

RESORT VILLAGE OF LUMSDEN BEACH

BYLAW NO. 2018 - 5

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES

The Council of the Resort Village of Lumsden Beach (RVLB) in the Province of Saskatchewan enacts as follows:

1. PURPOSE

This Bylaw is to provide for the abatement of nuisances, including property, activities, or things that adversely affect: the safety, health or welfare of people in the neighborhood; people's use and enjoyment of their property; or, the amenity of the neighborhood.

2. DEFINITIONS

- a. "Administrator" means the individual appointed by the Resort Village of Lumsden Beach to act on Council's behalf;
- b. "Building" means a building within the meaning of The Municipalities Act;
- c. "Council" means the Council of the Resort Village of Lumsden Beach;
- d. "Junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that either: has no valid license plates attached to it; or is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled inoperative or abandoned condition; and is located on private land, but that: is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality;
- e. "Municipality" means the Resort Village of Lumsden Beach;
- f. "Nuisance" means a condition of property, or a thing, or an activity, that adversely affects or may adversely affect: the safety, health or welfare of people in the neighborhood; people's use enjoyment of their property; or the amenity of a neighborhood and includes: a building in a ruinous or dilapidated state of repair; an unoccupied building that is damaged and is an imminent danger to public safety; untidy and unsightly property; junked vehicles; open excavations on property and unacceptable levels of noise at inappropriate times;
- 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.

3. 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.

4. NUISANCES PROHIBITED GENERALLY

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

5. DILAPIDATED BUILDINGS

Notwithstanding the generality of section 4, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure: is dangerous to the public health or safety; substantially depreciates the value of other land or improvements in the neighborhood; or is substantially detrimental to the amenities of the neighborhood.

6. UNOCCUPIED BUILDINGS

Notwithstanding the generality of section 4, 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.

7. UNTIDY AND UNSIGHTLY PROPERTIES

Notwithstanding the generality of section 4, no person shall cause or permit any land or buildings to become untidy and unsightly.

8. JUNKED VEHICLES

Notwithstanding the generality of section 4, no person shall cause or permit any junked vehicle to be kept on any land owned by that person.

9. OPEN EXCAVATIONS

Notwithstanding the generality of section 4, 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.

10. MAINTENANCE OF YARDS

Notwithstanding the generality of section 4, no person shall cause or permit on any property owned by that person: an infestation of rodents, vermin or insects; any dead or hazardous trees; or any sharp or dangerous objects.

11. OUTDOOR STORAGE OF MATERIALS

Any building materials, lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles so as not to constitute a nuisance or harborage for rodents, vermin and insects. Materials shall be stacked at least 1.0 meter from the property lines.

12. REFRIGERATORS AND FREEZERS

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

13. FENCES

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

14. ENFORCEMENT OF BYLAW

The administration and enforcement of this Bylaw is hereby delegated to the Administrator.

15. INSPECTIONS

The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized. Inspections under this Bylaw shall be carried out in accordance with section 362 of The Municipalities Act. No person shall obstruct the Administrator who is authorized to conduct an inspection under this section.

16. ORDER TO REMEDY CONTRAVENTIONS

If the Administrator finds that a person is contravening this bylaw, they may upon reporting to Council, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention. Orders given under this bylaw shall comply with section 364 of The Municipalities Act. Orders given under this bylaw shall be served in accordance with section 390 of The Municipalities Act.

17. REGISTRATION OF NOTICE OF ORDER

If an order is issued pursuant to section 16, 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.

18. APPEAL OF ORDER TO REMEDY

A person may appeal to Council an order made pursuant to section 16 in accordance with section 365 of The Municipalities Act.

19. MUNICIPALITY REMEDYING CONTRAVETIONS

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. 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.

20. 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 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.

21. OFFENSES AND PENALTIES

No person shall fail to comply with an order made pursuant to this bylaw; obstruct or interfere with any Council member or Administrator acting under the authority of this bylaw; or fail to comply with any other provision of this bylaw.

If Council has reason to believe that a person has contravened any provision of this bylaw they may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment at a specified amount to be paid to the Municipality within a specified period of time. Where the Municipality receives voluntary payment of the amount prescribed within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 16 of this bylaw.

- 22. Every person who contravenes any provision of section 21 is guilty of an offence and liable on summary conviction:
 - a. in the case of an individual, to a fine of not more than \$5,000; and
 - b. in the case of a continuing offence, to a maximum daily fine of not more than \$500 per day.