

BYLAW NO. 2/2008

A BYLAW OF THE RURAL MUNICIPALITY OF ROSEDALE NO.283 TO PROVIDE FOR THE ABATEMENT OF NUISANCES WITHIN THE MUNICIPALITY.

The Council for the Rural Municipality of Rosedale No. 283 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 the people in the neighborhood;
 - (b) people's use and enjoyment of their property; or
 - (c) the amenity of a neighborhood.

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 Rural Municipality of Rosedale No. 283;
 - (d) **"Council"** means the Council of the Rural Municipality of Rosedale No. 283;
 - (e) **"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 neighborhood;
 - (ii) people's use and enjoyment of their property; or
 - (iii) the amenity of a neighborhoodAND 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.
 - (f) **"Occupant"** means an occupant as defined in *The Municipalities Act*;
 - (g) **"Owner"** means an owner as defined in *The Municipalities Act*;
 - (h) **"Property"** means land or building or both.

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 and Unoccupied Buildings

6. Notwithstanding the generality of Section 5, no person shall cause or permit a building or structure, whether occupied or unoccupied to deteriorate into a ruinous, damaged, state of

N.P.

dispair 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 neighborhood; or
- (c) is substantially detrimental to the amenities of the neighborhood.

Overgrown Grass and Weeds

- 7. 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. For the purposes of this section, “**overgrown**” means in excess of 0.20 metres in height.
- 9. 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.

Enforcement of Bylaw

- 10. The administration and enforcement of this Bylaw is hereby delegated to the **Administrator** for the Rural Municipality of Rosedale No. 283.
- 11. The **Administrator** of the Rural Municipality of Rosedale No. 283 is hereby authorized to further delegate the administration and enforcement of this Bylaw to the **Weed Inspector** for the Rural Municipality of Rosedale No. 283.

Inspections

- 12. The inspection of property by the Municipality to determine if this Bylaw is being complied with is **hereby authorized**.
- 13. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- 14. 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

- 15. 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**.
- 16. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.

Registration of Notice of Order

- 17. If an order is issued pursuant to Section 15, 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

- 18. A person may appeal an order made pursuant to Section 15, in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

- 19. The Municipality may, in accordance with Section 366 of *The Municipalities Act*, take

N.P.

whatever actions or measures are necessary to remedy a contravention of this Bylaw.

20. 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 Expense and Costs

21. 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

22. 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 oather provision of this Bylaw.
23. 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 equal to the cost to the Municipality to be paid to the Municipality within 30(thirty)days.
24. Where the Municipality receives voluntary payment of the amount prescribed under Section 23 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
25. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 15 of this Bylaw.
26. Every person who contravenes any provision of Section 21 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

27. This Bylaw shall come into force and take effect on July 8, 2008 and that the following attachments form part of this Bylaw for reference:

Copies of:

Sections 8(1)(b) & 8(1)(d), *The Municipalites Act*
Section 362, *The Municipalities Act*
Section 364, *The Municipalities Act*
Section 365, *The Municipalities Act*
Section 366, *The Municipalities Act*
Section 367, *The Municipalities Act*
Section 368, *The Municipalities Act*
Section 369, *The Municipalities Act*

N.R.

Nick Patta

Reeve



Barbara Walker

Administrator

Read a third time and finally adopted
this 8th day of July, 2008.

Barbara Walker
Administrator



Certified a true copy of Bylaw No. 2108
adopted by resolution of the council of the
Rural Municipality of Rosedale No. 283 on
the 8 day of July, 2008
[Signature]
Administrator

Jurisdiction to pass bylaws

8(1) A municipality has a general power to pass any bylaws for the purposes of the municipality that it considers expedient in relation to the following matters respecting the municipality:

- (a) the peace, order and good government of the municipality;
- (b) the safety, health and welfare of people and the protection of people and property;
- (c) people, activities and things in, on or near a public place or place that is open to the public;
- (d) nuisances, including property, activities or things that affect the amenity of a neighbourhood;
- (e) transport and transportation systems, including carriers of persons or goods;
- (f) subject to *The Highway Traffic Act*, the use of vehicles and the regulation of pedestrians;
- (g) streets and roads, including temporary and permanent openings and closings;

2008-1

N.P.

