

## VILLAGE OF ELBOW

### BYLAW NO. 2-2025

## Nuisance Abatement Bylaw

### A Bylaw of the Village of Elbow, in the Province in Saskatchewan, to regulate and control nuisances within the Village of Elbow.

Whereas the Council of the Village of Elbow is empowered by Section 8 of *The Municipalities Act* to regulate and control nuisances, including property, activities or things that affect the amenity of a neighborhood within the Village of Elbow.

The Council of the Village of Elbow 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 unreasonably affect, or may unreasonably 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) "**accessory building**" means a building or use which:
    - i) Is subordinate to and serves the principal building;
    - ii) Is subordinate in area, extent and purpose to the principal building served;
    - iii) Contributes to the comfort, convenience or necessity of occupants of the principal building served;
    - iv) Is located on the same site as the principal building served.
  - b) "**Act**" means *The Municipalities Act*.
  - c) "**Bylaw Enforcement Officer**" means an employee or agent of the Village of Elbow appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
  - d) "**building**" means a building within the meaning of *The Municipalities Act*;
  - e) "**Village**" means the Village of Elbow;
  - f) "**Council**" means the Council of the Village of Elbow;
  - g) "**fixture**" means chattels or goods that have been fixed to land or a building so as to become a part of it.
  - h) "**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;

- ii) and 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 Village;
  - (2) and does not form a part of a business enterprise lawfully being operated on that land;
- i) **“nuisance”** means a condition of property, or a thing, or an activity, that unreasonably affects or may unreasonably 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 but is not limited to:
  - 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) the presence of trees, shrubs or other vegetation in such a manner that they interfere with the use of or obstruct visibility of street signage, sidewalks, roadway clearance, municipal works or public utilities;
  - v) untidy and unsightly property;
  - vi) unclear or unsanitary property;
  - vii) garbage, rubbish and other debris with might constitute fire, health or safety hazards;
  - viii) junked vehicles; and
  - ix) open excavations on property;
- g) **“occupant”** includes:
  - i) A person residing on land or in a building;
  - ii) A person entitled to the possession of land or a building if there is no person residing on the land or in the building; or
  - iii) A leaseholder;
 The occupant’s responsibility extends only to that part of the property which the occupant occupies or controls.
- h) **“owner”** means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee.
- 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.
- k) **“untidy and unsightly”** means lands, buildings or structures that are in a deteriorated, disorderly, slovenly, or littered condition, are not kept in generally good order, exhibit a significant lack of general maintenance, cleanup or upkeep, and/or are unpleasant to look at or are aesthetically objectionable, and includes but is not limited to:
  - i) Lands that are overgrown with grass and weeds;
  - ii) Buildings or structures with broken or missing windows, siding, shingles, shutters, eaves, roofing or finishing material; and
  - iii) Buildings or structures with clearly visible exterior or structural deterioration, damage or decay, including significant fading, chipping or peeling of painted surfaces.

### **Responsibility**

4. Unless otherwise specified, owners and occupants 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:
  - i) Property owned or occupied by that person; or
  - ii) Any boulevard, ditch or land which abuts the property they own or occupy.

### **Dilapidated Buildings**

6. Notwithstanding the generality of section 5, no owner or occupant shall cause or permit a building or structure, whether occupied or unoccupied 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.

### **Building Exits**

7. Notwithstanding the generality of section 5, every owner or occupant of buildings and structures shall maintain exits to the exterior of the building in a safe and unobstructed condition;

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

8. 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.

### **Fixtures**

9. Notwithstanding the generality of section 5, every occupant of a property, including land, buildings and structures, shall keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

### **Overgrown Grass and Weeds**

10. 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.
11. For the purposes of this section 10, "overgrown" means in excess of twenty (20) centimetres in height.
12. Section 10 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.
13. No owner or occupant shall cause or permit any adjoining boulevards, sidewalks or lanes to be overgrown with grass and weeds.

### **Untidy and Unsightly Property**

14. Notwithstanding the generality of section 5, no owner or occupant shall cause or permit any land or buildings, including any adjoining boulevards, sidewalks or lanes, to become untidy and unsightly.
15. Notwithstanding the generality of section 5, no owner or occupant shall cause or permit the excessive, unusual, or unreasonable accumulation on any land or buildings, including any adjoining boulevards, sidewalks or lanes, of any material, substance, or items whatsoever, including but not limited to:
  - i) Cardboard, paper or newspaper;
  - ii) Surplus, disused, damaged or stored vehicles, trailers, motorcycles, bicycles or recreational vehicles;
  - iii) Equipment, appliances, building material, lumber, tires, cans, barrels;
  - iv) Refuse, garbage, scrap or other waste materials;
  - v) Soil, garden materials, grass clippings, rocks, wood or tree branches;
  - vi) Animal excrement; or
  - vii) Any other type of material or substance that is unpleasant to look at or has an odor.

