

**BYLAW NO. 31/05**  
**THE R.M. OF WISE CREEK NO. 77**

**A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES**

The council for the Rural Municipality of Wise Creek 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 neighbourhood;
  - b) people's use and enjoyment of their property; or
  - c) the amenity of a neighbourhood.

**Definitions**

3. In this Bylaw:
  - a) "**Act**" means *The Municipalities Act*;
  - b) "**Building**" means any structure or erection, including fences and scaffolding;
  - c) "**Council**" means the Council of the Municipality;
  - d) "**Designated Officer**" means an employee or agent of the Municipality appointed by Council;
  - e) "**Emergency**" means a situation in which there is imminent danger to public safety or of serious harm to property;
  - 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) "**Municipality**" means the Rural Municipality of Wise Creek No. 77;
  - h) "**Nuisance**" means a condition of property, or a thing, or an activity, which 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:
      - (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, or other vegetation;
      - (4) untidy and unsightly property, as determined by Council or designated officer;
      - (5) junked vehicles; and
      - (6) open excavations on property;
  - i) "**Occupant**" means an occupant as defined in *The Municipalities Act*;
  - j) "**Owner**" means an owner as defined in *The Municipalities Act*;
  - k) "**Property**" means land, or buildings or both;

**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 to deteriorate into a ruinous or dilapidated state such that the building:
  - 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.

### **Open Excavations**

7. 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**

8. 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**

9. 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.

### **Refrigerators and Freezers**

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

### **Fences**

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

### **Enforcement of Bylaw**

12. The administration and enforcement of this Bylaw is hereby delegated to the Administrator of the Municipality; and/or any such other official(s) that the Council may designate.

### **Inspections**

13. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
14. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
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 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 20, 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**

20. A person may appeal an order made pursuant to Section 24 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 under the authority of this Bylaw; or
- c) fail to comply with any other provision of this Bylaw.

25. Every person who contravenes any provision of Section 24 is guilty of an offence under the general penalties bylaw of the municipality.

**Coming Into Force**

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

Given third reading and passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Reeve

(S E A L)

\_\_\_\_\_  
Administrator