

# BYLAW NO. 2015-008

## TOWN OF CHURCHBRIDGE

### Nuisance Abatement Bylaw

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A BYLAW of the Town of Churchbridge in the Province of Saskatchewan, to provide for the abatement of nuisances within the Town of Churchbridge.

THE COUNCIL FOR THE TOWN OF CHURCHBRIDGE IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

#### 1. SHORT TITLE

This Bylaw may be cited as The Nuisance Abatement Bylaw.

#### 2. PURPOSE

The purpose of this Bylaw is to provide for the abatement of nuisances, including property, activities, or things that adversely affect:

- the safety, health or welfare of people in the neighborhood;
- people's use and enjoyment of their property; or
- the amenity of a neighborhood.

#### 3. DEFINITIONS

##### 3.1 *Designated Officer*

Means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purpose of this Bylaw;

##### 3.2 *Building*

Means a building as defined in *The Municipalities Act*;

##### 3.3 *Municipality*

Means the Town of Churchbridge;

##### 3.4 *Council*

Means the Council of the Town of Churchbridge;

##### 3.5 *Junked Vehicle*

Means any automobile, tractor, truck, trailer or other vehicles that:

- i) either:
  - has no valid license plates attached to it; or
  - is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition;

and

- ii) is located on private land, but that:
  - is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
  - does not form a part of a business enterprise lawfully being operated on that land;

##### 3.6 *Nuisance*

Means a condition of property, or thing, or an activity that adversely affects or may

adversely affect:

- the safety, health or welfare of people in the neighborhood;
  - people's use and enjoyment of their property; or
  - the amenity of a neighborhood
- and includes:
- a building in a ruinous or dilapidated state of repair;
  - an unoccupied building that is damaged and is an imminent danger to public safety;
  - land that is overgrown with grass and weeds;
  - untidy or unsightly property;
  - junked vehicles; and
  - open excavations on property;

### **3.7 Occupant**

Means an occupant as defined in *The Municipalities Act*;

### **3.8 Owner**

Means an owner as defined in *The Municipalities Act*;

### **3.9 Property**

Means land or buildings or both;

### **3.10 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 ground or soil; but not including pavements, curbs, walks or open air surfaced areas.

## **4. Responsibility**

Unless otherwise specified, the owner of the property, including land, buildings and structures, shall be responsible for carrying out the provision of this Bylaw.

## **5. Nuisances Prohibited Generally**

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

## **6. Dilapidated Buildings**

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:

- is dangerous to the public health or safety;
- substantially depreciates the value of other land or improvements in the neighborhood;
- is substantially detrimental to the amenities of the neighborhood.

## **7. Unoccupied Buildings**

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 the public.

## **8. Overgrown Grass and Weeds**

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.

For the purposes of this section, “overgrown” means in excess of .20m (7.9”) in height.

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.

## **9. Untidy and Unsightly Property**

Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy or unsightly.

## **10. Junked Vehicles**

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.

## **11. Open Excavations**

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.

## **12. Maintenance of Yards**

Notwithstanding the generality of Section 5, no person shall cause or permit on any property owned by that person:

- an infestation of rodents, vermin or insects
- any dead or hazardous trees
- any sharp or dangerous objects.

## **13. Outdoor Storage of Materials**

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 of rodents, vermin and insects.

Materials shall be elevated at least .15m (5.9”) off the ground and shall be stacked at least 3 m (9.84’) from exterior walls of any building and at least 1m (3.28’) from the property line.

## **14. Refrigerators and Freezers**

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

## **15. Fences**

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

## **16. Enforcement of Bylaw**

The administration and enforcement of this Bylaw is hereby delegated to a Designated Officer.

## **17. Inspections**

The inspection, of property, by the Municipality to determine if this Bylaw is being complied with, is hereby authorized.

Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or person who is assisting a Designated Officer.

## **18. Order to Remedy Contraventions**

If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, as per Schedule A, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.

Orders given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

## **19. Registration of Notice of Order**

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.

## **20. Appeal of Order to Remedy**

A person may appeal an order made pursuant to Section 24 in accordance with Section 365 of *The Municipalities Act*. The appeal must be made within fifteen (15) days of issue date of order.

## **21. Municipality Remediating Contraventions**

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.

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*. See Schedule B & C

## **22. Recovery of Unpaid Expenses and Costs**

Any unpaid expenses and costs incurred by the Municipality in remediating a contravention of this Bylaw may be recovered either;

- by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*
- by adding the amount to the taxes of the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

## **23. Offences**

No person shall:

- fail to comply with an order made pursuant to this Bylaw;
- obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
- fail to comply with any other provision of this Bylaw.

## 24. Penalties

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 as per Schedule D, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of **two hundred and fifty dollars (\$250.00)** to be paid to the Municipality within **seven (7) days**.

Where the Municipality receives voluntary payment of the amount prescribed above within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 18 of this Bylaw.

Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

- in case of an individual, to a fine of not more than \$10,000;
- in the case of a corporation, to a fine of not more than \$20,000;
- in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

## 25. Coming into Force

This Bylaw shall come into force on the day of its final reading and will repeal Bylaw 2005-006.

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Administrator

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Mayor

**Bylaw 2015-**

**Nuisance Abatement Bylaw**

**Schedule A: Order to Remedy**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

Lot Block Plan: \_\_\_\_\_

CIVIC ADDRESS: \_\_\_\_\_

**NOTICE OF VIOLATION**

TAKE NOTICE THAT in accordance with Section \_\_\_\_\_ of Bylaw 2015- \_\_\_\_ (the Nuisance Abatement Bylaw) the property described above has been inspected by the Designated Officer of the Town Of Churchbridge on \_\_\_\_\_, 20\_\_\_\_.

