURE A VACANT BUILDING

11. Where an owner fails to secure and maintain a building in compliance with this by-law, the Town may enter upon the property and carry out the work necessary to ensure compliance with this by-law.

12. Where the Town carries out the work required to secure and maintain a building in compliance with this by-law, the Town may charge and collect the costs thereof as a first lien on the property affected.

PENALTIES

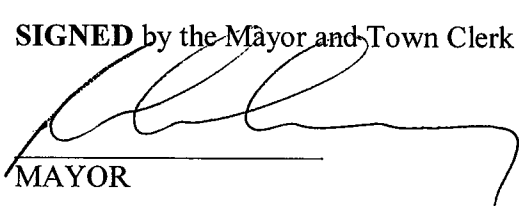
13. Any person found to be in violation of this bylaw shall be liable, upon conviction, to a fine of not less than One Thousand Dollars (\$1,000.00), and not more than Ten Thousand Dollars (\$10,000.00).

14. In the case of a violation of this by-law of a continuing nature, in addition to any other remedy and to any other penalty imposed, Town Council may direct the Clerk to apply to a Judge of the Supreme Court, by way of notice of action for an injunction

ordering the person violating to cease the violation and the Judge may make any order that in the Judge's opinion the justice of the case requires.

THIS IS TO CERTIFY THAT this bylaw was passed by the Council of the Town of Yarmouth at a duly constituted meeting of said Council held the 12th day of November, 2009.

SIGNED by the Mayor and Town Clerk this 19th day of November, 2009.



MAYOR



TOWN CLERK