

BYLAW NO. 14-2005

NUISANCE ABATEMENT BYLAW

A **BYLAW** of the Town of Whitewood, in the Province of Saskatchewan, to provide for the abatement of nuisances within the Town of Whitewood.

THE COUNCIL FOR THE TOWN OF WHITEWOOD IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited as The Nuisance Bylaw.

PURPOSE

2. The purpose of this Bylaw is to provide for the abatement of nuisances, including property, activities, or things that adversely affect:
 - a) the safety, health or welfare of people in the neighbourhood;
 - b) people's use and enjoyment of their property; or
 - c) the amenity of a neighbourhood.

3. DEFINITIONS

In this Bylaw:

- a) "Designated Officer" means an employee or agent of the Municipality appointed;
by Council to act as a Municipality inspector for the purposes of this Bylaw;
- b) "building" means a building within the meaning of *The Municipalities Act*;
- c) "Municipality" means the Town of Whitewood;
- d) "Council" means the Council of the Town of Whitewood;
- e) "junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that
 - i) either:
 - (1) has no valid licence plates attached to it; or
 - (2) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - ii) is located on private land, but that:

(1) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and

(2) does not form a part of a business enterprise lawfully being operated on that land:

- f) “nuisance” means a condition of property, or a thing, or an activity, that adversely affects or may adversely affect:
 - i) the safety, health or welfare of people in the neighbourhood;
 - ii) people’s use and enjoyment of their property; or
 - iii) the amenity of a neighbourhood and includes:
 - i) a building in ruinous or dilapidated state of repair;
 - ii) an unoccupied building that is damaged and is an imminent danger to the public safety;
 - iii) land that is overgrown with grass and weeds;
 - iv) untidy and unsightly property;
 - v) junked vehicles; and
 - vi) open excavations on property;
- g) “occupant” means an occupant as defined in *The Municipalities Act*;
- h) “owner” means an owner as defined in *The Municipalities Act*;
- i) “property” means land or buildings or both;
- j) “structure” means anything erected or constructed, the use of which requires temporary or permanent location, or support of, the soil, or attached to something having permanent location of the ground or soil; but not including pavements, curbs, walks or open air surfaced areas.

RESPONSIBILITY

- 4. Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

NUISANCES PROHIBITED GENERALLY

- 5. No person shall cause or permit a nuisance to occur on any property owned by that person.

DILAPIDATED BUILDINGS

- 6. Notwithstanding the generality of Section 5, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:
 - a) is dangerous to the public health or safety
 - b) substantially depreciates the value of other land or improvements in the neighbourhood; or
 - c) is substantially detrimental to the amenities of the neighbourhood.

UNOCCUPIED BUILDINGS

7. Notwithstanding the generality of Section 5, no owner shall cause or permit an unoccupied building to become damaged or to deteriorate into a state of disrepair such that the building is an imminent danger to public safety.

OVERGROWN GRASS AND WEEDS

8. Notwithstanding the generality of Section 5, no owner or occupant of land shall cause or permit the land to be overgrown with grass or weeds.
9. For the purposes of this section "overgrown" means in excess of 0.20 metres in height.
10. This section shall not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

UNTIDY AND UNSIGHTLY PROPERTY

11. Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly.

JUNKED VEHICLES

12. Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept on any land owned by that person.

OPEN EXCAVATIONS

13. Notwithstanding the generality of Section 5, no person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure to exist in or any private land or in or about any building or structure which is dangerous to the public safety or health.

MAINTENANCE OF YARDS

14. Notwithstanding the generality of Section 5, no person shall cause or permit on any property owned by that person:
 - a) an infestation of rodents, vermin or insects;
 - b) any dead or hazardous trees; or
 - c) any sharp or dangerous objects.

OUTDOOR STORAGE OF MATERIALS

15. Any building materials, lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground so as not to constitute a nuisance or harborage for rodents, vermin and insects.
16. Materials referred to in Section 15 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 3.0 metres from the exterior walls of any building and at least 1.0 metres from the property line.

REFRIGERATORS AND FREEZERS

17. Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed.

FENCES

18. Fences shall be maintained in a safe and reasonable state of repair.

ENFORCEMENT OF BYLAW

19. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Town of Whitewood.
20. The Administrator of the Town of Whitewood is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Bylaw Enforcement Officer.

INSPECTIONS

21. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
22. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
23. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer.

ORDER TO REMEDY CONTRAVENTIONS

24. If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
25. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
26. Orders given under Bylaw shall be served in accordance with Section 390 (1) (a), (b) or (c) of *The Municipalities Act*.

REGISTRATION OF NOTICE OF ORDER

27. If an order is issued pursuant to Section 24, the Municipality may, in accordance with Section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is subject to the order.

APPEAL OF ORDER TO REMENDY

28. A person may appeal an order made pursuant to Section 24 in accordance with Section 365 of *The Municipalities Act*.

MUNICIPALITY REMEDYING CONTRAVENTIONS

29. The Municipality may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
30. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

RECOVERY OF UNPAID EXPENSES AND COSTS

31. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw may be recovered either:
 - a) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or
 - b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

OFFENCES AND PENALTIES

32. No person shall:
 - a) fail to comply with an order made pursuant to this Bylaw;
 - b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - c) fail to comply with any other provision of this Bylaw.

33. A Designated Officer who has reason to believe that a person has contravened any provision of the Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of (cost of disposal or recovery of work done) to be paid to the Municipality within Thirty (30) days.

34. Where the Municipality receives voluntary payment of the amount prescribed under Section 32 with the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

35. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 24 of this Bylaw.

36. Every person who contravenes any provision of Section 31 is guilty of an offence and liable on summary conviction:
 - a) in the case of an individual, to a fine of not more than \$10,000;
 - b) in the case of corporation, to a fine of not more than \$25,000; and
 - c) in the case of continuing offence, to a maximum daily fine of not more than \$2,500 per day.

REPEAL OF FORMER BYLAWS

37.

COMING INTO FORCE

38. This Bylaw shall come into force on the day of its final passing

Mayor

Acting Administrator

Section 8(1) (b) & 8(1) (d) *The Municipalities Act*

Read a third time and adopted this 6 day of December, 2005

Order to Remedy

NAME: _____

ADDRESS: _____

RE: (Legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section ____ of Bylaw No. 14-2005 (the Nuisance Abatement Bylaw) the property described above has been inspected by the Town of Whitewood on _____ day of _____ 20____;

THAT as a result of the above inspection, the land is hereby declared a nuisance because:

AND THAT the records of the Municipality show that you are owner/occupant (specify which) of the property described above.

ORDER TO REMEDY

Under authority provided by Section ____ of Bylaw No. 14-2005 you are hereby ordered to remedy the above violation by:

state action required to remedy the contravention—be **SPECIFIC AND MEASURABLE**

The remedial action noted above is to be completed no later than (specify date- must be after deadline to appeal)

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and

THAT the appeal may be filed with the Town of Whitewood no later than (time and date- must be at least 15 days after the date of order)

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth or fail to file an appeal as stated above, the Municipality will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of the property may be added to, and hereby forms part of, the taxes on the property.

Dated at _____,
in the Province of Saskatchewan,
this _____ day of _____ 20_____

Designated Officer