

NUISANCE ABATEMENT BYLAW

**A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES
WITHIN THE RESORT VILLAGE OF MISTUSINNE**

The Council for the Resort Village of Mistusinne 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 abatement of nuisances, including property, activities, or things that adversely affect:
 - a) the safety, health or welfare of people in the neighbourhood;
 - b) people's use and enjoyment of their property; or
 - c) the amenity of a neighbourhood.

Definitions

3. In this Bylaw:
 - 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 Resort Village of Mistusinne;
 - d) "Council" means the Council of the Resort Village of Mistusinne;
 - e) "junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that
 - i) 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 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 a neighbourhoodand includes:
 - i) a building in a ruinous or dilapidated state of repair;
 - ii) an unoccupied building that is damaged and is an imminent danger to public safety;
 - iii) land that is overgrown with grass and weeds;
 - iv) untidy and unsightly property;
 - v) junked vehicles; and
 - vi) open excavations on property;

- 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.

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 neighbourhood; or
 - c) is substantially detrimental to the amenities of the neighbourhood.

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 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 the land to be overgrown with grass or weeds.
- 9. For the purposes of this section, "overgrown" means in excess of 0.20 metres in height.
- 10. 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.

Untidy and Unsightly Property

- 11. Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly.

Junked Vehicles

- 12. 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.

Open Excavations

13. 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.

Maintenance of Yards

14. 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

15. Any building materials, lumber, scrap metal, boxes, firewood, 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.
16. Materials referred to in Section 15 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 0.60 metres from the property line.

Refrigerators and Freezers

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

Fences

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

Enforcement of Bylaw

19. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for the Resort Village of Mistusinne.
20. The Administrator of Resort Village of Mistusinne is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Senior Maintenance Person.

Inspections

21. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
22. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
23. 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.

Order to Remedy Contraventions

24. 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.
25. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
26. Orders given under Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

Registration of Notice of Order

27. If an order is issued pursuant to Section 24, 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 of Order to Remedy

28. A person may appeal an order made pursuant to Section 24 in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

29. 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.
30. 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

31. Any unpaid expenses and costs incurred by the Municipality in remediating 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*.

Offences and Penalties

32. 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 comply with any other provision of this Bylaw.

33. Every person who contravenes any provision of Section 32 is guilty of an offence and shall be liable to the penalties provided in the General Penalty Bylaw No. 2/82 of the Resort Village of Mistusinne.

