

BYLAW NO. 01-2020

TOWN OF MARSHALL

A Bylaw to Provide for Abatement of Nuisances within the Town of Marshall

The Council of the Town of Marshall, in the Province of Saskatchewan, enacts as follows:

This Bylaw may be cited as the “Nuisance Abatement Bylaw”.

1. Purpose

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 neighborhood;
- b) people’s use and enjoyment of their property; or
- c) the amenity of a neighborhood.

2. Definitions

- 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 any structure of either metal or wood or combination of both, used or occupied or intended for supporting or sheltering any use or occupancy and includes a trailer or mobile home that;
 - i) is not in storage;
 - ii) is situated within the Municipality for a period more than 30 days;
 - iii) is not the subject of any permit that has been issued pursuant to any Bylaw relating to issuing permits for trailers or mobile homes;
 - iv) has at least four (4) walls that support a roof;
 - v) has at least one (1) lockable door;
 - vi) has a floor and a foundation made of wood or concrete or a combination of both; that is;
 - a) elevated to a level above the surrounding soil and/or terrain;
 - b) capable of discouraging vermin or other unwanted wildlife
 - vii) is built according to building codes at the time of construction or renovation;
 - viii) is **NOT** a “sea container.”
- c) “**Municipality**” means the Town of Marshall;
- d) “**Council**” means the Council of the Town of Marshall;
- 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 in the option of a Designated Officer 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 including but not limited to;
 - (1) a building in a ruinous or dilapidated state of repair;
 - (2) an unoccupied building that is damaged and is an imminent danger to public safety;



- (3) land that is overgrown with grass and weeds;
 - (4) untidy and unsightly property;
 - (5) junked vehicles;
 - (6) open excavations on property; and
 - (7) Sharp or dangerous objects.
 - (8) "Animal carcasses", animal remains etc. (re: bones, skulls, parts of animals or raw meat of any sort), are strictly prohibited from the Town of Marshall limits and shall be promptly removed and disposed of in a sanitary manner as not to cause a health hazard.
- 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.

3. Responsibility

Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

4. Nuisances Prohibited Generally

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

5. Dilapidated Buildings

Notwithstanding the generality of Section 4, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:

- 1) is dangerous to the public health or safety;
- 2) substantially depreciates the value of other land or improvements in the neighborhood; or
- 3) is substantially detrimental to the amenities of the neighborhood.

6. Unoccupied Buildings

Notwithstanding the generality of Section 4, 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.

7. Overgrown Grass and Weeds

- a) Notwithstanding the generality of Section 4, 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 0.20 meters in height.
- c) 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.

8. Untidy and Unsightly Property

Notwithstanding the generality of Section 4, no person shall cause or permit any land or buildings to become untidy and unsightly.

9. Junked Vehicles

Notwithstanding the generality of Section 4, no person shall cause or permit any junked vehicle to be kept on any land owned by that person.

10. Open Excavations

Notwithstanding the generality of Section 4, 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.

11. Maintenance of Yards

Notwithstanding the generality of section 4, 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.

12. Outdoor Storage of Materials

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 referred to in Section 12 (a) shall be elevated at least 0.15 meters off the ground and shall be stacked at least 3.0 meters from the exterior walls of any building and at least 1.0 meter from the property line.

13. Refrigerators and Freezers

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

14. Fences

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

15. Streets, Sidewalks, Curbs and Landscaping

- a) The Owner or Occupant of any Property situated along Municipal Streets shall be responsible for the removal of snow, ice, dirt, debris, or other material from the Sidewalks within seventy-two (72) hours after the snow, ice, dirt or debris is deposited thereon by any means whatsoever.
- b) The Owner or Occupant of any Property shall not place snow, ice, dirt, debris or other material onto the Streets, any Public Place, or on private property other than their own, within the Town.
- c) If any Owner or Occupant fails to comply with the provisions of this section of the Bylaw where the Town may carry out or contract for the removal of snow, ice, dirt, debris or other materials with all costs and expenses involved being charged to the Owner or Occupant of the said Property, and any unpaid costs or expenses being added to the tax roll of the Property to be recovered in like manner as and with other taxes pursuant to *The Municipalities Act*.

