

**DISTRICT OF LAKELAND NO.521**

**BYLAW NO. 10-2016**

**Nuisance Abatement Bylaw**

A Bylaw of the District of Lakeland No. 521, in the Province of Saskatchewan, to provide for the abatement of nuisances and the authority to deal with property maintenance, conditions and nuisances.

**THE COUNCIL FOR THE DISTRICT OF LAKELAND NO. 521 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**

2. 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 abate nuisances or things that adversely affect;
  - a) The safety, health or welfare of people in the neighbourhood; or
  - b) People's use and enjoyment of their property;
  - c) The amenity of a neighbourhood; or
  - d) The minimum property standards.

**Definitions**

3. In this Bylaw:
  - a) "Act" means *The Municipalities Act*
  - b) "Administrator" shall mean the Administrator of the Municipality.
  - c) "Building" means a building within the meaning of *The Municipalities Act*;
  - d) "Board" or "Property Maintenance Appeals Board" means a Local Appeal Board established by Council pursuant to *The Municipalities Act*;
  - e) "Camping Unit" means a recreational vehicle, trailer coach, mobile home, truck camper, motor home, fifth wheel and travel trailers, tent, yurt, shack, accessory building and includes any such accommodation intended for use in a trailer park, campground, RV park or mobile home park or use for camping.
  - f) "Council" means the Council of the District of Lakeland No 521.
  - g) "Designated Officer" means a person appointed by the Municipality to enforce this bylaw and shall include the Administrator, and a Peace Officer.
  - h) "Firearm" shall have the definition as defined in *The Wildlife Act, 1998*.
  - i) "Graffiti" means any drawings, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed
  - j) "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 inoperative, or inoperable, or cannot be moved by its own power at the request of an Officer; or

- 3) 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 completely obscured or enclosed within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
  - 2) 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 licence has been issued by the Municipality;
- k) “Municipality” means the District of Lakeland No. 521;
- l) “Nuisance” means a condition of a 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 and enjoyment of their property; or
  - iii) The amenity of a neighbourhood; and includes;
    - a) A building that;
      - 1 is an imminent danger to public safety, and as such shall be deemed to include, without limitation, a building that is unoccupied or damaged;
      - 2 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;
      - 3 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.
    - b) Land that is overgrown with grass and weeds;
    - c) Untidy and unsightly property;
    - d) Junked vehicles; and
    - e) Open excavations on property;
- m) “Occupant” means an occupant as defined in *The Municipalities Act*;
- n) “Owner” means an owner as defined in *The Municipalities Act*;
- o) “Peace Officer” means a peace officer as defined in *The Summary Offences Procedure Act, 1990*.
- p) “Property” means land or buildings or both, or a structure;
- q) “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.
- r) Supervising Officer – shall mean the person appointed by Council to administer and oversee bylaw enforcement for the Municipality.
- s) “UAV” or “unmanned air vehicle” means a power-driven aircraft, other than a model aircraft, that is designed to fly without a human operator on board

## **Responsibility**

4. 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**

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

## **Dilapidated Buildings**

7. Notwithstanding the generality of Section 5, no person shall cause or permit
  - a) a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:
    - i) is deemed dangerous to the public health or safety;
    - ii) substantially depreciates the values of other land or improvements in the neighbourhood; or
  - b) an unoccupied 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**

8. Notwithstanding the generality of Section 5, no person shall cause or permit;
  - a) the land to be overgrown with grass or weeds.
  - b) For the purposes of this section “overgrown” means in excess of 20 centimeters in height.
  - c) 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.
  - d) trees, flowers, shrubs, or other foliage or fauna to encroach onto any public property or right of way.
9. 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 the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.
  - b) human habitation in any camping unit or accessory building on that property.
  - c) any camping unit to be electrified or heated through the use of electrical cords being fed from a permanent structure.
  - d) 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's safety or health.
10. Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence, dock or on any other structure on property owned or occupied by that person.
11. Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept on any land owned or occupied by that person.
12. 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 in accordance with Section 3 j).

## **General Duty to Maintain**

13. All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this bylaw.
14. No person shall cause or permit the occupancy or use of any property, including land, building or structures, that do not conform to the minimum standards.
15. Every occupant of a property, including land, buildings and structures, shall:
  - a) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
  - b) maintain exits to the exterior of the building(s) in a safe and unobstructed condition;
  - c) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards;
  - d) ensure sufficient waste and recycling 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.
16. 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**

17. A yard shall be kept free and clean from:
  - a) garbage and junk;
  - b) junked vehicles and dismantled machinery;
  - c) excessive growth of weeds or grass;
  - d) holes and excavations that could cause an accident;
  - e) an infestation of rodents, vermin or insects;
  - f) dead or hazardous trees,
  - g) trees encroaching on any public property; and
  - h) sharp or dangerous materials.

