

# RESORT VILLAGE OF SUN VALLEY

## BYLAW NO. 2-2020

### NUISANCE ABATEMENT BYLAW

THE COUNCIL FOR THE RESORT VILLAGE OF SUN VALLEY IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

#### **SECTION I:**

##### **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; or
- b. people's use and enjoyment of their property; or
- c. the amenity of a neighbourhood.

#### **SECTION II:**

##### **Definitions**

3 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 Resort Village of Sun Valley;
- d. "Council" means the Council of the Resort Village of Sun Valley;
- e. "Junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that:
  - i) either:
    - 1) has no valid licence 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;
- f. "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:
    - 1) a building in a ruinous or dilapidated state of repair;
    - 2) an unoccupied building that is damaged and is an imminent danger to public safety;
    - 3) land that is overgrown with grass and weeds;
    - 4) untidy and unsightly property;
    - 5) junked vehicles; and
    - 6) open excavations on property;
- 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.

#### **SECTION III – YARD MAINTENANCE:**

##### **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.

### **Dilapidated Buildings**

- 6 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.

### **Unoccupied Buildings**

- 7 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.

### **Overgrown Grass and Weeds**

- 8.1 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.
- 8.2 For the purposes of this section, “overgrown” means in excess of twenty (20) centimetres (approximately 8 inches) in height.
- 8.3 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 (1) 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.
- 8.4 No owner or occupant of land shall cause or permit any adjoining boulevards or lane to be overgrown with weeds and/or grass.
- 8.5 After having been served with an order respecting property overgrown with grass and/or weeds under this section, no person shall permit or allow lands described in that order to become overgrown with grass and/or weeds again.

### **Untidy and Unsightly Property**

- 9.1 Notwithstanding the generality of Section 5, no person shall cause or permit 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.
- 9.2 Notwithstanding the generality of section 5, no person shall cause or permit any adjoining boulevards or lanes 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.
- 9.3 After having been served with an order respecting untidy or unsightly property under this section, no person shall permit or allow lands described in that order to become untidy or unsightly again.

### **Junked Vehicles**

- 10.1 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.
- 10.2 After having been served with an order respecting a junked vehicle under this section, no person shall permit or allow a junked vehicle on lands described in the order.

### **Open Excavations**

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 safety or health.

## **SECTION IV – PROPERTY MAINTENANCE:**

### **Duty to Maintain**

- 12.1 All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.
- 12.2 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.
- 12.3 Notwithstanding section 4, 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 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; and

### **Application**

13 This applies to all accessory buildings and yards within the Resort Village.

### **Maintenance of Yards**

14.1 Notwithstanding the generality of section 5, a yard shall be kept free and clean from:

- a. garbage and junk;
- b. junked vehicles and dismantled machinery;
- c. excessive growth of weeds or grass;
- d. holes and excavations that could cause an accident;
- e. an infestation of rodents, vermin or insects;
- f. dead or hazardous trees; and
- g. sharp or dangerous objects.

14.2 A yard shall be graded in such a manner so as to prevent:

- a. excessive ponding of water; and
- b. excessive dampness accumulating near buildings or structures.

### **Outdoor Storage of Materials**

15.1 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.

15.2 Materials referred to in Section 15 shall be elevated at least 0.15 metres (approximately 6 inches) off the ground and shall be stacked at least 3.0 metres (approximately 10 feet) from the exterior walls of any building and at least 1.0 metre (approximately 39 inches) from the property line.

### **Walkways, Driveways and Parking Spaces**

16.1 If a walkway, driveway or parking space is provided, it shall be maintained so as to afford safe passage thereon under normal use and weather conditions.

### **Graffiti**

17 Graffiti notwithstanding the generality of section 5.1, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

### **Pet Wastes:**

18 (a) Pet waste shall be promptly removed from properties, and disposed of in an acceptable manner.

(b) Pet waste shall not be allowed to accumulate in an unreasonable manner.

### **Refrigerators, Freezers, Stoves, Washers and Dryers**

19 Notwithstanding the generality of Section 5, no person shall cause or permit any refrigerators, freezers, stoves, washers or dryers to be kept on any land owned by that person.

### **Accessory Buildings**

20.1 Accessory buildings shall be kept:

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

### **Fences**

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

## **SECTION V – ENFORCEMENT, OFFENCES AND PENALTIES**

### **Enforcement of Bylaw**

22.1 The administration and enforcement of this Bylaw is hereby delegated to the Administrator of the Resort Village of Sun Valley.

22.2 The Administrator of the Resort Village of Sun Valley is hereby authorized to further delegate the administration and enforcement of this Bylaw to Designated Officers.

22.3 Designated Officers shall include the positions of Maintenance Workers and Bylaw Enforcement Officer as hired by the Council of the Resort Village of Sun Valley, as well as independent contractors hired by the Resort Village of Sun Valley.

#### **Inspections:**

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

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

23.3 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**

24 If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, served in person or by registered mail, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

24.1 Orders given under this Bylaw shall comply with **section 364** of *The Municipalities Act*. The Designated Officer may implement minor modifications to the Order to Remedy form, as required, ensuring they do not affect the substance of the form.

25 Orders given under this Bylaw shall be served in accordance with **section 364** of *The Municipalities Act*.

#### **Registration of Notice of Order**

26. If an order is issued pursuant to Section 27, 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.

#### **Appeal of Order to Remedy**

27. A person may appeal an order made pursuant to Section 28 in accordance with **section 365** of *The Municipalities Act*.

#### **Municipality Remediating Contraventions**

28. 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.

29. 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*.

#### **Recovery of Unpaid Expenses and Costs**

30. Any unpaid expenses and costs incurred by the Municipality in remediating 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*.

#### **Offences and Penalties**

31. 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.

32. 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:

- a. accept voluntary payment in the sum of fifty dollars (\$50.00) to be paid to the Municipality within thirty (30) days.
- b. accept voluntary payment in the sum of one hundred dollars (\$100.00) to be paid to the Municipality within thirty (30) days after having permitted or allowed land or buildings, or actions to again be declared a nuisance; and having been previously served with an Order to Remedy under this bylaw.

33. Where the Municipality receives voluntary payment of the amount prescribed under section 32 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
34. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 24 of this Bylaw.
35. Every person who contravenes any provision of section 32 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.

**Coming Into Force**

36. This Bylaw shall come into force and take effect on the date of third and final reading by the Council of the Resort Village of Sun Valley.

INTRODUCED AND READ A FIRST TIME on the 16<sup>th</sup> day of October 2020.  
 READ A SECOND TIME on the 16<sup>th</sup> day of October 2020.  
 READ A THIRD TIME AND ADOPTED on the 16<sup>th</sup> day of October 2020.

\_\_\_\_\_  
 Mayor

Seal

\_\_\_\_\_  
 Administrator

Certified a true copy of Bylaw 2-2020.

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 Administrator