

CONSOLIDATED COPY

August 23, 2016

**CITY OF MEADOW LAKE
NUISANCE ABATEMENT BYLAW
BYLAW NO. 10/2013**

with amendments up to and including Bylaw No. 18/2013 passed June 10, 2013, Bylaw No. 10/2016 passed May 9, 2016, and Bylaw No. 19/2016 passed August 22, 2016.

by City Council.

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NOTE:

All persons making use of this consolidation are reminded that this document has no legal status, that the amendments have been embodied for convenience of reference, and that the original bylaws should be consulted for all purposes of interpretation and application of the law. **Red highlighted entries indicate the amendments to the bylaw.**

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**CITY OF MEADOW LAKE
BYLAW NO. 10/2013
NUISANCE ABATEMENT BYLAW**

A BYLAW OF THE CITY OF MEADOW LAKE, IN THE PROVINCE OF SASKATCHEWAN, TO PROVIDE FOR THE ABATEMENT OF NUISANCES WITHIN THE CITY OF MEADOW LAKE.

The Council for the City of Meadow Lake, in the Province of Saskatchewan, enacts as follows:

I. INTRODUCTION

1. 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 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.

II. 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 Cities Act*.
- c) MUNICIPALITY – means the City of Meadow Lake.
- d) COUNCIL – means the Council of the City of Meadow Lake.
- e) **JUNKED VEHICLE – means any automobile, tractor, truck, trailer or other vehicle that**
 - i) **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.**
- f) NUISANCE – means a condition of property, or an object, 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 Cities Act*.
- h) OWNER – means an owner as defined in *The Cities Act*.
- i) PROPERTY – means land or improvements 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.
- k) **UNTIDY and UNSIGHTLY means a condition that is caused due to the accumulation of any type of materials in any yard, including but not limited to new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal, old building materials, furniture or other waste materials or junk, such that the yard becomes visually unattractive and negatively affects the value of other properties in a neighborhood.**
- l) **GRAFFITI means any drawing, inscription, writing or other mark, however made on any building, accessory building, fence or other structure without the prior written authorization of the owner.**

III. REGULATIONS

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. Nuisances Prohibited Generally

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

6. Dilapidated Buildings

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.

7. Unoccupied Buildings
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.
8. Overgrown Grass and Weeds
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 0.15 metres (6 inches) 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.
11. Untidy and Unsightly Property
Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly.
12. Junked Vehicles
Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept in a manner that contributes to a nuisance on any land owned by that person.
13. Open Excavations
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.
14. Maintenance of Yards
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;
 - c) any sharp or dangerous objects; or
 - d) drainage systems, eave troughs or downspouts to discharge water runoff onto adjacent properties.
15. Outdoor Storage of Materials
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. Refrigerators and Freezers
No refrigerators or freezers shall be stored in any yard.
17. Fences
Fences shall be maintained in a safe and reasonable state of repair.
18. Graffiti
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.

IV. ENFORCEMENT

19. The administration and enforcement of this Bylaw is hereby delegated to the Manager for the City of Meadow Lake.
20. The City Manager of Meadow Lake is hereby authorized to further delegate the administration and enforcement of this Bylaw.
21. Inspections
The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
22. Inspections under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.
23. 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.
24. Order to Remedy Contraventions
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.
25. Orders given under this Bylaw shall comply with Section 328 of *The Cities Act*.
26. Orders given under Bylaw shall be served in accordance with Section 347(1)(a), (b) or (c) of *The Cities Act*.
27. Registration of Notice of Order
If an order is issued pursuant to Section 24, the Municipality may, in accordance with Section 328 of *The Cities 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.
28. Appeal of Order to Remedy
A person may appeal an order made pursuant to Section 24 in accordance with Section 329 of *The Cities Act*.
29. Municipality Remediating Contraventions
The Municipality may, in accordance with Section 330 of *The Cities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
30. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 331 of *The Cities Act*.
31. Recovery of Unpaid Expenses and Costs
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 332 of *The Cities Act*; or
 - b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 333 of *The Cities Act*.

V. OFFENCES AND PENALTIES

32. 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.
33. 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 one hundred dollars (\$100.00) to be paid to the Municipality within 30 days.
34. 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.
35. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 24 of this Bylaw.
36. Every person who contravenes any provision of Section 31 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.
37. Bylaw No. 13/2005 is hereby repealed.
38. This Bylaw shall come into force on the date of passage.

Introduced and read this 22nd day of April, 2013.
Read a second time this 13th day of May, 2013.
Read a third time and adopted this 13th day of May, 2013.

CITY CLERK

MAYOR