

TOWN OF MAIDSTONE

BYLAW NO. 2016 – 01

A BYLAW OF THE TOWN OF MAIDSTONE IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR ABATEMENT OF NUISANCES WITHIN THE TOWN OF MAIDSTONE.

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

1. **SHORT TITLE**

- a. This Bylaw may be cited as ~~The Nuisance Abatement Bylaw.~~

2. **PURPOSE**

- a. The purpose of this Bylaw is to provide for the abatement of nuisances, including property, activities, or things that 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.

3. **DEFINITIONS**

- a. **"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;
- b. **"Building"** means a building within the meaning of The Municipalities Act;
- c. **"Municipality"** means the Town of Maidstone;
- d. **"Council"** means the Council of the Town of Maidstone;
- e. **"Junked Vehicle"** means any automobile, tractor, truck, trailer or other vehicles 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 Municipality; and
 - 2) Does not form a part of a business enterprise lawfully being operated on that land;
- f. **"Nuisance"** means a condition of property, or a thing, or an activity, that adversely affects, or in the option of a Designated Officer 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 neighbourhood, including but not limited to
 - 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;
 - 6) Open excavations on property; and
 - 7) Sharp or dangerous objects.
- 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 building 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 surfaces areas.
4. **RESPONSIBILITY**
- a. Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.
5. **NUISANCES PROHIBITED GENERALLY**
- a. No person shall cause or permit a nuisance to occur on any property owned by that person.
6. **DILAPIDATED BUILDINGS**
- a. Notwithstanding the generality of Section 5, no person shall cause or permit a building or structure to deteriorate into ruinous or dilapidated state such that the building or structure;
- 1) Is dangerous to the public health or safety
 - 2) Substantially depreciates the value of other land or improvements in the neighbourhood; or
 - 3) Is substantially detrimental to the amenities of the neighbourhood.
7. **UNOCCUPIED BUILDINGS**
- a. 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.
8. **OVERGROWN GRASS AND WEEDS**
- 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 purpose of this section, “overgrown” means in excess of 0.20 meters 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 combination of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.
9. **UNTIDY AND UNSIGHTLY PROPERTY**
- a. Notwithstanding the generality of Section 5, no person shall cause or permit any land or building to become untidy and unsightly.
10. **JUNKED VEHICLES**
- a. Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicles to be kept on any land owned by that person.
11. **OPEN EXCAVATION**
- a. 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 any private land on or in or about any building or structure which is dangerous to the public safety or health.
12. **MAINTENANCE OF YARDS**
- a. Notwithstanding the generality of Section 5, no person shall cause or permit on any property owned by that person:
- 1) An infestation of rodents, vermin or insects;
 - 2) Any dead or hazardous tress; or
 - 3) Any sharp or dangerous objects.
13. **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 harborage for rodents, vermin and insects.
- b. Materials referred to in Section 13(a) shall be elevated at least 0.15 meters off the ground and shall be stacked at least 3.0 meters from the exterior walls of any building and at least 1.0 meters from the property line.

14. REFRIGERATORS AND FREEZERS

- a. Any refrigerators or freezers left in a yard shall first have its hinges, latches, lid, door or doors removed.

15. FENCES

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

16. STREETS AND SIDE WALKS

- a. The Owner or Occupant of any Property situated along municipal Streets shall be responsible for removal of snow, ice, dirt, debris, or other material from the Sidewalk within seventy-two (72) hours after the snow, ice, dirt or debris is deposited thereon by any means whatsoever.
- b. The Owner or Occupant of any Property shall not place snow, ice, dirt, debris or other material onto the Street, any Public Place, or on private property other than their own, within the Town.
- c. If any occupant or owner fails to comply with the provisions of this section of the Bylaw where the Town may carry out or contract for the removal of snow, ice, dirt, debris or other materials with all costs and expenses involved being charged to the Owner or Occupant of the said Property, and any unpaid costs or expenses being added to the tax roll of the Property to be recovered in like manner as and with other taxes pursuant to the Municipalities Act.

17. ENFORCEMENT OF BYLAW

- a. The administration and enforcement of this Bylaw is hereby delegated to the Administrator/Clerk for the Town of Maidstone.
- b. The Administrator/Clerk of the Town of Maidstone is hereby authorized to further delegate the administration and enforcement of this Bylaw.

18. INSPECTIONS

- a. The inspection of property by the Municipality 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 Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer.

19. ORDER TO REMEDY CONTRAVENTIONS

- a. If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, be 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(1) of The Municipalities Act.

20. REGISTRATION OF NOTICE OF ORDER

- a. If an order is issued pursuant to Section 18, 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.

21. APPEAL OF ORDER TO REMEDY

- a. A person may appeal an order made pursuant to Section 18 in accordance with Section 365 of The Municipalities Act.

22. MUNICIPALITY REMEDYING CONTRAVENTIONS

- a. 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.
- b. In an emergency, The Municipality may take whatever action or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of The Municipalities Act.

23. RECOVERY OF UNPAID EXPENSES AND COSTS

- a. Any unpaid expenses and costs incurred by The Municipality in remedying a contravention of this Bylaw may be recovered either:

- i. By civil action for debt in a court of competent jurisdiction in accordance with Section 368 of The Municipalities Act; or
- ii. 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.

24. OFFENCES AND PENALTIES

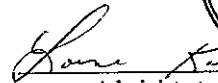
- a. No person shall
 - i. Fail to comply with an order made pursuant to this Bylaw;
 - ii. Obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - iii. Fail to comply with any other provision of this Bylaw.
- b. A designated Officer who has 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 \$250.00 to be paid to The Municipality within 7 days.
- c. Where The Municipality receives voluntary payment of the amount prescribed under Section 23(b) within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- d. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 18 of this Bylaw.
- e. Every person who contravenes any provision of Section 23(a) is guilty of an offence and liable on summary conviction:
 - i. In the case of an individual, to a fine of not more than \$10,000.00;
 - ii. In the case of a corporation, to a fine of not more than \$25,000.00; and
 - iii. In the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.

25. COMING INTO FORCE

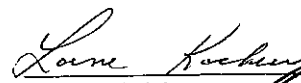
- a. This Bylaw is made pursuant to the powers granted by Section 8(1)(a) and 8(1)(d) of The Municipalities Act.
- b. This Bylaw shall come into force and take effect on January 12, 2016. Sections 8(1)(b) and 8(1)(d) The Municipalities Act
- c. Bylaw No. 2015-08 is hereby repealed.


Mayor




Administrator

Certified a true copy of Bylaw
No.2016-01 passed by resolution of
Council on the 26th day
of January, 2016


Administrator





TOWN OF MAIDSTONE

Box No. 208 112 - 1st Ave West Maidstone, SK S0M 1M0 Phone: 306-893-2373 Fax: 306-893-4378
Website: townofmaidstone.com Email: townofmaidstone@sasktel.net

ORDER TO REMEDY

NAME: _____

ADDRESS: _____

RE: (Legal address of property / Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section _____ of Bylaw No. _____
(The Nuisance Abatement Bylaw) the property described above has been inspected by the Town of Maidstone on
(date); _____.

THAT as a result of the above inspection, the land is hereby declared a nuisance because:
(State SPECIFIC reason(s) why the property is a nuisance)

AND THAT the records of The Municipality show that you are the owner / occupant (specify which) of the property described above.

ORDER TO REMEDY

Under authority provided by Section _____ of Bylaw No. _____ you are hereby ordered to remedy the above violation by: _____

(State action required to remedy the contravention – be SPECIFIC and MEASURABLE)

The remedial action noted above is to be completed no later than: _____
(SPECIFY DATE – must be after deadline to appeal).

