

Nuisance Abatement Bylaw
NORTHERN VILLAGE OF GREEN LAKE
BYLAW NO. 01 /22
A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

The council for the Northern Village of Green Lake in the Province of Saskatchewan enacts as follows:

PART 1 – INTERPRETATION

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, but not limited to, 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) "building" means a building within the meaning of *The Northern Municipalities Act, 2010*, as applicable;
 - b) "Council" means the Council of the Northern Village of Green Lake;
 - c) "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;
 - d) "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;
- e) "Municipality" means the Northern Village of Green Lake;
- 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, but is not limited to:
 - (a) a building in a ruinous or dilapidated state of repair;
 - (b) an unoccupied building that is damaged and is an imminent danger to public safety;
 - (c) land that is overgrown with grass and weeds;
 - (d) untidy and unsightly property;
 - (e) junked vehicles;
 - (f) open excavations on property; and
 - (g) defecation of dogs or cats on public or private property;
- g) "occupant" means an occupant as defined in *The Northern Municipalities Act, 2010*;
- h) "owner" means an owner as defined in *The Northern Municipalities Act, 2010*;
- 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.

PART 2 – GENERAL NUISANCES

Nuisances Prohibited Generally

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

Dilapidated Structures

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 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 purposes of this section, "overgrown" means in excess of 0.20 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 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 owned or occupied by them to become untidy and unsightly. This may include, but is not limited to, the accumulation of any material, substance, or items whatsoever including, but not limited to, lumber, cardboard, paper, appliances, tires, cans, barrels, branches, junk, or other waste materials.

Junked Vehicles

12. Notwithstanding the generality of section 16, no person shall cause or permit any junked vehicle to be kept on any land owned or occupied by that person.

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 or occupied by that person:
 - a) an infestation of rodents, vermin or insects;
 - b) any dead or hazardous trees;
 - c) undue buildup of animal feces;
 - d) outdoor feeding area that may attract animals or pests; or
 - e) any sharp or dangerous objects.
15. A yard shall be graded in such a manner so as to prevent:
 - a) excessive ponding of water; and
 - b) excessive dampness accumulating near buildings or structures.

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 harborage 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.

PART 3 – ENFORCEMENT AND INSPECTIONS

Enforcement of Bylaw

20. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Municipality.
21. The Administrator of the Municipality is hereby authorized to further delegate the administration and enforcement of this Bylaw to anyone else designated by council through resolution at a duly called meeting.

Inspections

22. Inspections under this Bylaw shall be carried out in accordance with section 382 of *The Northern Municipalities Act, 2010*.
23. 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

24. 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.
25. Orders given under this Bylaw shall comply with section 384 of *The Northern Municipalities Act, 2010*.
26. Orders given under this Bylaw shall be served in accordance with section 411 of *The Northern Municipalities Act, 2010*.

Registration of Order

27. If an order is issued pursuant to section 24 the Municipality may, in accordance with section 384 of *The Northern Municipalities Act, 2010*, 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

28. A person may appeal an order made pursuant to section 24 in accordance with section 385 of *The Northern Municipalities Act, 2010*.

Municipality Remediating Contraventions

29. The Municipality may, in accordance with section 386 of *The Northern Municipalities Act, 2010*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

30. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 387 of *The Northern Municipalities Act, 2010*.

Recovery of Unpaid Expenses and Costs

31. 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 388(1) of *The Northern Municipalities Act, 2010*; or
 - b) by adding the amount to the taxes on the property on which the work is done in accordance with section 389(1)(c) of *The Northern Municipalities Act, 2010*.

PART 4 – OFFENCES AND PENALTIES

32. 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.
33. 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 fifty dollars (\$50.00) to be paid to the Municipality within 30 days.
34. Where the Municipality receives voluntary payment of the amount prescribed under section 33 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
35. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to this Bylaw.
36. 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 continuing offence to a maximum daily fine of not more than \$2,500 per day.

Repealed Bylaw

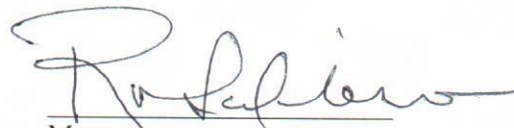
37. Bylaw No. 09/07 and all amendments thereto are hereby repealed.

Coming Into Force

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

Read a third time and adopted
this 22 day of June, 2022.

SEAL




Mayor



Administrator

Certified a true copy of Bylaw No. 01-2022 being a bylaw
to provide for the abatement of Nuisances given third and final reading at special meeting of
Council on June 22, 2022.



Administrator