

TOWN OF SHELLBROOK

BYLAW NO. 2018-03

Nuisance Abatement Bylaw

A bylaw of The Town of Shellbrook respecting the authority to address property amenities and the abatement of nuisances within the Town of Shellbrook

WHEREAS *The Municipalities Act*, enables a Council to pass a bylaw for purposes of establishing standards for nuisances, including property, activities and items that affect the amenity of a neighborhood;

THEREFORE, THE COUNCIL OF THE TOWN OF SHELLBROOK IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

Part I - Interpretation

1. Short Title

This Bylaw may be cited as "The Nuisance Abatement/Properties Amenities Bylaw".

2. Purpose

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

- a) the safety, health and welfare of people in the neighborhood;
- b) people's use and enjoyment of their property; or
- c) the amenity of a neighborhood.

3. Definitions

In this Bylaw:

- a) "Act" means *The Municipalities Act*;
- b) "Accessory building" means an accessory building within the meaning of The Town of Shellbrook's current Zoning Bylaw;

- c) "Boarded" means, in the case of a door or a window frame or casing, a frame or casing that is covered and/or secured, whether by temporary or permanent measures, by plywood or other materials instead of a door or a window;
- d) "Building" means a building as defined in the meaning of *The Municipalities Act*;
- e) "Designated Officer" means the employee or person appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
- f) "CAO/Administrator" means the Chief Administrative Officer of the Town of Shellbrook or his/her designates;
- g) "Officer" means a Bylaw Enforcement Officer
- h) "Municipality" means the Town of Shellbrook;
- i) "Council" means the Council of the Town of Shellbrook;
- j) "Graffiti" means any drawings, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed;
- k) "Grass" means any vegetation, usually consisting of typically short plants with long narrow leaves, growing wild or cultivated, on lawns or in gardens;
- l) "Junked Vehicle" means any automobile, tractor, truck, trailer or other; vehicle not mentioned or defined herein, that, either:
 - i) has no valid license plates attached to it; or
 - ii) is inoperative, or inoperable, or cannot be moved by its own power, at the request of the Bylaw Enforcement Officer; or
 - iii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition;

and is located on private land, but that:

- i) is not completely obscured or enclosed within a structure erected in accordance with any bylaw respecting the erection of buildings and structures in force within the Town; and
- ii) does not form part a business enterprise, such as a garage or salvage, junkyard, scrap metal, etc., lawfully being operated on that land;

- l) "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;
 - ii) people's use and enjoyment of their property; or
 - iii) the amenity of a neighborhood;
 and includes:
 - iv) a building that:
 - (A) is an imminent danger to public safety, which shall be deemed to include, without limitation, a building that is:
 - 1. unoccupied; or
 - 2. damaged;
 - (B) has defective or missing hardware so as to be incapable of locking or securing entrances to the building or is otherwise vulnerable to trespass, occupancy and/or entrance by unauthorized persons;
 - (C) has door or window frames or casings that are boarded; or
 - (D) is the subject of an Order for repair, remedy or upgrade issued pursuant to a Bylaw of the Town of Shellbrook or provincial legislation or regulation for which the repair, remedy or upgrade has not been completed within a timeframe specified by the Order.
 - v) Land that is overgrown with grass, weeds, bushes, shrubs or trees;
 - vi) Untidy and unsightly property;
 - vii) Junked vehicles; or
 - viii) Open excavation(s) on property;
- m) "Occupant" means an occupant as defined in *The Municipalities Act*;
- n) "Owner" means an owner as defined in *The Municipalities Act*;
- o) "Property" means land or buildings or both;

- p) "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.

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.

Part II Nuisances

5. Nuisances Prohibited Generally

No person shall cause or permit a nuisance to occur or remain 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 deemed a danger to the public's health or safety; or
- b) substantially depreciates the value of other land or improvements in the neighborhood.

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 or shall become an imminent danger to public safety.

8. Overgrown Grass, Weeds and Trees/Shrubs

- 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 grass or weeds in excess of 0.20 metres or 7.9 inches in height. For shrubs/Bushes in front yard "overgrown" means in excess of 1 metre or 3 feet. For shrubs/bushes in backyard "overgrown" means in excess of 2 metres or 6 feet. Property owners are responsible to maintain the grass in front of their property from sidewalk / property line to the street and in the back alley from outside their fence / property line to the alley. Property owners are responsible to maintain the trees on their property along sidewalk so they don't encroach on the sidewalks, or overhang the road.
- 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) Trees that encroach onto any public right-of-way, sidewalk or street.

9. **Untidy and Unsightly Property**

- a) Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings 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 or other waste materials, sharp or dangerous materials or junk.
- b) All residential front yards shall be kept free of the following:
 - i) motorized vehicles including but not limited to, automobiles, ATVs, motorcycles, snowmobiles, boats, holiday trailers and motorhomes;
 - ii) trailers of any type;
 - iii) campers of any type;
 - iv) portable garages; and
 - v) any accessory structure whether portable or permanent.

