

**TOWN OF KAMSACK  
BYLAW 19/2018**

***Property Amenities Bylaw***

A **BYLAW** of the Town of Kamsack, in the Province of Saskatchewan, to provide for the abatement of nuisances within the Town of Kamsack.

**THE COUNCIL FOR THE TOWN OF KAMSACK IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:**

**Part I - Interpretation**

**1. Short Title**

This Bylaw may be cited as “The Property Amenities Bylaw”.

**2. Purpose**

The purpose of this bylaw is to identify what constitutes a nuisance and provide for the abatement of nuisances, including property or things that adversely affect:

- a) the safety, health and welfare of people in the neighbourhood;
- b) people’s use and enjoyment of their property; or
- c) the amenity of a neighbourhood.

**3. Definitions**

In this Bylaw:

- a) “Act” means *The Municipalities Act*;
- b) “Accessory building” means an accessory building within the meaning of The Town of Kamsack’s current Zoning Bylaw;
- c) “Boarded” means, in the case of a door or a window frame or casing, a frame or casing that is covered and/or secured, whether by temporary or permanent measures, by plywood or other materials instead of a door or a window;
- d) “Building” means a building within the meaning of *The Municipalities Act*;
- e) “Bylaw Enforcement Officer” means the person appointed by Council to administer and oversee bylaw enforcement for the Town;

- f) "Council" means the Council of the Town of Kamsack;
- 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) "Grass" means any vegetation, usually consisting of typically short plants with long narrow leaves, growing wild or cultivated, on lawns or in gardens;
- i) "Junked Vehicle" means any automobile, tractor, truck, trailer or other vehicle not mentioned or defined herein, that, 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 the Bylaw Enforcement Officer; or
  - iii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition;

and is located on private land, but that:

- i) is not completely obscured or enclosed within a structure erected in accordance with any bylaw respecting the erection of buildings and structures in force within the town; and
- j) does not form part a business enterprise, such as a garage or salvage, junkyard, scrap metal, etc., lawfully being operated on that land;"Nuisance" means a condition of property, or a thing, or an activity that adversely affects or may adversely affect:
  - i) the safety, health and welfare of people in the neighbourhood;
  - ii) people's use and enjoyment of their property; or
  - iii) the amenity of a neighbourhood;

and includes:

- iv) a building that:
  - (A) is an imminent danger to public safety, which shall be deemed to include, without limitation, a building that is:
    - 1. unoccupied; or
    - 2. damaged;
  - (B) has defective or missing hardware so as to be incapable of locking or securing entrances to the building or is otherwise

vulnerable to trespass, occupancy and/or entrance by unauthorized persons;

- (C) has door or window frames or casings that are boarded; or
  - (D) is the subject of an Order for repair, remedy or upgrade issued pursuant to a Bylaw of the Town of Kamsack or provincial legislation or regulation for which the repair, remedy or upgrade has not been completed within a timeframe specified by the Order.
- v) Land that is overgrown with grass, weeds or trees;
  - vi) Untidy and unsightly property;
  - vii) Junked vehicles; or
  - viii) Open excavation(s) on property;
- k) “Occupant” means an occupant as defined in *The Municipalities Act*;
  - l) “Owner” means an owner as defined in *The Municipalities Act*;
  - m) “Property” means land or buildings or both;
  - n) “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 or remain 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 deemed a danger to the public’s 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 or shall become an imminent danger to public safety.

#### **8. Overgrown Grass, Weeds and Trees**

- 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 20 centimeters in height.
- c) 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. Trees that encroach onto any public right-of-way or sidewalk.

#### **9. Untidy and Unsightly Property**

- a) 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, sharp or dangerous materials or junk.
- b) All residential front yards shall be kept free of the following:
  - i) motorized vehicles including but not limited to, automobiles, ATVs, motorcycles, snowmobiles, boats and motorhomes;
  - ii) trailers of any type;
  - iii) campers of any type;
  - iv) portable garages; and
  - v) any accessory structure whether portable or permanent.

Except for vehicles as referenced to above which are located on a front yard driveway designed for that purpose.

#### **10. Junked Vehicles**

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. On any individual

property, up to two (2) unlicensed vehicles may be stored if garaged, or properly covered in such a manner as to be protected from the elements, and in accordance with Section 3 i).

#### **11. Open Excavations**

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's safety or health.

#### **12. Graffiti**

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

### **Part III – Abatement of Nuisances**

#### **13. General Conditions**

- a) All property, including land, buildings and structures, not kept in a condition consistent with the minimum standards prescribed in this Part shall be deemed a nuisance as defined under this bylaw.
- b) 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.
- c) Notwithstanding Section 4, every occupant of a property, including land, buildings and structures, shall:
  - i) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
  - ii) keep exits to the exterior of the building in a safe and unobstructed condition;
  - iii) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards.
- d) No trailer, motor home, camper or tent trailer shall be used as a primary residence. No trailer, motor home, camper or tent trailer shall be supplied with a permanent connection to a utility such as gas, water or power.

#### **14. Yards**

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, or encroaching on any public property; and
- g) sharp or dangerous materials.

