

TOWN OF LUSELAND

BYLAW NO. 2025-01

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES WITHIN THE TOWN OF

LUSELAND

The council of the Town of Luseland 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) The people's use and enjoyment of their property; or
 - c) The amenity of a neighbourhood.

Definitions

3. In this Bylaw:

- a) "Designated Officer" means 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 Luseland;
- d) "Council" means the Council of the Town of Luseland;
- e) "junked vehicle" means any automobile, truck, trailer, or other vehicle that
 - i) either:
 - 1) Has no valid license plates attached to it; or
 - 2) is in a rusted, wrecked, partly wrecked, dismantled, party 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 business enterprise lawfully 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) the people's use and enjoyment of their property; or
 - iii) the amenity of a neighbourhood and includes:
 - 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; and
 - 6) 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, sidewalks or open-air surfaced areas.
- k) "Untidy" means lands or buildings that are in a disorderly, slovenly, and littered condition and are not kept in generally good order.
- l) "Unsanitary" means lands or buildings that are unpleasant to look at or are aesthetically objectionable.

Responsibility

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

Nuisances Prohibited Generally

5. No person shall cause or permit a nuisance to occur on any property owned by that person.
- Dilapidated Buildings and Structural Nuisance**
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.
 - d) fence is unpainted, fence posts are not properly aligned, fence contains broken and/or rotten pieces.

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 0.15 meters (6 in.) 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.
- Derelict / 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.

However, it is permitted to store no more than two unlicensed vehicles on property within the town provided that the vehicle or vehicles are seasonal and/or in such condition as to be licensed in the Province of Saskatchewan and are insured.

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 that may include;
 - a) a person may become injured;
 - b) the excavation provides a breeding ground for mosquitos and other rodents; and
 - c) the open excavation is unsightly.

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 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 to at least 0.15 metres off the ground and shall be stacked at least 3.0 metres from the exterior walls of any building and at least 1.0 metres from the property line.

Appliances

17. Any appliance left in a yard shall first have its hinges, latches, lid, door or doors removed. Appliances shall not remain in a yard for more than 2 months.

Fences

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

Outdoor Fires

19. Notwithstanding the generality of Section 5, all outdoors fires must be contained within an approved fire pit located within the legal boundaries of the owner's property and only clean seasoned firewood is to be burned. The burning of any other materials is prohibited. Refer to *Bylaw No. 2019-03: A BYLAW TO REGULATE THE OPEN-AIR FIRES, THE CONSTRUCTION AND USE OF FIRE PITS AND OUTDOOR FIREPLACES.*

Unspecified Nuisance

20. If a nuisance is not specifically noted above, the Council for The Town of Luseland may still issue an Order to Remedy if;

- a) the property is aesthetically unappealing; or
- b) an activity occurring on the property interferes with the ability of other persons to enjoy their property.

Enforcement of Bylaw

21. The administration and enforcement of this Bylaw is hereby delegated to the CAO for the Town of Luseland.

22. The CAO of the Town of Luseland is hereby authorized to further delegate the administration and enforcement of this Bylaw to the Luseland Police Department.

Inspections

23. The inspections of property by the Municipality to determine if this Bylaw is complied with is hereby authorized.

24. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

25. 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

26. 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.

- (a) the deadline for completion of the work to be done required from the Order to Remedy shall be 15 (fifteen) days.

27. Orders given under this Bylaw shall comply with Section 364 (2) of *The Municipalities Act*. The order shall be served on the person to whom the order is directed by using any of the following methods:

- a) Personal Service
 - i) a notice served by personal service is deemed served on the 5th business day following the date of mailing.
- b) Registered Mail to the last known address of the person
 - i) a notice served by registered mail is deemed served on the 5th business day following the date of mailing.
- c) Hand Delivery
 - i) a notice served by hand delivery is deemed served on the day following the date of its delivery
- d) Posting of the notice on the relevant land, building, structure or vehicle.
 - i) a notice served by posting is deemed served on the day following the date of its posting.

Registration of Notice of Order

28. If an order is issued pursuant to Section 26, the Municipality may, in accordance with Section 364 (5) (6) and (7) of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is subject to the order. The interest registration is binding on the owner, and on any subsequent owner of the land. The interest registration is withdrawn when either;

- a) the remedial action specified within the order has been undertaken; or
- b) the Municipality has recovered its costs in those situations where the Municipality performed the remedial action.

Appeal of Order to Remedy

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

Stay of Order

30. Subsection 365 (2) of *The Municipalities Act* provides that an appeal DOES NOT operate as a stay of the order appealed from UNLESS the Board or Council decides otherwise. A 'Stay' is defined as a temporary suspension of the proceeding.

The Council may confirm, modify or repeal and order or substitute its own order. An order of this appeal may be further appealed to the courts on a question of law or jurisdiction within 30 (thirty) days after the decision of Council.

Municipality Remedying Contraventions

31. The Municipality may, in accordance with Section 366, 368 and 369 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw if;

- a) a written order has been given pursuant to section 364 of *The Municipalities Act*;
- b) the order contains the statement as required by clause 364 (4) (d);
- c) the order has not been complied with within the required time; and
- d) the appeal period respecting the order has passed or if an appeal has been made it allows the Municipality to take action.

A1) Dilapidated Buildings and Structural Nuisance

- i) demolishing and removing said building / structure and filling in any open basement or excavation on the site after the demolition or removal;
- ii) remedying the condition of the fence, specifically;
 - Realigning posts;
 - Replacing broken and/or rotten boards; and
 - Painting the fence.

