

BYLAW NO. 10/2017

A BYLAW OF THE CITY OF HUMBOLDT BEING THE NUISANCE ABATEMENT BYLAW

The Council of the City of Humboldt, 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 proper maintenance of property and the abatement of nuisances, including property, activities or things that:
 - a) adversely affects, or may adversely affect, the safety, health and welfare of people in the neighbourhood; or
 - b) adversely affects, or may adversely affect, the amenity of a neighbourhood; or
 - c) adversely affects, or may adversely affect, people’s use and enjoyment of their property.

Definitions

3. In this Bylaw,
 - a) **“building”** means:
 - i) any structure used or occupied or intended for supporting or sheltering any use or occupancy;
 - ii) a building includes a trailer, mobile home, or portable shack that is:
 - Not in storage;
 - Situated within the city for a period of more than 30 days; or
 - Not licensed pursuant to any bylaw relating to the licensing of trailers, mobile homes or portable shacks.
 - b) **“Bylaw Officer”** means the Bylaw Officer for the City of Humboldt and anyone authorized by the Bylaw Officer to act on his behalf.
 - c) **“City”** means the City of Humboldt;
 - d) **“Council”** means the Council of the City of Humboldt;
 - e) **“junked vehicle”** means any automobile, tractor, truck, trailer or other vehicle that:
 - i) either:
 - A) has no valid licence plates attached to it; or
 - B) is in 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 law respecting the erection of buildings and structures in force within the city in which the land is situated; and

B) does not form a part of a business enterprise lawfully being operated on the land;

f) **“nuisance”** means:

- i) a condition of property;
- ii) a thing;
- iii) a plant; or
- iv) an activity;

that adversely affects or may adversely affect the amenity of a neighbourhood or the safety, health and welfare of people in the neighbourhood, or people’s use and enjoyment of their property and includes, but is not limited to:

- a building in a ruinous or dilapidated state of repair;
- an occupied or unoccupied building that is damaged and is an imminent danger to public safety;
- land that is overgrown with grass and weeds;
- untidy and unsightly property;
- junked vehicles;
- open excavations on property;

g) **“occupant”** means and includes:

- i) a person residing on land or in a building;
- ii) a person, corporation, business, or association, entitled to the possession of land or a building if there is no person residing on the land or in the building;
- iii) a leaseholder; and
- iv) any corporation, business, or association occupying land or a building.

h) **“owner”** means a person, or corporation, who has any right, title, estate or interest in and or building other than that of a mere occupant, tenant or mortgagee.

i) **“property”** means land or improvements 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.

k) **“untidy and unsightly”** means lands, buildings or structures that are in a disorderly, slovenly, or littered condition; are not kept in generally good order; and/or are unpleasant to look at or are aesthetically objectionable, and includes lands that are overgrown with grass and weeds.

Responsibility

4. Unless otherwise specified, the owner or occupant shall be responsible for carrying out the provisions of this Bylaw.

Nuisances Prohibited Generally

5. No owner or occupant shall cause or permit a nuisance to occur on any property they own or occupy.

Dilapidated Buildings

6. Notwithstanding the generality of section 5, no owner or occupant 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; or
 - b) substantially depreciates the value of other land or improvements in the neighbourhood.

Unoccupied Buildings

7. Notwithstanding the generality of sections 5, no owner or occupant 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.

Overgrown Grass and Weeds

8.
 - a) 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.
 - b) For the purposes of this section, overgrown means in excess of twenty (20) centimetres in height.
 - c) This section shall not apply to any growth which forms part of a natural garden that has been deliberately implemented to produce ground cover, including one (1) 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.
 - d) No owner or occupant of land shall cause or permit any adjoining boulevards or lanes to be overgrown with grass or weeds.

Untidy and Unsightly Property

9. Notwithstanding the generality of section 5, no owner or occupant shall cause or permit any land or buildings to become untidy and unsightly due to the accumulation of any material, substance, or items whatsoever, including but not limited to new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels or other waste materials, tree branches or junk.

- a) No owner or occupant of land shall cause or permit any adjoining boulevard or lanes to become untidy and unsightly due to the accumulation of any material, substance, or items, including but not limited to new or used lumber, cardboard, paper, newspaper, appliances, tires, cans, barrels, garbage, or other waste materials such as soil, garden materials, grass clippings, rocks, trees, tree branches, or junk.

Junked Vehicles

- 10. Notwithstanding the generality of section 5, no owner or occupant shall cause or permit any junked vehicle to be kept on any land they may own or occupy.

Open Excavations

Notwithstanding the generality of section 5, no owner or occupant 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, or which may be dangerous to the public safety or health.

Inspections

- 11.
 - a) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
 - b) The power to inspect property under this Bylaw is hereby delegated to the Bylaw Officer or the Bylaw Officer's delegated representative and/or the Fire Chief for the City of Humboldt.
 - c) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
 - d) No person shall obstruct an official authorized under Section 11(b), or a person assisting an official authorized to conduct an inspection under this section.
 - e) Every person who contravenes subsection (d) is guilty of an offence and liable on summary conviction to the penalties prescribed in section 18.

Order to Remedy Contraventions

- 12.
 - a) If the official authorized under Section 11(b), finds that an owner or occupant is contravening this Bylaw, the official may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
 - b) Orders given under this Bylaw shall comply with section 328 of *The Cities Act*.
 - c) Orders given under this Bylaw shall be served in accordance with section 347 of *The Cities Act*.

Appeal of Order to Remedy

13.

- a) An owner or occupant may appeal an order made pursuant to section 12 in accordance with section 329 of *The Cities Act*.
- b) Appeals to an order made in accordance with subsection (a) shall be made directly to Council.

City Remedying Contraventions

14. 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.

Civil Action to Recover Costs

15. The City may, in accordance with section 332 of *The Cities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

Adding Amounts to Tax Roll

16. The City may, in accordance with section 333 of *The Cities Act*, add any unpaid expenses and costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

Emergencies

17. In the event that it becomes an emergency to abate a nuisance, 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*.

Offences

18. Every owner or occupant who fails to comply with an order to remedy a contravention of this Bylaw is guilty of an offence and liable on summary conviction:
- a) In the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for each day during which the offence continues,
 - b) In the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for each day during which the offence continues.

Repeal

Bylaw No. 09/2003 and Bylaw No. 02/2016 are hereby repealed.

Coming Into Force

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

Mayor – Rob Muench

City Clerk – Sandra Pauli

Read a first time this 23rd day of May, 2017.

Read a second time this 23rd day of May, 2017.

Read a third time and passed this 23rd day of May, 2017.