

TOWN OF BRUNO

BYLAW NO. 05/2023

NUISANCE ABATEMENT BYLAW

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

PURPOSE

The purpose of 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
- The amenities of a neighborhood
- The Value of properties in a neighborhood

DEFINITIONS

In this Bylaw:

"Building" means a building within the *Municipalities Act*.

"Council" means the Council of the Town of Bruno .

"Designated Officer" means an employee or agent of the Municipality appointed by Council to act as a Municipal Inspector for the purpose of this Bylaw.

"Graffiti" means any drawing, inscription or other mark that disfigures or defaces any building, fence or other structure, however made or otherwise affixed.

"Junked Vehicle" means any automobile, tractor, truck, trailer or other vehicle that either

- a) Has no valid license plate attached to it, or;
- b) 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 within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
 - ii. Does not form a part of a business enterprise lawfully being operated on that land.

"Municipality" means the Town of Bruno.

"Nuisance" means a condition of property, activities, or things that adversely affect:

- a) The safety, health or welfare of people in the neighborhood
- b) People's use and enjoyment of their property
- c) The amenities of a neighborhood and includes
 - i. A building in 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.

d) The Value of properties in a neighborhood

“Occupant” means an occupant as defined in *The Municipalities Act*

“Owner” means an owner as defined in *The Municipalities Act*

“Property” means land or buildings or both

“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 pavement, curbs, walks, or open air surfaced areas.

RESPONSIBILITY

1. Unless otherwise specified, the owner of the property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

NUISANCES PROHIBITED GENERALLY

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

DILAPIDATED BUILDINGS

3. Notwithstanding the generality of Section 2, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:
 - i. Is dangerous to the public health or safety;
 - ii. Substantially depreciates the value or other land or improvements in the neighborhood; or
 - iii. Is substantially detrimental to the amenities of the neighborhood

UNOCCUPIED BUILDINGS

4. Notwithstanding the generality of section 2, 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

5. Notwithstanding the generality of section 2, no owner or occupant of land shall cause or permit the land to become overgrown with grass or weeds.
6. For the purpose of this section, “overgrown” means in excess of .2 metres (8 inches) in height.
7. 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, ornamental 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

8. Notwithstanding the generality of Section 2, no person shall cause or permit any land or buildings to become untidy or unsightly.
9. For the purpose of this section “untidy or unsightly” means the presence of graffiti, the accumulation of new or used lumber, pallets, tree branches, cardboard, paper, newspaper, appliances, tires, cans, barrels, scrap metal, construction materials or equipment, or general junked items.

JUNKED VEHICLES

10. Notwithstanding the generality of Section 2, no person shall cause or permit any junked vehicles to be kept on any land owned by that person.
11. Any collector of project vehicles shall be kept inside a proper structure kept in proper condition as outlined in this Bylaw.

OPEN EXCAVATIONS

12. Notwithstanding the generality of Section 2, no person shall cause or permit any basement, excavation, drain, 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, without proper enclosure or fencing present.

MAINTENANCE OF YARDS AND BUILDINGS

13. Notwithstanding the generality of Section 2, no person shall cause or permit on any property owned by that person:
 - i. An infestation of rodents, vermin, or insects;
 - ii. Any dead or hazardous trees; or
 - iii. Any sharp or dangerous objects.
14. All yards shall be kept free and clear from
 - i. Garbage and junk
 - ii. Junked vehicles and dismantled machinery
 - iii. Excessive growth of weeds and grass
 - iv. Holes and excavations that could cause accidents

OUTDOOR STORAGE OF MATERIALS

15. Any building materials, lumber, scrap metal, boxes or similar items stored temporarily 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 .15 metres (6 inches) off the ground and shall be stacked at least 3 metres (approx. 10 ft) from the exterior walls of any building and at least 1 metre (approx. 3 ft) from the property line.

REFRIGERATORS AND FREEZERS

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

GRAFFITI

18. No person shall permit graffiti to remain on any building, structure, fence or property owned by that person.

PET WASTE

19. No person shall cause or permit accumulation of pet waste on their property. Pet waste shall be properly disposed of in accordance with the Town of Bruno Animal Bylaw. It is prohibited to burn Pet Waste within the Town of Bruno limits.

FENCES

20. Fences shall be maintained in a safe and reasonable state of repair.
21. Fences that incorporate barbed wire or razor wire shall be prohibited in all residential areas within the Town of Bruno.
22. Electrical fences shall be prohibited within the Town of Bruno limits.

ENFORCEMENT OF BYLAW

23. The administration and enforcement of the Bylaw is hereby designated to the Administrator, Designated Officer or Bylaw Enforcement as designated by Council.

INSPECTIONS

24. The inspection of property by the Municipality to determine compliance to this Bylaw is hereby authorized.
25. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
26. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting the Designated Officer.

ORDER TO REMEDY CONTRAVENTIONS

27. 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 contraventions relates, to remedy the contravention.
28. Order given under this Bylaw shall comply with section 364 of *The Municipalities Act*.
29. Orders given under this Bylaw shall be served in accordance with section 390 (1)(a)(b)or(c) of *The Municipalities Act*.

REGISTRATION OF NOTICE OF ORDER

30. If an order is issued pursuant to section 26, 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

31. A person may appeal an order made pursuant to section 26 in accordance with section 365 of *The Municipalities Act*.

MUNICIPALITY REMEDYING CONTRAVENTIONS

32. 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.
33. 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

34. 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*.

OFFENCES AND PENALTIES

35. No person shall:
 - i. Fail to comply withan 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.
36. A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve that person a Notice of Violation, which shall indicate that the Municipality will accept voluntary payment in the sum of \$200.00 to be paid to the Municipality within 5 working days.

37. Where the Municipality receives voluntary payment of the amount prescribed under section 35 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
38. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 26 of this Bylaw.
39. Every person who contravenes any provision of section 34 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;
 - ii. In the case of a corporation, to a fine of not more than \$25,000; and
 - iii. In the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

REPEAL OF BYLAW(S)

40. Bylaw #5/05 is hereby repealed.

COMING INTO FORCE

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

SEAL

Mayor – Dale Glessman

CAO – Colette Radcliffe