

Village of North Portal

BYLAW 2022-02

PROPERTY MAINTENANCE AND NUISANCE ABATEMENT BYLAW

A BYLAW TO PROVIDE FOR THE PROPERTY MAINTENANCE AND ABATEMENT OF NUISANCES WITHIN THE VILLAGE OF NORTH PORTAL.

The Council of the Village of North Portal, in the Province of Saskatchewan, enacts as follows:

1. Short Title

This Bylaw may be cited as The Property Maintenance and Nuisance Abatement Bylaw.

2. Purpose

The purpose of this Bylaw is to provide for the proper maintenance of property and 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.

3. Definitions

In this Bylaw:

- a. "**Designated Officer**" means an employee or agent of the Village appointed by Council to act as a Village inspector for the purpose of this Bylaw;
- b. "**Building**" means a building within the meaning of *The Municipalities Act*;
- c. "**Village**" means the Village of North Portal;
- d. "**Council**" means the Council of the Village of North Portal;
- e. "**Junked Vehicles**" means any automobile, tractor, truck, trailer, or other vehicle that
 - i. has no valid license plates attached to it or has no valid registration; or
 - ii. is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - iii. 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 Village; 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 that affects or may affect the amenity of a neighbourhood or the safety, health, and welfare of people in the neighbourhood, and includes:
 - i. a building in a ruinous or dilapidated state of repair;
 - ii. a building (occupied or unoccupied) 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;

- g. **"Untidy"** means lands or buildings that are in a disorderly, slovenly, and littered condition and not kept in generally good order;
- h. **"Unightly"** means lands or buildings that are unpleasant to look at or are aesthetically objectionable;
- 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, buildings or both;
- l. **"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 no including pavements, curbs, walks or open-air surfaced areas.
- m. **"Boulevard"** means the portion of land lying between the designated roadway and the adjacent property line.

4. **Responsibility**

- a. Unless otherwise specified, the owner of a property, including land, buildings, and structures, shall be responsible for carrying out the provisions of this Bylaw.
- b. Compliance with the requirements of this Bylaw does not exempt any person from compliance with the requirements of any federal, provincial, or municipal legislation, the requirements of any other Bylaw of the Village of North Portal or from obtaining any permit, license, permission, authority, or approval required by this or any other Bylaw of the Village of North Portal.

5. **Duty to Maintain**

- a. All property shall be maintained in accordance with the minimum standards prescribed in the Bylaw and other applicable requirements/regulation of any other authorities having jurisdiction.
- b. No person shall cause, or permit the occupancy or use of any property, that does not conform to the minimum standards of this Bylaw. Every dwelling unit shall provide a safe and sanitary environment for the occupants in accordance with this Bylaw.

6. **Maintenance of Property and Yards**

All yards shall be kept free and clean, at the discretion of the designated officer, from the following at all times:

- a. Garbage and junk;
- b. Junked vehicles;
- c. Excessive growth of grass and weeds;
- d. Infestations of rodents, vermin or insects;
- e. Holes and excavations deemed a danger to public safety;
- f. Dead or hazardous trees;
- g. Dangerous or hazardous materials;
- h. Refrigerators or freezers with lids or doors still attached;
- i. Household appliances/furniture/mattresses;
- j. Dismantled machinery; and/or
- k. Any material that is deemed a nuisance and makes the property appear untidy and unightly.

7. Untidy and Unsightly Property

No person shall cause or permit any land or buildings to become untidy and unsightly conditions such as:

- a. The storage of any vehicles is done in such a way as to cause unsightly clutter and, therefore, adversely affect the visual well-being of a neighbourhood;
- b. Conditions which provide food or harborage for vermin such as excessive vegetation overgrowth or the excessive accumulation of new or used furniture, lumber, cardboard, paper, newspaper, appliances, vehicle parts, tires, cans, bottles, scrap metal, scrap plastic, building materials, rags, rubbish, litter, debris, other household items, other waste material or other junk whether of any apparent value or not.
- c. Where an owner or occupant of a property are composting, the composting is done in an enclosed bin with proper air holes to allow for aeration.

