

# Nuisance Abatement Bylaw

## RURAL MUNICIPALITY OF VANSCOY NO. 345

### BYLAW NO. 22-2022

#### A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

The council for the Rural Municipality of Vanscoy No. 345 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 neighbourhood;
  - b) people’s use and enjoyment of their property; or
  - c) the amenity of a neighbourhood.

#### Definitions

3. In this Bylaw:
  - a) **“Agricultural district”** means any area within the Rural Municipality of Vanscoy No. 345 Zoning Bylaw zoned A;
  - b) **“Agricultural Residential district”** means any area within the Rural Municipality of Vanscoy No. 345 Zoning Bylaw zoned AR;
  - c) **“building”** means a building within the meaning of *The Municipalities Act*;
  - d) **“Commercial district”** means any area within the Rural Municipality of Vanscoy No. 345 Zoning Bylaw zoned C;
  - e) **“Council”** means the Council of the Rural Municipality of Vanscoy No. 345;
  - f) **“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;
  - g) **“Good Repair”** means condition of property when none of the following is present:
    - i) Significant damage;
    - ii) Peeling surfaces;
    - iii) Broken, missing or fallen parts;
    - iv) Rot or significant deterioration
    - v) Opens that are not secured against trespassers or infiltration of air and precipitation; or
    - vi) Other evidence of a lack of general maintenance;
  - h) **“Graffiti”** means a form of unwanted vandalism that includes any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, privacy wall, fence or other structure;
  - i) **“Industrial district”** means any area within the Rural Municipality of Vanscoy No. 345 Zoning Bylaw zoned M;
  - j) **“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;
- k) **“Low Density Country Residential district”** means any area within the Rural Municipality of Vanscoy No. 345 Zoning Bylaw zoned CR1;
- l) **“Medium Density Country Residential district”** means any area within the Rural Municipality of Vanscoy No. 345 Zoning Bylaw zoned CR2;
- m) **“Municipality”** means the Rural Municipality of Vanscoy No. 345;
- n) **“nuisance”** means a condition of property, or a thing, or an activity, that adversely affects or may adversely affect:
  - iii) the safety, health or welfare of people in the neighbourhood;
  - iv) people’s use and enjoyment of their property; or
  - v) 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 means a condition that is caused due to the accumulation of any type of materials in any yard, including but not limited to new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal, old building materials, furniture or other waste material or junk, such that the yard becomes visually unattractive.
  - v) property that is not in a state of good repair;
  - vi) junked vehicles; and
  - vii) open excavations on property;
- o) **“occupant”** means an occupant as defined in *The Municipalities Act*;
- p) **“owner”** means an owner as defined in *The Municipalities Act*;
- q) **“property”** means land or buildings or both;
- r) **“refuse”** means all solid and liquid wastes fo whatever nature or kind and includes:
  - viii) Broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, tires, or any other form of waste or litter;
  - ix) Junked vehicles;
  - x) Equipment or machinery that has been abandoned or that is inoperative by reason of its disassembly, age, mechanical condition or other cause; and
  - xi) Any household appliance stored outside of a residence or other buidling regardless of whether or not the appliance is in an operative condition;

- s) **“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 or occupant 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 or occupied 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.

#### **Buildings**

7. Notwithstanding the generality of section 5, no person shall cause or permit any 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 8 of this bylaw, “overgrown” means in excess of 0.20 metres in height.
10. Section 8 of this bylaw 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 except in accordance with the following:
- a) Low density country residential CR1, medium density country residential CR2, Agricultural Residential AR, commercial C, Industrial M and Hamlet H district no more than three (3) junked vehicles are allowed outside of an enclosed building.
  - b) Agricultural District –exempt the following: Unlicensed agriculture equipment is exempt (Tractors, Combines, Tilling equipment, Seeders, Sprayer and Manure Spreaders)

### **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 on 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) Excessive accumulation of material, such as construction equipment or machinery unless otherwise permitted by Council, building materials, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
  - b) The accumulation of refuse or other waste products in temporary storage containers for an unreasonable period of time;
  - c) Production of generally offensive odours, unless produced through reasonable and generally accepted agricultural practice or by the reasonable and generally accepted operation of a permitted transfer station;
  - d) an infestation of rodents, other wildlife such as raccoons, foxes, badgers or insects;
  - e) any dead or hazardous trees; or
  - f) any sharp or dangerous objects.

### **Graffiti**

15. All exterior surfaces of buildings, all fences and all privacy walls shall be kept free of graffiti by the owner and occupant.

### **Outdoor Storage of Materials**

16. 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 harbourage for rodents, vermin and insects.
17. Materials referred to in section 16 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.

### **Refrigerators and Freezers**

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

### **Fences**

19. Fences shall be maintained in a safe and reasonable state of repair, free of material that is in a damaged or poor condition.

### **Enforcement of Bylaw**

20. The administration and enforcement of this bylaw is hereby delegated to the Administrator for the Rural Municipality of Vanscoy No. 345.
21. The Administrator of Rural Municipality of Vanscoy is hereby authorized to further delegate the administration and enforcement of this bylaw to the Municipal Police and/or Bylaw Enforcement Officer.

### **Inspections**

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

25. 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.
26. Orders given under this bylaw shall comply with section 364 of *The Municipalities Act*.
27. Orders given under this bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

### **Registration of Notice of Order**

28. If an order is issued pursuant to section 25, 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**

29. A person may appeal an order made pursuant to section 25 in accordance with section 365 of *The Municipalities Act*.

### **Municipality Remedying Contraventions**

30. 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.
31. 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**

32. 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**

33. 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.
34. Every person who contravenes any provision of section 32 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.
35. **Minimum Penalty**
- a) Notwithstanding section 33, the minimum penalty, that may be prescribed on summary conviction where a person fails to comply with an Order to Remedy Contravention made pursuant to section 24, 25 and 26 of this Bylaw, in the following amounts:

<u>Offence Description</u>	<u>Specified Penalty Amount</u>
<b>1st Offence</b>	<b>\$300</b>
<b>2<sup>nd</sup> Offence (within 12 consecutive months of the 1<sup>st</sup> offence)</b>	<b>\$400</b>
<b>3<sup>rd</sup> Offence (within 12 consecutive months</b>	<b>\$500</b>

of the 2<sup>nd</sup> offence)

**4<sup>th</sup> Offence or subsequent offence**                                **\$1000**  
**(within 12 consecutive months**  
**of the 3<sup>rd</sup> offence)**

**Repeal of Former Bylaws**

36. Bylaw No. 5-2005 (The Nuisance Abatement Bylaw); and all amendments thereto are hereby repealed.

**Coming Into Force**

37. This bylaw shall come into force on the day of its final passing.

[SEAL]

---

Reeve

---

Administrator  
(section 8 *The Municipalities Act*)

Read a third time and adopted this  
9<sup>th</sup> day of February, 2023.

---

Administrator