



## BYLAW NO. 3/2023

### A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES AND PROPERTY STANDARDS

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The Council for the Town of Pense in the Province of Saskatchewan enacts as follows:

#### Short Title

1. This Bylaw may be cited as The Nuisance Abatement Bylaw 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 the abatement of nuisances, activities, 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; or
  - 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" means the Administrator of the municipality.
  - c) "Building" means a building within the meaning of *The Municipalities Act*.
  - 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 and shall include the Administrator.
  - e) "Municipality" means the Town of Pense.
  - f) "Council" means the Council of the Town of Pense.
  - g) "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.
  - h) "Junked vehicle" means any automobile, tractor, truck, trailer, or other vehicle that:
    - 1) either:
      - (i) has no valid license plates attached to it; or
      - (ii) is inoperative, or inoperable, or cannot be moved by its own power at the request of a Designated Officer; or
      - (iii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
    - 2) is located on private land, but that:



- (i) is not completely screened from view or enclosed within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
  - (ii) does not form a part of a business enterprise lawfully being operated on that land.
- i) “nuisance” means a condition of property, or a thing, or an activity, that adversely affects or may adversely affect:
  - 1) the safety, health, or welfare of people in the neighbourhood;
  - 2) people’s use and enjoyment of their property; or
  - 3) the amenity of a neighbourhoodand includes:
  - (i) a building in a ruinous or dilapidated state of repair;
  - (ii) an unoccupied building that is damaged and is an imminent danger to public safety;
  - (iii) land that is overgrown with grass and weeds;
  - (iv) untidy and unsightly property;
  - (v) junked vehicles;
  - (vi) open excavations on property.
- j) “occupant” means an occupant as defined in *The Municipalities Act*.
- k) “owner” means an owner as defined in *The Municipalities Act*.
- l) “property” means land or buildings or both.
- m) “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. Unless otherwise specified, the owner of a property, including land, buildings, and structures, 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.

**Dilapidated Buildings**

- 6. 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:
  - a) is dangerous to the public health or safety;
  - b) substantially depreciates the value of other land or improvements in the neighbourhood; or
  - c) is substantially detrimental to the amenities of the neighbourhood.



### **Unoccupied Buildings**

7. 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 public safety.

### **Overgrown Grass and Weeds**

8. Notwithstanding the generality of section 5, no owner or occupant of land shall cause or permit:
  - a) the land to be overgrown with grass or weeds;
  - b) for the purpose 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.

### **Untidy and Unsightly Property**

9. Notwithstanding the generality of section 5, no person shall cause or permit:
  - a) any land or buildings to become untidy and unsightly;
  - b) graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

### **Junked Vehicles**

10. 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. Notwithstanding the requirements of Section 10, up to two (2) unlicensed vehicles may be stored in the rear yard of any individual property if fitted with an approved vehicle cover or stored in accordance as follows:
  - (i) Is located on private land;
  - (ii) Is completely screened from view or enclosed within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
  - (iii) does not form a part of a business enterprise lawfully being operated on that land.

The suitability of any vehicle cover is at the discretion of the Designated Officer.



### **Open Excavations**

12. 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.

### **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,

### **Maintenance of Yards**

15. Notwithstanding the generality of section 5, 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**

16. 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.
17. Materials referred to in section 16 shall be elevated at least 15 centimeters 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**

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

### **Fences**

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

### **Enforcement of Bylaw**

20. The administration and enforcement of this bylaw is hereby delegated to a Designated Officer for the Town of Pense.



21. The Administrator is hereby authorized to further delegate the administration and enforcement of this bylaw to another employee of the Town of Pense.

#### **Inspections**

22. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
23. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
24. 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.
25. 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.

#### **Order to Remedy Contraventions**

26. 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.
27. Orders given under this bylaw shall comply with section 364 of *The Municipalities Act*.
28. Orders given under this bylaw shall be served in accordance with section 390 of *The Municipalities Act*.
29. In addition to any provision of this Bylaw, a Designated Officer may post a Notice or placard at any property not complying with the conditions of this Bylaw.

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

30. If an order is issued pursuant to section 42, 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**

31. A person may appeal an order made pursuant to section 42 in accordance with section 365 of *The Municipalities Act*.

#### **Municipality Remediating Contraventions**

32. 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.



33. 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**

34. Any unpaid expenses and costs incurred by the Municipality in remedying 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 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*.

35. 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 \$100 or 10 percent of the cost, whichever is greater.

#### **Offences and Penalties**

36. 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 provide a Designated Officer a 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 other provision of this bylaw.

37. No person other than a Designated Officer shall remove, deface, alter, or destroy an Order or Notice posted at a property issued pursuant to this Bylaw.

38. 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, which Notice of Violation shall indicate that the municipality will accept voluntary payment in the sum of \$500 to be paid to the municipality within 10 days.

39. Where the Municipality receives voluntary payment of the amount prescribed under Section 32 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

40. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 42 of this bylaw.

41. Every person who contravenes any provision of section 52 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.

**Severability**

- 42. In the event that any portion of this Bylaw is declared to be ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be served from the Bylaw to that extent and the remainder of the Bylaw shall continue in force and effect,
- 43. This Bylaw is not intended to relieve any person from complying with any other statute, regulation or bylaw relating to building construction and repair, fire safety or public health.

**Repeal of Former Bylaws**

- 44. Bylaw No 11/2013 Nuisance Abatement Bylaw is hereby repealed.

**Coming Into Force**

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

{SEAL}

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Mayor

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Administrator

Read a first time this            day of            ,2023.  
 Read a second time this        day of            .2023.  
 Read a third time and adopted this        day of            ,2023.