

TOWN OF RADISSON
BYLAW NO. 483/11

**BYLAW FOR THE TOWN OF RADISSON, IN THE PROVINCE OF
SASKATCHEWAN, TO REGULATE ‘PROPERTY MAINTENANCE AND
NUISANCE ABATEMENT’ IN THE TOWN OF RADISSON**

**The COUNCIL OF THE TOWN OF RADISSON, in the PROVINCE OF
SASKATCHEWAN, ENACTS as follows:**

PART 1: INTERPRETATION

1. Short Title

This Bylaw may be cited as the “*The Property Maintenance and Nuisance Abatement Bylaw*”.

2. Purpose

The purpose of this Bylaw is to provide for the proper maintenance of property and the abatement of nuisances, including property or things that adversely affect:

- (1) the safety, health, and/or welfare of people in the neighborhood; or
- (2) the amenity of a neighborhood.

3. Definitions

In this Bylaw:

- (1) “*Building*” means a building as defined in the *The Municipalities Act* as being *any structure, used or occupied, or intended for supporting or sheltering any use or occupancy, and includes a trailer, mobile home or portable shack that is:*
 - a. *not in storage;*
 - b. *situated within the Town for a period of more than 30 days;*
 - c. *travel trailer;*
 - d. *has at least four walls that support a roof;*
 - e. *has at least one lockable door;*

- a. a building in a ruinous or dilapidated state of repair;
 - b. a building (occupied or unoccupied) that is damaged and is in imminent danger to public safety;
 - c. land that is overgrown with grass, weeds or other vegetative growth;
 - d. untidy and unsightly property;
 - e. junked vehicles;
 - f. open excavation on property; or
 - g. noxious emissions of smoke or odour.
- (9) “*Occupant*” means an occupant as defined in *the Municipalities Act* as being:
- a. a person residing on land or in a building
 - b. 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
 - c. a leaseholder.
- (10) “*Owner*” means an owner as defined in *the Municipalities Act* as being *a person who has the right, title, estate, or interest in land or buildings other than that of a mere occupant, tenant, or mortgagee.*
- (11) “*Property*” means land or buildings or both.
- (12) “*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. Responsibility

- (1) Unless otherwise specified, the registered owner of a property shall be responsible for compliance and carrying out the respective provisions of this Bylaw.
- (2) Compliance with the requirements of this bylaw does not exempt any person from compliance with the requirements of any federal, provincial, or municipal legislation, the requirements of any other bylaw in force within the Town or from complying with any other bylaw of the Town in force from time to time.

PART 2: NUISANCES

5. Nuisances Prohibited Generally

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

6. Dilapidated Buildings

- (1) Notwithstanding the generality of Section 5, no person shall cause or permit a building or structure to become damaged or to deteriorate into a ruinous or dilapidated state of disrepair such that the building or structure:
 - a. is dangerous to the public health or safety; or
 - b. substantially depreciates the value or other land or improvements in the neighborhood.

7. Unoccupied Buildings

- (1) 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.
- (2) Unoccupied buildings shall be securely closed to prevent unauthorized entry.

8. Overgrown Grass, Weeds, and Other Vegetative Growth

- (1) Notwithstanding the generality of Section 5, no person shall cause or permit the land to be overgrown with grass or weeds.
- (2) For the purpose of this section, “overgrown” means in excess of 20 centimetres in height.
- (3) This section shall not apply to any growth which forms a natural garden that has been deliberately planted to produce ground cover, including one or more species of wild flowers, shrubs, perennials, grasses or combinations of them, whether native or non-native,

consistent with a managed and natural landscape other than regularly mown grass.

- (4) No owner or occupant of land shall cause or permit any adjoining boulevards or lanes to be overgrown with weeds.

9. Untidy and Unsightly Properties

- (1) Notwithstanding the generality of Section 5, no person shall cause or permit any land or building to become untidy and unsightly due to accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, bottles, barrels, scrap metal or other waste or recyclable materials, or junk.
- (2) No owner of land shall store any materials noted in Subsection (1) in the front yard of any residential property or on any adjoining boulevards or lanes.

10. Junked Vehicles

Notwithstanding the generality of Section 5, no person shall keep or store any junked vehicle on any property in the Town of Radisson.

11. Open Excavations

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 property which is dangerous to the public safety or health.

12. Pet Wastes

- (1) Pet wastes shall be promptly removed from properties, and disposed of in an acceptable fashion. Pet wastes shall not be allowed to accumulate in an unreasonable fashion.
- (2) Animal carcasses, animal remains etc. (re: bones, skulls, hides, parts of animals or raw meat of any sort), are strictly prohibited from the Town of Radisson limits and shall be promptly removed and disposed of in a sanitary manner as not to cause a health hazard.

