

Town of Rocanville

BYLAW NO. 2010 - 16

A BYLAW OF THE TOWN OF ROCANVILLE IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE ABATEMENT OF NUISANCES WITHIN THE TOWN OF ROCANVILLE.

The Council of the Town of Rocanville, in the Province of Saskatchewan, enacts as follows:

1) SHORT TITLE

This bylaw may be cited as *The Nuisance Abatement Bylaw*.

2) PURPOSE

The purpose of this bylaw is to provide for the abatement of nuisances, including property, activities or things that do/could 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 municipal inspector for the purposes of this Bylaw;
- (b) **Building** – means a building within the means of *The Municipalities Act*;
- (c) **Municipality** – means the Town of Rocanville;
- (d) **Council** – means the Council of the Town of Rocanville;
- (e) **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, 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 a ruinous or dilapidated state of repair;
 - (ii) an unoccupied building that is damaged and is an imminent danger to 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 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.
- (k) **Untidy** – means lands or buildings that are in a disorderly, slovenly and/or littered condition and are not kept in generally good order.
- (l) **Unsightly** – means lands or buildings that are unpleasant to look at or are aesthetically objectionable.

4) RESPONSIBILITY

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

5) NUISANCES PROHIBITED GENERALLY

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

6) DILAPIDATED BUILDINGS

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.

7) UNOCCUPIED BUILDINGS

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

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.

For the purposes of this section, "overgrown" means in excess of 20 centimetres in height.

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.

No owner or occupant of land shall cause or permit any adjoining boulevards or lanes to be overgrown with grass or weeds.

After having been served with an order respecting property overgrown with grass and weeds under this section, no person shall permit or allow lands described in that order to become overgrown with grass and weeds again.

9) UNTIDY AND UNSIGHTLY PROPERTY

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

10) JUNKED VEHICLES

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

11) OPEN EXCAVATIONS

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

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) CONCRETE

Notwithstanding the generality of Section 5, no person shall create a potential habitat for snakes within Town limits by:

- (a) stockpiling concrete;
- (b) burying concrete;
- (c) using concrete as fill to raise land elevation; or
- (d) failing to remove concrete from a demolition site, including basements, crawl spaces, footings, pilings, etc.

14) OUTDOOR STORAGE OF MATERIALS

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.

Materials referred to in Section 13, shall be stored in the rear yard and 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.

15) REFRIGERATORS AND FREEZERS

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

16) FENCES

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

17) ENFORCEMENT OF BYLAW

The Administration and enforcement of this bylaw, is hereby delegated to the Town Administrator for the Town of Rocanville.

The Administrator of the Town of Rocanville is hereby authorized to further delegate the administration and enforcement of this bylaw to the Town of Rocanville's Town Foreman.

18) INSPECTIONS

The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.

Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

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.

19) ORDER TO REMEDY CONTRAVENTIONS

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.

Orders given under this Bylaw, shall comply with Section 364 of *The Municipalities Act*.

Orders given under this Bylaw, shall be served in accordance with Section 390(1)(a),(b) or (c) of *The Municipalities Act*.

20) REGISTRATION OF NOTICE OF ORDER

If an order is issued pursuant to Section 19, 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 the subject of the order.

21) APPEAL OF ORDER TO REMEDY

A person may appeal an order made pursuant to Section 19, in accordance with Section 365 of *The Municipalities Act*.

22) MUNICIPALITY REMEDYING CONTRAVENTIONS

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. Actions or measures to remedy a contravention of this Bylaw shall be by resolution of Council.

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*.

23) RECOVERY OF UNPAID EXPENSES AND COSTS

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*.

24) OFFENCES

- (a) No person, after having been served with an order to remedy the untidiness or unsightliness of a property pursuant to Section 18, shall fail to comply with the order within the time specified by that order.
- (b) After having been previously served with an order respecting a property under Section 18, no person shall permit or allow that same property to become untidy or unsightly again.
- (c) Contravention of Subsection (a) or (b), shall constitute an offence under this Bylaw and may be subject to prosecution.

- (d) Whenever a Designated Officer directs a person, whether he is the owner or occupant, to do any matter or thing, then in default of its being done by that person, whether he is the owner, agent, lessee or occupant, or any or all of them, such person shall be liable to prosecution and it shall be no defense for the owner or occupant so prosecuted to allege that any other person is responsible for the default.

25) PENALTIES

- (a) 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 Notice of Violation shall indicate that the Town of Rocanville will accept voluntary payment in an amount as prescribed below:
 - (i) for a violation of Section 23(a), the sum of \$100.00; and
 - (ii) for a violation of Section 23(b), the sum of \$200.00;
- (b) Where the Town of Rocanville receives voluntary payment of the amount prescribed under Subsection 24(a), the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- (c) Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 18 of this Bylaw.
- (d) Subject to Subsections (a) and (b) of this Section, any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction to a fine of not less than \$100.00; and a fine not exceeding:
 - (i) \$10,000; in the case of an individual or providing for imprisonment for not more than 1 year, or both.
 - (ii) \$25,000; in the case of a corporation or providing for imprisonment of the directors of the corporation for not more than 1 year, or both.

26) REPEAL OF FORMER BYLAW

Bylaw No. 2005 – 9, The Nuisance Abatement Bylaw, is hereby repealed.

27) COMING INTO FORCE

This Bylaw shall come into effect July 8, 2010.

MAYOR

SEAL

ADMINISTRATOR