

BYLAW NO. 11-2014

NUISANCE BYLAW

A BYLAW TO PROVIDE FOR REQUIREMENTS AND PROCEDURES TO  
REGULATE MUNICIPAL NUSIANCES

The Council of the Village of Loreburn in the Province of Saskatchewan, enacts as follows:

1. The Purpose of this bylaw is to provide for requirements and procedures for control and regulation of municipal nuisances including:
  - a) Building Nuisances
  - b) Untidy and unsightly premises
  - c) Excavation nuisances
  - d) Derelict vehicles (or junked vehicles, or junked material, as applicable)
  - e) Dangerous buildings
  
2. Definition:
  - a) “Act” means *The Municipalities Act*
  - b) “building” means any building, fence, scaffolding, structure or erection
  - c) “Council” means the Council of the Village of Loreburn
  - d) “inspector” means the employee appointed as Municipal Inspector by the Council of the Municipality.
  - e) “junked vehicle” means a derelict vehicle as defined by *The Municipalities Act*.
  - f) “Municipality” means an urban municipality as defined by *The Municipalities Act*
  - g) “occupant” means an occupant as defined by *The Municipalities Act*
  - h) “owner” means an owner as defined by *The Municipalities Act*
  - i) “property” means land, buildings or both.
  
3. Unless otherwise specified the owner of the property shall be responsible for carrying out the provisions of this bylaw.
  
4. No person shall cause or permit a nuisance to occur on any property owned by that person.
  
5. No person shall cause or permit a building to deteriorate into a ruinous or dilapidated state such that the building:
  - i. is dangerous to public health and safety or
  - ii. substantially depreciates the value of the land or improvements in the neighborhood.

6. No person shall cause or permit an unoccupied building to become damaged or to deteriorate into a stage of disrepair such that the building is an imminent danger to public safety.
7. No person shall cause or permit 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.
8. No person shall permit any junked vehicle (or derelict vehicle or junked material to be kept on any land owned by that person.
9. 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 which is dangerous to the public safety or health.
  - a) As per the Village of Loreburn Building Bylaw 4-2014, a fee of \$1000.00 (one thousand) must be deposited with the municipality by the owner, if a building is to be moved off property or demolished. The Village will retain this deposit until the property is cleaned up and returned to a satisfactory state.
  - b) a fine of \$500.00 will be imposed on anyone placing waste in the Village Transfer Station or the Village 40 Yard Waste Area that is not authorized or disposing of materials outside the Transfer Station or 40 Yard Waste Area gates. The only material accepted at the Transfer Station is burnable wood products.
  - c) a fine of \$500.00 and costs incurred by the Village for work done will be imposed on any property owner who does not keep their property maintained and kept free of refuse, tires, cans, scrap metal, junked vehicles or any other waste deemed by the Village Council. The Village may have the clean-up done and the fine and costs billed to the property owner.

### Inspections

10. Inspections will be carried out by the person(s) appointed as an inspector.
11. An inspector shall:
  - i. administer and enforce this bylaw within the municipality;
  - ii. perform any other duties and may exercise any other powers that may be delegated by council

- iii. have authority to enter properties, buildings, structures or premises, other than private dwellings, at reasonable times and without the consent of the owner, for the purpose of carrying out their duties which include performing tests and taking samples.
12. An inspector may declare any land, building or property as being in contravention of this bylaw.
13. No person shall obstruct an inspector from carrying out his or her duties.

#### Notices and Orders

14. If the inspector determines a property to be in contravention of this bylaw, the inspector shall issue a written notice to the owner or the occupant stating the alleged contravention in detail.
15. Each written notice under this bylaw must contain the following:
- i) the name(s) of the person(s) to be notified
  - ii) legal description of the property where the municipal nuisance is located
  - iii) the reason for the declaration of nuisance or danger to public safety.
  - iv) the nature of the work to be completed
  - v) final date for completion of work
  - vi) procedures for appeal to Council
  - vii) penalty for non-compliance of order
  - viii) provision that municipality will complete the work and charge the cost of doing the work against the taxes on the land and buildings that the work was done, if the person notified fails to remedy the conditions within the time specified in the order
  - ix) date and place the order was made
  - x) signature of the inspector.
16. Each notice shall provide the person being notified the option to appear at the next meeting before council by informing the clerk of the municipality within 30 days, that he or she wishes to be heard and give reasons why the work should not be performed.
17. Each notice must also state the date on which an order shall be written instructing the owner or occupant to remedy the contravention and the time period of not less than 30 days.
18. If the person notified pursuant to this bylaw appears before council and satisfies council that all or part of the work should not be proceeded with,

the Council may rescind or amend the order.

19. If the person notified does not satisfy council that all or part of the work should not be proceeded with, an order will be issued by the inspector requiring the work to be completed within 30 days.

#### Appeals

20. An order made under Section 19 of this bylaw may be appealed to the local Appeal Board as designated by Council.
21. The order may be further appealed to the Saskatchewan Municipal Board within 30 days of the date of the order.
22. The local appeal board or the Saskatchewan Municipal Board may confirm, modify or repeal the order or decision appealed from.
23. Notwithstanding section 33 of The Municipal Board Act, a decision made by The Saskatchewan Municipal Board may be appealed to the Court of Queen's Bench on a point of law or jurisdiction only, within 30 days after the decision is made.

#### Emergency Situations

24. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the municipality may take any actions or measures necessary to eliminate the emergency before the expiration of the period in which the Order may be appealed.

#### Enforcement

25. Any work ordered that has not been performed by the owner or occupant within the specified time period and if the period for appeal has passed, may be performed by the municipality.
26. Any cost incurred by the municipality for work performed in Section 25 may be recovered by:
  - i) adding the cost to the taxes of the land in which the work was performed
  - ii) payment of owner for the costs

#### Penalties

Failing to comply with an order pursuant to this bylaw may result in a fine being imposed according to *The Municipalities Act*, Section 381.