

# TOWN OF WADENA

## BYLAW NO. 08-05

### A BYLAW OF THE TOWN OF WADENA BEING THE NUISANCE ABATEMENT BYLAW

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The Council of the Town of Wadena, 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 proper maintenance of property and the abatement of nuisances, including property, activities or things that:
  - (a) affect the safety, health and welfare of people in the neighbourhood; or
  - (b) affect the amenity of a neighbourhood.

#### **Definitions**

3. In this Bylaw,
  - (a) **“Designated Officer”** means an employee or agent of the Municipality appointed by Council to act as the Municipal inspector for the purpose of this Bylaw;
  - (b) A **“building”** means:
    - i) any structure used or occupied or intended for supporting or sheltering any use or occupancy;
    - ii) a building includes a trailer, mobile home, or portable shack that is:
      - not in storage;
      - situated within the city for a period of more than 30 days; or
      - not licensed pursuant to any bylaw relating to the licensing of trailers, mobile homes or portable shacks.
  - (c) A **“Municipality”** means the Town of Wadena;
  - (d) A **“Council”** means the Council of the Town of Wadena;
  - (e) A **“junked vehicle”** means any automobile, tractor, truck, trailer or other vehicle that:
    - (i) either:
      - (A) has no valid licence plates attached to it; or
      - (B) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
    - (ii) is located on private land, but that:
      - (A) is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the city in which the land is situated; and
      - (B) does not form a part of a business enterprise lawfully being operated on that land;

(f) A "nuisance" means a condition of property, a thing, a plant, or an activity, that adversely affects or may adversely affect:

- the safety, health and welfare of people in the neighbourhood;
- people's use and enjoyment of their property; or
- the amenity of a neighbourhood and includes:

  - a building in a ruinous or dilapidated state of repair;
  - an occupied or unoccupied building that is damaged and is an imminent danger to public safety;
  - land that is overgrown with grass and weeds;
  - untidy and unsightly property;
  - junked vehicles;
  - open excavations on property;

(g) An occupant means and includes:

- i) a person residing on land or in a building;
- iii) a person entitled to the possession of land or a building if there is no person residing on the land or in the building; and
- iii) a leaseholder.

(h) An owner means a person who has any right, title, estate or interest in land or buildings other than that of a mere occupant, tenant or mortgagee.

(i) A property means land or improvements or both;

(j) A 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**

4. Unless otherwise specified, the owner 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 Buildings**

6. 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; or
- (b) substantially depreciates the value of other land or improvements in the neighbourhood.

### **Unoccupied Buildings**

7. 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. (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 in excess of twenty (20) centimetres (8") in height.

(c) This section shall not apply to any growth which forms part of a natural garden that has been deliberately implemented 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.

### **Untidy and Unsightly Property**

9. 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, cardboard, paper, newspapers, appliances, tires, cans, barrels or other waste materials or junk.

### **Junked Vehicles**

10. 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**

11. 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:**

12. 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:**

13. 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.
  - (a) Materials referred to in Section 13 shall be elevated at least 0.15 meters of the ground and shall be stacked at least 3.0 meters from the exterior walls of any building and at least 1.0 meters from the property line.

### **Refrigerators and Freezers:**

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

### **Fences:**

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

### **Inspections:**

16. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
17. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
18. 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.

### **Enforcement:**

19. The administration and enforcement of this bylaw is hereby delegated to the Administrator for the Town of Wadena.
20. The Administrator of the Town of Wadena is hereby authorized to further delegate the administration and enforcement of this bylaw to the Nuisance Committee or any other employee.

### **Order to Remedy Contraventions**

21. (1) If a Designated Officer finds that a person is contravening this Bylaw, the Designated officer may, upon authorization of the Nuisance committee, issue a written order, requiring the owner or occupant of the property to which the contravention relates, to remedy the contravention.
- (2) Orders given under this Bylaw shall comply with section 364 of *The Municipalities Act*.
- (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:**

22. If an order is issued pursuant to Section 21, 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**

23. A person may appeal an order made pursuant to section 21 in accordance with section 365 of *The Municipalities Act*.

### **Municipality Remedyng Contraventions**

24. 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.
25. 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 Expenses and Costs**

26. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of the 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*.
  - (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**

27. 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 the Bylaw; or
  - (c) fail to comply with any other provision of the Bylaw;
28. A Designated Officer who has reason to believe that a person has contravened any provision of the Bylaw, on a second offence, 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 **One hundred (\$100.00)** to be paid to the Municipality within **fourteen (14) days**.

29. Where the Municipality receives voluntary payment of the amount prescribed under Section 28 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
30. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 21 of this bylaw.
31. Every person who contravenes any provision of Section 27 is guilty of an offence and liable on summary conviction:
  - (i) in the case of an individual, to a fine not exceeding \$10,000;
  - (ii) in the case of a corporation, to fine of not more than \$25,000.00; and
  - (iii) in the case of a continued offence, to a maximum daily fine of not more than \$2,500.00 per day.

#### Coming Into Force

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

Read a third time and adopted  
This 19<sup>th</sup> day of December, 2005

Barb Bartek  
Administrator

Brian Helbig  
Mayor

Barb Bartek  
Administrator



CERTIFIED A TRUE COPY of  
Bylaw No. 08-05 adopted by  
resolution of Council on  
the 19th day of December, 2005.

Barb Bartek  
Administrator



# **TOWN OF WADENA BYLAW NO. 2020-06**

## **A BYLAW TO AMEND BYLAW NO. 08-05, KNOWN AS THE NUISANCE ABATEMENT BYLAW**

The Council of the Town of Wadena, in the Province of Saskatchewan, enacts to amend Bylaw No. 08-05 as follows:

1. Sections 20. and 21.(1) are replaced entirely with the following:

20. The Administrator of Town of Wadena is hereby authorized to further delegate the administration and enforcement of this bylaw to a Designated Officer or any other employee.

### **Order to Remedy Contraventions**

- 21.(1) 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.

2. Sections 23., 24., and 25. are replaced entirely with the following:

### **Appeal of Order to Remedy**

23. A person may appeal an order made pursuant to section 24 in accordance with section 365 of *The Municipalities Act*.

### **Municipality Remedyng Contraventions**

24. 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.

25. 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*.

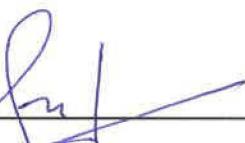
3. This bylaw shall come into force and take effect when adopted by Council.

Read a 1<sup>st</sup> time this 13th day of July, 2020

Read a 2<sup>nd</sup> time this 13th day of July, 2020

Read a 3<sup>rd</sup> time this 13th day of July, 2020



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer