

**BYLAW NO. 11 - 2008
NUISANCE ABATEMENT BYLAW**

A BYLAW of the Town of Kyle, in the Province of Saskatchewan, to provide for the abatement of nuisances within the Town of Kyle.

THE COUNCIL FOR THE TOWN OF KYLE IN THE PROVINCE OF SASKATCHEWAN
ENACTS AS FOLLOWS:

1 SHORT TITLE

- a) This Bylaw may be cited as *The Nuisance Abatement Bylaw*.

2 PURPOSE

- a) The purpose of this Bylaw is to provide for the abatement of nuisances, including property, activities, or things that 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.

3 DEFINITIONS

- a) "Designated Officer" means the Administrator or designate of the Municipality to act as a municipal inspector for the purposes of this bylaw;
- b) "Board" means the board as designated by council
- c) "Building" means a building as defined in *The Municipalities Act*;
- d) "Municipality" means the Town of Kyle;
- e) "Council" means the Council for the Town of Kyle;
- f) "Junked Vehicle" means ANY automobile, tractor, truck, trailer or other vehicle that is:
- i) Dismantled, partly dismantled, or in abandoned condition; and/or
 - 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/or
 - (2) Does not form a part of a business enterprise lawfully being operated on that land.
- g) "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; and/or
 - ii) People's use and enjoyment of their property; and/or
 - iii) The comfort and convenience of a neighborhood
- And includes:
- iv) A building in a ruinous or dilapidated state of repair;
 - v) An unoccupied building that is damaged and in an imminent danger to public safety;
 - vi) Land that is over grown with grass and/or weeds
 - vii) Land that is over grown with hedges and/or trees
 - viii) Untidy and unsightly property
 - ix) Open excavations on property.
- h) "Occupant" means an occupant 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.

- 4 Board
 - a) A council shall appoint not less than two persons to constitute the board of appeals for the municipality.
- 5 Responsibility
 - a) Unless otherwise specified, the owner of the property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.
- 6 Nuisances Prohibited Generally
 - a) No person shall cause or permit a nuisance on any property owned by that person.
- 7 Dilapidated Buildings
 - a) 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 that the building or structure:
 - i) Is dangerous to the public health or safety;
 - ii) Substantially depreciates the value of other land or improvements in the neighborhood; or
 - iii) Is substantially detrimental to the amenities of the neighborhood.
- 8 Unoccupied Buildings
 - a) 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 repair such that the building is an imminent danger to public safety.
- 9 Overgrown Grass and/or Weeds
 - a) 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.
 - b) For the purposes of this Section, "Overgrown" means in excess of 0.20 metres (8 inches) 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, as long as said growth remains inside the perimeter or owner's property.
- 10 Hedges and/or Trees
 - a) Notwithstanding the generality of Section 5, no owner or occupant of land shall cause or permit hedges and/or trees, or parts thereof, to obstruct the free passage of pedestrians on sidewalks, streets or back alleys at any time.
- 11 Untidy and Unsightly Property
 - a) Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy or unsightly.
- 12 Snow Removal from Sidewalks
 - a) It is the responsibility of the owner or occupant to remove the snow from any adjoining sidewalks.
- 13 Junked Vehicles
 - a) 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.
- 14 Open Excavations
 - a) 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.
- 15 Maintenance of Yards
 - a) Notwithstanding the generality of Section 5, no person shall cause or permit on any property owned by that person an infestation of rodents, vermin or insects.
- 16 Outdoor Storage of Materials
 - a) 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.

17 Refrigerators and Freezers

- a) Any refrigerator or freezer left unattended in a yard shall have its hinges, latches, lid and door or doors either removed or securely locked.

18 Fences

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

19 Enforcement of Bylaw

- a) The Administration and enforcement of this Bylaw is hereby delegated to the designated officer for the Town of Kyle.

20 Inspections

- a) The inspection of property by the Municipality, pursuant to section 362 of the *Municipalities Act*, to determine if this Bylaw is being complied with is hereby authorized.
- b) A designated officer shall have authorization to request anything to be produced in order to assist in the inspection including but not limited to making copies of anything related to this inspection.
- c) No person shall obstruct the Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting the Designated Officer.

