

**RESOLVED**, that as recommended by the City Manager, the following resolution be adopted:

1. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, S.N.B. 2017 c.18, and amendments thereto, (the "*Local Governance Act*") including the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M- 30 and amendments thereto, and it may from time to time be necessary to make inspections for the administration or enforcement of the By-law;

**AND WHEREAS** section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

**AND WHEREAS** subsection 144(2) of the *Local Governance Act* provides that a council may authorize officers enter the land, building or other structure at any reasonable time, and carry out the inspection after giving reasonable notice to the owner or occupant of the land, building or other structure to be entered;

**NOW THEREFORE BE IT RESOLVED**, that Mark O'Leary, By-law Enforcement Officer, is hereby appointed as an inspection officer and authorized to enter at all reasonable times upon any property within the territorial boundaries of the City of Saint John for the purpose of making any inspection that is necessary for the administration or enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* which received first and second reading by Common Council on May 22, 2018 and third reading on June 4, 2018, being enacted upon approval by the Minister of Local Government, and/or the *Local Governance Act* effective immediately, and this authorization shall continue until he ceases to be an employee of the Growth and Community Development Services department of The City of Saint John or until rescinded by Common Council, whichever comes first.

2. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, including the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto, (the "*Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*") and it may from time to time be necessary to commence proceedings in the Provincial Court of the Province of New Brunswick, when a person has violated or failed to comply with the said By-law;

**AND WHEREAS** section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

**AND WHEREAS** subsection 132(1) and 132(2) of the *Local Governance Act* provides that an officer appointed by council may notify the owner or occupier of premises, a building or structure by notice in the form prescribed by regulation when a condition exists pursuant to subsections 131(1), 131(2) or 131(3) of the said Act;

**AND WHEREAS** section 150(1) of the *Local Governance Act* provides that proceedings for breach of a by-law shall be commenced in the name of the clerk of the municipality or such other person as is designated for that purpose by the council;

**NOW THEREFORE BE IT RESOLVED**, that Mark O'Leary is hereby appointed as a By-law Enforcement Officer with respect to the enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, effective immediately, and this appointment shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

**AND BE IT FURTHER RESOLVED**, that Mark O'Leary is hereby appointed and authorized to notify owners and occupiers with respect to premises, buildings or structures that are unsightly; buildings or structures that are a hazard to the safety of the public by reason of being vacant or unoccupied; buildings or structures that are a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, as set out in the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, effective immediately, and this appointment and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

**AND BE IT FURTHER RESOLVED**, that Mark O'Leary is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, effective immediately, and this designation and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first.

3. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Community Planning Act*, S.N.B 2017, c. 19, and amendments thereto, (the "*Community Planning Act*") including the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto, and it may from time to time be necessary to make inspections for the administration of this By-law;

**AND WHEREAS** subsection 133(1) of the *Community Planning Act* provides that a council may authorize persons at all reasonable times, and with the consent of the owner or occupant, enter any land, building or premises for the purposes of inspection if the Director, the development officer or the person authorized by the Minister or the council has reasonable grounds to believe that a development or form of development on or in the land, building or premises violates a provision of this Act or the regulations or a bylaw or an order made under this Act;

**NOW THEREFORE BE IT RESOLVED**, that Mark O'Leary, who is a By-law Enforcement Officer, is hereby authorized at all reasonable times, and with the consent of the owner or occupant, enter any land, building or premises within the territorial boundaries of the City of Saint John for the purpose of making any inspection that is necessary for the administration of the *Saint John Building By-law*, effective immediately, and this authorization shall continue until he ceases to be an employee of the Growth and Community Development Services department of The City of Saint John or until rescinded by Common Council, whichever comes first.

4. **WHEREAS** the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Community Planning Act*, S.N.B 2017, c. 19, and amendments thereto, (the "*Community Planning Act*") including the *Saint John Building By-law*, By-law Number C.P. 102, and amendments thereto, and it may from time to time be necessary to make orders for the administration of this By-law;

**AND WHEREAS** subsection 134(1) of the *Community Planning Act* provides that a council may authorize persons to, when a development is undertaken in violation of the *Community Planning Act*, a by-law or regulation under the *Community Planning Act*, a by-law or terms and conditions imposed on the development, order the cessation of the development, alteration of such development so as to remove the violation, or the doing of anything required to restore the land, building or structure to its condition immediately prior to the undertaking of such development;

**NOW THEREFORE BE IT RESOLVED**, that Mark O'Leary who is a By-law Enforcement Officer, is hereby authorized to, when a development is undertaken in violation of the

*Community Planning Act*, the *Saint John Building By-law* or the terms and conditions imposed on the development, order the cessation of the development, alteration of such development so as to remove the violation, or the doing of anything required to restore the land, building or structure to its condition immediately prior to the undertaking of such development, effective immediately, and this authorization shall continue until he ceases to be an employee of the Growth and Community Development Services department of The City of Saint John or until rescinded by Common Council, whichever comes first.

5. **WHEREAS**, the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act* and the *Community Planning Act*, including the *Saint John Dog Control By-law*, By-law Number M-13, *Mobile Home Parks By-law*, By-law Number M-20, *City of Saint John Flood Risk Areas By-law*, By-law Number C.P. 11, *Saint John Building By-law*, By-law Number C.P. 101, and *The Zoning By-law*, By-law Number C.P. 110, including all amendments thereto, and it may from time to time be necessary to commence proceedings in the Provincial Court of the Province of New Brunswick, when a person has contravened or failed to comply with these By-laws;

**AND WHEREAS** section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

**AND WHEREAS** section 150(1) of the *Local Governance Act* provides that proceedings for breach of a by-law shall be commenced in the name of the clerk of the municipality or such other person as is designated for that purpose by the council;

**NOW THEREFORE BE IT RESOLVED**, that Mark O'Leary is hereby appointed as a By-law Enforcement Officer with respect to the enforcement of the *Saint John Dog Control By-law*, the *Mobile Home Parks By-law*, the *City of Saint John Flood Risk Areas By-law*, the *Saint John Building By-law*, and *The Zoning By-law*, effective immediately, and this appointment shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

**AND BE IT FURTHER RESOLVED**, that Mark O'Leary is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *Saint John Dog Control By-law*, the *Mobile Home Parks By-law*, the *City of Saint John Flood Risk Areas By-law*, the *Saint John Building By-law*, and *The Zoning By-law*, effective immediately, and this appointment and authorization shall continue until he ceases to be an employee of Growth and Community Development Services of The City of Saint John or until it is rescinded by Common Council, whichever comes first.

6. **WHEREAS** subsection 135(4) of the *Local Governance Act* provides that within thirty days after the terms of a notice have been complied with or a debt due to a municipality or due to the Minister of Finance, as the case may be, is discharged, the municipality shall provide a certificate in the form prescribed by regulation which requires that the corporate seal of the municipality to be affixed.

**NOW THEREFORE BE IT RESOLVED**, that Jonathan A. Taylor, Common Clerk, is hereby authorized to affix the corporate seal of The City of Saint John to a Certificate of Discharge that is issued by Mark O'Leary under the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, and such authorization shall continue until Jonathan A. Taylor ceases to be the Common Clerk of The City of Saint John or until it is rescinded by Common Council, whichever comes first.