

Nuisance Abatement Bylaw

Rural Municipality of Sherwood # 159

BYLAW NO. 7/15

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

WHEREAS the Council of the Rural Municipality of Sherwood #159 in the Province of Saskatchewan (“Council”) considers it expedient and in the public interest to deter unhealthy, dangerous, potentially dangerous or unattractive property and nuisances;

NOW THEREFORE Council enacts as follows:

Title

1. This Bylaw may be cited as *The Nuisance Abatement Bylaw, 2015*.

Purpose

2. The purpose of this Bylaw is to provide for the abatement of nuisances including unsightly property.

Definitions

3. In this Bylaw:

(a) "agricultural property" means land that is zoned Agricultural or Agricultural Residential, and includes buildings on that land;

(b) "derelict vehicle" means any automobile, tractor, truck, trailer or other vehicle that:

- (i) either has no valid licence plates attached to it or that is not currently registered; and
- (ii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition;

but does not include a vehicle that:

- (iii) is within a structure erected in compliance with any bylaw respecting the erection of buildings and structures in force within the municipality or is otherwise concealed from view; or
- (iv) forms a part of a business enterprise lawfully being operated on that land;

(c) “designated officer” means the administrator of the municipality or any other person appointed as a designated officer by the administrator;

(d) “good repair” means the condition of property when none of the following is present:

- (i) significant damage;
- (ii) peeling surfaces;
- (iii) broken, missing or fallen parts;
- (iv) rot or significant deterioration;

- (v) openings that are not secured against trespassers or infiltration of air and precipitation; or
 - (vi) other evidence of a lack of general maintenance;
- (e) "graffiti" means any images, lettering or scratching that is scrawled, painted or marked in any manner on property without the consent of the property owner;
- (f) "municipality" means the Rural Municipality of Sherwood #159;
- (g) "nuisance" means a condition of property, or a thing or an activity that adversely affects or may adversely affect the safety, health or welfare of people, people's use and enjoyment of their property, or the attractiveness of the municipality, 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 to an extent that, in the opinion of a designated officer, is excessive or demonstrates neglect;
 - (iv) untidy and unsightly property or property that is not in a state of good repair;
 - (v) junked vehicles; and
 - (vi) open excavations on property;
- (h) "property" means
- (i) the whole or part of any parcel of land;
 - (ii) any buildings, structures or improvements on land; or
 - (iii) where the context so requires, chattels;
- (i) "refuse" means all solid and liquid wastes of whatever nature or kind and includes:
- (i) broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, tires, or any other form of waste or litter;
 - (ii) derelict vehicles;
 - (iii) equipment or machinery that has been abandoned or that is inoperative by reason of its disassembly, age, mechanical condition or other cause; and
 - (iv) any household appliance stored outside of a residence or other building regardless of whether or not the appliance is in an operative condition;
- (j) "structure" means anything erected or constructed, the use of which requires temporary or permanent location on, over or under land, but does not include pavements, curbs, walks, or open air surfaced areas.

Nuisances prohibited generally

4. Subject to sections 6 to 9, no owner of property shall cause or permit a nuisance to occur on or with respect to that property.

Dilapidated buildings

5. No owner of a building or structure shall cause or permit the building or structure to deteriorate into such a ruinous or dilapidated state that the building or structure:

(a) is dangerous to the public health or safety due to the presence of excavations, structures, materials or any hazard or condition with poses a danger;

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

(c) is substantially detrimental to the attractiveness of the municipality due to lack of repair or maintenance, including:

(a) significant deterioration;

(b) broken or missing windows, siding, shingles, shutters, eaves or other building material; or

(c) significant fading, chipping or peeling of painted areas; or

(d) has any graffiti displayed on it that is visible from any surrounding property.

Maintenance of property

6. No owner of property shall permit any of the following to occur on that property:

(a) excessive accumulation of material, such as construction equipment or machinery, building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;

(b) the accumulation of refuse or other waste products in temporary storage containers for an unreasonable period of time;

(c) storage of more than six derelict vehicles on any property;

(d) excessive accumulation of feces, other than manure or animal waste on agricultural land, animal material or carcasses;

(e) an infestation of rodents, vermin or insects;

(f) any dead or hazardous trees or any sharp or dangerous objects, unless the trees or objects are on agricultural property and are:

(i) located at least 50 meters from the front, side or rear of the property where a developed road allowance exists adjacent to the front, rear, or side yard; and

(ii) obstructed from obvious view;

(g) production of generally offensive odours, unless produced through reasonable and generally accepted agricultural practice or by the reasonable and generally accepted operation of a permitted landfill or transfer station.

Outdoor storage of materials

7. The owner of any property shall ensure that any building materials, lumber, scrap metal, boxes or similar items stored on the property are neatly stacked in piles as follows:

- (a) elevated at least 0.15 metres off the ground;
- (b) at least 3.0 metres from the exterior walls of any building; and
- (c) at least 1.0 metre from the property line or, where the property is adjacent to a municipal road, at least 150 ft from the center of the road.

Fences

8. The owner of any property shall ensure that all fences are maintained in a safe and reasonable state of repair.

Bylaw 06/10 repealed

9. Bylaw 06-10, *The Nuisance Abatement Bylaw*, is repealed.

Coming Into Force

10. This Bylaw comes into force on the day it receives third reading.

Read a first time on the ____ day of _____, 2015.
 Read a second time on the ____ day of _____, 2015.
 Read a third time and adopted the ____ day of _____, 2015.

(SEAL)

Reeve

Administrator

Official Administrator