Except for vehicles as referenced to above which are located on a front yard driveway designed for that purpose.

10. **Junked Vehicles**

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. On any individual property, up to two (2) unlicensed vehicles may be stored if garaged, or properly covered in such a manner as to be protected from the elements, and in accordance with Section 3(l).

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's safety or health.

11. **Graffiti**

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

Part III - Abatement of Nuisances

12. General Conditions

- a) All property, including land, buildings and structures, not kept in a condition consistent with the minimum standards prescribed in this Part shall be deemed a nuisance as defined under this bylaw.
- b) 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.
- c) Notwithstanding Section 4, every occupant of a property, including land, buildings and structures, shall:
 - i) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
 - ii) keep exits to the exterior of the building in a safe and unobstructed condition;
 - iii) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards.
- d) Human habitation is not permitted in any recreation vehicles, trailer or accessory building for more than 14 consecutive days in any three month period as per the Town of Shellbrook Zoning Bylaw. No trailer, motor home, camper or tent trailer shall be supplied with a permanent connection to a utility such as gas or power for more than 14 consecutive days in a three month period. No trailer, mobile home, camper or trailer shall be electrified or heated through the use of electrical cords powered from a permanent structure for more than 14 consecutive days in a three month period.

13. Yards

A yard shall be kept free and clean from:

- a) garbage and junk;
- b) junked vehicles and dismantled machinery;
- c) excessive growth of weeds, grass or trees;
- d) holes and excavations that could cause an accident;
- e) an infestation of rodents, vermin or insects;

- f) dead or hazardous trees, or encroaching on any public property; and
- g) sharp or dangerous materials.

14. Outdoor Storage of Materials

- 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 harbourage for rodents, vermin and insects.
- b) Materials referred to in Subsection (1) shall be elevated at least 0.15 metre off the ground and shall be placed 3 metres from the exterior walls of any building and 1 metre from the property line.
- c) Reference to Subsections 15 (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.

15. Waste & Recycle Disposal (Residential)

- a) Every building shall be provided with a sufficient number of roll out receptacles to contain all waste generated from the site. Waste shall not be allowed to accumulate on site without a means of containment.
- b) All roll out receptacles are to be removed from the curb within 24 hrs of the collection day.

16. Accessory Buildings and shipping containers

- a) Accessory buildings shall not be nuisances and shall be kept:
 - i) in good repair;
 - ii) free of infestation by rodents, vermin and insects;
 - iii) free of health, fire and safety hazards; and
 - iv) free of graffiti.
- b) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.
- c) Accessory buildings shall not have any human habitation.
- d) Shipping containers are only permitted in our commercial areas as per the Town of Shellbrook's Zoning Bylaw.
- e) Permitted shipping containers are to be painted a neutral color or one that blends in with the surroundings and shall be subject to clauses 17 a)

through c)

17. Fences

Fences shall be kept:

- a) in a safe and reasonable state of repair;
- b) free of graffiti; and
- c) free of material that is in a damaged or poor condition.
- d) Must be made of wooden slabs or chain link. No pallets, ply wood, page wire or barb wire are permitted.

18. Refrigerators and Freezers

Any refrigerators or freezers left in a yard shall first have its hinges, latches, lid, door or doors removed and must not remain on the property for more than 2 weeks

19. Building Condition

- a) The components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be kept in reasonable state of repair, and shall be suitably protected from the elements.
- b) The foundation of a building shall not allow water to enter through cracks or other damage.
- c) If a Bylaw Enforcement Officer encounters visual damage that they feel may be detrimental to the building, the Bylaw Enforcement Officer will provide photographic evidence to the Town's Building Division for review, and if required, a notice to remedy will be issued.

20. Exterior Condition

- a) All exterior surfaces shall be made of materials which provide adequate protection from the weather.
- b) Exterior walls shall be covered with an application of paint, stain, stucco, brick, stone facing, siding or other similar protective surface to protect the walls from deterioration due to moisture penetration.
- c) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit rain or dampness to the interior walls or the interior spaces of the building.
- d) All exterior surfaces shall be free of graffiti.

21. Roofs

- a) A roof, including the shingles, fascia boards, soffit, cornice and flashing shall be watertight so as to prevent deterioration or leakage of water into the building, or the entry of vermin.
- b) Loose materials, including dangerous accumulations of snow and ice, above entrances or exits and egress windows, shall be removed from the roof of a building as soon as reasonably possible so as to prevent damage to the building or injury to persons in or near the building.
- c) Water running off a roof shall be carried away from the building so as to not cause dampness in the walls, ceilings or floors in a building. Downspouts shall be used to direct water away from a building but shall not be positioned in such a way as to direct water on to an adjacent property or toward a public sidewalk or public area in a manner which may result in a hazardous condition or damage by erosion.
- d) Eaves troughs, downspouts, and extensions shall be watertight and in good repair.

