



2022- 01 The Nuisance Bylaw

A BYLAW of the Town of Eston, in the Province of Saskatchewan, to provide for the abatement of nuisances within the Town of Eston.

The Council of the Town of Eston in the Province of Saskatchewan enacts as follows:

1. Short Title

This Bylaw may be cited as *The Nuisance Bylaw*

2. Purpose

The purpose of this Bylaw is to establish standards for the maintenance and occupancy of the property, to ensure that standards are maintained and 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.

3. Definitions

In this Bylaw:

- a) "*Designated Officer*" means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
- b) "*building*" means a building within the meaning of The Municipalities Act;
- c) "*Municipality*" means the Town of Eston;
- d) "*Council*" means the Council of the Town of Eston;
- e) "*nuisance vehicle*" means any automobile, tractor, truck, trailer or other vehicle that is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition and not licensed; is located on private land, but that: is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and 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, 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:
 - iv. a building in a ruinous or dilapidated state of repair;
 - v. an unoccupied building that is damaged and is an imminent danger to public safety;
 - vi. land that is overgrown with grass and weeds;
 - vii. untidy and unsightly property;
 - viii. nuisance vehicles; and
 - ix. open excavations on property;
 - x. inoperable appliances stored outside;
 - xi. dilapidated furniture.
- g) "*occupant*" means an occupant as defined in The Municipalities Act;
- h) "*owner*" means an owner as defined in *The Municipalities Act*;
- i) "*property*" means land or buildings or both;
- j) "*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.

k)“*dilapidated furniture*” means any furniture that is in a state of disrepair.

4. Responsibility

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

5. Nuisances Prohibited Generally

No person shall cause or permit a nuisance to occur on any property owned by that person.

6 . Dilapidated Buildings

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; or
- c) is substantially detrimental to the amenities of the neighbourhood.

7. Unoccupied Buildings

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.

8. Overgrown grass and weeds

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. Including adjoining boulevards, lanes and/or walkways.

For the purposes of this section, “overgrown” means in excess of 0.20 metres (7 inches) in height.

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.

9. Untidy and unsightly Property

Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly, at the discretion of the inspector.

- a) The storage of any vehicle is done in such a way as to not cause unsightly clutter and affect the visual well being of the neighbourhood.
- b) Conditions which provide food or harbourage for vermin such as overgrowth or accumulation of items.
- c) No owner shall store any materials in the front yards of residential property.

10. Nuisance vehicles

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

11. Open Excavations

Notwithstanding the generality of Section 5, no person shall cause or permit any basement, excavation, drain, ditch, surface water 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.

Note: Swimming pools have their own bylaw.

12. Pet Waste

Pet waste shall be promptly removed from properties, and disposed of in an acceptable manner. Pet waste shall not be allowed to accumulate in an unreasonable manner.

13. Accessory Buildings

Accessory Buildings shall be kept;

- a) in good condition
- b) free of infestation by rodents, vermin and insects
- c) free of health, fire and safety hazards

Accessory Buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

14. Maintenance of Yards

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.

A yard should be graded in such a manner so as to prevent excessive dampness accumulating near building or structures and not cause drainage onto neighboring properties.

15. Building Standards (Exterior)

The **components** of every building, including roofs, stairs, railings, porches, decks, joints, rafters, beams, columns, foundations, floors, walls and ceilings shall be maintained in a safe condition, and shall be capable of performing the function that they were intended for and not cause injury or damage.

16. Outdoor Storage of Materials

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.

Materials shall be elevated at least 0.15 metres off the ground and shall be stacked at least 1.0 metre from the property line.

17. Appliances

Notwithstanding the generality of Section 5, any stove, refrigerator, freezer, or any other appliance left in a yard and in an inoperable state shall be considered a nuisance.

No refrigerator or freezer shall be put outside for removal without first having its hinges, latches, lid, and door(s) removed.

18. Dilapidated Furniture

Notwithstanding the generality of Section 5, dilapidated furniture left outside in a yard and unused shall be considered a nuisance.

19. Fences

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

20. Enforcement Bylaw

The Administrator of the Town of Eston is hereby authorized to further delegate the administration. The enforcement of this Bylaw to any other employee, firm or individual under contract to the Town of Eston is an appointment of council.

21. Inspections

The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.

Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

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.

22. Order to remedy Contraventions

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.

Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.

Orders given under Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

23. Registration of Notice of Order

If an order is issued pursuant to Section 24, 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.

24. Appeal of Order Remedy

A person may appeal an order made pursuant to Section 24 in accordance with Section 365 of *The Municipalities Act*.

25. Municipality Remediating Contraventions

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.

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*.

26. Recovery of unpaid expenses and costs

Residential properties will have 15 days to remedy the situation and Commercial properties will have 30 days to remedy before proceeding onto the next steps.

Any unpaid expenses and costs incurred by the Municipality in remediating a contravention of this Bylaw may be recovered either:

by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or 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*.

27. Offences and Penalties

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.

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 One Hundred Dollars (\$100.00) to be paid to the Municipality within thirty days.

Where the Municipality receives voluntary payment of the amount prescribed under Section 23.2 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 24 of this Bylaw.

Every person who contravenes any provision of Section 31 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.

29. COMING INTO FORCE

This Bylaw shall come into force upon adoption by Council.

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Mayor

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Chief Administrative Officer

Certified a true copy of Bylaw No. 2022-01
Adopted by resolution of Council on
March 9, 2022

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Chief Administrative Officer