

NUISANCE ABATEMENT BYLAW
A BYLAW OF THE VILLAGE OF DEBDEN TO PROVIDE FOR THE ABATEMENT OF NUISANCES

The council for the Village of Debden, in the Province of Saskatchewan enacts as follows:

PART I – INTERPRETATION

1. SHORT TITLE

This Bylaw may be cited as The Nuisance Abatement Bylaw.

2. PURPOSE

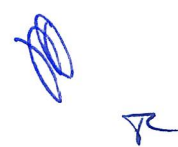
The purpose of this Bylaw is to identify what constitutes a nuisance and to provide for the abatement of nuisances, including property, activities, or things that adversely affect:

- 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) "*Accessory Building*" means a detached subordinate building, as defined in the Municipality's Zoning Bylaw;
- b) "*Building*" means a building within the meaning of *The Municipalities Act*;
- c) "*Cannabis*" means cannabis as defined by Cannabis Act (Canada)
- d) "*Council*" means the Council of the Village of Debden;
- e) "*Designated Officer*" means an employee or person appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
- f) "*Dwelling Unit*" means living quarters as defined in the Municipality's Zoning Bylaw;
- 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 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 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;
- i) "*Municipality*" means the Village of Debden;
- j) "*Municipal Property*" means any land owned, occupied, or leased by the Municipality, including a street, and a park;



- k) "Nuisance" means a condition of property, or a thing, or an activity that adversely affects or may adversely affect:
- i) the safety, health and welfare of people in the neighborhood; or
 - ii) people's use and enjoyment of their property; or
 - iii) the attractiveness and value of a neighborhood; and includes:
 - iv) land that is overgrown with grass, weeds, bushes, trees, shrubs or trees; or
 - v) junked vehicles; or
 - vi) open excavations on properties; or
 - vii) A building that is an imminent danger to public safety, which may include but not limited to being unoccupied, damaged, having doors or windows that are boarded up or having defective or missing hardware so as to be incapable of locking or securing entrances or is otherwise vulnerable to trespass or entrance by unauthorized persons.
- l) "Occupant" means an occupant as defined in *The Municipalities Act*;
- m) "Owner" means an owner as defined in *The Municipalities Act*;
- n) "Property" means land or buildings or both;
- o) "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.
- p) "Travel Trailer" means a structure that is equipped to travel on a road, is intended to provide accommodation for vacation or recreational use, and is not connected to any utility service provided by a public utility;
- q) "Vehicle" means a vehicle as defined in the Municipality's Zoning Bylaw.

PART II- NUISANCES

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. DILAPITATED and/or UNOCCUPIED BUILDINGS

Notwithstanding the generality of Section 5, no person shall cause or permit any 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. ACCESSORY BUILDINGS and SHIPPING CONTAINERS

Accessory and Shipping Containers shall not have any human habitation and shall:



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

Shipping containers are only permitted as Discretionary in the (C2) Commercial District. They are not permitted in the (R) Residential District as per the Municipality's Zoning Bylaw.

8. OVERGROWN GRASS, WEEDS AND TREES

- a) 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.
- b) For the purposes of this section, "overgrown," means in excess of 6 inches (0.20 metres) in height.
- c) 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.
- d) No owner shall cause or permit trees and/or branches to impede pedestrian walkways.
- e) All roads, lanes and alleys shall be free of trees, hanging branches, shrubs and hedges so as not to interfere with safe operation of any vehicle.

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.

10. JUNKED VEHICLES

Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle, and/or dismantled or inoperable machinery, equipment or 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, 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.

12. GRAFFITI

Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence, or any other structure on property owned by that person.

13. TRAVEL TRAILERS and TENTS

Human habitation is not permitted in any-recreational vehicle, trailer, tent or accessory building for more than 30 consecutive days in a three-month period as per the Municipality's Zoning Bylaw. They are only permitted in



the (R) Residential District and habitants must have full access to all facilities or amenities of the principal dwelling. Travel trailers, recreation vehicles and tents are not permitted overnight on any roadway or municipal property without first obtaining permission from the municipality.

MAINTENANCE OF YARDS

- 14.** 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; or
 - d) an accumulation of garbage or junk.
- 15.** Within the Municipal Boundaries no person shall
- a) cultivate, propagate, dry or harvest cannabis, unless the cultivation, propagating, drying or harvesting occurs wholly within a dwelling unit or an accessory building;
 - b) own or occupy property where cannabis is cultivated, propagated, dried or harvested, unless the weed is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building; or
 - c) permit or allow weed to be cultivated, propagated, dried, or harvested on property, unless the weed is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building.
- 16.** Every person who violates the provisions of Section 15 shall be guilty of an offense and shall be liable to a penalty of not less than One Thousand Dollars (\$1000.00) and not exceeding Ten Thousand Dollars (\$10,000.00) for each offense.
- In addition to a penalty imposed for contravention of this Bylaw in accordance with Subsection 36 of this bylaw, the judge may order that the cannabis plants be removed and destroyed.
- Any costs incurred by the Municipality relating to an order for the removal and the destruction of the cannabis, shall be a first lien on the property upon which the cannabis plant was removed.

