

VILLAGE OF DRAKE BYLAW 2024-2

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

THE COUNCIL FOR THE VILLAGE OF DRAKE IN THE PROVINCE OF
SASKATCHEWAN ENACTS AS FOLLOWS:

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

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 Village of Drake;
 - d) "Council" means the Council of the Village of Drake;
 - e) "Committee" means the Council, Administrator or Designated officer.
 - 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) "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:
 - i) a building in a ruinous or dilapidated state of repair;
 - ii) an unoccupied building 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) "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.

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. 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 0.20 metres 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.

Untidy and Unsightly Property

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

Junked Vehicles

12. 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.

13. Accumulation of Materials

- i. No owner or occupier of a Premises shall allow on the Premises, the accumulation of:
 - any material that creates unpleasant odors;
 - any material likely to attract pests; or
 - animal remains, parts of animal remains, or animal feces.
- ii. No owner or occupier of a Premises shall allow the open or exposed storage on the Premises of any industrial fluid, including engine oil, brake fluid or antifreeze.
- iii. No owner or occupier of a Premises shall allow the following to accumulate on the Premises such that the accumulation is visible to a Person viewing from outside the property:
 - loose garbage;
 - bottles, cans, boxes or packaging materials;
 - household furniture or other household goods;
 - Automobile Parts;
 - parts of or disassembled machinery, equipment or appliances; and
 - yard waste, including grass, tree and hedge cuttings but excluding the contents of a Composting Pile as defined in this Bylaw.
- iv. No owner or occupier of real property shall allow on the Premises the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking is being actively carried out on the Premises and that the project has begun or the beginning of work is imminent.
 - a. Materials 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.

- v. An owner or occupier of a Premises shall ensure that all building materials stored on a Premises, that are not in contravention of subsection (5), are stacked or stored in an orderly manner.
- vi. Despite anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on a Premises for basic property maintenance.

Open Excavations

14. 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

15. 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.

Burning Materials

16. No person shall permit the burning of materials on or in any property that produces an odour so as to cause a nuisance. Fireplaces, including outdoor fireplaces, used or intended to be used for burning fuels in open fires shall only have clean, dry wood burnt in these appliances.

Refrigerators and Freezers

17. Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed. Must be removed within 20 days,

Fences

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

Enforcement of Bylaw

19. The administration enforcement of this Bylaw is hereby delegated to the Administrator, (or committee) for the Village of Drake.

To enforce a nuisance abatement bylaw, the municipality will through the process in Appendix A may:

- i. investigate alleged reports of a nuisance.
- ii. Issue a notice of violation Appendix B
- iii. Issue an order to the owner or occupant to remedy the contravention and to prevent reoccurrences; or
- iv. Register an interest against the title to the land.

Investigating nuisances

- i. The municipality may investigate nuisances on its own initiative or as the result of an allegation presented by a citizen. A municipality may authorize a designated officer to enter private land or buildings for the purpose of carrying out an investigation.
- ii. In some circumstances, the municipality may need to apply to a justice of the peace or a provincial court for a warrant to enter private land or buildings. As prescribed in sections 362 and 362 the investigation, and the powers and responsibilities of the designated officer.

Appointing Designated Officers

20. That the Designated Officers to whom responsibility is assigned to administrate and enforce the Nuisance Abatement Bylaw for the Village of Drake for the time period in which Bylaw 2024-2 is in force shall be:

- i) The Administrator for the Village of Drake
- ii) The Public Works Supervisor for the Village of Drake; or
- iii) The Council for the for the Village of Drake

Inspections

21. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
22. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
23. 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, require the owner or occupant of the property to which the contravention relates to remedy the contravention. See Appendix B
25. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
26. Orders given under Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

Registration of Notice of Order

27. 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.

Appeal of Order to Remedy

28. A person may appeal an order made pursuant to Section 21 in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

29. 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.
30. 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

31. 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*.

Registration of Notice of Order

32. If an order is issued pursuant to Section 22, 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.

Offences and Penalties

33. No person shall:
 - c) fail to comply with an order made pursuant to this Bylaw;
 - d) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - e) fail to comply with any other provision of this Bylaw.
34. 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 \$200.00 to be paid to the Municipality within 30 days.

35. Where the Municipality receives voluntary payment of the amount prescribed under Section 31 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
36. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 22 of this Bylaw.
37. 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.

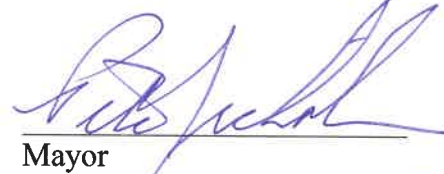
Repeal of Former Bylaws

38. Bylaw # 2005-2 – Nuisance Abatement Bylaw; and all amendments thereto are hereby repealed.

Coming Into Force

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





Mayor



Administrator
Sections 8(1)(b) & 8(1)(d) *The Municipalities Act*

Read a third time and adopted,
this 11 day of March, 2024



Administrator