

VILLAGE OF PRUD'HOMME

BYLAW # 142-14

A BYLAW OF THE VILLAGE OF PRUD'HOMME OF THE PROVINCE OF SASKATCHEWAN to provide for the abatement of nuisances within the village of Prud'homme

The Council of The Village of Prud'Homme of the Province of Saskatchewan enacts to Bylaw as follows:

1. That Bylaw #68/06 be repealed.

Short Title

1. This Bylaw may be cited as The 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 Village of Prud'homme;
 - (d) "Council" means the Council of the Village of Prud'homme;
 - (e) "junked Vehicle" means any automobile, tractor, truck, trailer or other vehicle that
 - i) either:
 - (1) has no valid license plate 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:
 - (3) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
 - (4) does not form part of a business enterprise lawfully being operated on that land;
 - (f) "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) land that is overgrown with grass and weeds;
 - ii) untidy and unsightly property;
 - iii) junked vehicles; and
 - iv) 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 and 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.

Enforcement of Bylaw

11. The enforcement of this Bylaw is hereby delegated to the Administrator of the Village of Prud'Homme AND whomever the council names as bylaw enforcer.

Inspections

12. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
13. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
14. Council shall appoint an individual to act as a Designated Officer to fulfill the role and responsibilities of a Designated Officer in carrying out inspections pursuant to this Bylaw.
15. 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

16. 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.
17. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
18. Orders given under this Bylaw shall be served in accordance with Section 390(1)(a),(b) or (c) of *The Municipalities Act*.

Registration of Notice of Order

19. If an order is issued pursuant to Section 16, 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 title to the land that is the subject of the order.

Appeal of Order to Remedy

20. A person may appeal an order made pursuant to Section 16 in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

21. 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.
22. 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

23. 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

- 24. 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 the under authority of this Bylaw; or
 - (c) fail to comply with any other provision of this Bylaw.
- 25. Any person who contravenes Section 24 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.

MAYOR

ADMINISTRATOR

Certified a true copy of Bylaw 142-14
adopted by resolution of Council on
the 12 day of Sept, 2014.

ADMINISTRATOR