

NUISANCE ABATEMENT BYLAW

THE VILLAGE OF CHAPLIN

BYLAW 2017-06

A BYLAW OF THE VILLAGE OF CHAPLIN IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE ABATEMENT OF NUISANCES

The council of the Village of Chaplin, in the Province of Saskatchewan, enacts the following:

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 any member of Council or Employee of the Municipality or Agent 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 Village of Chaplin;
 - d. "Council" means the Council of the Village of Chaplin
 - e. "Junked Vehicle" means any automobile, tractor, truck, trailer, or other vehicle that either:
 - i. Has no valid license plates attached to it; or
 - ii. Is in a rusted, wrecked, partly wrecked, dismantled, inoperative, or abandoned condition; and
 - iii. Does not form a part of a business enterprise lawfully being operated on private land and where three (3) or more vehicles are being parked or stored on that land, but not being screened entirely from public view or wholly contained within a lawfully existing structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the municipality.
 - 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;
 - a. A building in a ruinous or dilapidated state of repair;
 - b. An unoccupied building that is damaged and in an imminent danger to public safety;
 - c. Land that is overgrown with grass and weeds;
 - d. Untidy and unsightly property;
 - e. Junked vehicles; and
 - f. 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.

RESPONSIBILITY

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

NUISANCES PROHIBITED GENERALLY

5. No person shall cause or permit a nuisance to occur on any property owned by that person or on any boulevard, ditch or lane which abuts their property.

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 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;

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 purpose of this section, “overgrown” means in excess of 0.2 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 combination of them, whether native or non-native, consistent with 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 due to graffiti or the accumulation of new or used lumber, cardboard, paper, newspaper, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.

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.

PET WASTES

13. Pet wastes shall be promptly removed from properties, and disposed of in an acceptable manner. Pet wastes shall not be allowed to accumulate in an unreasonable manner.

OPEN EXCAVATIONS

14. 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.

PROPERTY MAINTENANCE

15. All property, including land, building and structures, shall be maintained in accordance with the minimum standards prescribed in this section. Notwithstanding Section 5, every occupant of a property, including land, buildings and structures shall;
 - a. Keep in clean and sanitary condition that part of the property which the occupant occupies or controls;
 - b. Maintain exits to the exterior of the building in a safe and unobstructed condition;
 - c. Dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health, or safety hazards; and
 - d. Keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.
16. 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;
 - c. Any sharp or dangerous objects;'
 - d. Garbage and junk;
 - e. Junked vehicles and dismantled machinery;
 - f. Excessive growth of weeds or grass; and
 - g. Holes and excavations that could cause an accident.

OUTDOOR STORAGE OF MATERIALS

17. 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.
18. Materials referred to in Section 17 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 an at least 1.0 metre from the property line.

REFRIGERATORS AND FREEZERS

19. Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed. If the refrigerator or freezer is still in use, all doors must be locked securely.

FENCES

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

ENFORCEMENT OF BYLAW

21. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Village of Chaplin.
22. The Administrator of the Village of Chaplin is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Administrator Assistant, Bylaw Enforcement Officer, Peace Officer or other party deemed appropriate by the Administrator.

INSPECTIONS

23. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
24. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
25. 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

26. 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.
27. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
28. Orders given under this Bylaw shall be served in accordance with Section 390 (1)(a), (b), or (c) of *The Municipalities Act*.

REGISTRATION OF NOTICE OF ORDER

29. 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 the subject of the order.

APPEAL OF ORDER TO REMEDY

30. A person may appeal an order made pursuant to Section 26 in accordance with Section 365 of *The Municipalities Act*.

MUNICIPAL REMEDYING CONTRAVENTIONS

31. 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.
32. 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

33. 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

34. 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.
35. 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 sum of five hundred dollars (\$500.00) to be paid to the Municipality within 30 days.
36. Where the Municipality receives voluntary payment of the amount prescribed under Section 35 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
37. Payment of an Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 26 of this Bylaw.
38. Every person who contravenes any provision of Section 34 is guilty of an offence and liable on summary conviction:
 - a. In the case of an individual, to a fine of not more than \$1,000.00;
 - b. In the case of a corporation, to a fine of not more than \$2,500.00;
 - c. In the case of a continuing offence, to a maximum daily fine of not more than \$250.00 per day.

REPEAL OF FORMER BYLAWS

39. Bylaw number 203-2013, the Nuisance Abatement Bylaw, and all amendments are hereby repealed.

COMING INTO FORCE

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

[SEAL]

Mayor

Administrator

Read a third time and adopted
this ____ day of _____, 2017.

Administrator