

TOWN OF LA RONGE
BYLAW NO. 584/17

NUISANCE and PROPERTY MAINTENANCE BYLAW

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

THE COUNCIL FOR THE TOWN OF LA RONGE, IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. Short Title

This bylaw may be cited as the “**The Nuisance and Property Maintenance Bylaw**”.

2. Purpose and Scope

The purpose of this Bylaw is to provide for the abatement of nuisances, including property, activities, or other 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.*

3. Definitions

In this Bylaw:

- a. ***‘Building’*** means any structure used or occupied or intended for supporting or sheltering any use or occupancy, and includes an addition built to an existing structure and, where applicable, the land adjoining a structure;
- b. ***‘Council’*** means the Council of the Town of La Ronge;
- c. ***‘Designated Officer’*** means an employee or agent of the Town appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
- d. ***‘Dilapidated Building’*** means a building or structure that is in disrepair in that it is in a ruined or decayed condition;
- e. ***‘emergency’*** means a situation in which there is imminent danger to public safety or of serious harm to property;
- f. ***‘Fence’*** means a type of wall erected to enclose an area and act as a barrier. It may be built privately or by a developer to enclose a specific community;
- g. ***‘Garbage’*** means discarded food waste or any other unwanted or useless material;
- h. ***‘Graffiti’*** means a form of unwanted vandalism that includes any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, privacy wall, fence or other structure;
- i. ***‘Inspector’*** means any person designated by the Town of La Ronge as a Bylaw Enforcement Officer, Building Official, Fire Inspector or Health Inspector;
- j. ***‘Junk’*** means discarded items or things regarded as worthless or causing clutter. This would include the continuous presence of secondhand goods for sale;
- k. ***‘Junked Vehicle’*** means any automobile, tractor, truck, trailer or other vehicle that
 - i. either:
 - a) has no valid license plates attached to it; or
 - b) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - ii. is located on private land, but that:
 - a) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
 - b) does not form part of a business enterprise lawfully being operated on that land;
- l. ***‘Means of egress’*** means a continuous path of travel provided for the escape of persons from any point in a building. Means of egress includes exits and access to exits;
- m. ***‘Municipality’*** means the Town of La Ronge;
- n. ***‘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;
- o. **'Occupant'** means an occupant as defined in *The Northern Municipalities Act*;
- p. **'Owner'** means an owner as defined in *The Northern Municipalities Act*;
- q. **'Property'** means land or buildings or both;
- r. **'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;
- s. **'Untidy and Unsightly'** means a condition that is caused due to the over accumulation of any type of materials in any yard such that the yard becomes visually unattractive and negatively affects the value of other properties in a neighborhood;
- t. **'Yard'** means an area of land over which no building is erected;
- u. **'Yard, Side'** means the area of the yard that begins at the front corner of the principal building and extends to the rear corner of the principal building;
- v. **'Yard, Rear'** means the area of the yard that extends from the rear corner of the principal building to the rear property line;
- w. **'Yard, Front'** means the area of the yard that extends from the front corner of the principal building to the front property line. For the purpose of this bylaw; the front yard does not include the driveway.

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 or occupied 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 neighborhood; or
- c. Is substantially detrimental to the amenities of the neighborhood.

7. **Unoccupied Buildings**

Notwithstanding to 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**

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. For the purposes of this section, "overgrown" means in excess of 0.20 meters in height.

- a) 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.

10. Junked Vehicles

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 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.

12. Duty to Maintain

- 1) All property shall be maintained in accordance with the minimum standards prescribed in this Section and other applicable requirements/regulations of any other authorities having jurisdiction
- 2) No person shall cause or permit the occupancy or use of any property that does not conform to the minimum standards, and every dwelling unit shall provide a safe and sanitary environment for the occupants in accordance with this section.
- 3) Notwithstanding Section 4, every occupant of a property shall;
 - a) Keep in a clean and sanitary condition that part of the property which the occupant occupies and controls;
 - b) Maintain exits to the exterior of the building in a safe and unobstructed condition;
 - c) Keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

Property Maintenance Standards

13. 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;
- c) Any sharp or dangerous objects;
- d) Garbage and/or junk;
- e) Junked vehicles;
- f) Excessive Growth of weeds and grass; or
- g) Holes and excavations deemed a danger to public safety.

14. Outdoor Storage of Materials

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.

- a) Materials referred to in Section 14 shall be elevated at least 0.15 meters off the ground and shall be stacked at least 3.0 meters from the exterior walls of any building and at least 1.0 meter from the property line.

