VILLAGE OF FOX VALLEY
BYLAW NO.08-18.
NUISANCE ABATEMENT BYLAW

A BYLAW OF THE VILLAGE OF FOX VALLEY, IN THE PROVINCE OF SASKATCHEWAN, TO PROVIDE FOR THE ABATEMENT OF NUISANCES WITHIN THE VILLAGE OF FOX VALLEY

THE COUNCIL FOR THE VILLAGE OF FOX VALLEY 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 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.

Definitions

3. In the 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 Village of Fox Valley
   d) "Council" means the Council of the Village of Fox Valley;
   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 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
      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; and
      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) "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.

Responsibility

4. Unless otherwise specified, the owner 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. Not withstanding 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;

b) substantially depreciates the value of other land or improvements in the neighborhood; or

c) is substantially detrimental to the amenities of the neighborhood.

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. 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.

9. For the purposes of this section, “overgrown” means in excess of 0.20 meters in height.

10. 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.

Untidy and Unsightly Property

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

Junked Vehicles

12. 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

13. 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

14. 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 tress; or

c) any sharp or dangerous objects.

Outdoor Storage of Materials

15. 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.

16. Materials referred to in Section 15 shall be elevated at least 0.15 meters off the ground and shall be stacked at lease 3.0 meters from the exterior walls of any building and at least 1.0 meter from the property line.

Refrigerators and Freezers

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

Fences

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

Cannabis

19. No one is permitted to grow cannabis outside within the Village of Fox Valley.

20. No one may smoke or ingest cannabis on public property.

21. People smoking cannabis on private property must ensure that the smoke and odor do not impinge on or adversely affect other people in the Village of Fox Valley. Persons who impinge on other people's enjoyment of their private property and/or on people using public spaces and /or persons whose smoking cannabis habits adversely affect other people within the Village of Fox Valley, will be subject to penalty under this bylaw.

Enforcement of Bylaw

22. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Village of Fox Valley.

23. The administrative process to administer nuisances will be developed by the council for the Village of Fox Valley jointly with the Administrator in accordance with local expectations. The process can be summarized as:

1. gaining awareness of the nuisance situation;
2. investigating the allegation;
3. issuing an order to remedy where the situation warrants this action; and
4. completing the work in the event on non-compliance by the person receiving the order.

Inspections

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

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

26. 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.

Order to Remedy Contraventions

27. 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.

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

29. 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

30. If an order 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

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

Municipality Remedying Contraventions

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

33. 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

34. 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

35. 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 this Bylaw; or

c) fail to comply with any other provision of this Bylaw.

36. Every person who contravenes any provision of Section 34 is guilty of an offence and liable on summary conviction:

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

b) in the case of a corporation, to a fine of not more than $25,000; 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

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

38. Bylaw No. 02-05 is hereby repealed.

Introduced and read a first time this 4th day of December, 2018.
Read a second time this 4th day of December, 2018.
Read a third time and adopted this 4th day of December, 2108.

_____
MAYOR

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ADMINISTRATOR