

# Rural Municipality of Marriott No. 317

## NUISANCE ABATEMENT BYLAW

### BYLAW NO. 03-2022

A **BYLAW** of the Rural Municipality of Marriott No. 317 (the “**Municipality**”), in the Province of Saskatchewan, to provide for the abatement of nuisances.

**THE COUNCIL FOR THE RURAL MUNICIPALITY OF MARRIOTT NO. 317, 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 properties, activities, or things that adversely affect:

- (a) the safety, health, or welfare of people in the neighbourhood;
- (b) people’s use and enjoyment of their property; or
- (c) the amenity of a neighbourhood.

#### 3. Definitions and Interpretation

3.1 In this Bylaw:

- (a) “**Act**” means *The Municipalities Act*, SS 2005, c M-36.1, as amended.
- (b) “**Administrator**” means the Administrator of the Municipality as appointed by Council from time to time;
- (c) “**Building**” means a building within the meaning of the Act
- (d) “**Council**” means the Council of the Municipality;
- (e) “**Designated Officer**” means any person, appointed by Council to act as a bylaw enforcement officer for the purpose of enforcing the laws of the Municipality;
- (f) “**Improvement**” means an improvement within the meaning of the Act
- (g) “**Junked Equipment**” means any equipment, not being a tractor, trailer or other vehicle that is either:
  - (A) is in a rusted, wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
  - (ii) is located on private land, but that:
    - (A) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
    - (B) does not form a part of a business enterprise lawfully being operated on that land;

- (h) **“Junked Vehicle”** means any automobile, tractor, trailer, or other vehicle that
  - (i) either:
    - (A) has no valid license plates attached to it; or
    - (B) is in a rusted, wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
  - (ii) is located on private land, but that:
    - (A) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
    - (B) does not form a part of a business enterprise lawfully being operated on that land;
- (i) **“Municipality”** means the Rural Municipality of Marriott No. 317;
- (j) **“Nuisance”** means a condition of property, or 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 neighbourhoodand includes, without limitation:
  - (i) a Building or an Improvement in a ruinous or dilapidated state of repair;
  - (ii) an unoccupied Building or Improvement that is damaged and is an imminent danger to public safety;
  - (iii) land that is overgrown with grass and weeds;
  - (iv) land that is in condition that creates an increased likelihood that pests will harbour, breed or feed on the land;
  - (v) A Building or an Improvement that is in a condition that creates an increased likelihood that pests will harbour, breed or feed on the land;
  - (vi) untidy and unsightly property;
  - (vii) Junked Vehicles;
  - (viii) Junked Equipment; and
  - (ix) an open excavation on property;
- (k) **“Occupant”** means an occupant as defined in the Act;
- (l) **“Owner”** means an owner as defined in the Act;
- (m) **“Storage Bags and Wraps”** means grain bags, silage bags, silage wrap and bale wrap, and any other similar product intended for one time use to enhance storage of grain, silage, and bales.
- (n) **“Property”** means land or Buildings or Improvements or one or more of the foregoing;
- (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, curbs, walks, or open-air surfaced areas.

- 3.2 For the purposes of this Bylaw, the Municipality is not required to inquire into the ownership status of any property beyond the ownership as set forth on the assessment roll of the Municipality and the ownership registered in the Saskatchewan Land Registry.

#### **4. Responsibility**

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

#### **5. Prohibited Nuisances**

##### **5.1 Nuisances Prohibited Generally**

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

##### **5.2 Dilapidated Buildings**

Without limiting in any way the application of section 5.1, no person shall cause or permit a Building and Improvement or a Structure to deteriorate into a ruinous or dilapidated state such that it:

- (a) is dangerous to the public health or safety;
- (b) substantially depreciates the value of the other land, Buildings, or Improvements in the neighbourhood; or
- (c) is substantially detrimental to the amenities of the neighbourhood.

##### **5.3 Unoccupied Buildings**

Without limiting in any way the application of section 5.1, 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.

##### **5.4 Overgrown Grass and Weeds**

- (a) Without limiting in any way the application of section 5.1, no owner or occupant of land shall cause or permit the land to be overgrown with grass or weeds.
- (b) For the purposes of this section, "overgrown" means in excess of 0.20 metres 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 combination of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

##### **5.5 Untidy and Unsightly Property**

Without limiting in any way the application of section 5.1, no person shall cause or permit any land, Building, Improvement or Structure to become untidy and unsightly.

##### **5.6 Junked Vehicles**

Without limiting in any way the application of section 5.1, no person shall cause or permit any Junked Vehicle to be kept on any land owned by that person.