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 that enclose the yard of a property shall be:

- a) In a safe and reasonable state of repair
- b) Free of material that is in a damaged or poor condition
- c) Free from any graffiti; it is the responsibility of the owner of the property to remove any graffiti found on a fence or wall

Building Standards

17. Building Components

- 1) The structural components of every building, including roofs, stairs, railings, porches and decks shall be maintained in good repair and shall be capable of performing the function that they were intended to perform. They shall be capable of sustaining their own weight and any normal load to which it may be subjected.
- 2) Every foundation wall forming part of a building shall be maintained in good repair and be structurally sound to prevent undue settlement of the building.
- 3) Display of Civic Numbers on Buildings

18. Building Numbering

- 1) All civic addressing shall comply with the Town of La Ronge Building Numbering Bylaw 545/13.
- 2) The owner of a property on which a structure has been erected shall display the number assigned to the property at all times. This shall be in a location that is plainly visible and faces the street to which the property is addressed.
- 3) The building numbers shall be at least 890 mm (3.5") in height and have a stroke width of at least 15mm, and shall be of contrasting color to the surface upon which such numbers are installed.
- 4) The owner of a commercial property shall display the appropriate assigned number to the property at every public access and be plainly visible.
- 5) No person shall display any address number on a property other than the one that is currently assigned.
- 6) The owner of a building with more than one dwelling or rental unit that has a separate exterior entrance door shall provide the following:
 - a) a plainly visible number that has been assigned to the multiple unit building
 - b) a plainly visible suite number displayed on the entrance door of each rental unit

19. Exterior Walls

All exterior walls of a building shall comply with the following:

- a) exterior surfaces shall be made of materials which provide adequate protection from the weather
- b) exterior surfaces shall be free of holes, breaks, loose or rotting boards and any other condition that would allow the penetration of moisture
- c) all exterior surfaces including privacy walls and fences shall be free of graffiti
- d) repairs must be in keeping with the existing exterior finishes of the building

20. Roofs

- 1) A roof including the fascia board, soffit, cornice and flashing shall be neatly finished and maintained in a watertight condition.
- 2) Loose materials including dangerous accumulations of snow and ice shall be removed from the roof of a building as soon as reasonably possible to prevent damage to the building or injury to persons near the building.
- 3) Eaves troughs and downspouts shall be watertight and maintained in good repair. Downspouts shall be equipped with extensions to carry runoff a minimum of 1.8 meters away from the foundation. Downspouts must be directed to the front or the rear of the property and shall not be directed to the neighboring property.
- 4) all downspouts in new construction shall terminate a minimum of 3 metres (10 feet) from a front sidewalk or rear alley.
- 5) Garages located in rear yards where their location is such that a metre (10 feet) setback of the downspout is not possible from the alley will be exempted from the requirement.
- 6) Antennas and any attachments of similar character shall be securely attached to the building and shall be maintained in good repair, free of rust and free of fire and accident hazards.

21. Chimneys

Chimneys, flue pipes and smoke stacks shall be maintained in good repair as to prevent gases, water or any other substance from leaking into a building.

22. Exterior Doors, Storm Doors, Windows and Screens

Exterior doors and windows shall be maintained in good repair. Broken glass in doors or windows is to be replaced in a timely manner. In the case of fire, window and door openings shall be boarded up until the building is either repaired or demolished.

- 1) In the case of the building being vacant and the windows and doors are boarded to serve as protection from vandalism. Materials and/or methods used to secure the building must not adversely affect the amenity of a neighborhood.

23. Stairs, Porches, Decks and Railings

2) Stairs, porches, decks and railings shall be installed and maintained in good repair at all times, free of components that are broken, loose, rotted or warped.

3) A handrail shall be installed on exterior stairs per the requirements of the latest adopted edition of the National Building Code of Canada and any amendments thereto.

4) Guards shall be installed on decks, landings, porches, balconies, mezzanines and raised walkways per the requirements of the current adopted edition of the National Building Code of Canada and any amendments thereto.

24. Egress

1) Every building shall have a means of egress so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level

2) Every means of egress shall be maintained in good repair and free of obstructions which constitute a fire hazard.

25. Enforcement of Bylaw

The administration and enforcement of this Bylaw is hereby delegated to the *Administrator* for the Town of La Ronge.

- a) The Administrator of the Town of La Ronge is hereby authorized to further delegate the administration and enforcement of this Bylaw to *Bylaw Enforcement Officers*.

