**RURAL MUNICIPALITY OF SHELLBROOK NO. 493**

**BYLAW 15/2019**

**NUISANCE ABATEMENT BYLAW**

A Bylaw of the Rural Municipality of Shellbrook No. 493, in the Province of Saskatchewan, to provide for abatement of nuisances and the authority to deal with property maintenance conditions and nuisances.

The Council of the Rural Municipality of Shellbrook No. 493 in the Province of Saskatchewan enacts as follows:

 **Short Title**

1. This bylaw may be cited as *The Nuisance Abatement and Property Standards* *Bylaw.*

**Purpose**

1. The purpose of this Bylaw is to provide for minimum maintenance standards of a property; to address property that fails to meet minimum property standards, to maintain the amenity of a property and to ablate nuisances or thigs that adversely affect;
	1. The safety, health or welfare of people in the neighborhood; or
	2. People’s use and enjoyment of their property;
	3. The amenity of a neighborhood; or
	4. The minimum property standards

**Definitions**

1. In this Bylaw:
	1. “Act” means *“The Municipalities Act”*
	2. “Administrator” shall mean the Administrator of the Municipality.
	3. “Building” means a building within the meaning of *The Municipalities Act*
	4. “Board” or “Property Maintenance Appeals Board” means a Local Appeal Board established by Council pursuant to *The Municipalities Act*.
	5. “Council” means the Council of the Rural Municipality of Shellbrook No. 493
	6. “Designated Officer” means a person appointed by the Municipality to enforce this bylaw and shall include the Administrator, and CSO/Bylaw Officer/Designated Officer
	7. “Graffiti” means any drawings, inscriptions, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed
	8. “Junked Vehicle” means any automobile, tractor, truck, trailer or other vehicle that
	 **either:**
	a. has no valid license plates attached to it, or
	b. is inoperative, or inoperable, or cannot be moved by its own power
	 at the request of a Municipal appointed Official; or
	c. is in a rusted, wrecked, partly wrecked, dismantled, partly
	 dismantled, inoperative or abandoned condition; and
	**is located on private land, but that:**
	 a. is not completely obscured or enclosed within a structure erected in
	 accordance with any Bylaw respecting the erection of buildings and
	 structure in force within the Municipality; and
	 b. does not form a part of a business respecting a garage, salvage
	 yard, junk yard or other enterprise lawfully being operated on that
	 land for which a business license has been issued by the
	 Municipality
	i. “Municipality” means the Rural Municipality of Shellbrook No. 493
	j. “Nuisance” means a condition of a property, or a thing, or an activity,
	 that adversely affects or may adversely affect;
	 a. The safety, health or welfare of people in the neighborhood;
	 b. People’s use and enjoyment of their property; or
	 c. The amenity of a neighborhood; and includes;
	 1. A building that;
	 a. is a imminent danger to public safety, such as shall be
	 deemed to include, without limitation, a building that
	 is unoccupied or 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. is the subject of an Order for repair or remedy issued
	 pursuant to a bylaw of the Municipality or other
	 provincial or federal legislation or regulation for
	 which such repair or remedy has not been completed
	 within a timeframe established within that Order.
	 2. Land that is overgrown with grass and weeds;
	 3. Untidy and unsightly property;
	 4. Junked Vehicles; and
	 5. Open excavations on the property;

l. “Occupant” means an occupant as defined in *The Municipalities Act*

m*.* “CSO/Bylaw Officer” means a CSO or Bylaw Officer or Designated
 Officer as defined in *the Summary Offences Procedure Act, 1990*

n. “Property” means land or buildings or both, or a structure;
 o. “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 or curbs;
 p. Supervising Officer – shall mean the person appointed by Council to
 administer and oversee bylaw enforcement for the Municipality.

**Responsibility**

1. Unless otherwise specified, the owner of a property, including land, buildings and structure, shall be responsible for carrying out the provisions of this Bylaw.

**Nuisances Prohibited Generally**

1. No person shall cause or permit a nuisance to occur on any property owned by that person.
2. In addition to Section 5 no occupant of a property shall cause, any nuisance to occur on that property.

