
VILLAGE OF BJORKDALE

BYLAW NO 1-12

A BYLAW TO REGULATE PROPERTY MAINTENANCE AND TO PROVIDE FOR THE ABATEMENT OF NUISANCES WITHIN THE VILLAGE

The Council of the Village of Bjorkdale in the Province of Saskatchewan enacts as follows:

PURPOSE

1. 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.

DEFINITIONS

2. In this 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 Bjorkdale;
- (d) "**Council**" means the Council of the Village of Bjorkdale;
- (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 neighbourhood;
 - ii. people's use and enjoyment of their property; or
 - iii. the amenity of a neighbourhoodand includes:
 1. a building in a ruinous or dilapidated state of repair;
 2. an unoccupied building that is damaged and is an imminent danger to public safety;
 3. land that is overgrown with grass and weeds;
 4. untidy and unsightly property;
 5. junked vehicles; and

RESPONSIBILITY

3. 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

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

DILAPIDATED BUILDINGS

5. 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; or
 - (c) is substantially detrimental to the amenities of the neighbourhood.

UNOCCUPIED BUILDINGS

6. 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

7. Notwithstanding the generality of section 4, no owner or occupant of land shall cause or permit the land to be overgrown with grass or weeds.
8. For the purposes of this section of this Bylaw, "overgrown" means in excess of 20 centimetres in height.
9. 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.
10. No owner or occupant of land shall cause or permit any adjoining boulevards or lanes to be overgrown with weeds.
11. After having been served with an order respecting property overgrown with grass and weeds under this section, no person shall permit or allow lands described in that order to become overgrown with grass and weeds again.

UNTIDY AND UNSIGHTLY PROPERTY

12. Notwithstanding the generality of section 4, no person shall cause or permit any land or buildings to become untidy and unsightly.
13. After having been served with an order respecting untidy and unsightly property under this section, no person shall permit or allow lands described in that order to become untidy and unsightly again.
14. No owner of land shall cause or permit any adjoining boulevards or lanes to become untidy or unsightly due to the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.

PET WASTES

18. Pet wastes shall be promptly removed from properties, and disposed of in an acceptable manner. Pet wastes shall not be allowed to accumulate in an unreasonable manner.

MAINTENANCE OF YARDS

19. Notwithstanding the generality of section 4, 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.
20. 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 harbourage for rodents, vermin and insects.
21. Materials referred to in section 20 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.
22. A yard shall be graded in such a manner so as to prevent:
- (a) excessive ponding of water, and
 - (b) excessive dampness accumulating near buildings
23. Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed.
24. Fences shall be maintained in a safe and reasonable state of repair.

ENFORCEMENT OF BYLAW

25. The administration and enforcement of this Bylaw is hereby delegated to the Administrator Clerk for the Village of Bjorkdale.

INSPECTION

26. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
27. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
28. 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 CONTRAVENTION

29. 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.
30. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
31. 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

32. If an order is issued pursuant to Section 29, 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.

RECOVERY OF UNPAID EXPENSES AND COSTS

36. 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

37. 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.

38. Every person who contravenes any provision of Section 37 is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$5,00;
- (b) in the case of a corporation, to a fine of not more than \$1500; and
- (c) in the case of a continuing offence, to a maximum daily fine of not more than \$25 per day.

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



Certified a true copy of Bylaw 1-12,
adopted by Resolution of the
Council of the Village of Bjorkdale
on the 6th day of June, 2012.


MAYOR


ADMINISTRATOR