17. OUTDOOR STORAGE


- 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.
- b) Materials referred to in Section 16 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 1.0 metre from the property line.
- c) Reference to Subsection 16 (a) and (b) above must not be located in the front yard of a property for more than 72 hours, or they shall be relocated to be obscured from public view.

18. DUMPING OF MATERIAL

No person shall dump or dispose or cause to be dumped or disposed any waste on:

- a) Any property owned by the Village, or under the jurisdiction and control of the Village;
- b) On the boundary of any lane abutting any property within the Village.

Dumping of any material that is banned by any other bylaw or Provincial law is strictly prohibited.



19. APPLIANCES

Any refrigerators, freezers, washers, dryers or any other appliances left in a yard shall first have it's hinges, latches, lids, and/or doors removed and must not remain on the property for more than (2) two weeks.

20. FENCES

- a) Fences shall be made of wood slabs or chain link. No pallets, plywood, or page wire.
- b) Fences shall be maintained in a safe and reasonable state of repair

PART III ENFORCEMENT, OFFENCES and PENALTIES

All property, including land, buildings, structures, not kept in a condition consistent with the minimum standards prescribed in this bylaw shall be deemed a nuisance as defined by this bylaw.

ENFORCEMENT

21. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Village of Debden.
22. The Administrator of Debden is hereby authorized to further delegate the administration and enforcement of this Bylaw to the maintenance person.

INSPECTIONS

23. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
24. Inspections under this Bylaw shall be carried out in accordance with *The Municipalities Act*.
25. 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


26. 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.
27. Orders given under this Bylaw shall comply with *The Municipalities Act*.
28. Orders given under Bylaw shall be served in accordance with *The Municipalities Act*.

29. REGISTRATION OF NOTICE TO ORDER

If an order is issued pursuant to Section 27, the Municipality may, in accordance with *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.

30. APPEAL OF ORDER TO REMEDY

A person may appeal an order made in accordance *The Municipalities Act*. Appeals shall be made initially to the Village of Debden Council.



MUNICIPALITY REMEDYING CONTRAVENTIONS

31. The Municipality may, in accordance with *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
32. The Municipality and/or its officers, may direct or authorize the removal of any vehicles not in compliance with this bylaw, off the property in contravention, at the expense of the property owner.
33. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of *The Municipalities Act*.

RECOVERY OF UNPAID EXPENSES AND COSTS

34. Any unpaid expenses and costs incurred by the Municipality 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 *The Municipalities Act*;
or
 - b) by adding the amount to the taxes on the property on which the work is done in accordance with *The Municipalities Act*.

OFFENCES AND PENALTIES

35. 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.
36. A Designated Officer who has reason to believe that a person has contravened any provision, except Section 15, 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 2/3 (two-thirds) of the penalty to be paid to the Municipality within thirty (30) days as full settlement of the penalty.
37. Where the Municipality receives voluntary payment of the amount prescribed under Section 36 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
38. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 26 of this Bylaw.
39. Every person who contravenes any provision of Section 35 is guilty of an offence and liable on summary Conviction, in addition to any surcharge imposed by the courts:
 - i) in the case of an individual, to a fine of not less than \$500.00 and not more than \$10,000.00;
 - a) on a first offence, a fine of not less than \$500.00;
 - b) on a second offence, a fine of not less than \$750.00;
 - c) on a third offence, a fine of not less than \$1,000.00.
 - ii) in the case of a corporation, to a fine of not less than \$1,000 and not more than \$25,000.00;



- a) on a first offence, a fine of not less than \$1,000.00;
- b) on a second offence, a fine of not less than \$1,500.00;
- c) on a third offence, a fine of not less than \$2,000.00.

iii) in the case of a continuing offence, to a maximum daily fine of not less than \$50.00 per day and not more than \$2,500.00 per day.

40. SEVERABILITY

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 is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

REPEAL

41. Bylaw No. 5/2018 is hereby repealed.

COMING INTO FORCE

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

SEAL




Mayor


Administrator/Clerk

CERTIFIED TRUE COPY
OF AN ORIGINAL DOCUMENT

Certified by: 
Date: 8 Feb 9 Dr

