

# TOWN OF AMHERST

## DRAFT BY-LAW: RESPECTING VACANT BUILDINGS

**BE IT ENACTED** by the Council of the Town of Amherst pursuant to Section 172 of the *Municipal Government Act* as follows:

### Title

This by-law may be cited as the "**Vacant Building By-law**".

### Definitions

1. In this By-law:

"**Act**" means the *Municipal Government Act* c. 18, S.N.S. 1998, as amended;

"**Administrator**" means the administrator appointed pursuant to section 345(1) of the Act;

"**Council**" means the Town of Amherst Council;

"**Minimum Standards**" means the standards to secure a Vacant Building set out in Section 2 hereof;

"**Order**" means an order of Council pursuant to Section 3 hereof;

"**Owner**" means the owner of the Property as he or she appears on the assessment roll;

"**Property**" means the lands upon which a Vacant Building is situate;

"**Town**" means the Town of Amherst;

"**Vacant Building**" means a building or structure which is not and has not been occupied by the Owner or a person authorized by the Owner for more than 30 consecutive days but does not include:

- (a) a seasonal dwelling;
- (b) a temporary recreational building or structure; and
- (c) an agricultural or other resource building or structure.

### Standards to Secure a Vacant Building

2. Vacant Buildings shall be secured to meet the following minimum standards:

- (a) all openings within 10' of the adjacent grade shall be secured with a panel type material not less than 3/4", (the "**Panels**");
- (b) the Panels must be secured with not less than 2" #8 screws spaced a minimum of 16" on centre around the perimeter of the Panel; and
- (c) the Panels must be tightly fitted and painted or otherwise treated so as to prevent deterioration.

### Order to Secure a Vacant Building

3. Where it has been determined by the Administrator that a building is a Vacant Building and has not been secured to the Minimum Standards, Council shall cause to be served written notice on the Owner directing the Owner to secure the Vacant Building to the Minimum Standard within ten (10) days from the date on which the Order is served on the Owner pursuant to Section 4 hereof.

### Service of Order

4. The Order shall be served upon the Owner by registered mail addressed to the Owner at the address on the assessment roll where tax accounts are sent and shall be posted in a conspicuous place upon the Vacant Building. The Owner shall be deemed to have been served (a) when the

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Owner actually receives the Order, or (b) except when postal services are not functioning, on the expiry of three (3) days following the date of registration, whichever is earlier.

**Failure to Comply with Order**

5. Where the Owner fails to comply with the Order the Town may enter upon the Property and carry out the work necessary to effect compliance with the Order. All costs associated therewith may be charged to the Owner by the Town and shall constitute a first lien against the Property.
6. Where the Owner fails to comply with the Order, the Owner, upon conviction, is guilty of an offence and shall be liable to a penalty of not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00). Every day during which the violation continues is deemed to be a new offence.
7. 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, the Town may apply to a Judge of the Trial Division of the Supreme Court for an injunction ordering the Owner to cease the violation and the Judge may make any order that the Judge deems just and expedient.

**Limitation on time**

8. No Vacant Building shall remain boarded up pursuant to the Minimum Standards for more than six (6) consecutive months nor more than eight (8) months in any given eighteen (18) month period.

**Acquisition of Property**

9. Where a Vacant Building remains boarded up for a period exceeding the period set out in Section 8, Council may exercise its rights to acquire the Property pursuant to Section 172A of the Act.

**Compliance with Other Laws**

10. Nothing herein relieves the Owner from their obligations to comply with any other Act, Regulation, or by-law.