

RURAL MUNICIPALITY OF STANLEY NO. 215

BYLAW NO 1-2016

A **BYLAW** of to provide for the abatement of nuisances within the RM of Stanley No. 215, including the Organized Hamlet of Westview.

The Council of the Rural Municipality of Stanley No. 215, in the Province of Saskatchewan enacts as follows:

1. Short Title

1.1 This bylaw may be cited as “The Nuisance Abatement Bylaw”.

2. Purpose

2.1 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 the people in the neighborhood;
- b) people’s use and enjoyment of their property; or
- c) the amenity of a neighborhood

3. Definitions

3.1 In this bylaw:

“**Act**” means *The Municipalities Act. (MA)*;

“**Administration**” means the administrator or an employee accountable to the Administrator;

“**Administrator**” means the person appointed as administrator pursuant to section 111 of *The MA*;

“**animal**” means any pets or domestic livestock;

“**building**” means a building as defined in *The MA*;

“**Council**” means the Council of the RM of Stanley No. 215;

“**complaint**” means a written report or complaint received by the Municipality and shall include:

- i. time/date information;
- ii. pertinent evidence;

“**Designated Officer**” means an employee or agent of the Municipality appointed by the Council for the purpose of this Bylaw;

“**junked vehicle**” means any automobile, tractor, truck, trailer or other vehicle that

- i. either:
 - 1) has no valid license plates attached to it; or
 - 2) is in a rusted, 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 part of a business enterprise lawfully being operated on that land;

“**livestock**” means cattle, horses, mules, asses, sheep, goats or swine;

“**Municipality**” means the RM of Stanley No. 215, including the Organized Hamlet of Westview;

“**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 neighborhood;
- ii. peoples use and enjoyment of their property; or
- iii. the amenity of a neighborhood, including but not limited to:
 - 1) a building in a ruinous or dilapidated state of repair;
 - 2) an unoccupied building that is damaged and is an imminent danger to public safety;
 - 3) land that is overgrown with grass and weeds;
 - 4) untidy and unsightly property;
 - 5) junked vehicles; and
 - 6) open excavations on property;

“**occupant**” means an occupant as defined in *The MA*;

“**owner**” means an owner as defined in *The MA*; and includes:

- i. a person(s) who keeps, possesses, harbours or has charge of or control over an animal;
- ii. the person(s) responsible for the custody of a minor where the minor is an owner of an animal

“**property**” means land or buildings or both;

“**running at large**” means if an animal is off the property of its owner, and/or not being under immediate, continuous and effective control of its owner;

“**structure**” means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas.

4. Responsibility

- 4.1 Unless otherwise specified, the owner of a property or animal shall be responsible for the complying with the provisions of this Bylaw.

5. Nuisances Prohibited Generally

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

6. Dilapidated Buildings

- 6.1 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 neighborhood; or
 - c) is substantially detrimental to the amenities of the neighborhood.

7. Unoccupied Buildings

- 7.1 Notwithstanding the generality of Section 5, no person 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.

8. Overgrown Grass and Weeds

- 8.1 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.
- 8.2 For the purpose of this section “**overgrown**” means in excess of 0.20 metres in height.
- 8.3 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.

9. Untidy and Unsightly Property

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

10. Junked Vehicles

- 10.1 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.

11. Open Excavation

- 11.1 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 on any private land or in or about any building or structure which is dangerous to the public safety or health.

12. Maintenance of Yards

- 12.1 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.

13. Outdoor Storage of Materials

- 13.1 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 or insects.
- 13.2 Materials referred to in Section 13.1 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 metre from the property line.

14. Refrigerators and Freezers

- 14.1 Any refrigerator or freezer left in a yard shall have its hinges, latches, lid and door(s) removed.

15. Fences

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

16. Animals at Large

- 16.1 No owner shall allow any animal(s) to run at large.

17. Application and Enforcement

- 17.1 Application and enforcement of this Bylaw is the responsibility of the Administrator, their delegate and any Designated Officer(s) as defined.

18. Inspection

- 18.1 The inspection of property by the Municipality to determine if this Bylaw if being complied with is hereby authorized.
- 18.2 Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The MA*.
- 18.3 No person shall obstruct a Designated Officer(s) who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer(s).

19. Order to Remedy Contravention

- 19.1 If a person is found to be in contravention of this Bylaw, a Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- 19.2 Orders given under this Bylaw shall comply with Section 364 of *The MA*.
- 19.3 Orders given under this Bylaw shall be served in accordance with Clause 390(1)(a), (b), or (c) of *The MA*.

20. Registration of Notice of Order

- 20.1 If an order is issued pursuant to Section 19.1, the Municipality may, in accordance with Section 364 of *The MA*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

21. Appeal of Order to Remedy

- 21.1 A person may appeal an order made pursuant to Section 19.1 in accordance with Section 365 of *The MA*.

22. Municipality Remediating Contraventions

- 22.1 The Municipality may in accordance with Section 366 of *The MA*, take whatever actions or measures necessary to remedy a contravention of this Bylaw.
- 22.2 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 MA*.

23. Recovery of Unpaid Expenses and Costs

- 23.1 Any unpaid expenses and costs incurred by the Municipality in remediating 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 MA*; 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 MA*.

24. Offences and Penalties

- 24.1 No person shall:
- a) fail to comply with an order made pursuant to this Bylaw;
 - b) obstruct or interfere with any Designated Officer(s);
 - c) fail to comply with any other provision of this Bylaw.
- 24.2 A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which shall indicate that the Municipality will accept voluntary payment in the sum between \$500 and \$1,500 to be paid to the Municipality within ten (10) days.
- 24.3 Where the Municipality receives voluntary payment of the amount prescribed under Section 24.2 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- 24.4 Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 19 of this Bylaw.
- 24.5 Any person who contravenes provisions of this Bylaw 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 a corporation, to a fine of not more than \$25,000; and
 - c) In the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

25. Repealing Bylaw

25.1 Bylaw No. 1-2005 passed on the 13th day of December, 2005, and all amendments thereto are hereby repealed.

26. Effective Date and Coming Into Force

26.1 This Bylaw shall come into force this ____ day of _____, 20____ .

[SEAL]

Reeve

Administrator

Read a third time and adopted
this ____ day of _____

Administrator