PART 3: PROPERTY MAINTENANCE

13. Duty to Maintain

- (1) All property shall be maintained in accordance with the minimum standards prescribed in this section and other applicable requirements/regulations of any other authorities having jurisdiction.
- (2) No person shall cause or permit the occupancy of any property that does not conform to the minimum standards and every dwelling unit shall provide a safe and sanitary environment for the occupants in accordance with this section.
- (3) Notwithstanding Section 4, every occupant of a property shall:
 - a. keep in a clean and sanitary condition that part of the property, which the occupant occupies, and controls;
 - b. maintain exits to the exterior of the building in a safe and unobstructed condition; and
 - c. keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

PROPERTY MAINTENANCE STANDARDS

14. Yard Maintenance

- (1) Yards shall be kept free from:
 - a. garbage and junk;
 - b. junked vehicles;
 - c. excessive growth of weeds and grass;
 - d. holes and excavations deemed a danger to public safety;
 - e. infestations of rodents or vermin;
 - f. dead or hazardous trees or overgrown vegetation; or
 - g. dangerous or hazardous materials.
- (2) Yards shall be graded in such a manner so as to prevent excessive ponding of water and excessive dampness accumulating near building or structures.

15. Outdoor Storage of Materials

Any building materials, lumber, scrap metals, boxes, straw, etc., 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 harbour for rodents, vermin, insects or to be allowed to decay. Materials so stored must be in a quantity and location deemed reasonable or acceptable in consideration of the zoning and the purpose of the property.

16. Refrigerators and Freezers

Storing refrigerators or freezers in yards is prohibited, however if such appliances are being held temporarily to facilitate disposal, they shall first have the hinges, latches, lid or lids, door or doors removed in order to prevent entrapment within the appliance.

17. Waste Disposal

Every building shall be provided with a sufficient number of waste receptacles to contain all waste in accordance with the provisions of *the Town of Radisson Water and Sewer Management Bylaw*.

18. Accessory Buildings

- (1) Accessory Buildings shall be kept:
 - a. in good repair;
 - b. free of infestation by rodents, vermin and insects; and
 - c. free of health, fire and safety hazards.
- (2) Accessory buildings shall be equipped with doors and other adequate closures.

19. Fences

- (1) Fences shall be maintained in a safe and reasonable state of repair, that are appropriate to incorporate into the neighborhood, as determined by the municipal inspector.
- (2) Excepting areas that are approved for the containment of livestock, fences that incorporate barbed wire shall not be permitted.

BUILDING STANDARDS

20. Building Components (Exterior)

(1) Structural Standards

- a. The structural components of every building, including roofs, stairs, railings, porches, joists, rafters, beams, columns, foundations, walls, and ceilings shall be maintained in a safe condition, and shall be capable of performing the function that they were intended to perform.
- b. Every part of a building foundation shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any normal load to which it may be subjected.
- c. Materials, which have deteriorated and/or become damaged shall be repaired or replaced.

(2) Exterior Walls

- a. All exterior structures shall be constructed of materials which provide adequate protection from the weather.
- b. Exterior wall shall be covered with an application of paint, satin, vinyl, stucco, brick, or other protective surface to protect the walls from deterioration due to moisture penetration.
- c. Exterior wall shall be free of holes, breaks, loose or rotting boards or timber, or any conditions which might admit rain or dampness to the interior walls or the interior spaces of the building.

(3) Roofs

- a. A roof, including the fascia board, soffit, cornice, and flashing shall be maintained in good repair so as to prevent deterioration or leakage or water into the building.
- b. Loose materials, including dangerous accumulations of snow and ice shall be removed from the roof of a building as soon as reasonably possible so as to prevent damage to the building or injury to persons in or near the buildings.
- c. Water running off the roof shall be carried away from the building so as not to cause dampness in the wall, ceilings, or floors in the building but it shall not be directed in such a manner so as to cause

adverse impacts onto any adjacent property so as to damage that property.

- d. Eavestroughing and downspouts shall be maintained in good repair.

(4) *Chimneys*

- a. Chimneys, flue pipes and smokestacks shall be maintained in good repair so as to serve their intended purpose to and to prevent gases, water, or any other substance from leaking into the building.
- b. Chimneys, flue pipes and smokestacks shall be kept free of any defects.
- c. Chimneys, flue pipes, and smokestacks shall have all defective masonry or metal components repaired or replaced as needed.
- d. Chimneys, flue pipes and smokestacks shall be kept clear of obstructions.

(5) *Exterior Doors and Windows*

- a. Exterior doors and windows shall be kept in reasonable state of repair, so as to perform their intended function.
- b. Exterior doors shall have an acceptable locking mechanism.

(6) *Stairs, Porches, Decks, and Railings*

- a. Stairs, porches, decks, and railings shall be maintained in good repair so that no components are broken, loose, rotted or warped.
- b. Handrails are required on at least one side of all exterior steps having more than three (3) risers.

(7) *Egress*

- a. Every building shall have means of egress so as to provide a safe, continuous unobstructed exit from the interior of the building to the exterior at the street or grade level.
- b. Every means of egress shall be maintained in good repair and free of obstructions which constitute a fire hazard.

