

TOWN OF ROSETOWN

BYLAW NO. 809-19

**A BYLAW TO REGULATE PROPERTY MAINTENANCE
AND ABATE NUISANCES IN THE TOWN OF ROSETOWN.**

**THE COUNCIL FOR THE TOWN OF ROSETOWN IN THE PROVINCE OF
SASKATCHEWAN ENACTS AS FOLLOWS:**

Short Title

1. This Bylaw may be cited as “The Maintenance and Occupancy of Property and Nuisance Abatement Bylaw”.
- 2.

Purpose

2. The purpose of this Bylaw is to establish standards for the maintenance and occupancy of property, to ensure that such standards be 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 neighborhood, or
 - b) people’s use and enjoyment of their property, or
 - c) the amenity of a neighborhood.

Definitions

3. In this Bylaw:
 - a) “**Act**” means *The Municipalities Act*;
 - b) “**Chief Administrative Officer**” means “Administrator” as defined in *The Municipalities Act*;
 - c) “**Boulevard**” means the strip of land that lies between a property line and a street or avenue;
 - d) “**Building**” means a building within the meaning of *The Municipalities Act*;
 - e) “**Council**” means the Council of the Town of Rosetown;
 - f) “**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;
 - g) “**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.
 - 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 proper insurance; 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;

TOWN OF ROSETOWN

BYLAW NO. 809-19

- i) “**Lane**” means the right of way that provides vehicle access to the rear of a property;
- j) “**Municipality**” means the Town of Rosetown;
- k) “**Nuisance**” means a condition of property, 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 neighborhood;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;
- l) “**Occupant**” means an occupant as defined in *The Municipalities Act*;
- m) “**Owner**” means an owner as defined in *The Municipalities Act*;
- n) “**Proper Insurance**” means having adequate coverage of liability insurance on personnel property against a loss.
- 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.
- q) “**Unsightly**” means lands or buildings that are unpleasant to look at or are aesthetically objectionable.
- r) “**Untidy**” means lands or buildings that are in a disorderly, slovenly and littered condition and are kept in generally poor order.
- s) “**Vehicle**” means a “motor vehicle” as defined in The Traffic Safety Act or any Act as may be passed in its stead from time to time and includes a device in, upon or by which a person or thing is or may be transported or drawn upon a street and includes special mobile machines and agricultural implements, and for the purpose of parking and stopping restrictions, includes any portion of a vehicle but does not include a wheelchair.

PART I – YARD MAINTENANCE

Responsibility

- 4.1 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

- 5.1 No person shall cause or permit a nuisance to occur on any property owned by that person.

TOWN OF ROSETOWN

BYLAW NO. 809-19

Dilapidated Buildings

- 6.1 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 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.

Unoccupied Buildings

- 7.1 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

- 8.1 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.
- 8.2 For the purposes of this section, “overgrown” means in excess of twenty (20) centimetres in height.
- 8.3 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 (1) 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.
- 8.4 No owner or occupant of land shall cause or permit any adjoining boulevards or lane to be overgrown with grass and weeds.
- 8.5 Owners or occupants of a property shall ensure that the overgrown vegetation is cut and trimmed within seventy-two (72) hours of the receipt of notification of violation;
- a). Notification of violation shall be left at the premises, via door, noting the time frame required to rectify the overgrown vegetation.
 - b). Failure to comply with the notification by the date set forth; the Town of Rosetown will proceed to undertake action to remedy the contravention; and
 - c) That all costs will be added to, and thereby forms part of, the taxes on the property.
- 8.6 After having been served with an order or notification of violation respecting property overgrown with grass and weeds under this section, no person shall permit or allow lands described in that order to become overgrown with grass and weeds again.

Untidy and Unsightly Property

- 9.1 Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly due to the accumulation of new or used lumber (including tree branches), cardboard, paper, newspapers, appliances, household furniture, tires, cans, barrels scrap metal or other waste materials or junk.
- 9.2 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

TOWN OF ROSETOWN

BYLAW NO. 809-19

lumber, cardboard, paper, newspapers, appliances, household furniture, tires, cans, barrels, scrap metal or other waste materials or junk.

- 9.3 After having been served with an order respecting untidy or unsightly property under this section, no person shall permit or allow lands described in that order to become untidy or unsightly again.

Junked Vehicles

- 10.1 Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept on property owned by that person in the Town of Rosetown.
- 10.2 After having been served with an order respecting a junked vehicle under this section, no person shall permit or allow a junked vehicle on lands described in that order.

