Town of Watson

Bylaw No. 2021 - 08

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES AND PROPERTY STANDARDS

A BYLAW of the Town of Watson, in the Province of Saskatchewan, to provide for the abatement of nuisances and the authority to deal with property maintenance, conditions and nuisances within the Town of Watson.

The Council of the Town of Watson in the Province of Saskatchewan enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the Nuisance Abatement and Property Standards Bylaw.

PURPOSE

2. The purpose of this bylaw is to provide for minimum maintenance standards of a property; to address property that fails to meet minimum property standards; to maintain the amenity of a property, and the abatement of nuisances, activities, or 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; or
   d) the minimum property standards

DEFINITIONS

3. In this Bylaw:
   a) **Act** means *The Municipalities Act*;
   b) **Building** means a building within the meaning of *The Municipalities Act;*
   c) **Chief Administrative Officer** means the Administrator of the Municipality;
   d) **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 and shall include the Chief Administrative Officer;
   e) **Municipality** means the Town of Watson;
   f) **Council** means the council for the Town of Watson;
   g) **Graffiti** means any drawings, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed.

h) **Junked Vehicle** means any automobile, tractor, truck, trailer, or other vehicle that
    1) either:
    i. has no valid license plates attached to it; or
    ii. is inoperative, or inoperable, or cannot be moved by its own power at the request of a Designated Officer; or
    iii. is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
    2) is located on private land, but that:
    i. is not completely screened from view or enclosed within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
    ii. does not form a part of a business respecting a garage, salvage yard, junk yard or other enterprise lawfully being operated on that land;

i) **Nuisance** means a condition of a 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:
        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
        6) open excavations on property;

j) **Occupant** means an occupant as defined in *The Municipalities Act;*

k) **Owner** means an owner as defined in *The Municipalities Act;*

l) **Property** means land or buildings or both;

m) **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.

DILAPIDATED BUILDINGS

6. 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.

UNOCCUPIED BUILDINGS

7. 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 or shall become an imminent danger to public safety.

OVERGROWN GRASS AND WEEDS

8. Notwithstanding the generality of section 5, no owner or occupant of land shall cause or permit:

a) the land to be overgrown with grass or weeds;
b) any adjoining boulevards or lanes to be overgrown with grass or weeds;
c) for the purpose of this section, "overgrown" means in excess of 20 centimeters in height;
d) 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;
e) trees, flowers, shrubs, or other foliage or fauna to encroach onto any public property or right of way.

UNTIDY AND UNSIGHTLY PROPERTY

9. Notwithstanding the generality of section 5, no person shall cause or permit:

a) any land or buildings to become untidy and unsightly;
b) any adjoining boulevards or lanes to become untidy and unsightly;
c) graffiti to remain on any building, accessory building, fence, or on any property.

JUNKED VEHICLES

10. 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. Notwithstanding the requirements of Section 10, up to two (2) unlicensed vehicles may be stored in the rear yard of any individual property if fitted with an approved vehicle cover or stored in accordance with Section 3(g). The suitability of any vehicle cover is at the discretion of the Designated Officer.

OPEN EXCAVATIONS

12. 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.

GENERAL DUTY TO MAINTAIN

13. All property including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this bylaw.

14. No person shall cause or permit the occupancy or use of any property, including land, building or structures, that do not conform to the minimum standards.

MAINTENANCE OF YARDS

15. 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; or
c) any sharp or dangerous objects.

OUTDOOR STORAGE OF MATERIALS

16. 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. Materials referred to in section 20 shall be elevated at least 15 centimeters 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.

BUILDING CONDITION

18. The components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be maintained in reasonable state of repair, and shall be capable of performing the function that they were intended to perform.

19. Every foundation forming part of a building shall be maintained in reasonable state of repair and be structurally sound to prevent undue settlement of the building and to not allow the ingress of water through cracks or other damage.

20. All exterior surfaces of a building shall be made of materials which provide adequate protection from the weather.

21. Exterior walls shall be covered with an application of paint, stain, stucco, brick, stone facing, siding or other similar protective surface to protect the walls from deterioration due to moisture penetration.

22. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit rain or dampness to the interior walls or the interior spaces of the building. Any repairs must be in keeping with the existing exterior finishes of the building.

23. All exterior surfaces shall be free of graffiti.

24. A roof, including the shingles, fascia boards, soffit, cornice and flashing shall be neatly finished and watertight so as to prevent deterioration or leakage of water into the building.

25. Loose materials, including dangerous accumulations of snow and ice, shall be removed from the roof of a building as soon as reasonably possible so as to prevent damage to the building or injury to persons near the building.

26. Eaves troughs and downspouts shall be watertight and in good repair.

27. Water running off a roof shall be carried away from the building so as to not cause dampness in the walls, ceilings or floors in a building but it shall not drain onto a public street or lane so as to create a hazardous condition or onto any adjacent property so as to damage that property.

28. Antennas and any attachments of similar character shall be securely attached to the building and shall be maintained in reasonable state of repair, free of hazards.

29. Exterior doors and windows shall be kept in a reasonable state of repair, and shall be weather tight so as to perform their intended function.

30. Stairs, porches, decks and railings shall be installed and kept in good repair; free of components that are broken, loose, rotted or warped.

31. A handrail or guardrail shall be installed on exterior stairs, decks, landings, balconies, mezzanines and raised walkways as per the requirements of the current

adopted edition of the National Building Code of Canada and any amendments thereto.

32. All buildings shall be maintained to prevent the entry of vermin, rodents, and insects and shall be kept free of the infestation of vermin and rodents at all times.

33. All principal buildings shall display the number corresponding with their civic address.

REFRIGERATORS AND FREEZERS

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

FENCES

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

ENFORCEMENT OF BYLAW

36. The administration and enforcement of this bylaw is hereby delegated to the Chief Administrative Officer for the Town of Watson.

37. The Chief Administrative Officer is hereby authorized to further delegate the administration and enforcement of this bylaw to another employee of the Town of Watson.

INSPECTIONS

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

39. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act.*

40. 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.

41. A Designated Officer may request that the owner or occupant supply confirmation of a condition, a thing or an activity by providing a certificate, letter, or any other documentation from an expert in a field related to the condition, thing or activity.

ORDER TO REMEDY CONTRAVENTIONS

42. 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.

43. Orders given under this bylaw shall comply with section 364 of *The Municipalities Act.*

44. Orders given under this bylaw shall be served in accordance with section 390 of *The Municipalities Act.*

45. In addition to any provision of this Bylaw, a Designated Officer may post a Notice or placard at any property not complying with the conditions of this Bylaw.

REGISTRATION OF NOTICE OF ORDER

46. If an order is issued pursuant to section 42, 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 TO ORDER TO REMEDY

47. A person may appeal an order made pursuant to section 42 in accordance with section 365 of *The Municipalities Act.*

MUNICIPALITY REMEDYING CONTRAVENTIONS

48. 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.

49. 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

50. 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.*

51. In addition to any actual cost associated for remedying a contravention of this Bylaw or the Act, the Chief Administrative Officer may, in addition to that cost, levy a fee of $100 or 10 per cent of the cost, whichever is greater.

OFFENCES AND PENALTIES

52. 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 provide a Designated Officer a certificate, letter or any other documentation, information or instrument when requested to do so by a Designated Officer within the prescribed time; or
d) fail to comply with any other provision of this bylaw.

53. No person other than a Designated Officer shall remove, deface, alter or destroy any Order or Notice posted at a property issued pursuant to this Bylaw.

54. 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 $500 to be paid to the municipality within 10 days.

55. Where the Municipality receives voluntary payment of the amount prescribed under section 32 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

56. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 42 of this bylaw.

57. Every person who contravenes any provision of section 52 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;
c) in the case of a continuing offence, to a maximum daily fine of not more than $2,500 per day.

SEVERABILITY

58. In the event that any portion of this Bylaw is declared to be ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw to that extent and the remainder of the Bylaw shall continue in force and effect.

COMPLIANCE WITH OTHER STATUTES AND BYLAWS

59. This Bylaw is not intended to relieve any person from complying with any other statute, regulation or bylaw relating to building construction and repair, fire safety or public health.

REPEAL OF FORMER BYLAWS

60. Bylaw No. 22 - 2019 is hereby repealed.

COMING INTO FORCE

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

_____
Mayor

{Seal}

_____
Administrator

Read a third time and adopted
This 14 day of October 2021.