#### **15. Outdoor Storage of Materials**

- a) 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 harbourage for rodents, vermin and insects.
- b) Materials referred to in Subsection (1) shall be elevated at least 150 millimetres off the ground and shall be placed 3 metres from the exterior walls of any building and 1 metre from the property line.
- c) Reference to Subsections (1) and (2) above must not be located in the front yard of a property for more than 72 hours, or they shall be relocated to be obscured from public view.

#### **16. Waste Disposal**

Every building shall be provided with receptacles to contain waste generated from the site. Waste shall be contained in accordance with the provisions of the Town of Kamsack's Waste Management Bylaw and shall not be allowed to accumulate on site without a means of containment.

#### **17. Accessory Buildings**

- a) Accessory buildings shall not be nuisances and shall be kept:
  - i) in good repair;
  - ii) free of infestation by rodents, vermin and insects;
  - iii) free of health, fire and safety hazards; and
  - iv) free of graffiti.
- b) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.
- c) Accessory buildings shall not have any human habitation.

## **18. Fences**

Fences shall be kept:

- a) in a safe and reasonable state of repair;
- b) free of graffiti; and
- c) free of material that is in a damaged or poor condition.

## **19. Refrigerators and Freezers and Appliances**

No discarded or junked household goods including but not limited to refrigerators, freezers, stoves, dishwashers, clothes washers and dryers and televisions are to be kept or stored in a yard.

## **Part IV - Enforcement, Offences and Penalties**

### **20. Enforcement of Bylaw**

- a) Administration and enforcement of this bylaw is hereby delegated to the Bylaw Enforcement Officer for the Town of Kamsack.

### **21. Inspections**

- a) The inspection of property by the Town to determine if this bylaw is being complied with is hereby authorized.
- b) Inspections under this bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- c) No person shall obstruct a Bylaw Enforcement Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Bylaw Enforcement Officer.
- d) An Inspector may request that the owner 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. If requested, the documentation will be required to provide a solution(s) to rectify the condition, thing or activity which the owner shall then be required to complete.
- e) An Order may contain an option or a requirement to demolish a structure. If provided as an option, demolition may be chosen by the owner as an alternative to undertaking repairs. Demolition may be required by Order without the option to repair if the structure has been deemed to pose an unacceptable risk to public safety in terms of structure, condition or use.
- f) The requirements contained within an Order do not suspend the need to comply with conditions defined by any other bylaw, act or regulations, including but not limited to the need to obtain permits, permissions or certification.

**22. Order to Remedy Contraventions**

- a) If a Bylaw Enforcement Officer finds that a person is contravening this bylaw, the Bylaw Enforcement Officer 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 364 of *The Municipalities Act*.
- c) Orders given under this bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

**23. Registration of Notice of Order**

If an Order is issued pursuant to Section 29 of this bylaw, the Town 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.

**24. Appeal of Order to Remedy**

- a) A person may appeal an Order made pursuant to Section 29 of this bylaw in accordance with Section 365 of *The Municipalities Act*.
- b) Appeals shall be made initially to the Town Council for the Town of Kamsack.

**25. Town Remedying Contraventions**

- a) The Town may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this bylaw.
- b) The Town and/or its officers, may direct or authorize the removal of any vehicles not in compliance with this bylaw, off of the property in contravention, at the expense of the property owner.

**26. Civil Action to Recover Costs**

The Town may, in accordance with Section 368 of *The Municipalities 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.

**27. Adding Amounts to Tax Roll**

The Town may, in accordance with Section 369 of *The Municipalities Act*, add any unpaid expenses and costs incurred by the Town in remedying a contravention of this bylaw to the taxes on the property on which the work was done.



## **28. Emergencies**

In the event that it becomes an emergency to remedy a contravention of this bylaw, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

## **29. Offences and Penalties**

- a) No person shall:
  - i) fail to comply with an Order made pursuant to this bylaw;
  - ii) obstruct or hinder any Bylaw Enforcement Officer or any other person acting under the authority of this bylaw; or
  - iii) fail to comply with any other provision of this bylaw.
- b) Every person who contravenes any provision of Subsection (1) is guilty of an offence and liable on summary conviction, in addition to any surcharge imposed by the Courts:
  - i) in the case of an individual, to a fine of not less than \$500 and not more than \$10,000;
    - (A) on a first offence, a fine not less than \$500;
    - (B) on a second offence, a fine not less than \$750;
    - (C) on a third offence, a fine not less than \$1,000.
  - ii) in the case of a corporation, to a fine of not less than \$1,000 and not more than \$25,000;
    - (A) on a first offence, a fine not less than \$1,000;
    - (B) on a second offence, a fine not less than \$1,500;
    - (C) on a third offence, a fine not less than \$2,000;
  - iii) in the case of a continuing offence, to a maximum daily fine of not less than \$25 per day and not more than \$2,500 per day.
- c) 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.

## **30. Severability**

If a Court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

## **31. Repeal of Bylaws**

Bylaw No. 23 of 2015 is hereby repealed.

**32. Coming Into Force**

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

READ A THIRD TIME AND PASSED THIS 11<sup>th</sup> DAY OF June ,2018.

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MAYOR

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ADMINISTRATOR