Damage to Sidewalks, Curbs and Landscaping

- a) The Owner of a lot, lots or portions of a lot adjacent to or fronting on any portion of a sidewalk area shall maintain the sidewalk area in a safe and non-dangerous condition. If any Owner, Occupant, his/her servant or agent has broken or otherwise damaged any sidewalk, gutters, curb, or landscaping between the sidewalk and the curb as a result of construction on the Owner's property, the Town of Marshall may serve notice in writing upon the Owner of the property requiring the Owner to take immediate action to render the damaged area in a safe condition, to obtain a permit/written permission to repair said damages within 48 hours, as hereinafter provided, and to effect repair of such damage within 7 days from service of such notice or such time as stated on the notice.
- b) If Owner refuses or neglects to make such a repair, reconstruction or improvement, when required and directed in conformity with the provisions of this Bylaw, the Town of Marshall shall cause such repair, reconstruction or improvement to be made, and the cost in any sum of money necessarily expended by the Town of Marshall in making such repair, reconstruction or improvement shall become a lien upon the Property in which the repair, reconstruction or improvement was made, and may be recovered in an action brought thereof in the name of the Town of Marshall and such cost and expenditures shall be added to the tax roll of the Owner's Property to be recovered in like manner as and with other taxes pursuant to *The Municipalities Act*.



- c) If, as a result of the failure of any Owner to maintain the sidewalk area in a safe and non-dangerous condition, any person suffers injury to or damage to person or Property, the Owner shall be liable to such person (s) for the resulting damage or injury, and shall hold harmless, indemnify and defend the Town of Marshall against any liability for such damage or injury.

Vegetation in Street Right-of-Way

- a) The Owner shall maintain any grass between the curb and sidewalk abutting their Property and between the curb and his/her Property, including:
 - 1) clippings, cutting or mowing the grass to a height of not greater than 8 cm;
 - 2) raking and renewing grass as necessary in order to maintain a neat and tidy appearance; and
 - 3) collecting and removing litter or waste.

Encroaching Vegetation

- a) The Owner shall trim the branches of trees, hedges, bushes or other shrubbery which encroaches from his/her Property over the a street so as to prevent such tree, hedge, bush or other shrubbery:
 - 1) from interfering with pedestrian traffic on a sidewalk;
 - 2) from interfering with or affecting the sight lines of any person on a bicycle or in a motor vehicle travelling on the roadway up to a minimum height of 2.25 meters; or
 - 3) from interfering with any structure on or in a street.

16. Enforcement of Bylaw

- a) The administration and enforcement of this Bylaw is hereby delegated to the Administrator/Assistant for the Town of Marshall.
- b) The Administrator/Assistant of the Town of Marshall is hereby authorized to further delegate the administration and enforcement of this Bylaw.

17. Inspections

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

18. Order to Remedy Contraventions

- a) 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.
- b) Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
- c) Orders given under Bylaw shall be served in accordance with Section 390(1) of *The Municipalities Act*.

19. Registration of Notice of Order

If an order is issued pursuant to Section 17, 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.

20. Appeal of Order to Remedy

A person may appeal an order made pursuant to Section 17 in accordance with Section 365 of *The Municipalities Act*.

D18

21. Municipality Remedying Contraventions

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.

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*.

22. Recovery of Unpaid Expenses and Costs

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*.

23. Offences and Penalties

- a) No person shall:
 - i) fail to comply with an order made pursuant to this Bylaw;
 - ii) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - iii) fail to comply with any other provision of this Bylaw.
- b) 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 \$250.00 to be paid to the Municipality within 7 days.
- c) Where the Municipality receives voluntary payment of the amount prescribed under Section 23 (b) within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- d) Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 17 of this Bylaw.
- e) Every person who contravenes any provision of Section 22 (a) is guilty of an offence and liable on summary conviction:
 - i) in the case of an individual, to a fine of not more than \$10,000;
 - ii) in the case of a corporation, to a fine of not more than \$25,000; and
 - iii) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

24. Coming Into Force

- a) This bylaw is made pursuant to the powers granted by Sections 8(1)(a) & 8(1)(d) of *The Municipalities Act*.
- b) This Bylaw shall come into force and take effect on March 10, 2020
- c) Bylaw No. 07-2019 is hereby repealed.



Certified a true copy of Bylaw No. 01-2020
Adopted by resolution of Council on the
10 day of March, 2020
Linda Row
Administration


Mayor


Administrator