

CITY OF MARTENSVILLE
NUISANCE ABATEMENT BYLAW
BYLAW NO. 7-2015

**A BYLAW OF THE CITY OF MARTENSVILLE TO PROVIDE FOR THE
ABATEMENT OF NUISANCES**

The council for the City of Martensville in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

This Bylaw may be cited as The Nuisance Abatement Bylaw.

2. PURPOSE

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 neighbourhood;
- b) people's use and enjoyment of their property; or
- c) the amenity of a neighbourhood.

3. DEFINITIONS

- (a) “**building**” means a building within the meaning of *The Cities Act*;
- (b) “**boulevard**” means the strip of land between the curb and gutter with sidewalk or curb and gutter without sidewalk and the property line, or where there is no curb and gutter with or without sidewalk, the strip of land between the road/pavement edge of property”
- (c) “**City**” means The City of Martensville;
- (d) “**Council**” means the Council of the City of Martensville;
- (e) “**Designated Officer**” means an employee or agent of the City appointed by Council to act as a municipal inspector for the purposes of this Bylaw
- (f) “**emergency**” includes a situation in which there is imminent danger to public safety or of serious harm to property.
- (g) “**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

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- 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 City; and
 - (2) does not form a part of a business enterprise lawfully being operated on that land;

- (h) “**lane**” means a public highway vested in the Crown as a secondary level of access to a lot or parcel of land.

- (i) “**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 neighbourhood;
 - ii) people’s use and enjoyment of their property; or
 - iii) the amenity of a neighbourhood

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;

- (j) “**occupant**” includes:
 - (i) a person residing on land or in a building;
 - (ii) a person entitled to the possession of land or a building if there is no person residing on the land or in the building; or

 - (iii) a leaseholder;

- (k) “**owner**” means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee;

- (l) “**property**” means land or buildings or both;

- (m) “**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.

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4. RESPONSIBILITY

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. NUISANCES PROHIBITED GENERALLY

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

6. DILAPIDATED BUILDINGS

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:

- a) is dangerous to the public health or safety;
- b) substantially depreciates the value of other land or improvements in the neighbourhood;
- c) is substantially detrimental to the amenities of the neighbourhood.

7. UNOCCUPIED BUILDINGS

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.

8. OVERGROWN GRASS AND WEEDS

8.1 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.

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. UNTIDY AND UNSIGHTLY PROPERTY

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

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10. JUNKED VEHICLE

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.

11. OPEN EXCAVATIONS

Notwithstanding the generality of Section 5, no person shall cause or permit any ditch, basement, excavation, drain, 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. MAINTENANCE OF YARDS

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 trees; or
- c) any sharp or dangerous objects.

13. BOULEVARD & LANEWAY MAINTENANCE:

13.1 The owner or occupier of property adjacent to a boulevard or lane shall ensure that the portion of the boulevard or lane adjacent to the property, up to the centerline of the lane, is kept free and clear, at all times of weeds, uncontrolled growth of grass, plants and tree/shrub overgrowth.

13.2 No owner or occupier of property adjacent to a boulevard or lane, or any other person, shall deposit or cause, suffer or permit the deposit of any garden, vegetation, waste materials or tree branches on or upon a boulevard or lane adjacent to the property, up to the centerline of the lane.

13.3 No owner or occupier of property adjacent to boulevard or lane, or any other person, shall deposit or cause, suffer or permit the deposit of household furniture, building materials or tires on or upon a boulevard or lane adjacent to the property, up to the centerline of the lane.

14. OUTSTANDING STORAGE OF MATERIALS

14.1 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.

14.2 Materials referred to in Section 15 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.

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15. REFRIGERATORS AND FREEZERS

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

16. FENCES

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

17. ENFORCEMENT OF BYLAW

17.1 The administration and enforcement of this Bylaw is hereby delegated to the Designated Officer

18. INSPECTIONS

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

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

18.3 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.

19. ORDER TO REMEDY CONTRAVENTIONS

19.1 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.

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

19.3 Orders given under Bylaw shall be served in accordance with Section 347 (1)(a),(b) or (c) of *The Cities Act*, and shall use the form included in Schedule "B" of this bylaw.

20. REGISTRATION OF NOTICE OF ORDER

If an order is issued pursuant to Section 54, 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.

21. APPEAL OF ORDER TO REMEDY

A person may appeal an order made pursuant to Section 54 in accordance with Section 329 of *The Cities Act*,

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22. CITY REMEDYING CONTRAVENTIONS

- 22.1 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.
- 22.2 In an emergency, 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*,

23. RECOVERY OF UNPAID EXPENSES AND COSTS

Any unpaid expenses and costs incurred by the City 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 332 of *The Cities Act*, or
- b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 333 of *The Cities Act*.

24. OFFENCES AND PENALTIES

- 24.1 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.
- 24.2 Every person who contravenes any provision of Section 24 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 per day.

25. REPEAL OF BYLAW 1-2006

Bylaw 1-2006 and all amendments thereto are hereby repealed.

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26. **COMING INTO FORCE**

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

Read a first time this 17th day of February, 2015

Read a second time this 17th day of February, 2015

Read a third time and adopted this 17th day of February, 2015

Mayor

(Seal)

City Clerk

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Schedule “A”
Designated Officers

1. Bylaw Officer
2. City Manager
3. City Clerk
4. City Directors