

TOWN OF SPRINGSIDE


TOWN ADMINISTRATOR

BYLAW NO. 2024-06

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

The Council of the Town of Springside 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) “Administrator” means the Administrator of the Town of Springside.
 - c) “building” means a building within the meaning of the Act.
 - d) “Council” means the Council of the Town of Springside.
 - e) “Designated Officer” means an employee or agent of the Town appointed by Council to act as a municipal inspector for the purposes of this Bylaw and shall include the Administrator.
 - f) “Town” means the Town of Springside.
 - g) “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.
 - h) “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 inoperative, or inoperable, or cannot be moved by its own power at the request of a Designated Officer; or
 - (3) 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 completely screened from view or enclosed within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Town; and
- (2) does not form a part of a business respecting a garage, salvage yard, junk yard or other enterprise lawfully being operated on that land.
- iii) Notwithstanding Subsection ii)(1), if a vehicle is in good working order but being temporarily stored for a period of less than one calendar year, the vehicle will not be considered a “junked vehicle”.
- i) “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) 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.
- j) “occupant” means an occupant as defined in the Act.
- k) “owner” means an owner as defined in the Act.
- l) “property” means land or buildings or both.
- m) “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.
- n) “untidy” means lands or buildings that are in a disorderly, slovenly, and/or littered condition and are not kept in generally good order.
- o) “unsightly” means lands or buildings that are unpleasant to look at or are aesthetically objectionable.

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.

BUILDING CONDITION MINIMUM STANDARDS

- 6. The components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be maintained in reasonable state of repair, and shall be capable of performing the function that they were intended to perform.

7. Every foundation forming part of a building shall be maintained in a reasonable state of repair and be structurally sound to prevent undue settlement of the building and to not allow the ingress of water through cracks or other damage.
8. All exterior surfaces of a building shall be made of materials which provide adequate protection from the weather.
9. 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.
10. 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. Any repairs must be in keeping with the exterior finishes of the building.
11. All exterior surfaces shall be free of graffiti.
12. A roof, including the shingles, fascia boards, soffit, cornice and flashing shall be neatly finished and watertight to prevent deterioration or leakage of water into the building.
13. Loose materials, including dangerous accumulations of snow and ice, shall be removed from the roof of a building as soon as possible to prevent damage to the building or injury to persons near the building.
14. Eavestroughs and downspouts shall be watertight and in good repair.
15. Water running off a roof shall be carried away from the building so it doesn't cause dampness in the walls, ceilings or floors in a building, but it shall not drain onto a public street or lane to create a hazardous condition or onto any adjacent property to damage that property.
16. Antennas and any attachments of similar character shall be securely attached to the building and shall be maintained in reasonable state of repair, free of hazards.
17. Exterior doors and windows shall be kept in a reasonable state of repair and shall be weather-tight to perform their intended function.
18. Stairs, porches, decks and railings shall be installed and kept in good repair free of components that are broken, loose, rotted or warped.
19. A handrail or guardrail shall be installed on exterior stairs, decks, landings, balconies, mezzanines and raised walkways as per the requirements of the current adopted edition of the National Building Code of Canada and any amendments thereto.

20. All buildings shall be maintained to prevent the entry of vermin, rodents and insects and shall always be kept free of the infestation of vermin and rodents.

21. All principal buildings shall display the number corresponding with their civic address.

DILAPIDATED BUILDINGS

22. 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.
- c) is substantially detrimental to the amenities of the neighbourhood; or
- d) does not comply with the building condition minimum standards.

UNOCCUPIED BUILDINGS

23. 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:

- a) the building is an imminent danger to public safety.
- b) the building does not comply with the building condition minimum standards.

OVERGROWN GRASS AND WEEDS

24. Notwithstanding the generality of Section 5, no owner or occupant of land shall cause or permit:

- a) the land to be overgrown with grass or weeds.
- b) any adjoining boulevards or lanes to be overgrown with grass or weeds.
- c) for the purposes of this section, "overgrown" means more than 0.20 metres (8 inches) in height.
- d) trees, flowers, shrubs, or other foliage or fauna to encroach onto any public property or right of way.
- e) 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.

UNTIDY AND UNSIGHTLY PROPERTY

25. Notwithstanding the generality of section 5, no person shall cause or permit:

- a) any land or buildings to become untidy and unsightly.
- b) any adjoining boulevards or lanes to become untidy and unsightly.
- c) graffiti to remain on any building, accessory building, fence, or on any property.

