

Community Government of Whatì

BYLAW 68-2021

A Bylaw of the Municipal Corporation of the Community Government of Whatì in the Northwest Territories to provide for the establishment of General Powers pursuant to the provisions of the Tlìchò Community Government Act, S.N.W.T., 2004, Chapter 7, Section 66(1) Consistent with the Tlìchò Agreement, council may make bylaws relating to (a) the operation and internal management of the community government, (e) the following matters in the community: (i) management, use and protection of lands, including land use planning.

WHEREAS the Tlìchò Community Government Act, S.N.W.T., provides authority for a community government to make Bylaws that the Council considers appropriate; Section 135 Council may not give third reading to a bylaw that authorizes the entry into or use of real property without the consent of its owner or occupier, unless council first gives public notice of the bylaw or, if the real property of a specific person is affected, actual notice to that person. Section 136(1) If this or any enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a community government, an officer may, after giving reasonable notice to the owner or occupier of the land or structure affected, (a) enter the land or structure at any reasonable time, and carry out the inspection, remedy, enforcement or action authorized or required by the enactment or bylaw; (b) require anything to be produced to assist in the inspection, remedy, enforcement or action; and (c) make copies of anything related to the inspection, remedy, enforcement or action.

WHEREAS the Northwest Territories Fire Prevention Act as enacted may authorize Local Fire personnel to work collaboratively with the Community Government of Whatì to carry out inspections of structures in accordance with adopted codes and standards; in the absence of local capacity and where an imminent public threat exists, the Local Fire personnel may act on behalf of the Community Government of Whatì;

NOW THEREFORE, the Council of the Community Government of Whatì, in regular session, duly assembled, enacts as follows:

1.0 **TITLE**

1.1 This Bylaw may be cited as “The Property Standards Bylaw”

2.0 **PURPOSE**

The longer a building sits vacant and unsecured, the greater the public safety hazard it presents. This Bylaw provides a tool for community government when dealing with derelict and abandoned buildings which pose a threat to the safety of residents.

3.0 SCOPE (Rule of Interpretation)

- 3.1 The standards set forth in this Bylaw are hereby prescribed and adopted as the minimum standards for all property within the Community of Whatì.
- 3.2 All property within the community that does not conform to the standards contained in this Bylaw shall be repaired and maintained to meet the standards of this Bylaw or the site to be cleared of all buildings, structures, debris.

4.0 DEFINITIONS

Accessory Structure means a detached building or structure, the use or occupancy of which is incidental to the main use or occupancy of any other building on the property, or which, if there is no other building on the property, is incidental to the use of the property.

Building means a structure and any part of a building or structure placed in, on or over land.

Debris includes refuse, rubbish, junk and disused materials, appliances, devices, apparatus, machinery, electronic structures or devices, disused furniture, old clothing, old lumber, construction or demolition material, refuse, tires and wrecked, dismantled, inoperative, unlicensed or unused vehicles.

Derelict refers to a vacant building or structure or yard that is in an **Unsafe Condition**.

Dwelling means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.

Leasee refers to a Person and/or Occupant.

Occupant means any person over the age of eighteen (18) years in possession of the Property.

Order to Remedy means a written notice issued to order compliance with this Bylaw.

Person includes an individual, firm, corporation, association or partnership.

Property means that portion of real property which is leased by a specific person, and includes the surrounding **Yard**, all **Buildings** and structures thereon.

Standards means the standards of the physical condition and of occupancy prescribed for property by this Bylaw.

Unsafe Condition means any condition that would cause undue or unexpected hazard to life, limb or health of any person authorized or expected to be on or about the property.

Unsecured Building means a building that is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public.

Vacant Building means any building that is not being used and includes any Residential Building, or Accessory Building or structure that is unsecured, unoccupied, not maintained, unsupervised or appears to be abandoned in the opinion of an Officer.

Yard means the land around property and used or capable of being used in connection with the property and includes vacant land.

5.0 ADMINISTRATION AND ENFORCEMENT

- 5.1 Where a part of this Bylaw conflicts with another Bylaw in force within the Community Government of Whatì, the one with the higher standards to protect the health, safety and welfare of the general public will prevail.
- 5.2 A “Vacant Building List” will be maintained by the Community Government of Whatì as a standardized list which allows staff to perform inspections of vacant buildings to ensure they are conforming to the Bylaw.
- 5.3 A standardized “Checklist for Inspections” will be use by Community Government of Whatì staff to ensure standardized, comprehensive and consistent inspections.
- 5.4 The Community Government of Whatì shall appoint the Senior Administrative Officer to be responsible for the administration and enforcement of this Bylaw. The Senior Administrative Officer may delegate any powers, duties, or functions under this Bylaw to an employee of the Government of Whatì or Fire Personnel.
- 5.5 The Senior Administrative Officer or designated person may, upon producing proper identification, enter a property (except a Dwelling Unit unless the consent of the Occupant has first been obtained) at any reasonable time without prior notice and without a warrant for the purpose of carrying out an inspection to determine whether this Bylaw has been complied with.
- 5.6 For the purposes of an inspection, a Senior Administrative Officer or designated person may be accompanied by a Person with special knowledge in relation to a property or part thereof (such as a Fire Marshall or structural engineer), and may need to collect information, documents or samples.