**Dilapidated Buildings**

1. Notwithstanding the generality of Section 5, no person shall cause or permit:
	1. A building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:
		1. Is deemed dangerous to the public health or safety;
		2. Substantially depreciates the values of other land or improvements in the neighborhood; or
	2. An occupied building to become damaged or to deteriorate into a state of disrepair such that the building is or shall become an imminent danger to public safety.

**Untidy and Unsightly Property**

1. Notwithstanding the generality of Section 5, no person shall cause or permit;
	1. The land to be overgrown with grass or weeds.
	2. For the purpose of this section “overgrown” means in excess of 20 centimeters in height.
	3. 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 combination or them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass;
	4. Trees, flowers, shrubs, or other foliage or fauna to encroach into any public property or right of way.
2. Notwithstanding the generality of Section 5, no owner nor any occupant of a property shall cause or permit:
 a. any land or buildings to become untidy and unsightly due to accumulation
 of new or used lumber, carboard, paper, newspapers, appliances, tires, cans,
 barrels, scrap metal or otherwise material or junk.
 b. human habitation in any camping unit or accessory building on that
 property.
 c. any basement, excavation, drain, ditch, watercourse, pond, surface water
 swimming pool or other structure to exist or on any private land or in or
 in or about and building or structure which is dangerous to the public’s
 safety or health.
 d. to have fences or structures that create boundaries in an unsightly condition,
 or constructed of materials that are unsightly or otherwise material or junk.
3. Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence, deck, or any other structure on property owned or occupied by that person.
4. Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicles to be kept on any land owned or occupied by that person.
5. Subject to Section 11 on any individual property, up to two (2) unlicensed vehicles may be stored if garaged, or properly covered in such a manner as to be protected from the elements, and accordance with Section 3 j)

**General Duty to Maintain**

1. A property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this bylaw.
2. No person shall cause or permit the occupancy or use of any property, including land, buildings or structures, that do not conform to the minimum standards.
3. Every occupant of a property, including land, buildings or structures, shall:
	1. Keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
	2. Maintain exits to the exterior or the building (s) in a safe and unobstructed condition;
	3. Dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards;
	4. Ensure sufficient waste and recycle receptacles are contained on the property for the collection and disposal of any waste or recycling material, when that property is under construction or renovation or being improved or undergoing a demolition.
4. For the purpose of determining if sufficient waste and recycling receptacles are contained on the property pursuant to Section 15, the mere presence of waste or recyclable material spewed at or near the outside of a receptacle, or on the property is evidence that there are insufficient receptacles for the collection of waste and recycling material at the property.

**Yards**

1. A yard shall be kept free and clean from:
	1. Garbage and junk;
	2. Junked vehicles and dismantled machinery;
	3. Excessive growth of weeds or grass;
	4. Holes and excavations that could cause an accident;
	5. An infestation of rodents, vermin or insects;
	6. Dead or hazardous trees;
	7. Trees encroaching on any public property; and
	8. Sharp or dangerous materials

**Outdoor Storage of Materials**

1. 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 be constitute a nuisance or harborage for rodents, vermin and insects.
2. Materials referred to in Section 18 shall be elevated at least 150 millimeters off the ground and shall be 1 meter from the property line.
3. Accessory Buildings shall be kept:
	1. In a safe and reasonable state of repair;
	2. Free of infestation by rodents, vermin and insects;
	3. Free of health, fire and safety hazards;
	4. Free of graffiti;
	5. Free of material that is in a damaged or poor condition;
	6. Equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry
4. Fences and Decks shall be kept:
	1. In a safe and reasonable state of repair;
	2. Free of health, fire and safety hazards;
	3. Free of graffiti;
	4. Free of material that is in a damaged or poor condition

Building Conditions

1. The components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be kept in reasonable state of repair, and shall be suitably protected from the elements.
2. The foundation of a building shall not allow the ingress of water through cracks or other damage.
3. If a Designated Officer encounters visual damage that they feel may be detrimental to the building, the Designated Officer will provide photographic evidence to the Administrator for review. On review that evidence the Administrator may direct, if required correction under provisions of municipal, provincial, or federal law or regulations.
4. All exterior surfaces of a building shall be made of materials which provide adequate protection from the weather.
5. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit rain or dampness to the interior walls or the interior spaces of the building.
6. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit rain or dampness to the interior walls or the interior spaces of the building.
7. All exterior surfaces shall be free of graffiti.
8. A roof, including the shingles, fascia boards, soffit, cornice and flashing shall be watertight so as to prevent deterioration or leakage of water into the building, or the entry of vermin.
9. Loose materials, including dangerous accumulations of snow or ice, above entrances or exits and egress windows, shall be removed from the roof of a building as soon as reasonably possible so as to prevent damage to the building or injury to persons in or near the building.
10. Water running off a roof shall be carried away from the building so as to not cause dampness in the walls, ceilings or floors in a building. Downspouts shall be used to direct water on to an adjacent property or towards a public improvement, walkway other public area in a manner which may result in a hazardous condition or damage by erosion.
11. Eaves troughs, downspouts, and extensions shall be watertight and in good repair.