21. Building Components (interior)

(1) Water Supply & Sewage Disposal

- a. Every dwelling unit shall have an adequate supply of potable running water for washing and bathroom facilities.
- b. Sewage shall be properly drained into the municipal sewage system works and where municipal services are not available it shall drain into an approved private sewage works.

(2) Plumbing and Heating Facilities

- a. Every dwelling unit shall be equipped with adequate heating facilities properly installed and maintained in safe and good working condition.
- b. All plumbing facilities in a building, including fixtures, drains, water pipes, and all connections to the water and sewer system shall be protected from freezing, be maintained in good working order, and be free from leaks and defects.

(3) Gas, Electrical and Mechanical Facilities

All gas, electrical and mechanical facilities and appliances shall be installed in accordance with manufacturer's instructions and applicable requirements/regulations of any other authority having jurisdiction.

PART 4: ENFORCEMENT, OFFENCES, AND PENALTIES

22. Enforcement of Bylaw

- (1) The administration and enforcement of this bylaw is hereby delegated to the Town Administrator of the Town of Radisson.
- (2) The Town Administrator for the Town of Radisson is hereby authorized to further delegate the administration and enforcement of the bylaw, or specific sections of the Bylaw to the municipal inspector assigned to such responsibilities.

23. Inspections

- (1) The inspection of property by the Town to determine if this bylaw is being complied with is hereby authorized.
- (2) Inspection under this Bylaw shall be carried out in accordance with Section 362 of *the Municipalities Act*.
- (3) No persons shall obstruct a Municipal Inspector who is authorized to conduct inspections under this section, or a person who is assisting a municipal inspector.

24. Order to Remedy Contravention

- (1) If an inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require 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*

25. Registration of Notice of Order

If an order is issued pursuant to Section 24, the Town 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 of the land that is the subject to the order.

26. Appeal of Order to Remedy

- (1) A person may appeal an order made pursuant to Section 24 in accordance with Section 365 of *the Municipalities Act*.
- (2) Appeals shall be made to Council.

27. Town Remedying Contravention

The Town may, in accordance with Section 366 of the *Municipalities Act*, take whatever acts or measures are necessary to remedy a contravention of the Bylaw.

28. Civil Action to Recover Costs

The Town may, in accordance with Section 368 of *the Municipalities 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.

29. Adding Amounts to Tax Roll

The Town may in accordance with Section 369 of *the Municipalities Act* add any unpaid expenses and costs incurred by the Town in remedying a contravention of this Bylaw to the taxes of the property on which the work was done.

30. Emergencies

(1) In the event that it becomes an emergency to remedy a contravention of this Bylaw, the Town may take whatever action or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

31. Offences

(1) Any person who does not comply with any part of an order made against him or her is guilty of an offence.

(2) Any person who is guilty of an offence is liable on summary conviction to:

- a. a fine of not more than \$10,000.00;
- b. imprisonment for not more than six months; or
- c. a penalty consisting of any combination of Clauses (a) and (b).

- (3) Every person, who contravenes any provision of this Bylaw where no other penalty is provided, is guilty of an offence and is liable on summary conviction to a fine not more than:
 - a. \$2,000.00 in the case of an individual; or
 - b. \$5,000.00 in the case of a corporation.
- (4) All fines, penalties and forfeitures mentioned in the Bylaw may be recovered and enforced with costs by summary conviction before a judge and, in default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the fines or penalties are paid sooner
- (5) This Bylaw may be enforced, and the contravention of any provision of the Bylaw restrained, by any court or action brought by the Town of Radisson, whether or not any penalty is imposed for the contravention.
- (6) Conviction of a person for a contravention of any provision of this bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of Bylaw.
- (7) A person, who fails to comply with an order made pursuant to Subsection 6 hereof within the period specified in the order, is guilty of an offence and is liable on summary conviction to a fine of not more than \$250.00 for each day during which failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.
- (8) Where a bylaw enforcement officer or peace officer believes that a person has contravened the provisions of this Bylaw, that may be a personal service, served or caused to be served upon such person a notice of violation in Form "A" as provided by this section.
- (9) The notice of violation in Form "A" shall be in a form similar to that provided as Form "A" of this Bylaw and shall indicate thereon the section of the bylaw which was contravened and the amount of penalty to be paid as provided in Schedule "A" of this Bylaw.

- (10) Upon production of the notice of violation in Form “A” issued pursuant to Subsection 8 within seven (7) days from the date of service together with payment as indicated on the notice of violation in Form “A” to the person, to whom the notice of violation was issued, shall not be liable for prosecution for the contravention in respect of which the notice of violation in Form “A” was given.

32. Repeal Bylaw

Bylaw No. 462/09 is hereby repealed.

(SEAL)

Mayor

Administrator

FORM "A"
Notice of Violation of Bylaw 483/11
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. 483/11, 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.

SCHEDULE "A" TO BYLAW 483/11

- | | | |
|----|--|----------|
| 1. | First offence | \$100.00 |
| 2. | Second offence in a calendar year | \$200.00 |
| 3. | Third and subsequent offences in a calendar year | \$300.00 |