

RURAL MUNICIPALITY OF WEYBURN NO. 67

Weyburn, Saskatchewan

BYLAW NO. 12-2009

A BYLAW FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES WITHIN THE HAMLET OF NORTH WEYBURN IN THE R.M. OF WEYBURN NO.67.

The council for the Rural Municipality of Weyburn No.67 in the Province of Saskatchewan enacts as follows:

Short Title

1. This Bylaw may be cited as The Hamlet of North Weyburn Nuisance Abatement Bylaw.

Purpose

2. The purpose of this Bylaw is to provide for the abatement of nuisances, including property, 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.

Definitions

3. In this Bylaw:
 - a) "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;
 - b) "building" means a building within the meaning of *The Municipalities Act*;
 - c) "Municipality" means the Rural Municipality of Weyburn No.67;
 - d) "Hamlet Board" means the three people that make up the North Weyburn Hamlet Board.
 - e) "Council" means the Council of the Rural Municipality of Weyburn No.67;
 - f) "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 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 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 enterprise lawfully being operated on that land;

- g) "nuisance" means a condition of 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:
 - 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; and
 - vi) open excavations on property;
- g) "occupant" means an occupant as defined in *The Municipalities Act*;
- h) "owner" means an owner as defined in *The Municipalities Act*;
- i) "property" means land or buildings or both;
- j) "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 the land to be overgrown with grass or weeds.
- 9. For the purposes of this section, "overgrown" means in excess of 0.20 metres in height.
- 10. 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.

Untidy and Unsightly Property

- 11. Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly.

Junked Vehicles

- 12. 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.

Open Excavations

- 13. 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.

Maintenance of Yards

14. 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

15. 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 harborage for rodents, vermin and insects.
16. Materials referred to in Section 15 shall 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.

Refrigerators and Freezers

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

Fences

18. Fences shall be maintained in a safe and reasonable state of repair.

Noise

19. No person shall make, continue or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the Hamlet of North Weyburn.
- a) No person shall allow property belonging to him/her under his/her control to be used so that there originates from the property any loud unnecessary or unusual noise which disturbs the comfort or repose of other persons in the vicinity of such property or generally within the limits of the Hamlet of North Weyburn.
 - b) No person shall operate or allow to be operated any sound amplifying equipment from any residence, business premises, vehicle or in any park or other public place so as to unduly disturb residents of the Hamlet. The above shall not apply to any person or group who has obtained written consent or permission from the Hamlet board.
 - c) No person shall operate a power operated lawn mower, snow removal device, or motorized model aircraft in a residential area between the hours of 10:00 P.M. (2200 hrs.) and 7:30 A.M. (0730 hrs.).
 - d) No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site between the hours of 10:00 P.M. (2200 hrs.) & 7:30 A.M. (0730 hrs.).

e) No person shall operate any equipment, machinery or mechanical devices or any other tool or device of a noisy nature that may disturb residents between the hours of 10:00 P.M. (2200 hrs.) and 7:30 A.M. (0730 hrs.).

f) No person shall cause or permit or undertake any activity upon any Hamlet property, which constitutes a nuisance.13) No person who occupies any premises shall keep any kind of animal in excessive numbers so as to cause a health concern, damage to other properties or in the opinion.

Snow, Ice, Dirt & Debris

20. No person shall remove snow, ice, dirt, debris or other material from their private property by causing it to be placed on any other portion of a street or on any private property other than their own except to the extent that removal of the snow or ice to private property is impractical.

a) No person shall place or permit to be placed any snow, ice, dirt, debris or other material removed from private property on to a street or other public place in the Hamlet of North Weyburn.

Enforcement of Bylaw

21. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Rural Municipality of Weyburn No.67.

22. The Administrator of the Rural Municipality of Weyburn No.67 is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Hamlet Board.

Inspections

23. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.

24. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

25. 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.

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 Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

Registration of Notice of Order

29. If an order is issued pursuant to Section 24, 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

30. A person may appeal an order made pursuant to Section 24 in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

31. 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.

32. 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

33. 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 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*.

Offences and Penalties

34. 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 comply with any other provision of this Bylaw.

35. 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 \$200.00 to be paid to the Municipality within 30 days.

A person who commits a second or subsequent offence within a period of one (1) year may be subject to a fine that is double the amount above.

36. Where the Municipality receives voluntary payment of the amount prescribed under Section 33 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

37. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 24 of this Bylaw.

38. Every person who contravenes any provision of Section 32 is guilty of an offence and liable on summary conviction:

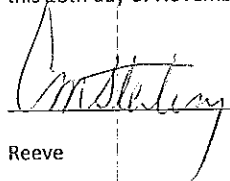
- a. in the case of an individual, to a fine of not more than \$10,000;
- b. in the case of a corporation, to a fine of not more than \$25,000; and
- c. in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

Coming Into Force

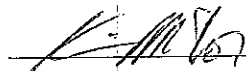
39. This Bylaw shall come into force on the day of its final passing.

Read a third time and adopted

this 18th day of November, 2009



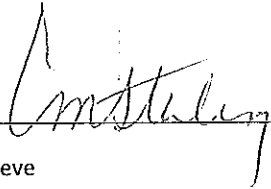
Reeve



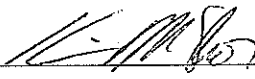
Administrator



Certified a true copy of Bylaw No. 12-2009
adopted by Council on the 18th day
of November, 2009.



Reeve



Administrator