26. Inspections

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

- 1) Inspections under this Bylaw shall be carried out in accordance with *Section 382 of The Northern Municipalities Act*, described as:

1. *“If this Act or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer may, after making reasonable efforts to notify the owner or occupant of the land or building to be entered to carry out inspection:*
 - a) *Enter that land or building at any reasonable time, and carry out the inspection authorized or required by the enactment or bylaw;*
 - b) *Request that anything be produced to assist in the inspection; and*
 - c) *Make copies of anything related to the inspection.*
2. *The designated officer shall display or produce on request identification showing that he or she is authorized to make the entry.*
3. *When entering any land or building pursuant to this section, the designated officer may:*
 - a) *Enter with any equipment, machinery, apparatus, vehicle or materials that the designated officer considers necessary for the purpose of entry; and*
 - b) *Take any person who or thing that the designated officer considers necessary to assist him or her to fulfill the purpose of the entry.*
4. *In an emergency or in extraordinary circumstances, the designated officer need not make reasonable efforts to notify the owner or occupant and need not enter at a reasonable hour, and may do the things in clauses 1 (a) and (c) without the consent of the owner or occupant.*
5. *Notwithstanding subsections 1 to 4, a designated officer shall not enter any place that is a private dwelling without:*
 - a) *The consent of the owner or occupant of the private dwelling; or*

b) A warrant issued pursuant to section 383 authorizing the entry.”

- 2) 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.

27. Order to Remedy Contraventions

- 1) Orders given under this Bylaw shall comply with Section 384 of The Northern Municipalities Act, described as:

1. *“If a designated officer finds that a person is contravening this Act or a bylaw, the designated officer may, by written order, require the owner or occupant of the land, building or structure to which the contravention relates to remedy the contravention.*
2. *The municipality shall serve a written order on the person to whom the order is directed.*
3. *The order must:*
 - a) *Give notice to the person to whom the order is directed that an appeal is available; and*
 - b) *Direct a person to take any action or measures necessary to remedy the contravention of this Act or a bylaw and, if necessary, to prevent a recurrence of the contravention, including:*
 - i. *Removing or demolishing a structure that has been erected or placed in contravention of a bylaw; or*
 - ii. *Requiring the owner of the land, building or structure to:*
 - a) *Eliminate a danger to public safety in the manner specified;*
 - b) *Remove or demolish a building or structure and level the site;*
 - c) *Fill in an excavation or hole and level the site; or*
 - d) *Improve the appearance of the land, building or structure in the manner specified;*
 - a) *State a time within which the person must comply with the directions;*
 - b) *State that if the person does not comply with the directions within a specific time, the municipality may take the action or measure at the expense of the person.*
5. *A municipality may cause an interest based on an order made pursuant to this section to be registered in the Land Titles Registry against the title to the land that is the subject of the order.*
6. *If an interest is registered pursuant to subsection 5, the interest runs with the land and is binding on the owner and any subsequent owner.*
7. *The municipality shall cause an interest that is registered pursuant to subsection 5 to be discharged when:*
 - a) *The order has been complied with; or*
 - b) *The municipality has performed the actions or measures mentioned in the order and has recovered the cost of performing those actions or measures from the person against whom the order was made.”*

- 2) Orders given under Bylaw shall be served in accordance with Section 390 (1)(a), (b) or (c) of The Northern Municipalities Act, described as:

- 1) *“Unless otherwise provided in this Act, any notice, order or other document required by this Act or the regulations to be given or served, may be served:*
 - a) *Personally;*
 - b) *By registered mail to the last known address of the person being served;*
 - c) *By hand-delivering a copy of the notice, order or document to the last known address of the person being served; or*
 - d) *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.”*

28. Registration of Notice of Order

If an order is issued pursuant to Section 27, the Municipality may, in accordance with Section 384 of The Northern Municipalities Act (referred to in Section 27 of this Bylaw),

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.

29. Appeal of Order to Remedy

A person may appeal an order made pursuant to Section 27 in accordance with Section 385 of The Northern Municipalities Act, described as:

1. *“A person may appeal an order made pursuant to section 364 within 15 days after the date of the order:
 - a) To a local appeal board, if one is established or designated by the municipality; or
 - b) To the council, if no local appeal board is established or designated by the municipality.”*
2. *An appeal pursuant to subsection (1) does not operate as a stay of the appealed order unless the local appeal board or the council, on an application by the appellant, decides otherwise.*
3. *On an appeal pursuant to subsection (1), the local appeal board or the council, as the case may be, may:
 - a) Confirm, modify or repeal the order or decision being appealed; or
 - b) Substitute its own order or decision for the order or decision being appealed.”*
4. *An order or decision of the local appeal board or council on an appeal pursuant to subsection (1) may be appealed to the court on a question of law or jurisdiction only within 30 days after the date the decision is made.*
5. *On an appeal pursuant to subsection (4), the court may:
 - a) Confirm, modify or repeal the order or decision being appealed; or
 - b) Order the matter to be returned to the local appeal board or council to be dealt with in light of the court’s decision on the question of law or jurisdiction.”*

30. Municipality Remediating Contraventions

1) The Municipality may take whatever actions or measures are necessary to remedy a contravention of this Bylaw in accordance with Section 386 of The Northern Municipalities Act, described as:

