

TOWN OF KINISTINO
BYLAW NO. 07/16

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

The council for the Town of Kinistino, 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, value and enjoyment of their property; or
 - c) the amenity of a neighbourhood.

Definitions

3. In this Bylaw:
 - a) "**boarded**" means, in the case of a door or a window frame or casing, a frame or casing that is covered and/or secured, whether by temporary or permanent measures, by plywood or other materials instead of a door or a window;
 - b) "**building**" means a building within the meaning of *The Municipalities Act*;
 - c) "**Council**" means the Council of the Town of Kinistino;
 - d) "**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;
 - e) "**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; and that:
 - (1) is not within a structure erected in accordance with any Bylaw of the Municipality respecting the erection of buildings and structures in force within the Municipality, or is not fully covered by a securely fastened tarp in good and unworn condition, in a manner that would keep the junked vehicle from being visible to others beyond the legal boundaries of the private land; and
 - (2) does not form a part of a business enterprise lawfully being operated on that land;
 - f) "**Municipality**" means the Town of Kinistino;

- g) “**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, value and/or enjoyment of their property; or
 - iii) the amenity of a neighbourhood
- and includes:
- (1) a building in a ruinous or dilapidated state of repair;
 - (2) a building that is an imminent danger to public safety. Without limiting the generality of the foregoing, a building shall be deemed to be an imminent danger to public safety where it:
 - (a) is unoccupied or materially damaged;
 - (b) has defective or missing hardware so as to be incapable of locking or securing entrances to the building or is otherwise vulnerable to trespass, occupancy and/or entrance by unauthorized persons;
 - (c) has door or window frames or casings that are boarded; or
 - (d) is the subject of an Order for repair, remedy or upgrade issued pursuant to a Bylaw of the Municipality or provincial legislation or regulation for which the repair, remedy or upgrade has not been completed within a timeframe specified by the Order;
 - (3) land that is overgrown with grass and weeds;
 - (4) untidy and unsightly property;
 - (5) junked vehicles; and
 - (6) open excavations on property;
- h) “**occupant**” means an occupant as defined in *The Municipalities Act*;
- i) “**owner**” means an owner as defined in *The Municipalities Act*;
- j) “**property**” means land or buildings or both;
- k) “**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. Each owner, lawful occupant, and, in the case of a corporate owner, corporate director of an owner of a property, including land, buildings and structures, shall each be severally responsible for carrying out the provisions of this bylaw.

Nuisances Prohibited Generally

5. Notwithstanding any other provision in this Bylaw, no person shall cause or permit a nuisance to occur on any property owned by that person.

Dilapidated and Unoccupied Buildings

6. Without limiting the general provision of Section 5 or of any other law, bylaw or regulation, 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) materially depreciates the value of other land or improvements in the neighbourhood; or
 - c) is materially detrimental to the amenities of the neighbourhood.

Unoccupied Buildings

7. Without limiting the general provision of Section 5 or of any other law, bylaw or regulation, 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. Without limiting the general provision 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 or coverage of more than twenty (20%) per cent of the subject property, the calculation of which shall not include the area of any buildings thereon.
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. Without limiting the general provision of Section 5 or of any other law, bylaw or regulation, no person shall cause or permit any land or buildings to become untidy and unsightly.

Junked Vehicles

12. Without limiting the general provision of Section 5 or of any other law, bylaw or regulation, no person shall cause or permit any junked vehicle to be kept on any land owned by that person.

Open Excavations

13. Without limiting the general provision of Section 5 or of any other law, bylaw or regulation, 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, or in a manner that is, dangerous to the public safety or health.

Maintenance of Yards

14. Without limiting the general provision of Section 5 or of any other law, bylaw or regulation, 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. Without limiting the general provision of Section 5 or of any other law, any building materials, lumber, scrap metal, boxes, inventory, parts or other items stored outside on a property shall be neatly stacked in an orderly and organized appearance, and elevated off the ground so as not to constitute a harbourage deterioration or for rodents, vermin and/or insects.
16. Materials referred to in section 15 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

17. No refrigerator or freezer shall be stored outside on any property. Any refrigerator or freezer temporarily left outside on a property for transport elsewhere shall firstly have its hinges, latches, lid, door or doors removed, and shall be immediately transported to a place of lawful storage or disposal.

Fences

18. Fences shall be maintained in a safe and reasonable state of repair. Without limitation, fences that are structurally unstable, leaning, broken, and/or deteriorating from rot or other cause, shall be deemed to be unsafe and/or not in a reasonable state of repair.

Enforcement of Bylaw

19. The administration and enforcement of this bylaw is hereby delegated to the Administrator for the Town of Kinistino.
20. The Administrator of the Town of Kinisino is hereby authorized to further delegate the administration and enforcement of this bylaw, and inspections and authorities contemplated or deemed required to facilitate enforcement, to an independent contractor and or Town servant designated by resolution of Council.

Inspections

21. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
22. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
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 364 of *The Municipalities Act*.
26. Orders given under this bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

Registration of Notice of Order

27. 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

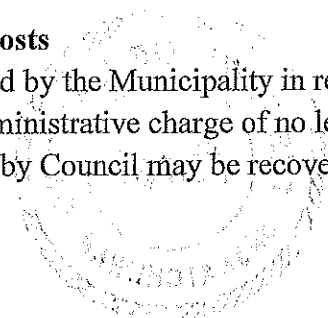
28. A person may appeal an order made pursuant to section 24 in accordance with section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

29. 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.
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 367 of *The Municipalities Act*.

Recovery of Unpaid Expenses and Costs

31. Any unpaid expenses and costs incurred by the Municipality in remediating a contravention of this bylaw plus an administrative charge of no less than \$150.00 and no more than \$1,000.00 as determined by Council may be recovered by the Municipality 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

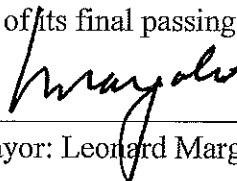
32. No person shall:
- a) fail to comply with an order made pursuant to this bylaw;
 - b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this bylaw; or
 - c) fail to comply with any other provision of this bylaw.
33. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 24 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.

Repeal of Former Bylaws

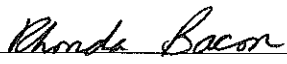
35. Bylaw #18/05 Nuisance Bylaw and all amendments thereto are hereby repealed.

Coming Into Force

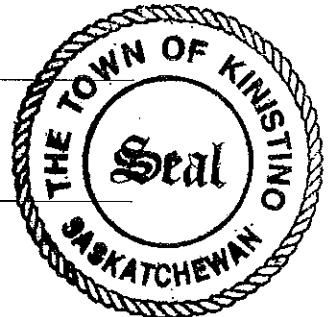
36. This bylaw shall come into force on the day of its final passing.



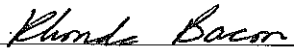
 Mayor: Leonard Margolis



 Administrator: Rhonda Bacon



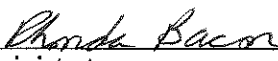
Read a third time and adopted
 this 14th day of September, 2016.



 Administrator

Certified to be a true copy of Bylaw No. 07/16 adopted by resolution of Council on the 14th day of September, 2016.





 Administrator