

TOWN OF WILKIE

BYLAW NO. 2022-04

A BYLAW OF THE TOWN OF WILKIE TO REGULATE PROPERTY MAINTENANCE AND NUISANCE ABATEMENT.

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

PART I - INTERPRETATION

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 proper maintenance and occupancy of property, to ensure that such 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.

DEFINITIONS

3. In this bylaw:
- (a) **Administrator** – means the Town Administrator of the Town of Wilkie;
 - (b) **Building** – means a building within the means of *The Municipalities Act*;
 - (c) **Council** – means the Council of the Town of Wilkie;
 - (d) **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;
 - (e) **Graffiti** – means any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed;
 - (f) **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.
 - (g) **Municipality** – means the Town of Wilkie.
 - (h) **Nuisance** means a condition of a property, or a thing, or an activity, that adversely affects or may adversely affect:
 - (i) the safety, health or welfare of people in the neighborhood;
 - (ii) people's use and enjoyment of their property; or
 - (iii) the amenity of a neighbourhood and includes:

That affects or may affect the amenity of a neighborhood or the safety, health and welfare of people in the neighbourhood, people's use and enjoyment of their property on the amenity of a neighbourhood, and includes:

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3. DEFINITIONS CONTINUED

- (h) (a) a building in a ruinous or dilapidated state of repair;
(b) an unoccupied building that is damaged and is an imminent danger to public safety;
(c) land that is overgrown with grass and weeds;
(d) untidy and unsightly property;
(e) junked vehicles; and
(f) open excavations on property.

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.

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; or
(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. 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.
9. For the purposes of this section, "overgrown" means in excess of six (6) inches in height.
10. 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.
11. No owner or occupant of land shall cause or permit any adjoining boulevards or lanes to be overgrown with grass or weeds.

UNTIDY AND UNSIGHTLY PROPERTY

12. Notwithstanding the generality of Section 5, no person shall cause or permit any land, building or structure to become untidy and unsightly due to graffiti or the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal, building materials, other waste materials or junk.
13. 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.

JUNKED VEHICLES

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

15. No person shall keep or store more than one vehicle being restored at any one time. At no time shall a vehicle being restored be located in the required front or side yard of any property. A vehicle being restored must be located in the back yard of the property and must be tarped when not actively being restored. In the event that evidence indicated that an owner is not actively restoring a vehicle after three months, that vehicle shall then be considered a junked vehicle and be subject to the provision of this bylaw respecting "junked vehicles".

VEHICLE STORAGE IN RESIDENTIAL AREAS

16. Notwithstanding Section 14, one unlicensed vehicle may be parked or stored on any one property.

OPEN EXCAVATIONS

17. 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

18. Notwithstanding the generality of section 5, no person shall cause or permit 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 object
 - (d) an accumulation of garbage or refuse

OUTDOOR STORAGE OF MATERIALS

19. 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.
20. Materials referred to in Section 19, shall be stored in the rear yard and 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

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

ACCESSORY BUILDINGS

22. 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.
23. Accessory buildings shall be equipped with doors or closures with an acceptable locking mechanism designed to resist unauthorized entry.

FENCES

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

ENFORCEMENT OF BYLAW

25. The administration and enforcement of this bylaw is hereby delegated to the Town Administrator.
26. The Administrator of the Town of Wilkie is hereby authorized to further delegate the administration and enforcement of this bylaw to the Town of Wilkie's Assistant Administrator, Public Works Manager or a Bylaw Enforcement Officer.

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INSPECTIONS

27. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
28. Inspections under this bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
29. 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

30. 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.
31. Orders given under this bylaw, shall comply with Section 364 of *The Municipalities Act*.
32. Orders given under this bylaw, shall be served in accordance with Section 390 of *The Municipalities Act*.

REGISTRATION OF NOTICE OF ORDER

33. If an order is issued pursuant to Section 30, 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

34. A person may appeal an order made pursuant to Section 30, in accordance with Section 365 of *The Municipalities Act*.

MUNICIPALITY REMEDYING CONTRAVENTIONS

35. 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.
36. 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

37. 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 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

38. No person shall:
 - (a) fail to comply with an Order made pursuant to this Bylaw;
 - (b) obstruct or hinder any person acting under the authority of this Bylaw; or
 - (c) fail to comply with any provision of this Bylaw.
39. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 30 of this bylaw.
40. Every person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a minimum fine of Two-Hundred and Fifty Dollars (\$250.00), and a maximum fine not to exceed \$2500.00 under the General Penalty Bylaw.

REPEAL OF FORMER BYLAWS

- 41. Bylaw No. 09/2020 cited as the Nuisance Abatement Bylaw; and all amendments thereto are hereby repealed.

COMING INTO FORCE

- 42. This bylaw shall come into force and take effect on the date of third and final reading by the Council of the Town of Wilkie.



MAYOR

ADMINISTRATOR

A certified true copy of Bylaw No. 2022-04
adopted by resolution by Council of the
Town of Wilkie on the 25 day of April, 2022

Administrator

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