DIVISION 4
Enforcement of Municipal Law

Inspection

362(1) If this Act or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer may, after making reasonable efforts to notify the owner or occupant of the land or building to be entered to carry out the inspection:

- (a) enter that land or building at any reasonable time, and carry out the inspection authorized or required by the enactment or bylaw;
 - (b) request that anything be produced to assist in the inspection; and
 - (c) make copies of anything related to the inspection.
- (2) The designated officer shall display or produce on request identification showing that he or she is authorized to make the entry.
- (3) When entering any land or building pursuant to this section, the designated officer may:
- (a) enter with any equipment, machinery, apparatus, vehicle or materials that the designated officer considers necessary for the purpose of the entry; and
 - (b) take any person who or thing that the designated officer considers necessary to assist him or her to fulfil the purpose of the entry.
- (4) In an emergency or in extraordinary circumstances, the designated officer need not make reasonable efforts to notify the owner or occupant and need not enter at a reasonable hour, and may do the things in clauses (1)(a) and (c) without the consent of the owner or occupant.
- (5) **Repealed.** 2007, c.32, s.23.
- (6) Notwithstanding subsections (1) to (5), a designated officer shall not enter any place that is a private dwelling without:
- (a) the consent of the owner or occupant of the private dwelling; or
 - (b) a warrant issued pursuant to section 363 authorizing the entry.

2005, c.M-36.1, s.362; 2007, c.32, s.23.

N.P.

Order to remedy contraventions

364(1) If a designated officer finds that a person is contravening this Act or a bylaw, the designated officer may, by written order, require the owner or occupant of the land, building or structure to which the contravention relates to remedy the contravention.

(2) The municipality shall serve a written order on the person to whom the order is directed.

(3) The order must:

(a) give notice to the person to whom the order is directed that an appeal is available; and

(b) advise as to the body to which the appeal is to be directed.

(4) The order may do all or any of the following:

(a) direct a person to stop doing something, or to change the way in which the person is doing it;

(b) direct a person to take any action or measures necessary to remedy the contravention of this Act or a bylaw and, if necessary, to prevent a recurrence of the contravention, including:

(i) removing or demolishing a structure that has been erected or placed in contravention of a bylaw; or

(ii) requiring the owner of the land, building or structure to:

(A) eliminate a danger to public safety in the manner specified;

(B) remove or demolish a building or structure and level the site;

(C) fill in an excavation or hole and level the site; or

(D) improve the appearance of the land, building or structure in the manner specified;

(c) state a time within which the person must comply with the directions;

(d) state that if the person does not comply with the directions within a specific time, the municipality may take the action or measure at the expense of the person.

(5) A municipality may cause an interest based on an order made pursuant to this section to be registered in the Land Titles Registry against the title to the land that is the subject of the order.

(6) If an interest is registered pursuant to subsection (5), the interest runs with the land and is binding on the owner and any subsequent owner.

(7) The municipality shall cause an interest that is registered pursuant to subsection (5) to be discharged when:

(a) the order has been complied with; or

(b) the municipality has performed the actions or measures mentioned in the order and has recovered the cost of performing those actions or measures from the person against whom the order was made.

N.P.

Appeal of order to remedy

365(1) A person may appeal an order made pursuant to section 364 within 15 days after the date of the order:

(a) to a local appeal board, if one is established or designated by the municipality; or

(b) to the council, if no local appeal board is established or designated by the municipality.

(2) An appeal pursuant to subsection (1) does not operate as a stay of the appealed order unless the local appeal board or the council, on an application by the appellant, decides otherwise.

(3) On an appeal pursuant to subsection (1), the local appeal board or the council, as the case may be, may:

(a) confirm, modify or repeal the order or decision being appealed; or

(b) substitute its own order or decision for the order or decision being appealed.

(4) An order or decision of the local appeal board or council on an appeal pursuant to subsection (1) may be appealed to the court on a question of law or jurisdiction only within 30 days after the date the decision is made.

(5) On an appeal pursuant to subsection (4), the court may:

(a) confirm, modify or repeal the order or decision being appealed; or

(b) order the matter to be returned to the local appeal board or council to be dealt with in light of the court's decision on the question of law or jurisdiction.