21 Order to Remedy Contraventions

- a) If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer will, by written order require the owner of the property to which the contravention relates, to remedy the contravention.
- b) The municipality shall serve a written order in the prescribed form, as per Appendix 'B' attached to and a part of this bylaw, on the person to whom the order is directed.
- c) This order shall state the number of days allowed to remedy the contravention and shall not be less than Twenty (20) days.
- d) This order shall state, that should the person not remedy the contravention within the allotted number of days, he/she will be subject to a daily fine as established in Appendix 'A' attached to and forming a part of this bylaw.
- e) Orders under this bylaw may be served by one of the following options:
 - i) Personally
 - ii) By registered mail to the last known address of the person being served;
 - iii) By hand-delivering a copy of the notice, order or document to the last known address of the person being served; or
 - iv) By posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.

22 Registration of Notice of Order

- a) If an order is issued pursuant to Section 21, the Municipality may 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.

23 Appeal of Order to Remedy

- a) A person may appeal the order within Fifteen (15) days after the date of the order. The board will hold an appeal hearing within two (2) business days after notification of appeal.
- b) The decision of the board shall be final.

24 Municipality Remedying Contraventions

- a) The Municipality may take whatever actions or measures that are necessary to remedy a contravention of this bylaw.

25 Recovery of Unpaid Expenses and Costs

- a) Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this bylaw may be recovered either:
 - b) By civil action for debt in a court of competent jurisdiction

- And/or
c) By adding the amount to the taxes on the property on which the work is done.

26 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;
 - iii) Fail to comply with any other provision of this bylaw; or
 - iv) Continue to do any of those things outlined in (i) to (iii) above.
- b) Payment of any Notice of Violation does not exempt the person from completion of an order pursuant to Section 21 of this bylaw.

27 Coming Into Force

- a) This bylaw shall come into force on the day of its final passing.

28 Bylaws repealed

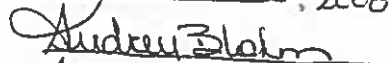
- a) Bylaw 2-2007 is hereby repealed.


Mayor - Ansgar Tynning

SEAL


Administrator - Audrey Blohm

READ A THIRD TIME AND
ADOPTED THIS 8 day of
October, 2008


Administrator

APPENDIX 'A'

Section	Offence	Fine
7	Dilapidated Buildings	\$50.00 / day
8	Unoccupied Buildings	\$50.00 / day
9	Overgrown Grass & Weeds	\$50.00 / day
10	Hedges & Trees	\$50.00 / day
11	Untidy and Unsightly Property	\$50.00 / day
12	Sidewalk snow removal	\$50.00 / day
13	Junked Vehicles	\$50.00 / day
14	Open Excavations	\$200.00 / day
15	Maintenance of Yards	\$50.00 / day
16	Outdoor Storage of Materials	\$50.00 / day
17	Refrigerators and Freezers	\$200.00 / day
18	Fences	\$50.00 / day

APPENDIX 'B'



Box 520
Kyle, Saskatchewan
S0L 1T0
Phone: (306) 375-2525
Fax: (306) 375-2534
E-mail: townofkyle@sasktel.net
Website: www.kylesaskatchewan.ca

Order to Remedy

Name: _____
Address: _____

Date: _____

RE: [Legal address of property / Civic address of property]

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section _____ of Bylaw No. 11-2008 the property described above has been inspected by the Town of Kyle on _____, 2008;

THAT as a result of the above inspection, the land is hereby declared a nuisance because:

- [state SPECIFIC reason(s) why the property is a nuisance]

AND THAT the records of the Municipality show that you are the owner of the property described above.

ORDER TO REMEDY

Under authority provided by Section 21 of Bylaw No. 11-2008 you are hereby ordered to remedy the above noted violation within Twenty (20) days from the date of this order.

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and

THAT the appeal must be filed with the Town of Kyle within Fifteen (15) days of the date of this order.

FAILURE TO COMPLY WITH ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, you will be subject to a DAILY FINE of no less than _____ per day payable to the Town of Kyle;

[Amount as indicated in Appendix 'A']

AND

THAT if the remedial action(s) noted above is/are not undertaken by the date noted above, the Town of Kyle is authorized to take whatever steps are necessary to undertake the remedial action(s) and recover the costs;

AND

THAT all costs, less any amount received by the Town of Kyle from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

Dated at Kyle, in the Province of Saskatchewan,
This _____ day of _____, 2008.

Designated Officer – Audrey Blohm