### **Junked Vehicles**

16. Notwithstanding the generality of section 5, no owner or occupant shall cause or permit any junked vehicle to be kept on their land.

### **Open Excavations**

17. Notwithstanding the generality of section 5, no owner or occupant 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.

### **Graffiti**

18. Notwithstanding the generality of section 5, no owner or occupant shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned or occupied by that person.

### **Maintenance of Yards**

19. A yard shall be kept free and clean from:
  - i) Garbage and junk;
  - ii) Junked vehicles and dismantled machinery;
  - iii) Excessive growth of weeds or grass;
  - iv) Holes and excavations that could cause an accident;
  - v) An infestation of rodents, vermin or insects;
  - vi) Dead or hazardous trees; and
  - vii) Sharp or dangerous materials.

### **Maintenance of Accessory Buildings**

20. Accessory buildings shall:
  - i) Be kept in good repair;
  - ii) Be kept free of infestation by rodents, vermin and insects;
  - iii) Be kept free of health, fire and safety hazards; and

- iv) Be equipped with doors or closures and kept secured so as to prevent unauthorized entry.

#### **Outdoor Storage of Materials**

- 21. 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.
- 22. Materials referred to in section 21 shall be elevated at least fifteen (15) centimetres off the ground and shall be stacked at least 3 metres from the exterior walls of any building and at least 1 metre from the property line.

#### **Refrigerators and Freezers**

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

#### **Fences**

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

#### **Pet Wastes**

- 25. Owners or occupiers shall promptly remove pet wastes from properties, and dispose of them in an acceptable fashion, such as in a garbage bag disposed of in an appropriate garbage container. Pet wastes shall not be allowed to accumulate in an unreasonable fashion such as to create noticeable odors or be visibly noticeable.

#### **Enforcement of Bylaw**

- 26. The administration and enforcement of this bylaw is hereby delegated to the Bylaw Enforcement Officer for the Village of Elbow.
- 27. The Bylaw Enforcement Officer of the Village of Elbow is hereby authorized to further delegate the administration and enforcement of this bylaw to the Administrator.

#### **Inspections**

- 28. The inspection of property by the Village to determine if this bylaw is being complied with is hereby authorized.
- 29. The power to inspect property under this Bylaw is hereby delegated to the Bylaw Enforcement Officer of the Bylaw Enforcement Officer's delegated representative.
- 30. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
- 31. 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.

### **Order to Remedy Contraventions**

32. 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.
33. Orders given under this Bylaw shall comply with section 364 of *The Municipalities Act*.
34. Orders given under this bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

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

35. If an order is issued pursuant to section 24, the Village 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**

36. An owner or occupant may appeal an order made pursuant to section 32 in accordance with section 365 of *The Municipalities Act*.
37. Appeals to an order made in accordance with section 36 shall be made to the Council.

### **Village Remediating Contraventions**

38. The Village may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

### **Civil Action to Recover Costs**

39. The Village may, in accordance with section 368 of *The Municipalities Act* collect any unpaid expenses and costs incurred in remediating a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

### **Adding Amounts to Tax Roll**

40. The Village may, in accordance with Section 369 of *The Municipalities Act* add any unpaid expenses and costs incurred by the Village in remediating a contravention of this Bylaw to the taxes on the property on which the work is done.

### **Emergencies**

41. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the Village may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 367 of *The Municipalities Act*.

### **Offences**

42. No owner or occupant shall:
  - f) fail to comply with an order made pursuant to this Bylaw;
  - g) obstruct or hinder any Bylaw Enforcement Officer or any other person acting under the authority of this Bylaw; or
  - h) fail to comply with any other provision of this Bylaw.

43. A Bylaw Enforcement 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 Village will accept voluntary payment of *half the minimum violation amounts listed in Section 46* to be paid to the Village within ten (10) days.
44. Where the Village receives voluntary payment of the amount prescribed under section 43 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
45. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 32 of this bylaw.
46. Every person who contravenes any provision of section 42 is guilty of an offence and liable on summary conviction:
  - f) in the case of an individual, to a fine of not less than \$500.00 and not more than \$10,000;
  - g) in the case of a corporation, to a fine of not less than \$2500.00 and not more than \$25,000; and
  - h) in the case of a continuing offence, to a maximum daily fine of not less than \$500.00 and not more than \$2,500 per day.
47. If an individual is convicted of an offense pursuant to this section, and if the individual fails to pay the fine with respect to the conviction within the prescribed time, the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

**Repeal of Former Bylaws**

48. Bylaw No.13-2023 Nuisance Bylaw; and all amendments thereto is hereby repealed.

**Coming Into Force**

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

INTRODUCED AND READ A FIRST TIME this 13th day of January, 2025.

READ A SECOND TIME this 13th day of January, 2025.

READ A THIRD AND FINAL TIME this 13<sup>th</sup> day of January, 2025.



\_\_\_\_\_

\_\_\_\_\_