



Portugal Cove St. Philip's

POLICY AND PROCEDURE

POLICY: UNTIDY PROPERTIES POLICY

RELEVANT TO: PLANNING AND DEVELOPMENT DEPARTMENT

ISSUED BY: TOWN OF PORTUGAL COVE-ST. PHILIP'S

1.0 TITLE:

This document shall be known and cited as the *Untidy Properties Policy*.

2.0 INTERPRETATION:

- 2.1 *"Urban and Rural Planning Act"* means the Urban and Rural Planning Act, 2000, SNL 2000, c.U-8, as amended.
- 2.2 *"Occupancy and Maintenance Regulations"* means the Occupancy and Maintenance Regulations under the Urban and Rural Planning Act (O.C. 96-201), as amended.
- 2.3 *"Municipalities Act"* means the Municipalities Act, 1999, SNL 1999 c.M-24, as amended.
- 2.4 *"Council"* means the duly elected Council of the Town of Portugal Cove-St. Philip's.
- 2.5 *"Town"* means the Town Council of the Town of Portugal Cove-St. Philip's.
- 2.6 *"Untidy Property"* means a privately owned property that has been deemed unsafe and/or not in good condition and repair in accordance with the standards set out in the Occupancy and Maintenance Regulations and/or as otherwise ordered and directed by the Town in accordance with the Municipalities Act, the Town of Portugal Cove-St.

Philip's Municipal Plan and Development Regulations 2014-2024, as amended, and the Town of Portugal Cove-St. Philip's Litter, Garbage and Refuse Regulations, as amended.

3.0 POLICY STATEMENT:

The purpose of this policy is to clarify the procedures for managing the resolution of Untidy Properties located within the Town.

4.0 APPLICATION:

This policy shall apply to managing the resolution of Untidy Properties located within the Town.

5.0 POLICY PROCEDURE:

5.1 An Untidy Property may be reported by a staff member, a member of the general public, and/or a member of Council.

5.2 Upon report of an Untidy Property, staff will contact the property owner to schedule a site visit. If a site visit cannot be scheduled, staff will notify the property owner of the date that a site visit will be completed.

5.3 After a site visit has been completed, staff will contact the property owner advising either:

5.3.1 Via letter mail or email advising that the property has not been deemed to be untidy and that no action is required.

5.3.2 Via registered mail or hand delivery advising that the condition of property must be addressed within a period which will not exceed thirty (30) days. This correspondence will include site photographs which identify and provide examples of the area(s) of the property where its condition needs to be addressed.

5.4 After the deadline identified in 5.3.2 has passed, staff will complete a follow-up site visit and obtain updated site photographs of the property.

5.4.1 If the matter(s) identified in 5.3.2 have been addressed, staff will forward correspondence to the property owner acknowledging the same and that no further work is required.

5.4.2 If the matter(s) identified in 5.3.2 have not been addressed, the Untidy Property will be added to the next Planning and

Development Committee Agenda for discussion and further direction, which may result in a recommendation that Council pass a Motion to issue an Order.

- 5.5 If a Motion has been passed by Council as noted in 5.4.2, an Order will be issued to the property owner in accordance with the requirements of the Municipalities Act and the Urban and Rural Planning Act that provides the property owner with a period which will not exceed thirty (30) days to comply from the date of the Order.
- 5.6 Once the deadline to comply with the Order has passed, staff will complete a follow-up site visit and obtain updated site photographs.
 - 5.6.1 If it is determined that the Order has been complied with, staff will forward correspondence to the property owner acknowledging the same and provide information on the procedure involved to have the Order revoked by Council.
 - 5.6.2 If it is determined that the Order has not been complied with, the Town's Solicitor may be engaged (under the direction of the Chief Administrative Officer or the Director of Planning and Development). Correspondence will be forwarded from the Solicitor to the property owner advising of non-compliance with the Order and that Council may proceed to exercise its enforcement options, which may include a prosecution in the Provincial Court of Newfoundland and Labrador or entry by the Town upon the property to carry out the Order, the costs of which the property owner will be liable to pay.
- 5.7 If work required to carry out the Order is completed by the Town as per 5.6.2, the Order may be revoked by Council upon payment of the debt owing and any other applicable fees.

6.0 REPEALS:

This policy rescinds all previous policies on this subject matter.

7.0 AMENDMENTS:


None.

8.0 RESOLUTION:

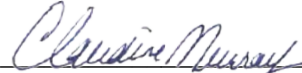
8.1 Pursuant to the authority vested in the Town Council of Portugal Cove-St. Philip's, Council has adopted by Resolution the above referenced Policy on the 18th day of October, 2022.

8.2 Resolution # 2022-323

8.3 Effective Date: 18th day of October, 2022.



Carol McDonald, Mayor



Claudine Murray, Town Clerk