THAT as a result of the above inspection, the \_\_\_\_\_ described as \_\_\_\_\_ located at \_\_\_\_\_ on the land described above is hereby declared a nuisance because:

AND THAT the records of The Town Of Churchbridge show that you are the owner or occupant of the property described above.

**ORDER TO REMEDY**

Under authority provided by Section \_\_\_\_\_ of Bylaw 2015- \_\_\_\_ you are hereby ordered to remedy the above violation on or before \_\_\_\_\_ by:

The remedial action noted above is to be completed no later than \_\_\_\_\_,20\_\_.

**RIGHT TO APPEAL**

TAKE NOTICE THAT you are provided the right to appeal this Order; and

THAT the appeal may be filed with: Town Administrator, Box 256 Town of Churchbridge, Saskatchewan S0A 0M0, no later than 15 days from the date of this Order.

TAKE FURTHER NOTICE THAT a hearing to consider your appeal will be held as follows:

TIME / DATE: \_\_\_\_\_

PLACE: \_\_\_\_\_

**FAILURE TO COMPLY WITH THE ORDER**

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, the Town Of Churchbridge will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by the Town Of Churchbridge from selling or otherwise disposing of property may be added to, and thereby forms part of, the takes on the property.

Dated at Churchbridge,  
in the Province of Saskatchewan,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Designated Officer

**Bylaw 2015-**

**Nuisance Abatement Bylaw**

**Schedule B: Order to take Emergency Action**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Lot Block Plan: \_\_\_\_\_

CIVIC ADDRESS: \_\_\_\_\_

**DECLARATION OF IMMINENT DANGER**

TAKE NOTICE THAT in with accordance with Section \_\_\_\_\_ of Bylaw 2015-\_\_\_\_ (the Nuisance Abatement Bylaw), on \_\_\_\_\_ the Town of Churchbridge has declared the building (or other structure or thing)

\_\_\_\_\_ located on the property described above to

- be an imminent danger to public safety.
- Pose a risk of causing serious harm to other property because of:
- 

**ORDER TO TAKE EMERGENCY ACTION**

TAKE NOTICE THAT the records of the Town of Churchbridge show that you are the owner / occupant of the property described above;

AND THAT under authority provided by Section \_\_\_\_\_ of Bylaw 2015-\_\_\_\_ you are hereby ordered to remedy the above condition by:

The emergency action noted above is to be completed no later than \_\_\_\_\_, 20\_\_.

**FAILURE TO COMPLY WITH THE ORDER**

TAKE NOTICE THAT if you fail to comply with this order, the Town of Churchbridge will proceed to undertake the work;

AND THAT all costs, less and amount received by the Town of Churchbridge from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

**APPEAL**

TAKE NOTICE THAT you are invited to attend the meeting of the Council of the Town of Churchbridge to be held on \_\_\_\_\_ to make representations with respect to the need for this action or the intent of charging the cost of the emergency action against the said property.

Dated at Churchbridge,  
in the Province of Saskatchewan,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Designated Officer

**Bylaw 2015-**

**Nuisance Abatement Bylaw**

**Schedule C: Notice of Emergency Action Taken**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Lot Block Plan: \_\_\_\_\_

CIVIC ADDRESS: \_\_\_\_\_

**DECLARATION OF IMMINENT DANGER**

TAKE NOTICE THAT in with accordance with Section \_\_\_\_\_ of Bylaw 2015-\_\_\_\_ (the Nuisance Abatement Bylaw), on \_\_\_\_\_, 2\_\_\_\_ the Town of Churchbridge has declared the building (or other structure or thing)

\_\_\_\_\_ located on the property described above to

- be an imminent danger to public safety.
- Pose a risk of causing serious harm to other property because of:
- 

**ACTION TAKEN**

TAKE NOTICE THAT Town of Churchbridge has taken the following actions:

**COSTS**

TAKE NOTICE THAT the records of the Town of Churchbridge show that you are the owner of the property described above;  
AND THAT the Town of Churchbridge intends to recover from you the costs of the above actions, specifically:

Dated at Churchbridge,  
in the Province of Saskatchewan,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Designated Officer

**Bylaw 2015-**

**Nuisance Abatement Bylaw**

**Schedule D: Notice of Violation**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Lot Block Plan: \_\_\_\_\_

CIVIC ADDRESS: \_\_\_\_\_

**NOTICE OF VIOLATION**

TAKE NOTICE THAT the records of the Town of Churchbridge (the municipality) show that you are the owner / occupant of the property described above;

AND THAT the Town of Churchbridge has reason to believe that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ you did or you did allow the following:

in contravention of Section \_\_\_\_\_ of Bylaw 2015- \_\_\_\_ (the Nuisance Abatement Bylaw) to occur on the above described property.

**PENALTY**

TAKE NOTICE THAT Section \_\_\_\_\_ of Bylaw 2015- \_\_\_\_ states that every person who contravenes a provision of this Bylaw is guilty of an offence and is liable on summary conviction to the following penalty:

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**VOLUNTARY PAYMENT**

TAKE NOTICE THAT the Town of Churchbridge will accept a voluntary payment in the amount of two hundred and fifty dollars (\$250.00).

AND THAT upon receipt of the above voluntary payment within seven (7) days of the date of this Notice of Violation, a person shall not be liable to prosecute for the alleged contravention.

**SUMMONS**

TAKE NOTICE THAT failure to remit the voluntary payment to the Town of Churchbridge within seven (7) days will result in the issuance of a Summons.

Dated at Churchbridge,  
in the Province of Saskatchewan,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Designated Officer