

Town of Yarmouth
DANGEROUS OR UNSIGHTLY PREMISES POLICY

Effective: May 15th, 2008 – Amended: December 14th, 2023
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1.0 Purpose

This policy is entitled the “Dangerous or Unsightly Premises Policy”.

1.1 It is the desire of the Council that every property in the Town of Yarmouth be maintained such that the property is not dangerous or unsightly. This policy defines the manner of action the Town of Yarmouth will undertake where a property is alleged to be dangerous or unsightly.

1.2 Dangerous or unsightly premises and/or properties subject to these policies as set out in Section 3(r) of the Municipal Government Act of Nova Scotia.

- a. Property Owners subject to this policy will be as set out in Section 3(ay)(ii) of the Municipal Government Act of Nova Scotia.
- b. The meaning of words and phrases herein shall have the same meaning as set out in the Municipal Government Act of Nova Scotia.

2.0 Delegation

Council delegates its authority to issue dangerous or unsightly premises orders to the Administrator of Dangerous or Unsightly Premises, an employee of the Town designated by the Chief Administrative Officer to be responsible for the dangerous or unsightly premises provisions of the *Municipal Government Act* or successor legislation.

2.1 Council reserves the authority to issue dangerous and unsightly premises orders in instances in which an order to demolish is being considered, and to hear appeals of orders issued by the Administrator or the Council.

3.0 Report of Dangerous or Unsightly Conditions

The reporting of a dangerous or unsightly property can be made by a resident, rate payer, or staff of the Town of Yarmouth or by the Administrator. The report of an unsightly property made by a resident or rate payer of the Town will be accompanied by the name of the person reporting or it will be noted as received anonymously. Each report of a dangerous or unsightly property will be duly recorded on a form for this purpose or submitted to the Administrator via email, phone, in person or See Click Fix. Within fourteen (14) days the Administrator shall make an initial site inspection and complete an inspection report.

3.1 The Administrator will only reveal the name of a reporting resident or rate payer of the Town of Yarmouth, consistent with the Nova Scotia Freedom of Information and Protection of Privacy Act.

3.2 The complaint submitted to the Administrator must include the following information or the complaint may not be investigated:

- a. the civic number and street name of the premises, or in the case of a vacant property the closest civic number.
- b. A detailed description of the complaint including items and location of items causing the complaint.
- c. Contact details of the complainant to follow up with the complaint or confirm details of the complaint.
 - i. Complainant Name (first and last)
 - ii. Address of the complainant
 - iii. Phone number

4.0 Investigation and Initial Site Report

The Administrator will conduct an inspection to determine whether the property is dangerous or unsightly and document the finding of the initial site inspection report in the file.

- a. If the Administrator determines that the property is not dangerous or unsightly the file will be closed, and the reporting person notified.
- b. If the Administrator determines that the property is dangerous or unsightly, the Administrator shall make an order on the property to remedy the dangerous or unsightly conditions and the order shall remain in place until the conditions are remedied.
- c. If the Administrator determines public safety requires immediate action, the Administrator may take immediate action to prevent danger or may remove the dangerous structure or condition.
- d. If the Administrator determines the property is dangerous or unsightly, and where immediate action is unnecessary, the Administrator make an order, by mail or posting on the property, of what is required to remedy the unsightly or dangerous condition within thirty (30) days of the date of the letter, or other reasonable time frame. Where an alleged dangerous or unsightly property has been reported, the Administrator shall advise the reporting person, if known, of the action taken.
- e. If the Administrator determined site conditions warrant immediate action, the Administrator may issue an order ,and if deemed necessary, cause such work to be carried out.
- f. A “repeat offender” is defined as the owner of the property for which the Town has received a valid second complaint within 365 days of a previous valid complaint.
- g. Any costs incurred by the Town of Yarmouth to remedy a property that is dangerous or unsightly, together with an administrative fee of \$150 per repeat occurrence, shall become a lien on the property.

4.1. A monthly summary of all reports made and actions taken/current statues with respect to dangerous and unsightly properties will be submitted to the Committee of the Whole by the Administrator.

4.2. A bi-annual summary of all reports made and actions taken/current statues with respect to dangerous and unsightly properties will be submitted to Council and made available to the public by the Administer in May and October of each year.

5.0 Order

In the event of a repeat offender, the Administrator may order immediate remedy, except ordering demolition as a remedy. The order shall be posted on the property and a copy shall be sent to the owner by Mail.

5.1 An order made by the Administrator may be appealed to Council within seven (7) days after the order is made.

5.2 Where the owner fails to comply with the requirements of an order within the time frame specified in the order, the Administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

6.0 Demolition

In this Policy “an order to demolish” includes an Order for the complete removal or demolition of a building or structure.

6.1 In the event the Administrator determines that the property is of dangerous or unsightly condition and is of the opinion that the necessary remedy of the condition is demolition, the owner shall be given not less than seven (7) days' notice of the date, time, and place of the Council meeting where the decision of the making of such order will be considered by Council.

7.0 Court Order

Notwithstanding Sections 3, 4, & 5 herein, the Town may also apply to a Court of competent jurisdiction for a declaration that a property is dangerous or unsightly and for an order specifying the work required to be done to remedy the condition by removal, demolition, or repair.

8.0 Charges

Where the owner fails to comply with an Order made pursuant to Sections 4, 5, or 6 herein within thirty (30) days or other reasonable time frame specified in the order after being served and where the Administrator intends to carry out the work specified in an Order, the Administrator shall obtain an estimate of cost involved and if the estimate cost exceeds one thousand five hundred dollars (\$1500.00), the Administrator shall obtain the approval of Council before carrying out the work.

8.1 Where the owner or any person fails to comply with an order made pursuant to Section 4, 5, or 6 herein, within:

- a. thirty (30) days of service where the property is not declared to be in a dangerous condition; or

- b. the time specified in the order, but not more than within thirty (30) days of service, where the property is declared to be in dangerous condition,

the owner may be charged pursuant to the powers granted under the Municipal Government Act.

Clerk's Annotation for Official Policy Book

Date of Adoption: May 15th, 2008

Date of Notice to Council Members of Intent to Consider:

Date of Passage: May 15th, 2008

Date of Approval of Amended Policy: June 13th, 2019

Date of Approval of Amended Policy: December 14th, 2023

I certify that this 'Dangerous or Unsightly Premises Policy' was adopted by Council as indicated above.

Town Clerk:

Date: