

## Nuisance Abatement Bylaw

### RURAL MUNICIPALITY OF LIVINGSTON NO. 331

#### BYLAW NO. 2021-04

#### A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

The council for the Rural Municipality of Livingston No. 331 in the Province of Saskatchewan enacts as follows:

##### **Short Title**

1. This Bylaw may be cited as the “Nuisance Abatement Bylaw”.

##### **Purpose**

2. 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;
  - c) the amenity of a neighbourhood; or
  - d) the health and condition of municipal assets.

##### **Definitions**

3. 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 Rural Municipality of Livingston No. 331;
  - d) “Council” means the Council of the Rural Municipality of Livingston No. 331;
  - e) “Emergency” means a situation in which there is imminent danger to public safety or of serious harm to property;
  - f) “Municipal Road” means a street or road under the direction, control and management of Council by virtue of section 12 of *The Municipalities Act*;
  - 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 neighbourhood;
    - ii) people’s use and enjoyment of their property; or
    - iii) the amenity of a neighbourhood
    - iv) the health and condition of municipal assets and includes:
      - i) open excavations on property and;
      - ii) water that is in a condition that is causing damage, backing up or being held.
  - g) “Occupant” means an occupant as defined in *The Municipalities Act*;
  - h) “Owner” means an owner 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.

##### **Responsibility**

4. 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**

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

##### **Open Excavations**



6. 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.

**Encumbering of Roads**

7. No person shall place or leave on or within any municipal road any earth, stones, rubbish, fences, dust control products or other objects without the express permission of Council.

**Excavations on Roads**

8. No person shall make any excavations on or within any municipal road without the express permission of Council
9. Notwithstanding sections 9 and 10 of this Bylaw, Council may, if satisfied that the placing or leaving of any earth, stones, fences or other objects, or the making of any excavations, on or within any municipal road, can be done
  - f) Without compromising the safety, health or welfare of people or
  - g) Without damage to the municipal road or other property, give permission to a person to do the same.

**Enforcement of Bylaw**

14. The administration and enforcement of this bylaw is hereby delegated to the Administrator for the Rural Municipality of Livingston No. 331.
15. The Administrator of the Rural Municipality of Livingston No. 331 is hereby authorized to further delegate the administration and enforcement of this bylaw to a designated officer.

**Inspections**

16. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
17. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
18. 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 Contraventions**

19. 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.
20. Orders given under this bylaw shall comply with section 364 of *The Municipalities Act*.
21. Orders given under this bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

**Registration of Notice of Order**

22. If an order is issued pursuant to section 24, 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.

**Appeal of Order to Remedy**

23. A person may appeal an order made pursuant to section 24 in accordance with section 365 of *The Municipalities Act*.

**Municipality Remedying Contraventions**

24. The Municipality may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this bylaw.



25. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 367 of *The Municipalities Act*.

**Recovery of Unpaid Expenses and Costs**

26. 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**

27. 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.
- d) 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;
- i) in the case of an individual, to a fine of not more than \$6,000;
  - ii) in the case of a corporation, to a fine of not more than \$15,000; and
  - iii) in the case of a continuing offence, to a maximum daily fine of not more than \$1,500 per day.
- e) The voluntary payment to be paid to the Municipality within 30 days.

28. Where the Municipality receives voluntary payment of the amount prescribed under section 33 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

29. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 24 of this bylaw.

30. Every person who contravenes any provision of section 32 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.

**Coming Into Force**

31. ~~This~~ bylaw shall come into force on the day of its final passing.



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 Reeve  
*Billy Kim Lee*  
 Administrator

Read a third time and adopted this 11 day of August, 2021

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*Billy Kim Lee*  
 Administrator

*KKR*