2005, c.M-36.1, s.365.

Municipality remedying contraventions

366(1) A municipality may take whatever action or measure is necessary to remedy a contravention of this Act or a bylaw or to prevent a recurrence of the contravention if:

(a) the municipality has given a written order pursuant to section 364;

(b) the order contains a statement mentioned in clause 364(4)(d);

(c) the person to whom the order is directed has not complied with the order within the time specified in the order; and

(d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measure.

(2) If the order directed that premises be put and maintained in a sanitary condition, the municipality may, pursuant to this section, close the premises and use reasonable force to remove occupants.

(3) The expenses and costs of an action or measure taken by a municipality pursuant to this section are an amount owing to the municipality by the person who contravened the enactment or bylaw.

N.P.

(4) If the municipality sells all or a part of a building or structure that has been removed or demolished pursuant to this section, it shall:

- (a) use the proceeds of the sale to pay the expenses and costs of the removal; and
- (b) pay any excess proceeds to the person entitled to them.

2005, c.M-36.1, s.366.

Emergencies

367(1) Notwithstanding section 366, in an emergency a municipality may take whatever actions or measures are necessary to eliminate the emergency.

(2) This section applies whether or not the emergency involves a contravention of this Act or a bylaw.

(3) A person who receives an oral or written order pursuant to this section requiring the person to provide labour, services, equipment or materials shall comply with the order.

(4) Any person who provides labour, services, equipment or materials pursuant to this section who did not cause the emergency is entitled to reasonable remuneration from the municipality.

(5) The expenses and costs of the actions or measures, including the remuneration mentioned in subsection (4), are an amount owing to the municipality by the person who caused the emergency.

(6) In this section, “**emergency**” includes a situation in which there is imminent danger to public safety or of serious harm to property.

2005, c.M-36.1, s.367.

Civil action

368(1) Except as provided in this or any other enactment, an amount owing to a municipality may be collected by civil action for debt in a court of competent jurisdiction.

(2) A municipality may acquire, hold and dispose of land and improvements offered or transferred to it in partial or complete settlement or payment of, or as security for:

- (a) any lien or charge on any taxes, licence fee or other indebtedness owing to the municipality; or
- (b) any right to a lien or charge on any taxes, licence fee or other indebtedness owing to the municipality.

N.P.

(3) If a municipality acquires land or improvements pursuant to subsection (2) to settle taxes:

(a) they are deemed to have been acquired in accordance with *The Tax Enforcement Act*; and

(b) all the provisions of *The Tax Enforcement Act* relating to the sale and distribution of proceeds of the sale of real property apply, with any necessary modification, to the acquisition pursuant to this section.

2005, c.M-36.1, s.368.

Adding amounts to tax roll

369(1) A council may add the following amounts to the tax roll of a parcel of land:

(a) unpaid costs relating to service connections of a public utility that are owing with respect to the parcel;

(b) unpaid charges for a utility service provided to the parcel by a public utility that are owing with respect to the parcel;

(c) unpaid expenses and costs incurred by the municipality in remedying a contravention of a bylaw or enactment if the contravention occurred on all or part of the parcel;

(d) unpaid fees or charges for services or activities provided by or on behalf of the municipality respecting fire and security alarm systems to the parcel;

(e) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice with respect to the parcel;

(f) any other amount that may be added to the tax roll pursuant to an Act.

(2) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the tax roll of any parcel of land for which the person is the assessed person:

(a) a person who was a licensee pursuant to a licence of occupation granted by the municipality and who, pursuant to the licence, owes the municipality for the costs incurred by the municipality in restoring the land used pursuant to the licence;

(b) a person who owes money to the municipality for the costs incurred by the municipality in eliminating an emergency;

(c) a person who owes the municipality for any costs incurred by the municipality with respect to a dangerous animal.

(3) If an amount is added to the tax roll of a parcel of land pursuant to subsection (1) or (2), the amount:

(a) is deemed for all purposes to be a tax imposed pursuant to this Act from the date it was added to the tax roll; and

(b) forms a lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

2005, c.M-36.1, s.369.

N.P.