## **Outdoor Storage of Materials**

18. 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 harbourage for rodents, vermin and insects.
19. Materials referred to in Section 18 shall be elevated at least 150 millimetres off the ground and shall be 1 metre from the property line.
20. Accessory Buildings shall be kept:
  - a) in a safe and reasonable state of repair;
  - b) free of infestation by rodents, vermin and insects;
  - c) free of health, fire and safety hazards;
  - d) free of graffiti;
  - e) free of material that is in a damaged or poor condition.
  - f) equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.
21. Fences and Docks shall be kept:
  - a) in a safe and reasonable state of repair;
  - b) free of health, fire and safety hazards;
  - c) free of graffiti;
  - d) free of material that is in a damaged or poor condition.

## **Building Condition**

22. 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.
23. The foundation of a building shall not allow the ingress of water through cracks or other damage.
24. 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 of that evidence the Administrator may direct, if required, correction under provisions of municipal, provincial, or federal law or regulation.
25. All exterior surfaces of a building shall be made of materials which provide adequate protection from the weather.
26. Exterior walls shall be covered with an application of paint, stain, stucco, brick, stone facing, siding or other similar protective surface to protect the walls from deterioration due to moisture penetration.
27. 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.
28. All exterior surfaces shall be free of graffiti.
29. 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.
30. Loose materials, including dangerous accumulations of snow and 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.
31. 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 away from a building but shall not be positioned in such a way as to direct water on to an adjacent property or toward a public improvement, walkway or other public area in a manner which may result in a hazardous condition or damage by erosion.
32. Eaves troughs, downspouts, and extensions shall be watertight and in good repair.

## **Exterior Doors, Storm Doors, Windows and Screens**

33. A door shall be provided at each entrance to a building, and when closed, it shall be reasonably tight-fitting within its frame.
34. Exterior doors, storm doors and storm windows shall be kept in a reasonable state of repair, and shall be weather-tight so as to perform their intended function.
35. Openable windows within 2 metres of ground level shall have an acceptable locking mechanism.
36. Exterior doors shall have an acceptable locking mechanism.
37. Windows and doors which open to the exterior and which are used for natural ventilation shall be screened so as to provide protection from the weather and insects.

## **Stairs, Porches, Decks, Docks and Railings**

38. Stairs, porches, decks, docks 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 more than three risers.
39. A guardrail shall be installed on all open sides where the difference in elevation between the adjacent ground level the walking surface exceeds 600 millimetres.
40. Guardrails shall be 900 millimetres in height where the walking surface is not more than 1800 millimetres above grade.
41. Guardrails shall be 1070 millimetres height where the walking surface is greater than 1800 millimetres above grade.
42. Guardrails shall have openings not exceed 100 millimetres between the balusters and shall not facilitate climbing.

## **Electrical Services**

43. All buildings supplied with electrical service that is adequate to safely meet the electrical needs of the building.
44. All electrical outlets and lighting shall be in good working condition with required covers and no exposed wiring.
45. Overhead electrical masts must be in a condition that can support the electrical wire.
46. At any time, the Designated Officer may request the owner to obtain a certified electrician or electrical inspector to provide written documentation that the electrical component(s) meet the National Electrical Code of Canada. Failure to do so shall be an offence under this bylaw

## **General Offences**

47. No person shall cause, or allow to be caused, an open fire to be started on any public property of the Municipality, or any property under the direction, control or maintenance of the Municipality.
48. No person shall operate an UAV at, near, within or over any private property without the permission of the property owner or occupant, as the case may be.
49. No person shall operate a UAV with a take off weight is greater then 2 kilograms within the Municipality.
50. No person shall discharge a firearm within any hamlet or subdivision or over any public road, right of way, or public reserve within the municipality.
51. For greater clarification to Section 48, a UAV is deemed to be flying over a property if the UAV is over the property and;
  - a) is operated at a distance less then 30 meters' perpendicular to the ground;
  - b) or while over the property and the property has any vehicles, improvements, structures, buildings on the property, within 30 meters, measured perpendicularly from the top portion of any vehicles, improvements, structures, buildings.

## **Bylaw Exemptions**

52. It shall not be offence against Section 9.b) of this bylaw if a permit, letter or other instrument is issued by the Municipality exempting that property from complying with that section of this bylaw.

