

The Property Maintenance & Nuisance Abatement Bylaw

THE NORTHERN VILLAGE OF AIR RONGE BYLAW NO. 269/2013

A BYLAW TO PROVIDE FOR THE PROPERTY MAINTENANCE AND NUISANCE ABATEMENT BYLAW

The council for the Northern Village of Air Ronge in the Province of Saskatchewan enacts as follows:

Short Title

1. This Bylaw may be cited as The Property Maintenance & 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 Northern Municipalities Act*;
 - c) "Municipality" means the Northern Village of Air Ronge;
 - d) "Council" means the Council of the Northern Village of Air Ronge;
 - e) "graffiti" means any drawing, inscription, writing or other mark, however made, that disfigures or defaces any building, accessory building, fence or other structure without the prior written authorization of the owner;
 - f) "junk" means waste, rubbish or the remains of articles that have been worn, discarded, destroyed or in a broken condition, as determined by council.
 - g) "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;
- h) “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 Northern Municipalities Act*;
- h) “owner” means an owner as defined in *The Northern 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.

Part II - Nuisances

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 8 of this bylaw, “overgrown” means in excess of 0.20 centimetres in height.
10. Section 8 of this bylaw 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.

Graffiti

14. Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

Property Maintenance – Part III

Duty to Maintain

15. (1) All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.
(2) No persons shall cause or permit the occupancy or use of any property, including land, building or structures that do not conform to the minimum standards.

- (3) Notwithstanding section 4, 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 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; and
 - (d) keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

Division 1 – Maintenance of Yards and Accessory Buildings

Application

16. This Division applies to all accessory buildings and yards within the village.

Maintenance of Yards

17. (1) A yard shall be kept free and clean from:
- (a) garbage and junk;
 - (b) junked vehicles and dismantled machinery;
 - (c) excessive growth of weeds and/or grass;
 - (d) holes and excavations, with the exception of excavations for construction purposes;
 - (e) an infestation of rodents, vermin or insects;
 - (f) dead or hazardous trees; and
 - (g) sharp or dangerous materials.
- (2) A yard shall be graded in such a manner so as to prevent:
- (a) excessive ponding of water; and
 - (b) excessive dampness accumulating near buildings or structures.

Outdoor Storage of Materials

18. (1) Any building materials, lumber, fire wood, 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.
- (2) Materials referred to in subsection (1) shall be elevated at least 150 mm off the ground and shall be stacked at least 3 meters from the exterior walls of any building and at least 1 meter from the property line.

Refrigerators and Freezers

19. No refrigerator or freezer shall be openly stored in any yard.

Fences

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

Accessory Buildings

21. (1) Accessory buildings shall be kept:
- (a) in good repair
 - (b) free of infestation by rodents, vermin and insects; and
 - (c) free of health, fire and safety hazards.
- (2) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

Division 2 – Building Standards (Exterior)

Application

22. This division applies to all buildings in the Village.

Building Components

23. The structural components of every building, including roofs, stairs, railing, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be maintained in a safe condition, and shall be capable of performing the function that they were intended to perform.

Exterior Walls

24. (1) All exterior surfaces shall be made of material, which provide adequate protection from the weather
- (2) Exterior walls shall be covered with an application of paint, stain, stucco, brick, stone facing or other similar protective surface to protect the walls from deterioration due to moisture penetration.
- (3) 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.

Roofs

25. (1) A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent deterioration or leakage of water into the building.
- (2) Loose materials, including dangerous accumulations of snow and ice, shall be removed from the roof of a building as soon as reasonable possible so as to prevent damage to the building or injury to persons in or near the building.
- (3) Water running off a roof shall be carried away from the building so as not to cause dampness in the walls, ceilings or floors in the building but it shall not drain onto a public street so as to create a hazardous condition or onto any adjacent property so as to damage that property.
- (4) Eavestroughing and downspouts shall be watertight and maintained in good repair.

Enforcement of Bylaw

26. The administration and enforcement of this bylaw is hereby delegated to the Administrator_for the Northern Village of Air Ronge.
27. The Administrator_of the Northern Village of Air Ronge is hereby authorized to further delegate the administration and enforcement of this bylaw to Council.

Inspections

28. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
29. Inspections under this Bylaw shall be carried out in accordance with section 382 of *The Northern Municipalities Act*.
30. 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

31. 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.
32. Orders given under this bylaw shall comply with section 384 of *The Northern Municipalities Act*.
33. Orders given under this bylaw shall be served in accordance with section 411 of *The Northern Municipalities Act*.

Registration of Notice of Order

34. If an order is issued pursuant to section 24, the Municipality may, in accordance with section 384 of *The Northern 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

35. A person may appeal an order made pursuant to section 24 in accordance with section 385 of *The Northern Municipalities Act*.

Municipality Remediating Contraventions

36. The Municipality may, in accordance with section 386 of *The Northern Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this bylaw.

37. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 387 of *The Northern Municipalities Act*.

Recovery of Unpaid Expenses and Costs

38. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this bylaw may be recovered either:

- f) by civil action for debt in a court of competent jurisdiction in accordance with section 388 of *The Northern Municipalities Act*; or
- g) by adding the amount to the taxes on the property on which the work is done in accordance with section 389 of *The Northern Municipalities Act*.

Offences and Penalties

39. No person shall:

- f) fail to comply with an order made pursuant to this bylaw;
- g) obstruct or interfere with any Designated Officer or any other person acting under the authority of this bylaw; or
- h) fail to comply with any other provision of this bylaw.

40. 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 [\$100.00 – one hundred dollars] to be paid to the Municipality within [30 - thirty] days.

41. 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.

42. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 24 of this bylaw.

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

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