

BYLAW NO. 2019-13

NUISANCE ABATEMENT BYLAW

A Bylaw of the Town of Duck Lake in the Province of Saskatchewan to provide for the abatement of nuisances within the Town of Duck Lake.

The Council of the Town of Duck Lake 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) peoples use and enjoyment of their property, or;
 - c) the amenity of the neighborhood;and to provide for requirements and procedures for control and regulations of nuisances including, but not limited to:
 - a. building nuisances;
 - b. untidy and unsightly premises;
 - c. excavation nuisances;
 - d. junked vehicles;
 - e. dangerous buildings;
 - f. noise

Definitions

3. In this Bylaw:
 - a). "Act" means *The Municipalities Act*;
 - b). "Building" means any building, fence, scaffolding, structure or erection;
 - c). "Council" means the Council of The Town of Duck Lake;
 - d). "Excessively Loud Noise" includes but is not limited to barking dogs, fireworks, loud music, screeching of tires, backfiring, unnecessary use of the horn and the spinning of rear wheels of a motor vehicle whereby any object may be thrown by the wheels thereby creating a nuisance;
 - e). "Inspector" means an employee or agent appointed as a Municipal Inspector or Designated Officer by Council of The Town of Duck Lake;
 - f). "Junked vehicle" means:

Any automobile, tractor, truck, trailer or other vehicle that:

 - (a) Either:
 - (i) has no valid licence plates attached to it; or
 - (ii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - (b) Is located on private land, but that:
 - (i) is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the municipality in which the land is situated; and;
 - (ii) does not form a part of a business enterprise lawfully being operated on that land;

- g). "Municipality" means Municipality as defined in *The Municipalities Act*;
- h). "Nuisance" means an on-going condition of property, or a thing, that adversely affects or may adversely affect:
 - i. the safety, health or welfare of residents of the Town of Duck Lake;
 - ii. peoples use and enjoyment of their property; or
 - iii. the amenity of a neighborhood and includes:
 - i) a building or structure 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.
- i). "Occupant" means occupant as defined in *The Municipalities Act*;
- j). "Owner" means as owner as defined in *The Municipalities Act*;
- k). "Property" means land, buildings or both;

Owner Responsible

- 4. Unless otherwise specified the owner of the property shall be responsible for carrying out the provisions of the bylaw.

Nuisance Prohibited Generally

- 5. No person shall cause or permit a nuisance to occur on any property owned by that person.
- 6. No person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building:
 - i). is dangerous to the public health and safety or;
 - ii). substantially depreciates the value of the land or improvements in the neighborhood or;
 - iii) is substantially detrimental to the amenity of the neighborhood.
- 7. No person shall cause or permit an unoccupied building or structure to become damaged or to deteriorate into a ruinous or dilapidated state of disrepair such as that the building is an imminent danger to public safety.
- 8. No person shall permit any land or buildings to become untidy and unsightly due to the accumulation of waste materials, garbage, recyclable materials, or junk including but not limited to lumber, appliances, boxes or scrap metal. Any building materials, lumber, metal or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground to at least 015 meters off the ground and shall be stacked at least 3.0 meters from the exterior walls of any building and at least 1.0 meter from the property line so as not to constitute a nuisance or harborage for rodents, vermin and insects.
- 9. No person shall cause or permit any junked vehicle to be kept on any land owned by that person.
- 10. No person shall cause or permit any basement, open excavation, drain, ditch, watercourse, pond, surface water or ground water to exist in or on any private land or in or about any building which is dangerous to the public safety or health.

11. No person shall cause or permit the land, including the areas around buildings, structures or other objects, to be overgrown with grass or weeds. For the purpose of this bylaw, overgrown means in excess of 8 inches in height. This shall not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including wildflowers, shrubs, perennials, or grasses consistent with a managed and natural landscape.
12. No person shall cause unreasonable noise or excessively loud noise while operating a motor vehicle within the limits of The Town of Duck Lake.
13. No person shall allow any appliances, including, but not limited to, freezers, refrigerators, toilets, stoves, to be stored on any land or yard owned by that person for more than 14 days. Refrigerators and Freezers must have doors removed from hinges.
14. All fences shall be maintained in a safe and reasonable state of repair.

Inspections

15. Inspections will be carried out by the person(s) appointed as an inspector by The Town of Duck Lake including, but not limited to, the Twin Rivers Bylaw Enforcement Officer, the RCMP and the town appointed building inspector.
16. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
17. An Inspector shall:
 - i. Administer and enforce this bylaw within the municipality;
 - ii. Perform any other duties and may exercise any other powers that may be delegated by Council;
18. An Inspector may declare any land, building or property as being in Contravention of this bylaw.
19. No person shall obstruct an Inspector who is authorized to conduct an inspection or a person who is assisting an inspector.

Order to Remedy Contraventions

20. If the inspector determines a property to be in contravention of this bylaw, the Inspector shall issue a written notice to the owner or the occupant stating the alleged contravention in detail and may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
21. Orders given under this Bylaw shall comply with Section 364 and Section 390(1)(a),(b), or (c) of *The Municipalities Act*.

Registration of Notice of Order

22. If an order is issued pursuant to Section 20, 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

23. An order made under this bylaw may be appealed in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

24. 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.

25. 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.

26. Any unpaid costs and expenses and incurred by the Municipality in remedying a contravention of the Bylaws 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

27. No person shall:
- a. fail to comply with an order made pursuant of this Bylaw;
 - b. obstruct an inspector from carrying out his or her duties;
 - c. fail to comply with any provisions of this bylaw.
28. An Inspector who has reason to believe that a person has contravened any Section of this bylaw may serve on that person a written notice of violation, which notice of violation shall indicate that The Town of Duck Lake will accept voluntary payment in the sum of \$100.00 (One hundred dollars) for the first violation, \$150.00 (One hundred and fifty dollars) for the second violation and \$200.00(Two hundred dollars) for the third and any subsequent violations, to be paid to the Municipality within 30 (Thirty) days.
29. Where the Municipality receives voluntary payment of the amount prescribed under section 28 within the time specified, the person receiving the notice of violation shall not be liable to prosecution for the alleged contravention.
30. Payment of any notice of violation does not exempt the person from enforcement on an order pursuant to Section 20 of this Bylaw.
31. Every person(s) who contravenes any provision of this bylaw is guilty of an Offence and is liable on summary conviction:
- i. In the case of an individual, to a fine not more than \$10,000.00;
 - ii. In the case of a corporation, to a fine not more than \$25,000.00;
 - iii. In the case of continuing offence, to a maximum daily fine of not more than \$2,500.00 per day

Repeal of former Bylaws

32. Bylaw #5006 hereby repealed.

Coming into Force

33. This bylaw shall come into force at the time that it is passed by Council.

SEAL

Mayor

Administrator