

# TOWN OF RADISSON - BYLAW NO. 2022-7

## Nuisance Abatement Bylaw

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

1 This bylaw may be cited as The Nuisance Bylaw.

### Purpose

2 The purpose of this bylaw is to provide for the abatement of nuisances, including property, activities, or things that adversely affect the safety, health or welfare of people in the neighbourhood, people's use and enjoyment of their property; or 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 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 Town of Radisson.
- (d) "Council" means the Council of the Town of Radisson.
- (e) "junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that either:
  - (1) has no valid license plates attached to it or is in a rusted, wrecked, or partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition and;
  - (2) is located on private land, but that:
    - a) is not within a structure erected in accordance with any bylaw respecting the erection of buildings and structures in force within the Municipality; and does not form a part of a building business enterprise lawfully being operated on that land.
    - b) business enterprise lawfully being operated on that land.
- (f) "nuisance" means a condition of property, or a thing, or an activity, that adversely or may adversely affect:
  - a) the safety, health of welfare of people in the neighbourhood;
  - b) people's use and enjoyment of their property; or
  - c) the amenity of a neighbourhood;
  - d) 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;
    - (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) "person" means any company, corporation, partnership, owner, or occupant.
  - (j) "property" means land or buildings or both.
  - (k) "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 pavement, curbs, works or open air surfaced areas.
  - (l) "noise" means any loud outcry, clamour, shouting, horns, bells, or any device that produces a loud or unpleasant sound.

### Responsibility

4 Unless otherwise specified, the owner or occupant of a property, including land, buildings and structures 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 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**

- 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 the building is an imminent danger to public safety.

#### **Land**

- 8 Notwithstanding the generality of Section 5, no person shall cause or permit on any property owned or occupied by that person:
- (a) an infestation of rodents, vermin or insects;
  - (b) any dead or hazardous trees; or
  - (c) any sharp or dangerous objects.

#### **Untidy and Unsightly Property**

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

#### **Outdoor Storage of Materials**

- 10 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.
- 11 Materials referred to in Section 10 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 3.0 metres from the exterior walls or any building and as least 1.0 metres from the property line.

- 12 No carcasses of any kind shall be left unattended. Once an animal is expired, the carcass is to be disposed of immediately so as not to attract or harbor rodents, vermin and insects. During hunting season, all carcasses must be removed immediately to present a safe, sanitary environment.

#### **Junked Vehicles**

- 13 Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicles to be kept on any land owned or occupied by that person.

#### **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 or repair.

#### **Open Excavation**

- 16 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 public safety or health.

#### **Noise**

17 In this Section,

- (a) "weekday" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when that day is a statutory holiday.
  - (b) "weekend" means Saturday and Sunday
  - (c) "Holiday" means any statutory holiday as per the Saskatchewan Labour Standards Act.
- 18 No person shall, cause or permit noise to:

- (1) occur on a property or to emanate from a property that is owned or occupied by that person;
- (2) occur on a street, or sidewalk;
- (3) occur on a public property or emanate from a public property including park areas that disturbs:
  - (a) the safety and health or welfare of people in the neighbourhood; or
  - (b) the enjoyment of other persons on a property, street, sidewalk, or public property including park areas; or
  - (c) the amenity of a neighbourhood.either:
  - (i) before 8:00 am in the morning and after 10:00 pm in the evening on weekdays, when the following day is not a holiday; or
  - (ii) before the hour of 9:00 am in the morning and after 10:00 pm in the evening on weekends and holidays.

19 Emergency, Fire Department, and Police services are exempt from Section 17 of this bylaw when responding to a call.

20 Parades and events that are pre-authorized by the Municipality are exempt from Section 17 of this bylaw but may have other noise restrictions and time constraints as set out by the Municipality.

#### **Enforcement of Bylaw**

21 The responsibility for enforcement of this Bylaw shall be designated to the Administrator of the Town of Radisson and/or to the Municipality's appointed representative.

#### **Inspections**

22 The inspection of property by the Municipality, to determine if the Bylaw is being complied with, is hereby authorized.

23 Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

24 No person shall obstruct a designated officer who is authorized to conduct an inspection nor shall that person obstruct any person who is assisting the designated officer under this section.

#### **Order to Remedy Contraventions**

25 If a designated officer finds that a person is contravening this Bylaw, the designated officer may, by written order on Form "A" similar to that provided as Form "A" as per Schedule "A" of this bylaw, require the owner or occupant of the property to which the contravention relates, to remedy the contravention.

26 Orders to Remedy given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.

27 Orders to Remedy given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

#### **Registration of Notice**

28 If an order to remedy is issued pursuant to Section 23, 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**

29 A person may appeal an Order to Remedy in accordance with Section 365 of *The Municipalities Act*.

### **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.

30 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**

31 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**

32 No person shall:

- (a) fail to comply with an Order to Remedy 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.

33 Contravention of any provision of this Bylaw may cause a Notice of Violation to be served on the person responsible for the contravention, which Notice of Violation shall indicate the amount of the penalty to be paid voluntarily within 30 days which shall not exceed the sum of \$500.00 to be paid to the Municipality.

- a) First Offence \$100.00
- b) Second Offence \$200.00
- c) Subsequent Offence \$400.00

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.

34 Payment of any Notice of Violation does not exempt the person from enforcement of an order to remedy pursuant to Section 24 of this Bylaw.

35 Every person who contravenes any provision of this bylaw is guilty of an offence and is 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; and
- (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**

36 This Bylaw shall come into force on the date of the third reading and final adoption by resolution of the Council of the Town of Radisson.

### **Repealed**

37 Bylaw No. 483/11 & 413/00 is hereby repealed.

Read a third time and finally adopted this 14 day of, December, 2022.

Mayor Pete Reddekopp



SEAL

Administrator Connie Henning



Certified a true copy of Bylaw No. 2022-7 Adopted by resolution of Council held on the 14 day of December 2022.

 Administrator Connie Henning

**FORM "A"**  
**Notice of Violation of Bylaw 2022-7**  
**TOWN OF RADISSON**  
**Voluntary Payment of Fine**



**DETAILS OF VIOLATION**

Name of Owner \_\_\_\_\_

Address of \_\_\_\_\_

On the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at Radisson, Saskatchewan at \_\_\_\_\_ did unlawfully commit the following offence under the \_\_\_\_\_ (time)

Town of Radisson Property Maintenance and Nuisance Abatement Bylaw No. 2022-7, Section No. \_\_\_\_\_.

Description of offence \_\_\_\_\_

Location of Violation: \_\_\_\_\_

Description of Appliances: \_\_\_\_\_

**Please pay as indicated:**

Penalty for the above infraction- \$ \_\_\_\_\_

Issued By: \_\_\_\_\_

Date of Issue: \_\_\_\_\_

The Voluntary Penalty may be paid at the Town Office, Radisson, Saskatchewan.

Voluntary Payment of the fine within seven (7) days after service of this Notice of Violation upon the owner result in the owner not being liable for prosecution for the offence.

Failure to remit the fine within seven (7) days after service of this Notice of Violation may result in issuance of a Summons.