8. Boulevard and Alley Maintenance

The owner or occupant of a property is responsible for vegetation maintenance of the adjacent boulevard and alley:

- a. Shall prevent excess growth of weeds and grass;
- b. Trees and shrubs that originate on private property that overhang or protrude into the street or alley must be trimmed to the edge of the roadway to a minimum height of four (4) meters to allow free and clear passage through the street or alley;
- c. Shall not deposit or cause, suffer, or permit deposit of any garden waste, vegetation, snow, other waste materials, tree branches or any other materials upon the boulevard or to obstruct the street or alley adjacent to the property.

9. Overgrown Grass and Weeds

No owner or occupant of land 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 0.20 meters in height.
- b. This Section shall not apply to any growth with 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 mowed grass.

10. Pet Wastes

Pet wastes shall be promptly removed from properties and disposed of in an acceptable fashion. Pet wastes shall not be allowed to accumulate in an unreasonable fashion.

11. Outdoor Storage of Materials

- a. 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 and to prevent collection of water.
- b. Materials referred to in Subsection (a) 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.

- c. Storing of refrigerators or freezers in yards is prohibited, however, if such appliances are being held temporarily to facilitate disposal, they shall first have the hinges, latches, lid or lids, door or doors removed in order to prevent entrapment within the appliances.

12. Junked Vehicles

No person shall cause or permit any junked vehicles to be kept on any land owned or occupied by that person.

13. Fences

Fences shall be maintained in a safe and reasonable state of repair and free of material that is in a damaged or poor condition.

14. Dilapidated Buildings

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;
- c. is substantially detrimental to the amenities of the neighborhood.

15. Unoccupied Buildings

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. Unoccupied buildings shall be securely closed to prevent unauthorized entry.

16. Open Excavations

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.

17. Enforcement of Bylaw

- a. The administration and enforcement of this Bylaw is hereby delegated to the Administrator and all members of Council for the Village of North Portal.
- b. The Administrator of the Village of North Portal is hereby authorized to further delegate the administration and enforcement of this Bylaw to a Fire Chief, Health Inspector, Peace Officer, or other member of Council.

18. Inspections

- a. The inspection of property by the Village to determine if this Bylaw is being complied with is hereby authorized.
- b. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- c. 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.

19. Order to Remedy Contraventions/Violations

- a. 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.

- b. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
- c. Orders given under this Bylaw shall be served in accordance with Section 390(1) of *The Municipalities Act*.

20. Registration of Notice of Order

If an order is issued pursuant to Section 17, the Village 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.

21. Appeal of Order to Remedy

A person may appeal an order made pursuant to Section 17 in accordance with Section 365 of *The Municipalities Act*.

22. Village Remedying Contraventions

- a. The Village may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
- b. In an emergency, the Village may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

23. Recovery of Unpaid Expenses and Costs

Any unpaid expenses and costs incurred by the Village 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 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*.

24. Offences and Penalties

- a. No person shall:
 - i. fail to comply with an order made pursuant to this Bylaw;
 - ii. obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - iii. fail to comply with any other provision of this Bylaw.
- b. 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 Village will accept voluntary payment in the sum of Two Hundred Dollars (\$200.00) to be paid to the Village within seven (7) days. A voluntary payment does not negate the contravention of the violation.
- c. Any contravention has a deadline attached to the rectified seven (7) days from the date in which the Notice of Violation is issued or another Notice of Violation may be issued.
- d. Where the Village receives voluntary payment of the amount prescribed under Subsection (b) within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- e. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 17 of this Bylaw.
- f. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

- i. in the case of an individual, to a fine of not more than Ten Thousand (\$10,000) Dollars;
- ii. in the case of a corporation, to a fine of not more than Twenty-five Thousand (\$25,000) Dollars; and
- iii. in the case of a continuing offence, to a maximum daily fine of not more than Two Thousand, Five Hundred (\$2,500.00) Dollars per day.

25. Repeal of Former Bylaws

That Bylaw #2007-05 Nuisance Abatement be hereby repealed.

26. Coming Into Force


This Bylaw shall come into force and take effect on the date of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 21 DAY OF Sept 2022.


READ A SECOND TIME THIS 19 DAY OF Oct 2022.

READ A THIRD AND FINAL TIME ON THE UNANIMOUS CONSENT OF THE COUNCIL PRESENT THIS 19th DAY OF Oct 2022.





MAYOR



ADMINISTRATOR

Sections 8(1)(b) and 8(1)(d) *The Municipalities Act*

Certified a true copy of Bylaw 2022-02
Passed by resolution of Council at
Their regular meeting on
19 day of Oct, 2022



Administrator