

VILLAGE OF PARADISE HILL

BYLAW #07/2007

NUISANCE ABATEMENT BYLAW

A BYLAW OF THE VILLAGE OF PARADISE HILL TO PROVIDE FOR THE ABATEMENT OF NUISANCES.

The Council of the Village of Paradise Hill, in the Province of Saskatchewan, hereby enact as follows:

The council for the Village of Paradise Hill in the Province of Saskatchewan enacts as follows:

Purpose

1. 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

2. 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 Paradise Hill;
 - d) "Council" means the Council of the Village of Paradise Hill;
 - e) "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;
 - f) "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 neighbourhoodand 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

3. 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

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

Dilapidated Buildings

5. 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

6. 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

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.

Untidy and Unsightly Property

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

Junked Vehicles

11. 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.

Open Excavations

12. 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

13. 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.

Outdoor Storage of Materials

14. 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.

15. Materials referred to in Section 15 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 0.3 metres from the exterior walls of any building and at least 1.0 metre from the property line.

Refrigerators and Freezers

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

Fences

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

Enforcement of Bylaw

18. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Village of Paradise Hill.
19. The Administrator of Village of Paradise Hill is hereby authorized to further delegate the administration and enforcement of this Bylaw to an acting bylaw enforcement officer, as determined by the administrator or by resolution of Council.

Inspections

20. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
21. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
22. 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

23. 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.
24. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*. Schedule "A" to this bylaw is the form to be used for an "Order to Remedy" given under Section 24.
25. Orders given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

Registration of Notice of Order

26. 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

27. A person may appeal an order made pursuant to Section 24 within 15 days after the date of the order, in accordance with Section 365 of *The Municipalities Act*.

Municipality Remedying Contraventions

28. 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.

29. 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*. Schedule "B" to this bylaw is the form to be used for an "Order to Take Emergency Action" given under Section 367 of *The Municipalities Act*.

Recovery of Unpaid Expenses and Costs

30. 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

31. 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 other provision of this Bylaw.
32. 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 two hundred and fifty dollars (\$250.00) to be paid to the Municipality within 14 days.
33. Schedule "C" to this bylaw is the form to be used for a "Notice of Violation" given under Section 33.
34. Where the Municipality receives voluntary payment of the amount prescribed under Section 33 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
35. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 24 of this Bylaw.
36. 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.

Coming Into Force

37. This Bylaw shall come into force on the day of its final passing.
38. Bylaw #03/2006 is hereby repealed.

SEAL

Mayor

Administrator

Bylaw #07/2007 passed third reading
this ____ day of _____, 2007.

Administrator

Schedule "A"
To Bylaw #07/2007

Village of Paradise Hill
Box 270 Paradise Hill, Sask. S0M 2G0
Phone: 344-2206 Fax: 344-4941

Order to Remedy

Name: _____
Address: _____

Re: _____
(legal description of land)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 21 of Bylaw #07/2007, the Nuisance Abatement Bylaw, the property described above has been inspected by the Village of Paradise Hill on _____:

THAT as a result of the above inspection, the land is hereby declared a nuisance because: (state specific reasons why the property is a nuisance)

AND THAT the records of the Municipality show that you are the owner/occupant of the property described above.

ORDER TO REMEDY

Under authority provided by Section 23 of Bylaw #07/2007 you are hereby ordered to remedy the above violation by:

The remedial action noted above is to be completed no later than _____

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and;

THAT the appeal may be filed with the Village of Paradise Hill no later than _____.

TAKE FURTHER NOTICE THAT a hearing to consider your appeal will be held as follows:

TIME / DATE: _____

PLACE: _____

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, the Municipality will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property, may be added to, and thereby forms part of the taxes on the property.

Dated at the Village of Paradise Hill in the Province of Saskatchewan, this ____ day of _____, 20 ____.

Signature, Title

Schedule "B"
To Bylaw #07/2007

Village of Paradise Hill
Box 270 Paradise Hill, Sask. S0M 2G0
Phone: 344-2206 Fax: 344-4941

Order to Take Emergency Action

Name: _____
Address: _____

Re: _____
(legal description of land)

DECLARATION OF IMMINENT DANGER

TAKE NOTICE THAT in accordance with Section 29 of Bylaw #07/2007, the Nuisance Abatement Bylaw, on _____ the Village of Paradise Hill has declared the _____ located on the property described above

to:

- Be an imminent danger to public safety
- Pose a risk of causing serious harm to other property because of:

ORDER TO TAKE EMERGENCY ACTION

TAKE NOTICE THAT the records of the Municipality show that you are the owner/occupant of the property described above;

AND THAT under authority provided by Section _____ of Bylaw #07/2007 you are hereby ordered to remedy the above condition by:

The emergency action noted above is to be completed by no later than

_____ .

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to comply with this order, the Municipality will proceed to undertake the work;

AND THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property, may be added to, and thereby forms part of the taxes on the property.

APPEAL

TAKE NOTICE THAT you are invited to attend the meeting of the Council of the Village of Paradise Hill to be held on _____ to make representations with respect to the need for this action or the intent of charging the cost of the emergency action against the said property.

Dated at the Village of Paradise Hill in the Province of Saskatchewan, this ____ day of _____, 20 ____ .

Signature, Title

Schedule "C"
To Bylaw #07/2007

Village of Paradise Hill
Box 270 Paradise Hill, Sask. S0M 2G0
Phone: 344-2206 Fax: 344-4941

Notice of Violation

Name: _____
Address: _____

Re: _____
(legal description of land)

NOTICE OF VIOLATION

TAKE NOTICE THAT the records of the Village of Paradise Hill show that you are the
owner / occupant of the property described above;

AND THAT the Municipality has reason to believe that on or about the ____ day of
_____, 20 __ you did or you did allow the following:

in contravention of Section ____ of Bylaw #07/2007 (the Nuisance Abatement Bylaw) to
occur on the above described property.

PENALTY

TAKE NOTICE THAT Section 37 of Bylaw # 07/2007 states that every person who
contravenes a provision of this Bylaw is guilty of an offence and is liable on summary
conviction to the following penalty:

- 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.

VOLUNTARY PAYMENT

TAKE NOTICE THAT the Municipality will accept a voluntary payment in the amount of
\$250.00;

AND THAT upon receipt of the above voluntary payment within 14 days of the date of
this Notice of Violation, a person shall not be liable to prosecution for the alleged
contravention.

SUMMONS

TAKE NOTICE THAT failure to remit the voluntary payment to the Village of Paradise Hill
within 14 days will result in the issuance of a Summons.

Dated at the Village of Paradise Hill in the Province of Saskatchewan, this ____ day of
_____, 20 ____ .

Signature, Title