JUNKED VEHICLES

26. 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.
27. Notwithstanding the requirements of Section 26, up to two (2) unlicensed vehicles may be stored in the rear yard of any individual property if fitted with an approved vehicle cover or stored in accordance with Section 3(h)(iii). The suitability of any vehicle cover is at the discretion of the Designated Officer.

OPEN EXCAVATIONS

28. 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

29. 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

30. 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.
31. Materials referred to in section 22 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 3.0 metres from the exterior walls of any building and at least 1.0 metre from the property line.

REFRIGERATORS AND FREEZERS

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

FENCES

33. Fences shall be maintained in a safe and reasonable state of repair in accordance with the Town's Fence Bylaw and any amendments thereto.

ENFORCEMENT OF BYLAW

34. The administration and enforcement of this bylaw is hereby delegated to the Administrator of the Town of Springside.

35. The Administrator is hereby authorized to further delegate the administration and enforcement of this bylaw to another employee of the Town or a Designated Officer.

INSPECTIONS

36. The inspection of property by the Town to determine if this bylaw is being complied with is hereby authorized.
37. Inspections under this Bylaw shall be carried out in accordance with section 362 of the Act.
38. 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.
39. 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.

ORDER TO REMEDY CONTRAVENTIONS

40. If a Designated Officer finds that a person is contravening this bylaw, the Designated Officer may, by written Order to Remedy, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
41. Orders to Remedy given under this bylaw shall comply with section 364 of the Act.
42. Orders to Remedy given under this bylaw shall be served in accordance with section 390 of the Act.
43. In addition to any provision of this Bylaw, a Designated Officer may post a Notice or placard at any property not complying with the conditions of this Bylaw.

REGISTRATION OF NOTICE OF ORDER

44. If an Order to Remedy is issued pursuant to section 40, the Town may, in accordance with section 364 of the Act, give notice of the existence of the Order to Remedy by registering an interest against the title to the land that is the subject of the Order to Remedy.

APPEAL OF ORDER TO REMEDY

45. A person may appeal an Order to Remedy made pursuant to section 40 in accordance with section 365 of the Act.

TOWN REMEDYING CONTRAVENTIONS

46. The Town may, in accordance with section 366 of the Act, take whatever actions or measures are necessary to remedy a contravention of this bylaw.
47. In an emergency, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 367 of the Act.

RECOVERY OF UNPAID EXPENSES AND COSTS

48. Any unpaid expenses and costs incurred by the Town 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 368 of the 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 Act.
49. In addition to any actual cost associated for remedying a contravention of this Bylaw or the Act, the Administrator may, in addition to that cost levy a fee of \$100 or 10 percent (10%) of the cost, whichever is greater.

OFFENCES AND PENALTIES

50. No person shall:
- a) fail to comply with an Order to Remedy made pursuant to this bylaw.
 - b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this bylaw.
 - c) fail to provide a Designated Officer a 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 other provision of this bylaw.
51. No person other than a Designated Officer shall remove, deface, alter or destroy any Order to Remedy or Notice posted at a property issued pursuant to this Bylaw.
52. 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 Town will accept voluntary payment in the sum of Two Hundred Dollars (\$200.00) to be paid to the Town within 10 days.
53. Where the Town receives voluntary payment of the amount prescribed under section 52 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
54. Payment of any Notice of Violation does not exempt the person from enforcement of an Order to Remedy pursuant to section of 40 this bylaw.
55. Every person who contravenes any provision of section 50 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.

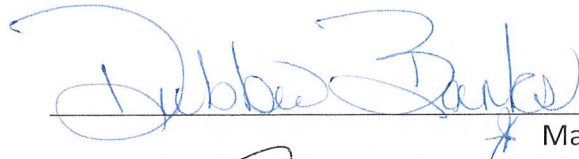
REPEAL OF FORMER BYLAWS

56. Bylaw No. 2-2005 Nuisance Abatement Bylaw; and all amendments thereto are hereby repealed.

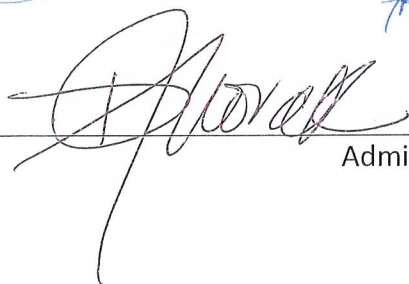
COMING INTO FORCE

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





Mayor



Administrator