

RESORT VILLAGE OF PASQUA LAKE

BYLAW NO. 14-2024

NUISANCE ABATEMENT BYLAW

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES AND THE AUTHORITY TO DEAL WITH PROPERTY MAINTENANCE, CONDITIONS AND NUISANCES.

The Council of the Resort Village of Pasqua Lake 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 minimum maintenance standards of a property; to address property that fails to meet minimum property standards; to maintain the amenity of a property and to abate nuisances or things that adversely affect;
 - a) the safety, health or welfare of people in the neighbourhood; or
 - 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 a building within the meaning of The Municipalities Act;
- c) "Chief Administrative Officer" shall mean the Chief Administrative Officer of the Municipality;
- d) "Council" means the Council of the Resort Village of Pasqua Lake;
- e) "Designated Officer" – shall mean the person appointed by Council or the Chief Administrative Officer to administer and enforce the bylaws of the Municipality;
- f) "Graffiti" means any drawings, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence, or other structure, however made, or otherwise affixed;

- g) “Junked Vehicle” means any automobile, tractor, truck, trailer or other vehicle that;
 - i. has no valid license plates attached to it; and
 - a) is inoperable, or cannot be moved by its own power at the request of an Officer; or
 - b) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or in an abandoned condition; and
 - ii. is located on private land, but that is not completely obscured or enclosed within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality;
- h) “Municipality” means the Resort Village of Pasqua Lake;
- i) “Nuisance” means a condition of a 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 that is an imminent danger to public safety,
 - 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;
- j) “Occupant” means an occupant as defined in *The Municipalities Act*;
- k) “Owner” means an owner as defined in *The Municipalities Act*;
- l) “Peace Officer” means a peace officer as defined in *The Summary Offences Procedure Act, 1990*;
- m) “Property” means land or buildings or both, or any structure;
- n) “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 or curbs;
- o) “Unmanned Air Vehicle” or “UAV” means a power-driven aircraft, other than a model aircraft, that is designed to fly without a human operator on board.

Responsibility

4. Unless otherwise specified, the owner of a property, including land, buildings and structure, shall be the responsible for carrying out the provision of this Bylaw.

Nuisances Prohibited Generally

5. No person shall cause or permit a nuisance to occur on any property owned by that person.
6. In addition to Section 5, no occupancy of a property shall cause, or permit to be caused, any nuisance to occur on that property.

Dilapidated Buildings

7. 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 deemed dangerous to public health or safety;
 - b) substantially depreciates the values of other land or improvements in the neighbourhood; or
 - c) is substantially detrimental to the amenities of the neighbourhood.

Unoccupied Buildings

8. 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 or shall become an imminent danger to public safety.

Overgrown Grass and Weeds

9. Notwithstanding the generality of Section 5, no person shall cause or permit the land to be overgrown with grass or weeds;
 - a) for the purposes of this section “overgrown” means in excess of 20 centimeters in height;
 - b) 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;
 - c) trees, flowers, shrubs, or other foliage or fauna to encroach onto any public property or right of way.

Untidy and Unsightly Property

10. Notwithstanding the generality of Section 5, no person shall cause or permit;
 - a) any land or buildings to become untidy and unsightly due to the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal, or other waste materials or junk;
 - b) human habitation in any unpermitted accessory building on a property;

- c) any accessory building to be electrified or heated through the use of electrical cords being fed from a permanent structure.

Open Excavation

- 11. 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's safety or health.

Graffiti

- 12. Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence, dock or on any other structure on property owned or occupied by that person within thirty (30) days of the graffiti appearing.

Junked Vehicle

- 13. Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept on any land owned or occupied by that person.

General Duty to Maintain

- 14. All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this bylaw.
- 15. No person shall cause or permit the occupancy or use of any property, including land, building or structures, that do not conform to the minimum standards.
- 16. 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(s) 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;
 - d) ensure sufficient waste and recycling receptacles are contained on the property for the collection and disposal of any waste or recycling material when that property is under construction or renovation or being improved or undergoing a demolition.
- 17. For the purpose of determining if sufficient waste and recycling receptacles are contained on the property pursuant to Section 16, the mere presence of waste or recyclable material spewed at or near the outside of a receptacle, or on the property is evidence that there are insufficient receptacles for the collection of waste and recycling material at the property.
- 18. 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.

Refrigerators and Freezers

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

Outdoor Storage of Materials

20. 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 harbourage for rodents, vermin, and insects.

21. Materials referred to in Section 20 shall be elevated at least 150 millimetres off the ground, shall be at least 1 metre from the property line, and shall be 3 meters from the exterior walls of a building.

Accessory Buildings

22. Accessory buildings shall be kept:

- a) in a safe and reasonable state of repair;
- b) free of infestation by rodents, vermin and insects;
- c) free of health, fire and safety hazards;
- d) free of graffiti;
- e) free of material that is in a damaged or poor condition;
- f) equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

Ice Fishing Shacks

23. Ice fishing shacks shall be kept:

- a) in a safe and reasonable state of repair;
- b) free of health, fire, and safety hazards;
- c) free of graffiti;
- d) free of material that is in a damaged or poor condition;
- e) no more than one ice fishing shack shall be stored on a residential property.

Fences, Docks, and Boat Lifts

24. Fences, docks, and boat lifts and any structures shall be kept:

- a) in a safe and reasonable state of repair;
- b) free of health, fire, and safety hazards;
- c) free of graffiti;
- d) free of material that is in a damaged or poor condition.