22. Chimneys

- a) Chimneys, flue pipes and smoke stacks shall be in good repair so as to prevent gases, water or any other substance from leaking into the building.
- b) Chimneys, flue pipes and smoke stacks shall be free of any defects.
- c) Chimneys, flue pipes and smoke stacks shall have all defective masonry or metal components repaired or replaced as needed.
- d) Chimneys, flue pipes and smoke stacks shall be kept clear of obstructions.

23. Exterior Doors, Storm Doors, Windows and Screens

- a) A door shall be provided at each entrance to a building, and when closed, it shall be reasonably tight-fitting within its frame.
- b) Exterior doors, storm doors and storm windows shall be kept in a reasonable state of repair, and shall be weather-tight so as to perform their intended function.
- c) Openable windows within 2 metres of ground level shall have a locking mechanism.
- d) Exterior doors shall have an acceptable locking mechanism.
- e) Windows and glass doors which separate heated space from unheated space or the exterior shall be at least double glazed unless there is a separate storm door or window.

delegate the administration and enforcement of this bylaw to a Bylaw Enforcement Officer(s).

27. Inspections

- a) The inspection of property by the Town to determine if this bylaw is being complied with is hereby authorized.
- b) Inspections under this bylaw shall be carried out in accordance with *The Municipalities Act*.
- c) No person shall obstruct a Bylaw Enforcement Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Bylaw Enforcement Officer.
- d) A Bylaw Enforcement Officer may request that the owner supply confirmation of a condition, a thing or an activity by providing a certificate, letter, or any other documentation from an expert in a field related to the condition, thing, or activity. Failure to do so is an offence under this bylaw.

28. Order to Remedy Contraventions

- a) If a Bylaw Enforcement Officer finds that a person is contravening this bylaw, the Bylaw Enforcement Officer may, by written Order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- b) Orders given under this bylaw shall comply with *The Municipalities Act*.
- c) Orders given under this bylaw shall be served in accordance with *The Municipalities Act*.

29. Registration of Notice of Order

If an Order is issued pursuant to Section 28 of this bylaw, the Town 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) A person may appeal an Order made in accordance with *The Municipalities Act*.
- b) Appeals shall be made initially to the Town of Shellbrook Council.

31. Town Remedying Contraventions

- a) The Town may, in accordance with *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this bylaw.

- b) The Town and/or its officers, may direct or authorize the removal of any vehicles not in compliance with this bylaw, off of the property in contravention, at the expense of the property owner.

32. Adding Amounts to Tax Roll

The Town may, in accordance with *The Municipalities Act*, add any unpaid expenses and costs incurred by the Town in remedying a contravention of this bylaw to the taxes on the property on which the work was done.

33. Emergencies

In the event that it becomes an emergency to remedy a contravention of this bylaw, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of *The Municipalities Act*.

34. Offences and Penalties


- a) No person shall:
 - i) fail to comply with an Order made pursuant to this bylaw;
 - ii) obstruct or hinder any Bylaw Enforcement Officer or any other person acting under the authority of this bylaw; or
 - iii) fail to comply with any other provision of this bylaw.
- b) Every person who contravenes any provision of Subsection (a) 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 and not more than \$10,000;
 - (A) on a first offence, a fine not less than \$500;
 - (B) on a second offence, a fine not less than \$750;
 - (C) on a third offence, a fine not less than \$1,000.
 - ii) in the case of a corporation, to a fine of not less than \$1,000 and not more than \$25,000;
 - (A) on a first offence, a fine not less than \$1,000;
 - (B) on a second offence, a fine not less than \$1,500;
 - (C) on a third offence, a fine not less than \$2,000;
 - iii) in the case of a continuing offence, to a maximum daily fine of not less than \$100 per day and not more than \$2,500 per day.

35. 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 2/3 (two-thirds) of the penalty to be paid to the Municipality within ten days as full settlement of the penalty.
36. Where the Municipality receives voluntary payment of the amount prescribed under Section 37 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
37. Payment of any Notice of Violation does not exempt the person from enforcement of an order of this Bylaw.
38. **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.
39. **Repeal of Bylaws**
Bylaw No. 9 of 2005 is hereby repealed.
40. **Coming Into Force**
This bylaw shall come into force on the day of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 23rd DAY OF APRIL, AD 2018.

READ A SECOND TIME THIS 14th DAY OF MAY, AD 2018.

READ A THIRD TIME AND PASSED THIS 14th DAY OF MAY, AD 2018.


MAYOR


CHIEF ADMINISTRATIVE OFFICER