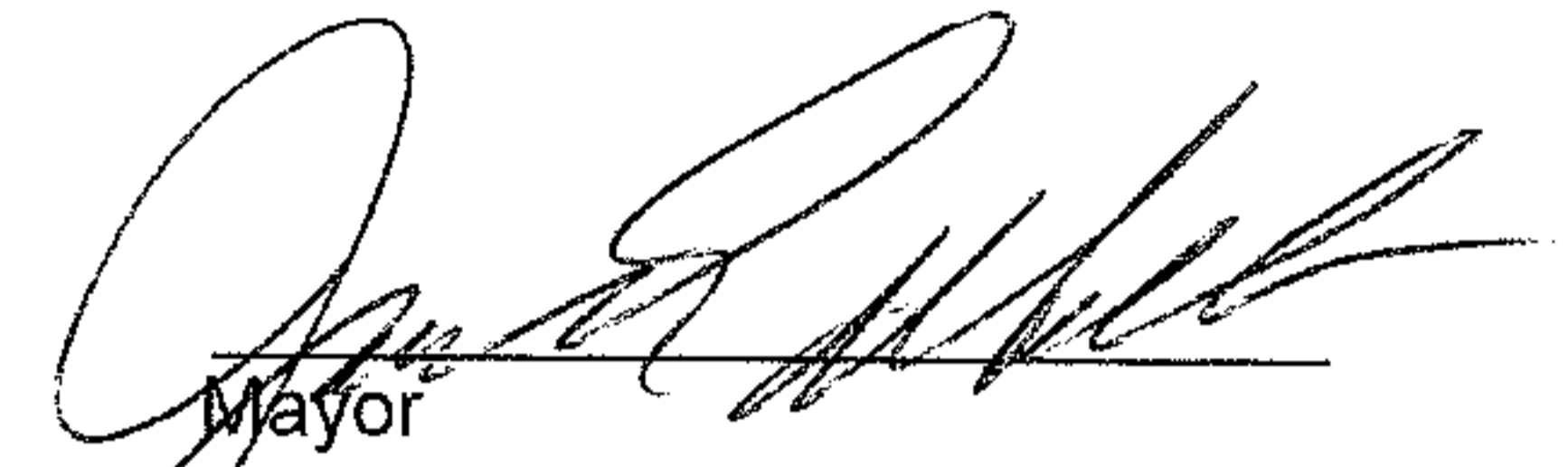
Repeal of Former Bylaws

34. Bylaw No. 2-98, A Bylaw With Respect To Untidy & Unsightly Premises and all amendments thereto are hereby repealed.

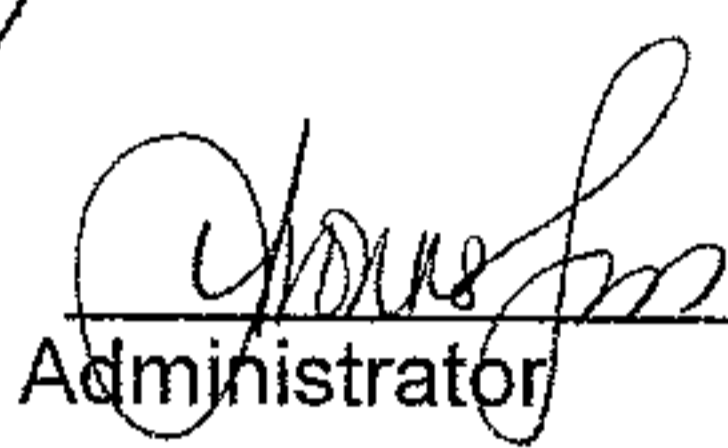
Coming Into Force

35. This bylaw shall come into force on the 1st day of January, 2006.





Mayor



Administrator

Sections 8(1)(b) & 8(1)(d) *The Municipalities Act*

Certified a true copy of Bylaw No. 05-05 adopted by resolution of Council on the 6th day of December, 2005.



Administrator



Resort Village of Mistusinne

P.O. Box 160
Elbow, SK S0H 1J0
Phone: 854-2277
Fax: 854-2229

ORDER TO REMEDY

NAME: _____

ADDRESS: _____

RE: _____
(legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 21 of Bylaw No. 05-05, known as the Nuisance Abatement Bylaw, the property described above has been inspected by the Resort Village of Mistusinne (the Municipality) on _____;

THAT as a result of the above inspection, the vehicle/trailer described as:

(make, model, colour, serial number if obtained)

is hereby declared a nuisance because:

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

ORDER TO REMEDY

Under authority provided by Section 24 of Bylaw No. 05-05 you are hereby ordered to remedy the above violation by:

The remedial action noted above is to be completed no later than

_____.

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and

THAT the appeal may be filed with the Administrator of the Resort Village of Mistusinne, 201 Saskatchewan Street, Elbow, SK no later than _____.

(at least 15 days after date of Order)

TAKE FURTHER NOTICE THAT a hearing will be held to consider your appeal.

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTCIE 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

Resort Village of Mistusinne

P.O. Box 160
Elbow, SK S0H 1J0
Phone: 854-2277
Fax: 854-2229

ORDER TO REMEDY

NAME: _____

ADDRESS: _____

RE: _____
(legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 21 of Bylaw No. 05-05, known as the Nuisance Abatement Bylaw, on _____ the Resort Village of Mistusinne (the Municipality) has declared the _____
_____ (identify the building, structure or thing)

located on the property described above to: (select one)

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

The emergency action noted above is to be completed 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.

RIGHT TO APPEAL

TAKE NOTICE THAT you are invited to attend the meeting of the Council of the Resort Village of Mistusinne to be held on _____

at the Village Office, 201 Saskatchewan Street, Elbow, 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

Resort Village of Mistusinne

P.O. Box 160
Elbow, SK S0H 1J0
Phone: 854-2277
Fax: 854-2229

ORDER TO REMEDY

NAME: _____

ADDRESS: _____

RE: _____
(legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 21 of Bylaw No. 05-05, known as the Nuisance Abatement Bylaw, the property described above has been inspected by the Resort Village of Mistusinne (the Municipality) on _____;

THAT as a result of the above inspection, the building/structure described as _____
(describe the building or structure, location on property, etc.)

on the land described above is hereby declared a nuisance because:

ORDER TO REMEDY

Under authority provided by Section 24 of Bylaw No. 05-05, you are hereby ordered to remedy the above violation on or before _____
by:

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and THAT the appeal may be filed with the Administrator of the Resort Village of Mistusinne, 201 Saskatchewan Street, Elbow, SK no later than _____
(at least 15 days after date of Order)

TAKE FURTHER NOTICE THAT a hearing will be held to consider your appeal.

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

Resort Village of Mistusinne

P.O. Box 160
Elbow, SK S0H 1J0
Phone: 854-2277
Fax: 854-2229

ORDER TO REMEDY

NAME: _____

ADDRESS: _____

RE: _____
(legal address of property/Civic address of property)

DECLARATION OF IMMINENT DANGER

TAKE NOTICE THAT in accordance with Section 30 of Bylaw No. 05-05, known as the Nuisance Abatement Bylaw, on _____ the Resort Village of Mistusinne (the Municipality) has declared the _____

_____ (identify the building, structure or thing)

located on the property described above to: (select one)

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

ACTION TAKEN

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

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

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 _____

(amount in figures and words)

APPEAL

TAKE NOTICE THAT you are invited to attend the meeting of the Council of the Resort Village of Mistusinne to be held on _____

at the Village Office, 201 Saskatchewan Street, Elbow, 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

Resort Village of Mistusinne

P.O. Box 160
Elbow, SK S0H 1J0
Phone: 854-2277
Fax: 854-2229

ORDER TO REMEDY

NAME: _____

ADDRESS: _____

RE: _____
(legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section 21 of Bylaw No. 05-05, known as the Nuisance Abatement Bylaw, the property described above has been inspected by the Resort Village of Mistusinne (the Municipality) on _____;

THAT as a result of the above inspection, the land hereby declared a nuisance because:

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

ORDER TO REMEDY

Under authority provided by Section 24 of Bylaw No. 05-05, you are hereby ordered to remedy the above violation by:

The remedial action noted above is to be completed no later than _____.

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and

THAT the appeal may be filed with the Administrator of the Resort Village of Mistusinne, 201 Saskatchewan Street, Elbow, SK no later than _____.

(at least 15 days after date of Order)

TAKE FURTHER NOTICE THAT a hearing will be held to consider your appeal.

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

Resort Village of Mistusinne

P.O. Box 160
Elbow, SK S0H 1J0
Phone: 854-2277
Fax: 854-2229

ORDER TO REMEDY

NAME: _____

ADDRESS: _____

RE: _____
(legal address of property/Civic address of property)

NOTICE OF VIOLATION

TAKE NOTICE THAT the records of the Resort Village of Mistusinne (the Municipality) show that you are the owner/occupant _____ 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 action/condition/etc _____:

in contravention of Section 5 of Bylaw No. 05-05, known as the Nuisance Abatement Bylaw, to occur on the above described property.

PENALTY

a) TAKE NOTICE THAT Section 36 of Bylaw No. 05-05 states that every person who contravenes a provision of this Bylaw is guilty of an offence and shall be liable to the penalties provided in the General Penalty Bylaw No. 2/82 of the Resort Village of Misutsinne.

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 Resort Village of Mistusinne with _____ days will result in the issuance of a Summons.

Dated at _____,
In the Province of Saskatchewan,
this _____ day of _____, 20 _____.

Designated Officer

Resort Village of Mistusinne

P.O. Box 160
Elbow, SK S0H 1J0
Phone: 854-2277
Fax: 854-2229

ORDER TO REMEDY

NAME: _____

ADDRESS: _____

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(legal address of property/Civic address of property)

NOTICE OF VIOLATION

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THAT as a result of the above inspection, the land is hereby declared a nuisance because:

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

ORDER TO REMEDY

Under authority provided by Section 24 of Bylaw No. 05-05, you are hereby ordered to remedy the above violation by:

The remedial action noted above is to be completed no later than

_____.

RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and

THAT the appeal may be filed with the Administrator of the Resort Village of Mistusinne, 201 Saskatchewan Street, Elbow, SK no later than _____.

(at least 15 days after date of Order)

TAKE FURTHER NOTICE THAT a hearing will be held to consider your appeal.

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

Resort Village of Mistusinne

P.O. Box 160
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ORDER TO REMEDY

NAME: _____

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THAT as a result of the above inspection, the land hereby declared a nuisance because:

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

ORDER TO REMEDY

Under authority provided by Section 24 of Bylaw No. 05-05, you are hereby ordered to remedy the above violation by:

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RIGHT TO APPEAL

TAKE NOTICE THAT you are provided the right to appeal this Order; and

THAT the appeal may be filed with the Administrator of the Resort Village of Mistusinne, 201 Saskatchewan Street, Elbow, SK no later than _____.

(at least 15 days after date of Order)

TAKE FURTHER NOTICE THAT a hearing will be held to consider your appeal.

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