

VILLAGE OF RICHMOUND

Bylaw No. 2 – 2018

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES WITHIN THE VILLAGE OF RICHMOUND

The council for the Village of Richmond, in the Province of Saskatchewan, enacts as follows:

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 neighborhood;
 - b) People's use and enjoyment of their property; or
 - c) The amenity of a neighborhood.

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 as well as issue remedial orders pursuant to this Bylaw;
 - b) "Building" means a building within the meaning of The Municipalities Act;
 - c) "Municipality" means the Village of Richmond;
 - d) "Council" means the Council of the Village of Richmond;
 - e) "Junked vehicle" means any automobile, tractor, truck, trailer/RV 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, 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 a thing, or an activity, that adversely affects or may adversely affect:
 - i. The safety, health, or welfare of people in the neighborhood;
 - ii. People's use and enjoyment of their property; or
 - iii. The amenity of a neighborhood and includes:
 1. A building in a ruinous or dilapidated state of repair;
 2. An unoccupied building that is damaged and is an imminent danger to public safety;
 3. Land that is overgrown with grass and weeds;
 4. Untidy and unsightly property;
 5. Junked vehicles; and
 6. Open excavations on property;
 - g) "Occupant" or "owner" means an occupant or owner as defined in The Municipalities Act;
 - h) "Property" means land or buildings or both;
 - i) "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 pavement, curbs, walks or open air surfaced areas.
 - j) "Untidy" means lands or buildings that are in a disorderly, slovenly and littered condition and are not kept in generally good order;
 - k) "Unsightly" means lands or buildings that are unpleasant to look at.
 - l) "Temporary" means 10 days.

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 any 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 neighborhood; or
 - c) Is substantially detrimental to the amenities of the neighborhood.

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 0.4 meters 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 or 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. Any expenses incurred will be charged to the owner.

RV & Utility Trailers

13. RV & Utility trailers are allowed to use the boulevards on a temporary basis from May 1 till September 30. The trailer cannot extend onto the street or sidewalk, and slides and awnings must be retracted. Special circumstances may be granted by council, upon written request.

Open Excavations

14. 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

15. Notwithstanding the generality of Section 5, no person shall cause or permit on any property owned by that person:
 - i. an infestation of rodents, vermin or insects;
 - ii. any dead or hazardous trees; or
 - iii. any sharp or dangerous objects.

Outdoor Storage of Materials

16. 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.

17. Materials referred to in Section 15 shall be elevated at least 0.15 meters off the ground and shall be stacked at least 2.0 meters from the exterior walls of any building and at least 1.0 meter from the property line.

Refrigerators and Freezers

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

Fences

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

Enforcement of Bylaw

20. The administration and enforcement of this Bylaw is hereby delegated to the administrator/clerk for the Village of Richmond.
21. The administrator/clerk shall consult with council prior to commencement of any inspections or issuance of orders pursuant to this Bylaw.
22. The administrator/clerk is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Mayor and/or any member of Council.

Inspections

23. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
24. An inspection will be conducted once a complaint is received by the designated officer from a ratepayer or council member.
25. Inspections under this Bylaw shall be carried out in accordance with Section 362 of The Municipalities Act.
26. 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

27. If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, after consulting with council and by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
28. Orders given under this Bylaw shall comply with Section 364 of The Municipalities Act.
29. 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

30. If an order is issued pursuant to Section 26, 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

31. A person may appeal an order made pursuant to Section 26 in accordance with Section 365 of The Municipalities Act.
32. An appeal does not constitute a stay of the order pursuant to Section 26 of this Bylaw.

Municipality Remediating Contraventions

33. 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.
34. In an emergency, the Council for the Village of Richmond is hereby authorized to 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

35. 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

36. No person shall:
- c. Fail to comply with an order made pursuant to this Bylaw;
 - d. Obstruct or interfere with any Designate Officer or any other person acting under the authority of this Bylaw; or
 - e. Fail to comply with any other provision of this Bylaw.
37. 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 \$250.00 to be paid to the Municipality within Thirty days.
38. Where the Municipality receives voluntary payment of the amount prescribed under Section 34 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
39. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 25 of this Bylaw.
40. Every person who contravenes any provision of Section 36 is guilty of an offence and liable on summary conviction:
- f. In the case of an individual, to a fine of not more than \$10,000.00; and
 - g. In the case of a corporation, to a fine of not more than \$25,000.00; and
 - h. In the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.
41. Bylaw No. 1-2015 is hereby repealed.

Read a third time and adopted this _____ day of _____ 2018.

Mayor

SEAL

Administrator