PART II: PROPERTY MAINTENANCE

Duty to Maintain

- 11.1 (1) All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.
- (2) 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.
- (3) Notwithstanding Section 4, every occupant of a property, including land, buildings and structures, shall:
- (a) keep in a clean and sanitary condition that part of the property that the occupant occupies or controls;
 - (b) maintain exits to the exterior of the building in a safe and unobstructed condition;
 - (c) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards: and
 - (d) keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

Maintenance of Yards and Accessory Buildings

Application

- 12.1 This applies to all accessory buildings and yards within the Town.

Maintenance of Yards

- 13.1 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;
 - c) any sharp or dangerous objects;
 - d) garbage and junk;

TOWN OF ROSETOWN

BYLAW NO. 809-19

- e) excessive growth of weeds or grass
- 13.2 A yard shall be graded in such a manner so as to prevent:
- a) excessive ponding of water; and
 - b) excessive dampness accumulating near buildings or structures

Outdoor Storage of Materials

- 14.1 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. Materials so stored must be in a quantity and location deemed reasonable and acceptable to the designated officer in consideration of the zoning and purpose of the property.
- 14.2 Materials referred to in Section 14.1 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.

Open Excavations

- 15.1 Notwithstanding the generality of Section 5, no person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, or other structure which is dangerous to public safety or health to exist in or on any private land or in or about any building or structure.

Graffiti

- 16.1 Notwithstanding the generality of Section 5.1, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

Pet Wastes

- 17.1 Pet wastes shall be promptly removed from properties, and disposed of in an acceptable manner. Pet wastes shall not be allowed to accumulate in an unreasonable manner.

Walkways, Driveways and Parking Spaces

- 18.1 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.
- 18.2 No person shall park or store any vehicle in any private parking place or on any private property, unless he/she is the owner, occupant, licensee or permittee of the parking place or private property, except with the consent of such owner, occupant, licensee or permittee.

Accessory Buildings

- 19.1 (1) 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.
- (2) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

Fences

TOWN OF ROSETOWN

BYLAW NO. 809-19

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

PART III - ENFORCEMENT

Enforcement of Bylaw

- 51.2 The administration and enforcement of this Bylaw is hereby delegated to the Chief Administrative Officer for the Town of Rosetown.
- 52.2 The Chief Administrative Officer of the Town of Rosetown is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Bylaw Enforcement Peace Officer of the Town of Rosetown or his/her designate or alternate.

Inspections

- 53.1 The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
- 53.2 Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- 53.3 No person shall obstruct the Bylaw Enforcement Peace Officer or any other Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting the Chief Administrative Officer, Bylaw Enforcement Officer or Designated Officer.

Order to Remedy Contraventions

- 54.1 If the Chief Administrative Officer, Bylaw Enforcement Officer or Designated Officer finds that a person is contravening this Bylaw, the Chief Administrative Officer, Bylaw Enforcement Officer or Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- 54.2 Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
- 54.3 Orders given under this Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

Registration of Notice of Order

- 55.1 If an order is issued, 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

- 56.1 A person may appeal an order in accordance with Section 365 of *The Municipalities Act*.
- 57.2 Appeals shall be made directly to the Council.
- 58.3 Appeals shall be made within fifteen (15) days after the date of the order.

Municipality Remediating Contraventions

- 59.1 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.
- 60.2 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*.

TOWN OF ROSETOWN

BYLAW NO. 809-19

Recovery of Unpaid Expenses and Costs

- 61.1 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

- 62.1 No person shall:
- a) fail to comply with an order made pursuant to this Bylaw;
 - b) obstruct or interfere with the Chief Administrative Officer, Bylaw Enforcement Officer, Designated Officer or any other person acting under the authority of this Bylaw; or
 - c) fail to comply with any other provision of this Bylaw.
- 62.2 Every person who contravenes any provision of Section 62.1 is guilty of an offence and liable on summary conviction:
- a) in the case of an individual, to a fine of not more than \$10,000.00;
 - b) in the case of a corporation, to a fine of not more than \$25,000.00;
 - c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.

Coming Into Force

63.1 That Bylaw No. 729-16 and all amendments are hereby repealed

64.1 This Bylaw shall come into force and be in effect on the final passing thereof.

MAYOR

(SEAL)

CHIEF ADMINISTRATIVE OFFICER

Read a third time and hereby adopted this
17th day of June, 2019.