

## BYLAW NO. 5-2005

### NUISANCE ABATEMENT BYLAW

A Bylaw of the R.M. of North Battleford No. 437, in the Province of Saskatchewan, to provide for the abatement of nuisances within the R.M. of North Battleford No. 437

The Council of the R.M. of North Battleford No. 437 in the Province of Saskatchewan, enacts as follows:

#### Short Title

1. This Bylaw may be cited as The Nuisance Abatement 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 neighborhood;
- (b) people's use and enjoyment of their property; or
- (c) the amenity of a neighborhood.

#### Definitions

3. 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 meaning of The Municipalities Act;
- (c) "**Municipality**" means the Council of the R.M. of North Battleford No. 437;
- (d) "**Council**" means the Council of the R.M. of North Battleford No. 437;
- (e) "**junked vehicle**" means any automobile, tractor, truck, trailer or other vehicle that:
  - (i) either:
    - (1) has no valid 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 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 neighborhood;
  - (ii) people's use and enjoyment of their property; or
  - (iii) the amenity of a neighborhood 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 owner 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.

### **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 neighborhood; or
- (c) is substantially detrimental to the amenities of the neighborhood.

### **Unoccupied Buildings**

7. 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.

### **Untidy and Unsightly Property**

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

### **Junked Vehicles**

9. 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**

10. 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.

**Enforcement of Bylaw**

11. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the R.M. of North Battleford No. 437.

**Inspections**

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

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

14. 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 Contravention**

15. 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.

16. Orders given under this Bylaw shall comply with Section 364 of The Municipalities Act and shall be served in accordance with Section 390(1)(a), (b) or (c) of The Municipalities Act.

**Registration of Notice of Order**

17. If an order is issued pursuant to Section 15, the Municipality may, in accordance with Section 365 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.

**Appeal of Order to Remedy**

18. A person may appeal an order made pursuant to Section 15 in accordance with Section 365 of The Municipalities Act.

**Municipality Remediating Contraventions**

19. 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.

20. 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**

21. 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 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

22. 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.

23. 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 Municipality will accept voluntary payment in the amount of \$250.00 to be paid to the Municipality within thirty (30) days.

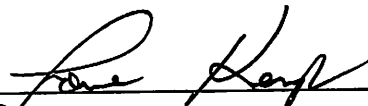
24. Where the Municipality receives voluntary payment of the amount prescribed under Section 23 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

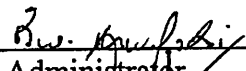
25. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 15 of this Bylaw.

26. Every person who contravenes any provision of Section 21 is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$10,000.00;
- (b) in the case of a corporation, to be fine of not more than \$25,000.00; and
- (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.

27. This Bylaw shall come into force on January 1, 2006.

  
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Reeve

  
\_\_\_\_\_  
Administrator

Certified a true copy of Bylaw  
5-2005 adopted by resolution  
of Council, this 8th day of November  
2005.

  
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Administrator