Building Condition

25. The components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls, and ceilings shall be kept in reasonable state of repair, and shall be suitably protected from the elements.
26. The foundation of a building shall not allow the ingress of water through cracks or other damage.
27. All exterior surfaces of a building shall be made of materials which provide adequate protection from the weather.
28. Exterior walls shall be covered with an application of paint, stain, stucco, brick, stone facing, siding or other similar protective surface to protect the walls from deterioration due to moisture penetration.
29. 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.
30. All exterior surfaces shall be free of graffiti.
31. A roof, including the shingles, fascia boards, soffit, cornice, downspouts, and flashing shall be watertight so as to prevent deterioration or leakage of water into the building, or the entry of vermin.

Open Fires

32. No person shall cause, or allow to be caused, an open fire to be started on any public property of the Municipality or any property under the direction, control, or maintenance of the Municipality.

Unmanned Air Vehicles (UAV)

33. No person shall operate an UAV at, near, within or over any private property without the permission of the property owner or occupant, as the case may be.
34. No person shall operate an UAV with a take off weight greater than 2 kilograms within the municipality.
35. An UAV is deemed to be flying over a property if the UAV is over the property and:
 - a) is operated at a distance less than 30 meters perpendicular to the ground; or
 - b) is operated while over a property, and the property has vehicles, improvements, structures, buildings within 30 meters measured perpendicularly from the top portion of any vehicles, improvements, structures, buildings.

36. It shall not be an offence of this bylaw when;
- a) the UAV is operated by a Peace Officer in the lawful performance of their duty;
 - b) when undertaken by a municipal, provincial, or federal government, department or agency while engaged in their duty; or
 - c) if that person provides prior written notice to the municipality by the filing of a letter, exemption or instrument from Transport Canada permitting the UAV operation.

Bylaw Enforcement

37. The administration and enforcement of this bylaw is hereby delegated to the Chief Administrative Officer of the Resort Village of Pasqua Lake.
38. The Chief Administrative Officer of the Resort Village of Pasqua Lake is hereby authorized to further delegate the administration and enforcement of this bylaw to his/her designated officer or Peace Officer.

Inspections

39. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
40. Inspections under this bylaw shall be carried out in accordance with Section 362 of the Act.
41. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this bylaw, or a person who is assisting a Designated Officer.
42. A Designated Officer may request that the owner or occupant supply confirmation of a condition, a thing, or an activity by providing a certificate, letter, or any other documentation from an expert in a field related to the condition, thing, or activity. Failure to do so is an offence under this bylaw.

Order to Remedy Contraventions

43. 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.
44. Orders given under this bylaw shall comply with Section 364 of the Act.
45. Orders given under this bylaw shall be served in accordance with Section 390 of the Act.
46. In addition to any provision of this bylaw a Designated Officer may post a Notice or Placard at a property not complying with the conditions of this bylaw.

Registration of Notice of Order

47. If an Order is issued pursuant to this bylaw, the Municipality may, in accordance with Section 364 of the 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

48. A person may appeal an Order made pursuant this bylaw in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

49. 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.
50. A Designated Officer, may direct or authorize the removal of any vehicles not in compliance with this bylaw, off of the property in contravention, at the expense of the property owner.
51. In addition to any actual cost associated for remediating a contravention of this Bylaw or the Act, the Administrator may, in addition to that cost, levy a fee of \$150 or 12% of the cost, whichever is greater.
52. Any unpaid expenses, fee(s) or costs incurred by the Municipality in remediating a contravention of this Bylaw or the Act may be recovered either:
 - a) civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or
 - b) adding the amount to taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

Emergencies

53. In the event that it becomes an emergency to remedy a contravention of this bylaw, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of the Act.

Offences and Penalties

54. No person shall:
 - a) fail to comply with an Order made pursuant to this bylaw;
 - b) obstruct or hinder any Designated Officer or any other person acting under the authority of this bylaw;
 - c) fail to provide to a Designated Officer any certificate, letter, or any other documentation, information or instrument when requested to do so by a Designated Officer within the prescribed time; or
 - d) fail to comply with any provision of this bylaw.

55. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction, in addition to any surcharge imposed by the Court:
- a) in the case of an individual, to a fine of not less than \$250 and not more than \$10,000;
 - i) on a first offence, a fine not less than \$250;
 - ii) on a second offence, a fine not less than \$500;
 - iii) on a third offence, a fine not less than \$1,000.
 - b) in the case of a corporation, to a fine of not less than \$500 and not more than \$25,000;
 - i) on a first offence, a fine not less than \$500;
 - ii) on a second offence, a fine not less than \$800;
 - iii) on a third offence, a fine not less than \$1,750;
 - c) in the case of a continuing offence, to a maximum daily fine of not less than \$25 per day and not more than \$2,500 per day.
56. No person other than a Designated Officer shall remove, deface, alter or destroy any Order or Notice posted at a property issued pursuant to this bylaw.

Severability

57. If a Court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

Coming Into Force

58. This bylaw shall come into force on the day of its final passing.

Original signed by

Mayor Larry Bedel

Original signed by

CAO Caroline MacMurchy

Read a first time this 23rd day of September, 2024
Read a second time this 15th day of October, 2024
Read a third time and adopted this 15th day of October, 2024.