53. It shall not be an offence against section 47 of this bylaw if such open fire is started, or is allowed to be started;
- a) in an approved fire box, stand, pit or enclosure provided by the Municipality for the purpose of a fire.
  - b) if approved by a Designated Officer or Council.
54. It shall not be an offence in Section 48 of this bylaw when;
- a) The UAV is operated by a Peace Officer is the lawful performance of their duty.
  - b) When undertaken by a municipal, provincial or federal government, department or agency while engaged in their duty.
55. It shall not be an offence in Section 49 of this bylaw when;
- a) The UAV is operated by a Peace Officer is the lawful performance of their duty.
  - b) When undertaken by a municipal, provincial or federal government, department or agency in the execution of their duty.
  - c) If that person provides prior written notice to the municipality by the filing of a letter, exemption or instrument from Transport Canada permitting the UAV operation.
56. It shall not be an offence against section 50 of this bylaw if such discharge;
- a) is done by a Peace Officer while in the performance of their duty.
  - b) was done at the lawful direction or authorization of a Peace Officer engaged in their duty.
  - c) was lawfully authorized under a provincial or federal law or regulation.
57. The Municipality shall not be bound by this bylaw with respect to their operations at
- a) a landfill operated or under the direction of the Municipality for which a provincially issued permit exists for the operation of that landfill.
  - b) the Public Works compound.
  - c) the secured fenced portion of the compound located at 161 Ambrose Lane.
  - d) Other such property, or portion of a property, as may be identified and approved by a resolution of Council.

### **Enforcement of Bylaw**

58. Administration and enforcement of this bylaw is hereby delegated to the Supervising Officer.
59. The Supervising Officer is hereby authorized to further delegate the administration and enforcement of this bylaw to a Designated Officer(s).

### **Inspections**

60. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
61. Inspections under this bylaw shall be carried out in accordance with Section 362 of the Act.
62. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this bylaw, or a person who is assisting a Designated Officer.
63. A Designated Officer may request that the owner or occupant supply confirmation of a condition, a thing or an activity by providing a certificate, 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**

64. 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.

65. Orders given under this bylaw shall comply with Section 364 of the Act.
66. Orders given under this bylaw shall be served in accordance with Section 390 of the Act.
67. In addition to any provision of this bylaw a Designated Officer may post a Notice or Placard at a property not complying with the conditions of this bylaw.

#### **Registration of Notice of Order**

68. 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**

69. A person may appeal an Order made pursuant this bylaw in accordance with Section 365 of the Act.
70. Appeals shall be made initially to the Property Maintenance Appeal Board for the Municipality.

#### **Municipality Remediating Contraventions**

71. 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.
72. A Designated Officer, may 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.
73. In addition to any actual cost associated for remediating a contravention of this Bylaw or the Act, the Administrator may, in addition to that cost, levy a fee of \$150 or 12% of the cost, which ever is greater.
74. Any unpaid expenses, fee(s) or costs incurred by the Municipality in remediating a contravention of this Bylaw or the Act may be recovered either:
- a. By civil action for debt in a court of competent jurisdiction in accordance with Section 368 of the Act; or
  - b. By adding the amount to taxes on the property on which the work is done in accordance with Section 369 of the Act.

#### **Emergencies**

75. 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**

76. No person shall:
- a) fail to comply with an Order made pursuant to this bylaw;
  - b) obstruct or hinder any Designated Officer or any other person acting under the authority of this bylaw;
  - c) fail to provide to a Designated Officer any certificate, letter, or any other documentation, information or instrument when requested to do so by a Designated Officer within the prescribed time. Or
  - d) fail to comply with any provision of this bylaw.
77. No person other than a Designated Officer shall remove, deface, alter or destroy any Order or Notice posted at a property issued pursuant to this bylaw.



78. 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:

- a) in the case of an individual, to a fine of not less than \$350 and not more than \$10,000;
  - i) on a first offence, a fine not less than \$350;
  - ii) on a second offence, a fine not less than \$550;
  - iii) on a third offence, a fine not less than \$1,000.
- b) in the case of a corporation, to a fine of not less than \$500 and not more than \$25,000;
  - i) on a first offence, a fine not less than \$500;
  - ii) on a second offence, a fine not less than \$800;
  - iii) on a third offence, a fine not less than \$1750;
- c) in the case of a continuing offence, to a maximum daily fine of not less than \$25 per day and not more than \$2,500 per day.
- d) if an individual is convicted of an offence pursuant to this Bylaw or the Act, and if the individual fails to pay the fine with respect to the conviction within the prescribed time, the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

### **Continuance**

79. Should an Order or Court action under bylaw 27-2007 have been commenced against a property, an owner or occupant prior to this bylaw coming into force, that Order or Court action shall be continued until the conditions within that Order or Court action;

- a) have been satisfied within the prescribed time; or
- b) for a period of not more than 12 months of this bylaw coming into force,

which ever comes first.

80. Should the Order or Court Action not be satisfied within the prescribed time contained within section 79 above, the municipality may proceed with an action under this bylaw.

### **Severability**

81. If a Court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section 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**

82. Bylaw No. 27 of 2007 is hereby repealed.

### **Coming Into Force**

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

E. E. Christensen  
REEVE

Dave E. Dmytruk  
ADMINISTRATOR