### 5.7 Junked Equipment

Without limiting in any way the application of section 5.1, no person shall cause or permit any Junked Equipment to be kept on any land owned by that person.

### 5.8 Open Excavations

Without limiting in any way the application of section 5.1, no person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other subsurface Building, Improvement or Structure to exist in or on any private land or in or about any Building or Improvement or Structure which is dangerous to the public safety or health.

### 5.9 Maintenance of Yards

Without limiting in any way the application of section 5.1, no person shall cause or permit on any property owned by that person, to possess or manifest:

- (a) an infestation of rodents, vermin, or insects;
- (b) any dead or hazardous trees; or
- (c) any sharp or dangerous objects.

### 5.10 Outdoor Storage of Materials

Without limiting in any way the application of section 5.1 or section 5.13:

- (a) No person shall store building materials, lumber, scrap metal, boxes or similar items in a yard unless such materials are neatly stacked in piles and elevated off the ground so as not to constitute a nuisance or harborage for rodents, vermin, and insects.
- (b) Materials referred to in this provision must 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.

### 5.11 Refrigerators and Freezers

No Owner shall suffer or permit any refrigerator or freezer to be left unattended or to be stored in a yard without its hinges, latches, lid, and door or doors having first been removed.

### 5.12 Fences

Without limiting in any way the application of section 5.1, fences shall be maintained in a safe and reasonable state of repair.

### 5.13 Storage Bags and Wraps

Without limiting in any way the application of section 5.1, and section 5.9, upon removal of the agricultural produce stored therein, Storage Bags and Wraps shall be immediately secured and removed to a confined space and stored in a manner which does not create a nuisance of any kind (including but not being limited to those nuisances referenced in section 5.10(a) and shall be removed and recycled within a reasonable time.

## **6. Enforcement of Bylaw**

The administration and supervision of the enforcement of this Bylaw is hereby delegated to the Administrator, who is authorized to further delegate administration, and enforcement to any other person as the Administrator, acting in their sole discretion, should determine, such persons to include but not be limited to a Designated Officer

## **7. Inspections**

- 7.1 The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
- 7.2 Inspections under this Bylaw shall be carried out in accordance with Section 362 of the Act.
- 7.3 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.

## **8. Order to Remedy Contraventions**

- 8.1 If a Designated Officer finds that a person 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.
- 8.2 Orders given under this Bylaw shall comply with Section 364 of the Act.
- 8.3 Orders given under this Bylaw shall be served in accordance with Section 390 (1)(a),(b) or (c) of the Act.

## **9. Registration of Notice of Order**

If an order is issued, 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.

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

A person may appeal an order made pursuant to Section 8 of this Bylaw in accordance with Section 365 of the Act.

## **11. Municipality Remediating Contraventions**

- 11.1 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.
- 11.2 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 Act.
- 11.3 Recovery of Unpaid Expense and Costs

Any unpaid expenses and costs incurred by the Municipality in remediating a contravention of this Bylaw 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 the taxes on the property on which the work is done in accordance with Section 369 of the Act.

## **12. Offences and Penalties**

- 12.1 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 person acting under the authority of this Bylaw; or
  - (c) fail to comply with any other provision of this Bylaw.

- 12.2 A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may but shall not be required to, serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of Five Hundred Dollars (\$500.00) to be paid to the Municipality within thirty (30) days. For the purposes of clarifying the discretion provided for herein, where the Designated Officer should determine that it is not in the public interest that the person in contravention of this bylaw should be permitted to avoid prosecution, for any reason, including but not being limited to, the order of magnitude of the nuisance, or the fact that the nuisance is a repeat offence, the Designated Officer may move directly to prosecute the offence
- 12.3 Where the Municipality receives voluntary payment of the amount prescribed under section 12.2 with the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- 12.4 Neither payment of any Notice of Violation, nor the institution of a prosecution, exempt the person from enforcement of an order made under this Bylaw.
- 12.5 Every Person who contravenes any provision of this Bylaw 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 that \$25,000; and
  - (c) in the case of continuing offence, to a maximum daily fine of not more than \$2,500 per day.

**13. Repeal of Former Bylaws**

The previous nuisance bylaw, Bylaw No. 04-2016, enacted by the Municipality is hereby repealed.

**14. Coming Into Force**

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

Read a first time this	20 day of September, 2022
Read a second time this	20 day of September, 2022
Read a third time and passed this	20 day of September, 2022

\_\_\_\_\_  
Reeve

SEAL

\_\_\_\_\_  
Administrator