

BYLAW NO. 24 - 2003

A BYLAW of the City of Swift Current, in the Province of Saskatchewan, to regulate and control nuisances within the City of Swift Current.

Whereas the Council of the City of Swift Current is empowered by Sections 8(1)(b) & (d) of *The Cities Act* to regulate and control the safety, health and welfare of people and nuisances within the City of Swift Current.

THE COUNCIL FOR THE CITY OF SWIFT CURRENT IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1.0 Short Title

1.1 This Bylaw may be cited as The Nuisance Abatement Bylaw.

2.0 Purpose

2.1 The purpose of this Bylaw is to provide for the abatement of nuisances, including property or things that:

2.1.1 affect the safety, health and welfare of people in the neighborhood; or

2.1.2 affect the amenity of a neighborhood.

3.0 Definitions

3.1 In this Bylaw:

3.1.1 "Bylaw Enforcement Officer" means an employee or agent of the City appointed by Council to act as a municipal inspector for the purposes of this Bylaw;

3.1.2 "building" means a building within the meaning of *The Cities Act*;

3.1.3 "City" means the City of Swift Current;

3.1.4 "Council" means the Council of the City of Swift Current;

3.1.5 "junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that"

3.1.5.1 either:

(i) has no valid licence plates attached to it; or

- (ii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and

3.1.5.2 is located on private land, but that:

- (i) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the City; and
- (ii) does not form a part of a business enterprise lawfully being operated on that land;

3.1.6 “nuisance means a condition of property or a thing that affects or may affect the amenity of a neighborhood or the safety, health and welfare of people in the neighborhood, and includes; but is not limited to:

3.1.6.1 a building in a ruinous or dilapidated state of repair;

3.1.6.2 an unoccupied building that is damaged and is an imminent danger to public safety;

3.1.6.3 land that is overgrown with grass and weeds;

3.1.6.4 untidy and unsightly property;

3.1.6.5 junked vehicles;

3.1.6.6 open excavations on property;

3.1.7 “occupant” means an occupant as defined in *The Cities Act*;

3.1.8 “owner” means an owner as defined in *The Cities Act*;

3.1.9 “property” means land or buildings or both;

3.1.10 “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.

4.0 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.

5.0 Nuisances Prohibited Generally

- 5.1 No person shall cause or permit a nuisance to occur on any:
- 5.1.1 property owned by that person; or
 - 5.1.2 on any boulevard, ditch or lane which abuts their property.
(Bylaw 33-2004)

6.0 Dilapidated Buildings

- 6.1 Notwithstanding the generality of Section 5.0, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:
- 6.1.1 is dangerous to the public health or safety; or
 - 6.1.2 substantially depreciates the value of other land or improvements in the neighborhood.

7.0 Unoccupied Buildings

- 7.1 Notwithstanding the generality of Section 5.0, 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.

8.0 Overgrown Grass and Weeds

- 8.1 Notwithstanding the generality of Section 5.0, 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 0.20 metres 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 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.

9.0 Untidy and Unsightly Property

9.1 Notwithstanding the generality of Section 5.0, 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, scrap metal or other waste materials or junk.

10.0 Junked Vehicles

10.1 Notwithstanding the generality of Section 5.0, no person shall cause or permit any junked vehicle to be kept on any land owned by that person.

11.0 Open Excavations

11.1 Notwithstanding the generality of Section 5.0, 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.

12.0 Maintenance of Yards

12.1 A yard shall be kept free and clean from:

12.1.1 garbage and junk;

12.1.2 junked vehicles and dismantled machinery;

12.1.3 excessive growth of weeds or grass;

12.1.4 holes and excavations that could cause an accident;

12.1.5 an infestation of rodents, vermin or insects;

12.1.6 dead or hazardous trees; and

12.1.7 sharp or dangerous materials.

13.0 Outdoor Storage of Materials

13.1 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.

13.2 Materials referred to in Subsection 13.1 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.

14.0 Refrigerators and Freezers

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

15.0 Enforcement of Bylaw

15.1 The administration and enforcement of this Bylaw is hereby delegated to the Director of Engineering for the City of Swift Current.

15.2 The Director of Engineering for the City of Swift Current is hereby authorized to further delegate the administration and enforcement of this Bylaw to a Bylaw Enforcement Officer.

16.0 Inspections

16.1 The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.

16.2 Inspections under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.

16.3 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.

17.0 Order to Remedy Contraventions

17.1 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.

17.2 Orders given under this Bylaw shall comply with Section 328 of *The Cities Act*.

17.3 Orders given under Bylaw shall be served in accordance with Section 347 of *The Cities Act*.

18.0 Registration of Notice of Order

18.1 If an order is issued pursuant to Section 17.0, the City may, in accordance with Section 328 of *The Cities 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.

19.0 Appeal of Order to Remedy

19.1 A person may appeal an order made pursuant to Section 17.0 in accordance with Section 329 of *The Cities Act*.

20.0 City Remedying Contraventions

20.1 The City may, in accordance with Section 330 of *The Cities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

21.0 Civil Action to Recover Costs

21.1 The City may, in accordance with Section 332 of *The Cities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

22.0 Adding Amounts to Tax Roll

22.1 The City may, in accordance with Section 333 of *The Cities Act*, add any unpaid expenses and costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the work is done.

23.0 Emergencies

23.1 In the event that it becomes an emergency to remedy a contravention of this Bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 331 of *The Cities Act*.

24.0 Offences

24.1 No person shall:

24.1.1 fail to comply with an order made pursuant to this Bylaw;

24.1.2 obstruct or hinder any Bylaw Enforcement Officer or any other person acting under the authority of this Bylaw; or

24.1.3 fail to comply with any other provision of this Bylaw.

24.2 Every person who contravenes any provision of Subsection 24.1 is guilty of any offence and liable on summary conviction:

24.2.1 in the case of an individual, to a fine of not more than \$10,000;

24.2.2 in the case of a corporation, to a fine of not more than \$25,000; and

24.2.3 in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

25.0 Repeal of Former Bylaws

25.1 Bylaw #4 – 1992 (Untidy & Unsightly Premises Bylaw); and all amendments thereto is hereby repealed; and

25.2 Bylaw #25 – 1997 (Junk Vehicle Bylaw); and all amendments thereto is hereby repealed.

26.0 Coming Into Force

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

_____ **MAYOR** _____ **CITY CLERK**

Introduced and read a first time this 9th day of December, 2003

Read a second time this 9th day of December, 2003

Read a third time and finally passed this 9th day of December, 2003