

CITY OF MARTENSVILLE
NUISANCE ABATEMENT BYLAW
BYLAW NO. 8-2023

**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) “**graffiti**” means any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed;

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- (h) “**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 City; and
 - (2) does not form a part of a business enterprise lawfully being operated on that land;
- (i) “**lane**” means a public highway vested in the Crown as a secondary level of access to a lot or parcel of land.
- (j) “**municipal inspector**” means an employee or agent of the City appointed by the Fire Chief for The City of Martensville to act as a municipal inspector for the purpose of this bylaw.
- (k) “**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;

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- (l) **“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;
- (m) **“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;
- (n) **“property”** means land or buildings or both;
- (o) **“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.

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.

PART II - Nuisances

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.

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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 due to graffiti or the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.

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. One unlicensed vehicle will be allowed on residential property if it is shielded or screened from view. Vehicles, trailers licensed or unlicensed must be parked on a hard surface, hard surface is defined as asphalt, concrete or similar pavement. Single detached residential property may have gravel hard surface.

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. GRAFFITI

Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

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PART III – Property Maintenance

13. DUTY TO MAINTAIN

- 13.1 Property shall be maintained in accordance with the minimum standards prescribed in this part.
- 13.2 No person shall cause or permit the occupancy or use of any property that do not conform to the minimum standards.
- 13.3 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 or controls.
 - b) Dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards; and

Maintenance of Yards

14. APPLICATION

This Division applies to all yards within the City.

15. MAINTENANCE OF YARDS

- 15.1 A yard shall be kept free and clean from:
- a) Garbage and junk;
 - b) Junked vehicles and dismantled machinery;
 - c) Excessive growth of weeds or grass;
 - d) Holes and excavations that could cause an accident;
 - e) An infestation of rodents, vermin or insects;
 - f) Dead or hazardous trees; and
 - g) Sharp or dangerous materials.

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15.2 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 or structures.

16. BOULEVARD & LANEWAY MAINTENANCE:

16.1 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.

16.2 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.

16.3 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.

17. OUTDOOR STORAGE OF MATERIALS

17.1 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.

17.2 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.

18. REFRIGERATORS AND FREEZERS

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

19. FENCES

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

20. WALKWAYS, DRIVEWAYS AND PARKING SPACES

If a walkway, driveway or parking space is provided, it shall be maintained so as to afford safe passage thereon under normal use and weather condition.

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21. WASTE DISPOSAL

Every building shall be provided with a sufficient number of receptacles to contain all waste in accordance with the provisions of the City's Waste Bylaw.

22. BUILDINGS

22.1 Buildings shall be kept:

- a) In good repair;
- b) Free of infestation by rodents, vermin and insects;
- c) Free of health, fire and safety hazards; and
- d) Free of graffiti.

22.2 Buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

23. ENFORCEMENT OF BYLAW

23.1 The administration and enforcement of this Bylaw is hereby delegated to the Fire Chief for The City of Martensville.

23.2 The Fire Chief for The City of Martensville is hereby authorized to further delegate the administration and enforcement of this Bylaw to municipal inspectors.

24. INSPECTIONS

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

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

24.3 No person shall obstruct a bylaw inspector who is authorized to conduct an inspection under this section, or a person who is assisting a bylaw inspector.

25. ORDER TO REMEDY CONTRAVENTIONS

25.1 If an inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

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

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25.3 Orders given under Bylaw shall be served in accordance with Section 347 of *The Cities Act*.

26. REGISTRATION OF NOTICE OF ORDER

If an order is issued pursuant to Section 25, 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.

27. APPEAL OF ORDER TO REMEDY

27.1 A person may appeal an order made pursuant to Section 25 in accordance with Section 329 of *The Cities Act*,

27.2 Appeals shall be made to the Martensville City Council, unless a property maintenance appeals board has been established.

27.3 The Board shall consist of five members appointed by Council. A quorum shall consist of three members.

28. CITY REMEDYING CONTRAVENTIONS

28.1 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.

28.2 On the event that it becomes an emergency to remedy a contravention of this Bylaw, 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*.

29. 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*.

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30. OFFENCES AND PENALTIES

30.1 No person shall:

- a) fail to comply with an order made pursuant to this Bylaw
- b) obstruct or hinder any municipal inspector or any other person acting under the authority of this Bylaw; or
- c) fail to comply with any provisions of this Bylaw.

30.2 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.

30.3 If an individual is convicted of an offence pursuant to this section, and if the individual fails to pay the fine with respect to the conviction within the prescribed time, the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

31. MINIMUM PENALTY

31.1 Notwithstanding subsection 30.2, the minimum penalty that may be prescribed on summary conviction shall be:

- a) where a person contravenes any provision of this Bylaw for which a Notice of Violation may be issued pursuant to section 32:
 - (i) for a first offence, \$250;
 - (ii) for a second offence, \$500; and
 - (iii) for a third or subsequent offence, \$750; and
- b) where a person fails to comply with an Order to Remedy Contravention made pursuant to Section 25 of this Bylaw:
 - (i) for a first offence, \$500;
 - (ii) for a second offence, \$750; and

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(iii)for a third or subsequent offence, \$1,000.

32. NOTICE OF VIOLATION OFFENCES

32.1 Notwithstanding the generality of subsection 30.1, a person contravenes this Bylaw by causing or permitting;

- a) the land to be overgrown with grass or weeds;
- b) the land or building on the land to become untidy and unsightly;
- c) any junked vehicle to be kept on the lands;
- d) vehicles, trailers not parked on hard surface; or
- e) any dangerous open excavation to exist in or on the land or in or about any building or structure.

32.2 The following procedure shall apply to contraventions of the Bylaw under this section:

- a) a municipal inspector may issue a notice of bylaw violation to any person committing a contravention under subsection 32.1. The notice shall require the person to pay to the City the penalty set out below;
 - (i) for a first convention, \$250;
 - (ii) for a second contravention, \$500; and
 - (iii)for a third contravention, \$750;
- b) the fine may be paid
 - (i) in person, during regular office hours, to the cashier located at City Hall, 37 Centennial Drive South, Martensville, SK
 - (ii) by deposit, at the depository located at the main entrance to City Hall 37 Centennial Drive South, Martensville, SK
 - (iii)by mail addressed to City of Martensville, Box 970 Martensville, SK S0K 2T0
- c) if payment of the fine as provided in Clause 32.2 (a) is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence.

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- d) The amount of the fine under subclause 32.2(a)(i) shall be discounted to the sum of \$200 for a first offence if paid within 14 calendar days of the date of the notice of bylaw violation. The date of payment shall be determined as follows:
- (i) For payment in person, the date of the payment shall be the date payment is received by the City.
 - (ii) For payment by deposit, the date of payment shall be the date payment in deposited in the depository at City Hall; or
 - (iii) For payment by mail, the date of payment shall be the post marked date on the remittance. Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

32.3 The provisions of subsection 32.2 shall not apply in the case of a fourth or subsequent contravention.

33. REPEAL OF BYLAW 7-2015

Bylaw 7-2015 and all amendments thereto are hereby repealed.

34. COMING INTO FORCE

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

Read a first time this 16th day of May 2023.

Read a second time this 16th day of May 2023.

Read a third time and adopted this 16th day of May 2023.

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Mayor

(Seal)

City Clerk