**Stirs, Porches, Decks, and Railings**

1. Stairs, porches, decks, and railings shall be kept in good repair with no components that are broken, loose, rotted or warped. A handrail shall be installed on at least one side of all exterior stairs having move than three risers.

**Enforcement of Bylaw**

1. Administration and enforcement of this bylaw is hereby delegated to the Administrator or CSO/Bylaw Officer or Designated Officer.

**Inspections**

1. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
2. Inspections under this bylaw shall be carried out in accordance with Section 362 of the Act.
3. No person shall obstruct a CSO/Bylaw Officer or Designated Officer.
4. A CSO/Bylaw or Designated Officer nay request that the owner or occupant supply confirmation of a conditions, a thing or an activity by providing a letter, or any other documentation from an expert in a field related to the condition, thing, or activity. Failure to do so is an offence under this bylaw.

**Order to Remedy Contraventions**

1. If a CSO/Bylaw Officer or Designated Officer finds that a person is contravening this bylaw, the CSO/Bylaw Officer or Designation Officer may, by written Order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
2. Orders given under this Bylaw shall comply with Section 364 of the Act.
3. Orders given under this bylaw shall be served in accordance with Section 390 of the Act.
4. In addition to any provision of this bylaw, a CSO/Bylaw Officer or Designated Officer may post a Notice or Placard at the property not complying with the conditions of this bylaw.

**Registration of Notice of Order**

1. If an Order is issued pursuant to this bylaw, the Municipality may, in accordance with Section 364 of the 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**

1. A person may appeal an Order made pursuant to this bylaw in accordance with Section 365 of the Act.
2. Appeals shall be made to the Board of Revisions for the Municipality and an associated cost may apply.

**Municipality Remedying Contraventions**

1. The Municipality may, in accordance with Section 366 of the Act, take whatever actions or measures are necessary to remedy a contravention of this bylaw.
2. A CSO/Bylaw Officer or Designation Officer, any direct or authorize the removal of any vehicles not in compliance with this bylaw, off of the property in contravention, at the expense of the property owner.
3. In addition to any actual cost associated for remedying a contravention of this Bylaw or the Act, the Administrator may, in addition to that cost levy a fee of $150.00 or 12% of the cost, whichever is greater.
4. Any unpaid expenses, fee (s) or costs incurred by the Municipality in remedying a contravention of this bylaw or the Act may be recovered either:
	1. By civil action in a court of competent jurisdiction in accordance with Section 368 of the Act; or
	2. By adding the amount to taxes on the property on which the work is done in accordance with Section 369 of the Act.

**Emergencies**

1. In the event that it becomes an emergency to remedy a contravention of this bylaw, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of the Act.

**Offences and Penalties**

1. No person shall:
	1. Fail to comply with an Order made pursuant to this bylaw;
	2. Obstruct or hinder any CSO/Bylaw Officer or Designated Officer or any other person acting under the authority of this bylaw;
	3. Fail to provide a CSO/Bylaw Officer or Designated Officer any letter, or any other documentation, information or instrument when requested to do so within the prescribed time, Or
	4. Fail to comply with any provision of this bylaw.
2. No person other than a CSO/Bylaw Officer or Designated Officer shall remove, deface, alter or destroy any Order or Notice posted at a property pursuant to this bylaw.
3. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction, in addition to any surcharge imposed by the Court:

**Severability**

1. If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalided, such section or part of a sections shall not be construed as having persuaded or influenced the Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

**Repeal of Bylaws**

1. Bylaw 05/2009 is hereby repealed.

**Coming into Force**

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

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Reeve**

**SEAL \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Administrator**