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and
THAT the appeal may be filed with Town of Maidstone at 112 1st Ave W. no later than: _____

TAKE FURTHER NOTICE THAT a hearing to consider your appeal will be held as follows:

TIME/DATE: _____

PLACE: _____

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date set forth above or fail to file an appeal as stated above, the Municipality will proceed to undertake action to remedy the contravention; and

THAT all costs, less any amount received by The Municipality from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

Dated at _____
in the Province of Saskatchewan
this _____ day of _____, 20 _____

Designated Officer



TOWN OF MAIDSTONE

Box No. 208 112 - 1st Ave West Maidstone, SK S0M 1M0 Phone: 306-893-2373 Fax: 306-893-4378
Website: townofmaidstone.com Email: townofmaidstone@sasktel.net

ORDER TO TAKE EMERGENCY ACTION

NAME: _____

ADDRESS: _____

RE: _____

DECLARATION OF IMMINENT DANGER

TAKE NOTICE THAT in with accordance with Section _____ of Bylaw No. _____ the Nuisance Abatement Bylaw, on _____ the Town of Maidstone has declared the building _____ located on the property described above to:

- Be an imminent danger to public safety
- Pose a risk of causing serious harm to other property because of:

ORDER TO TAKE EMERGENCY ACTION

TAKE NOTICE THAT the records of the Municipality show that you are the _____ of the property described above;

AND THAT under authority provided by Section _____ of Bylaw No. _____ you are hereby ordered to remedy the above condition by: _____

The emergency action noted above is to be completed by no later than: _____

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to comply with this order, the Municipality will proceed to undertake the work;

AND THAT all costs, less any amount received by the Municipality from selling or otherwise disposing of property may be added to, and thereby forms part of, the taxes on the property.

APPEAL

TAKE NOTICE THAT you are invited to attend the meeting of the Council of the Town of Maidstone to be held on _____ to make representations with respect to the need for this action or the intent of changing the cost of the emergency action against the said property.

Dated at _____
in the Province of Saskatchewan
this _____ day of _____, 20____

Designated Officer



TOWN OF MAIDSTONE

Box No. 208 112 - 1st Ave West Maidstone, SK S0M 1M0 Phone: 306-893-2373 Fax: 306-893-4378
Website: townofmaidstone.com Email: townofmaidstone@sasktel.net

NOTICE OF EMERGENCY ACTION TAKEN

NAME: _____

ADDRESS: _____

RE: _____

DECLARATION OF IMMINENT DANGER

TAKE NOTICE THAT in accordance with Section _____ of Bylaw No. _____ the Nuisance Abatement Bylaw), on _____ the Town of Maidstone has declared the building (or other structure) _____ located on the property described above to:

- Be an imminent danger to public safety
- Pose a risk of causing serious or other property

Because of: _____

ACTION TAKEN

TAKE NOTICE THAT the Municipality has taken the following action(s):

- To abate the danger to public safety
- To prevent serious harm to other property

Because of: _____

COSTS

TAKE NOTICE THAT the records of the Municipality show that you are the owner of the property described above;

AND THAT the Municipality intends to recover from you the cost of the above action(s) specifically: _____

APPEALS

TAKE NOTICE THAT you are invited to attend the meeting of the Council of the Town of Maidstone to be held on _____ to make representations with respect to the need for this action or the intent of charging the cost of the emergency action against the said property.

Dated at _____
in the Province of Saskatchewan
this _____ day of _____, 20 _____

Designated Officer



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Box No. 208 112 - 1st Ave West Maidstone, SK S0M 1M0 Phone: 306-893-2373 Fax: 306-893-4378
Website: townofmaidstone.com Email: townofmaidstone@sasktel.net

NOTICE OF VIOLATION

NAME: _____

ADDRESS: _____

RE: _____

NOTICE OF VIOLATION

TAKE NOTICE THAT the records of the Town of Maidstone show that you are the _____ of the property described above;

AND THAT the Municipality has reason to believe that on or about the _____ day of _____, 20____ you did or you did allow the following: _____

PENALTY

TAKE NOTICE THAT Section _____ of Bylaw No. _____ states that every person who contravenes a provision of this Bylaw is guilty of an offence and is liable on summary conviction to the following penalty: _____

VOLUNTARY PAYMENT

TAKE NOTICE THAT the Municipality will accept a voluntary payment in the amount of _____;

AND THAT upon receipt of the above voluntary payment within _____ days of the date of this Notice of Violation, a person shall not be liable to prosecution for the alleged contravention.

SUMMONS

TAKE NOTICE THAT failure to remit the voluntary payment to the Town of Maidstone within _____ days will result in the issuance of a Summons.

Dated at _____
in the Province of Saskatchewan
this _____ day of _____, 20____

Designated Officer