

BYLAW NO. 6-23
NUISANCE ABATEMENT BYLAW

The Council of the Village of Belle Plaine 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 the bylaw is to provide for the abatement of nuisances, including property, activities, or this 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) "Designated Officer" means an employee or agent of the Municipality appointed by council to act as a municipal inspector for the purposes of the bylaw;
 - b) "building" means a building within the meaning of *The Municipalities Act*;
 - c) "Municipality" means the Village of Belle Plaine
 - d) "Council" means the council of the Village of Belle Plaine;
 - e) "junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that:
 - i. Either:
 1. Has no valid license plate 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 with in the Municipality; and
 2. Does not form a part of a business enterprise lawfully being operated on the land;
 - f) "nuisance" means a condition of property, or a thing, or an activity, that adversely affects or may adversely affect:
 1. The safety, health or welfare of people in the neighbourhood;
 2. People's use and enjoyment of their property; or
 3. The amenity of a neighbourhood and includes:
 - a) A building in a ruinous or dilapidated state or repair;
 - b) An unoccupied building that is damaged and is in imminent danger to public safety;
 - c) Land that over grown 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 building 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 a 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 the bylaw.

Nuisances Prohibited Generally

- 5. No persons 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 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 unoccupied building to become damaged or 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 0.20 meters in height.
- 10. This section shall not apply to any growth which forms a 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 or unsightly.

Junked vehicles

- 12. Notwithstanding the generality of Section 5, no person shall cause or permit more than one junked vehicle to be kept on any land owned by that person outside.

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) An infestation of rodents, vermin or insects;
 - b) Any dead or hazardous trees; or
 - c) Any sharp or dangerous objects.

Outdoor storage of materials

15. Any building materials, lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles. Nothing shall impede the line of site from corners and intersections.

Refrigerators and freezers

16. Any refrigerator(s) or freezer(s) left in a yard shall first have its hinges, latches, lid door or door(s) removed.

Fences

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

Enforcement of bylaw

18. The administration and enforcement of this bylaw is hereby delegated to the Administrator for the Village of Belle Plaine.

Inspections

19. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
20. Inspections under this bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
21. No person shall obstruct a designed officer who is authorized to conduct an inspection under this section, or a person who is assisting a designed officer.

Order to remedy contravention's

22. If a designed officer finds that a person is contravening the bylaw, the Council may, by written order, require the owner or occupant of the property to which the contravention relates to remedy that contravention.
23. Orders given under this bylaw shall comply with section 364 of *The Municipalities Act*
24. Orders given under bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

Registration of notice of order

25. 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 subject of the order.

Appeal of order to remedy

26. A person may appeal an order made pursuant to section 24 in accordance with section 365 of The Municipalities Act.

Municipality remedying contravention's

27. 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.

28. 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

29. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of the bylaw may be recovered either:

- a) By civil action for the debt in a court or 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

30. No person shall:

- a) Fail to comply with an order made pursuant of this bylaw;
- b) Obstruct or interfere with a designed officer or any other person acting under the authority of this bylaw; or
- c) Fail to comply with any other provision of this bylaw.

31. Every person who contravenes any provision of section 31 is guilty of an offence and liable on summary conviction:

- a) In the case of an individual, business or corporation a written notice will be given with 7 days to comply,
- b) On the 8th day a fee of \$100.00 will be applied,
- c) Every occurrence until compliance is met will be \$100.00

32. Bylaw NO. 8-16 is hereby repealed.

Certified a true copy of Bylaw No. 6-23
Adopted by resolution of Council, at the
meeting held on September 11, 2023



Clerk/Administrator

Mayor



Clerk/Administrator