- 5.7 The Senior Administrative Officer or designated person may inspect a property:
- (i) upon formal request by the Leasee or an Occupant;
 - (ii) when so directed by resolution of Community Government of Whatì;
 - (iii) following a formal complaint being received; and
 - (iv) when non-compliance with the Bylaw is evident to the Officer from observation.

- 5.8 A Senior Administrative Officer or designated person who, upon inspection of a Property, may make an Order to Remedy if the property is:

- (i) in a derelict or unsafe condition;
- (ii) contains unsecured building(s), or excessive debris; or
- (iii) otherwise, does not conform to this Bylaw.

- 5.9 The Order to Remedy shall be served to the Leasee of the property and such other Persons affected by it as the Officer determines and a copy of the Order may be posted on the property.

Any Order to Remedy issued to this Bylaw and delivered to the Person or Occupant will have: a description of the property, state the contravention of the Bylaw, provide reasonable actions needed to remedy the contravention and prevent recurrence within thirty (30) days, and state that if the necessary actions are not completed within the specified time, then the Senior Administrative Officer or designated person can carry out the action needed.

- 5.10 No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Senior Administrative Officer or designated person who is exercising a power or performing a duty, which is authorized under this Bylaw.

- 5.11 If the Leasee or Occupant of a Property fails to Repair or to demolish the Buildings or Structures in accordance with a final and binding Order to Remedy, the Community Government of Whatì may, in addition to other remedies:

- (i) repair or demolish the Property;
- (ii) clear the site of all buildings or structures and leave the site in a graded and levelled condition;
- (iii) make the site safe or impede entry by erecting fences, barricades or barriers; and/or
- (iv) cause a prosecution or fine to be brought against any Person who is in breach of such an Order and upon conviction, such Person shall forfeit and pay at the discretion of the convicting Judge or Justice of the Peace acting within their territorial jurisdiction, a penalty.

- 5.12 Any person who contravenes a provision of this Bylaw is liable to pay a fine as set out in Schedule A of this Bylaw and, in the case of an individual, to imprisonment for a term of not more than six (6) months in default of payment of the fine.
- 5.13 The Community Government of Whatì shall have a lien on the land for the amount spent on the Repairs or demolition carried out.
- 5.14 The Community Government of Whatì shall not be liable to or compensate such Owners, Occupants or any Person having interest in the Property by reason of anything done by or on behalf of the Community Government of Whatì in reasonable exercise of its power under the provisions of this Bylaw.

GENERAL

This Bylaw shall come into effect upon Third and Final Reading.

READ A FIRST TIME this 10th day of May, 2021

READ A SECOND TIME this 10th day of May, 2021

READ A THIRD TIME AND FINALLY PASSED this 17th day of *May*, 2021



 Chief Alfonz Nitsiza



 Lisa Nitsiza, SAO

As per Section 71(1)(d) of the *Tlicho Community Government Act*, I hereby certify that this bylaw has been made in accordance with the requirements of *Tlicho Community Government Act*, and the bylaws of the municipal corporation of the Community Government of Whatì.



 Lisa Nitsiza, SAO



Schedule A – Checklist for Derelict Building Inspections

Identify & Assess derelict properties/buildings with safety and security concerns.

- Confirm legal address and ownership.
- Attempt to contact & notify the owner.
- Work with owner/leaseholder to establish corrective actions and agreed upon schedule.
- Follow up on action items to ensure compliance.
- If necessary, work with legal counsel to prepare a suitable legal instrument requiring the responsible party to correct identified concerns.
- If necessary, carry-out authorized enforcement/remedial actions under applicable legislation to reduce the immediate safety threat to the public and responders.

The following are recommended short-term measures to address immediate threats to public safety:

1. Site Security & Monitoring

- All openings in a building must be secured to prevent unauthorized entry.
- Materials used must be strong enough to deter access.
- Other measures include: fencing, eliminating stairs, and signage around the property.
- Regular visual inspections will determine if security measures are adequate or need repair. _____

2. Public Information Campaign

- Public should be informed as it relates to prevention and management.

3. Fire Response Planning

- Fire department may wish to consider developing and maintaining a pre-incident response plan for each identified derelict building.

Schedule B – Penalties

Section	Offence	Minimum Penalty
5.8	Failure to maintain a building or yard so that the property becomes derelict or is in an unsafe condition, contains unsecured building(s), excessive debris, or otherwise does not conform to this Bylaw.	\$200.00
5.10	Hinder or obstruct, or attempt to hinder or obstruct an individual performing a duty under this Bylaw.	\$500.00
5.11	Failure to comply with Order to Remedy.	\$500.00