1. *“A municipality may take whatever action or measure is necessary to remedy a contravention of this Act or a bylaw or to prevent a recurrence of the contravention if:
 - a) The municipality has given a written order pursuant to section 364;
 - b) The order contains a statement mentioned in clause 364(4)(d);
 - c) The person to whom the order is directed has not complied with the order within the time specified in the order; and
 - d) The appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measure.”*
2. *If the order directed that premises be put and maintained in a sanitary condition, the municipality may, pursuant to this section, close the premises and use reasonable force to remove occupants.*
3. *The expenses and costs of an action or measure taken by a municipality pursuant to this section are an amount owing to the municipality by the person who contravened the enactment or bylaw.*
4. *If the municipality sells all or a part of a building or structure that has been removed or demolished pursuant to this section, it shall:
 - a) Use the proceeds of the sale to pay the expenses and costs of the removal; and
 - b) Pay any excess proceeds to the person entitled to them.”*

2) In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 387 of The Northern Municipalities Act, described as:

1. Notwithstanding section 386, in an emergency a municipality may take whatever actions or measures are necessary to eliminate the emergency.
2. This section applies whether or not the emergency involves a contravention of this Act or a bylaw.
3. A person who receives an oral or written order pursuant to this section requiring the person to provide labour, services, equipment or materials shall comply with the order.
4. Any person who provides labour, services, equipment or materials pursuant to this section who did not cause the emergency is entitled to reasonable remuneration from the municipality.
5. The expenses and costs of the actions or measures, including the remuneration mentioned in subsection (4), are an amount owing to the municipality by the person who caused the emergency.
6. In this section, “**emergency**” includes a situation in which there is imminent danger to public safety or of serious harm to property.

31. Recovery of Unpaid Expenses and Costs

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 388 of The Northern Municipalities Act, described as:

- 1) “Except as provided in this or any other enactment, an amount owing to a municipality may be collected by civil action for debt in a court of competent jurisdiction.
- 2) A municipality may acquire, hold and dispose of land and improvements offered or transferred to it in partial or complete settlement or payment of, or as security for:
 - a) Any lien or charge on any taxes, licence fee or other indebtedness owing to the municipality; or
 - b) Any right to a lien or charge on any taxes, licence fee or other indebtedness owing to the municipality.
- 3) If a municipality acquires land or improvements pursuant to subsection (2) to settle taxes:
 - a) They are deemed to have been acquired in accordance with The Tax Enforcement Act; and
 - b) All of the provisions of The Tax Enforcement Act relating to the sale and distribution of proceeds of the sale of real property apply, with any necessary modification, to the acquisition pursuant to this section.” ; **or**

- b) By adding the amount to the taxes on the property on which the work is done in accordance with Section 389 of The Northern Municipalities Act, described as:

- 1) A council may add the following amounts to the tax roll of a parcel of land:
 - a) Unpaid costs relating to service connections of a public utility that are owing with respect to the parcel;
 - b) Unpaid charges for a utility service provided to the parcel by a public utility that are owing with respect to the parcel;
 - c) Unpaid expenses and costs incurred by the municipality in remedying a contravention of a bylaw or enactment if the contravention occurred on all or part of the parcel;
 - d) Unpaid fees or charges for services or activities provided by or on behalf of the municipality respecting fire and security alarm systems to the parcel;
 - e) If the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice with respect to the parcel;
 - f) Any other amount that may be added to the tax roll pursuant to an Act.
- 2) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the

municipality may add the amount owing to the tax roll of any parcel of land for which the person is the assessed person:

- a) A person who was a licensee pursuant to a licence of occupation granted by the municipality and who, pursuant to the licence, owes the municipality for the costs incurred by the municipality in restoring the land used pursuant to the licence;*
 - b) A person who owes money to the municipality for the costs incurred by the municipality in eliminating an emergency;*
 - c) A person who owes the municipality for any costs incurred by the municipality with respect to a dangerous animal.*
- 3) If an amount is added to the tax roll of a parcel of land pursuant to subsection (1) or (2), the amount;*
- a) Is deemed for all purposes to be a tax imposed pursuant to this Act from the date it was added to the tax roll; and*
 - b) Forms a lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.*

32. Offences and Penalties

- 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.
- 2) A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of two hundred dollars (\$200.00) to be paid to the Municipality within ten (10) days.
- 3) Where the Municipality receives voluntary payment of the amount prescribed under Section 23.1 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- 4) Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 27 of this Bylaw.
- 5) Every person who contravenes any provision of Section 23 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.

33. Effective Date

This Bylaw comes into force and takes effect on, from and after the final passing thereof.

Mayor

Town Administrator

Read a third time and adopted this 28th day of June, 2017.