A2) Overgrown Grass and Weeds

- i) Cutting of grass and/or weeds to a height not exceeding 0.15 meters (6 in.) in height.

A3) Outdoor Storage of Materials

- i) Materials referred to in Section 15 shall be elevated to at least 0.15 metres off the ground and shall be stacked at least 3.0 metres from the exterior walls of any building and at least 1.0 metres from the property line.

A4) Maintenance of Yards

- i) removing all furniture or other debris

A5) Open Excavations

- i) filling in the excavation

A6) Derelict / Junked Vehicles

- i) removal, demolition or other type of disposal; or
- ii) action to make the vehicle legal such as;
 - Affixing current license plates to the vehicle;
 - Undertaking necessary repairs; or
 - Parking the vehicle in an enclosed structure.

A7) Unspecified Nuisance

- i) discontinuation of nuisance activity

Emergencies

32. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the imminent danger to public safety in accordance with the provisions of Section 367 of *The Municipalities Act*.

Examples of dangerous emergency situations may include;

- a) the wall of the building is leaning outward and may fall on an adjacent building, sidewalk or street; or
- b) a tree has been severely damaged by age, wind or lightning and may fall on an adjacent building, sidewalk or street;

Recovery of Unpaid Expenses and Costs

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

- a) by a 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 was done in accordance with Section 369 of *The Municipalities Act* with a resolution from Council.

Offences and Penalties

34. Section 388 of *The Municipalities Act* enables Municipalities to establish fines for Bylaw Violations. Where a Municipality decides to exercise the discretionary authority, Council may;

- a) impose a Voluntary Payment option; or
- b) compel a payment of a fine through Summary Conviction if the voluntary payment option was not received.

35. 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 provisions of this Bylaw.

36. 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 Two Hundred Dollars (\$200.00) to be paid to the Municipality within Fifteen (15) days.

37. Where the Municipality receives voluntary payment of the amount prescribed under Section 36 within the time specified, the person receiving the Notice of Violations shall be not liable to prosecution for the same occurrence of 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. Payment of the Notice of Violation does not exempt any person from the requirement to remedy the situation.

39. Every person who contravenes any provision of Section 34 is guilty of an offence and liable on summary conviction:

- a) in the case of an individual, to a fine of not more than \$10,000.00;
- b) in the case of a corporation, to a fine of not more than \$25,000.00; and
- c) in the case of continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.

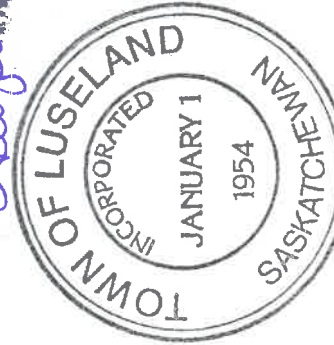
Bylaw 2016-10 is hereby repealed.

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

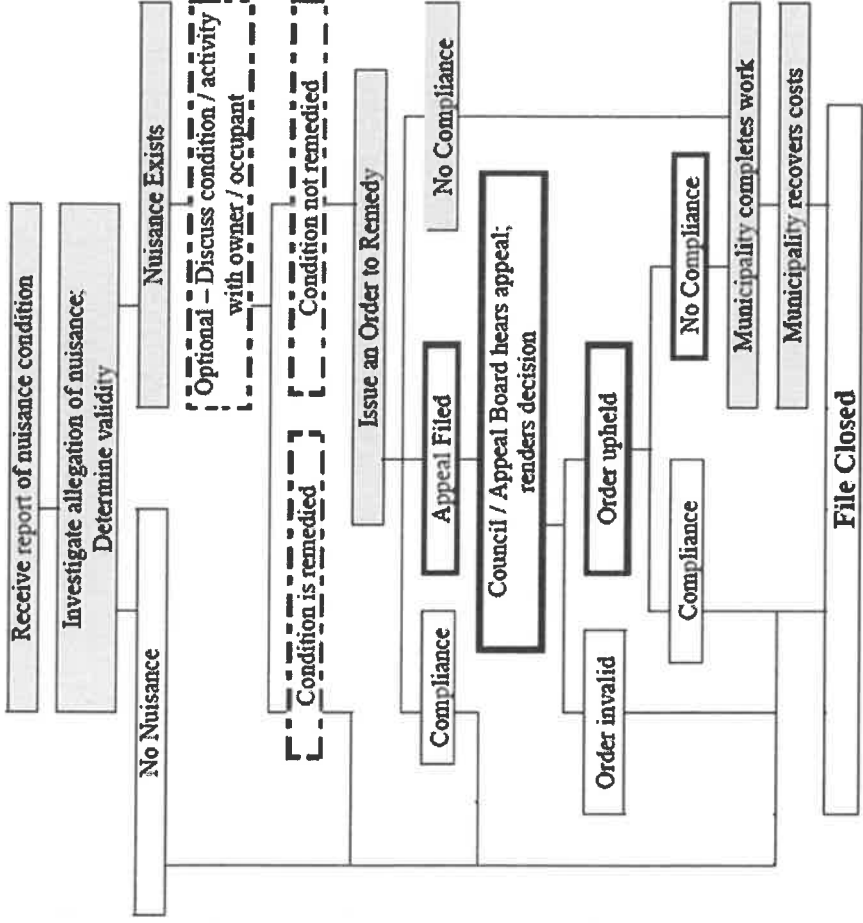
Introduced and given 1st reading on the 18th day of February, 2025
Given 2nd reading on the 18th day of February, 2025
Given 3rd reading and thereby adopted on the 18th day of February, 2025

Mayor

CAO



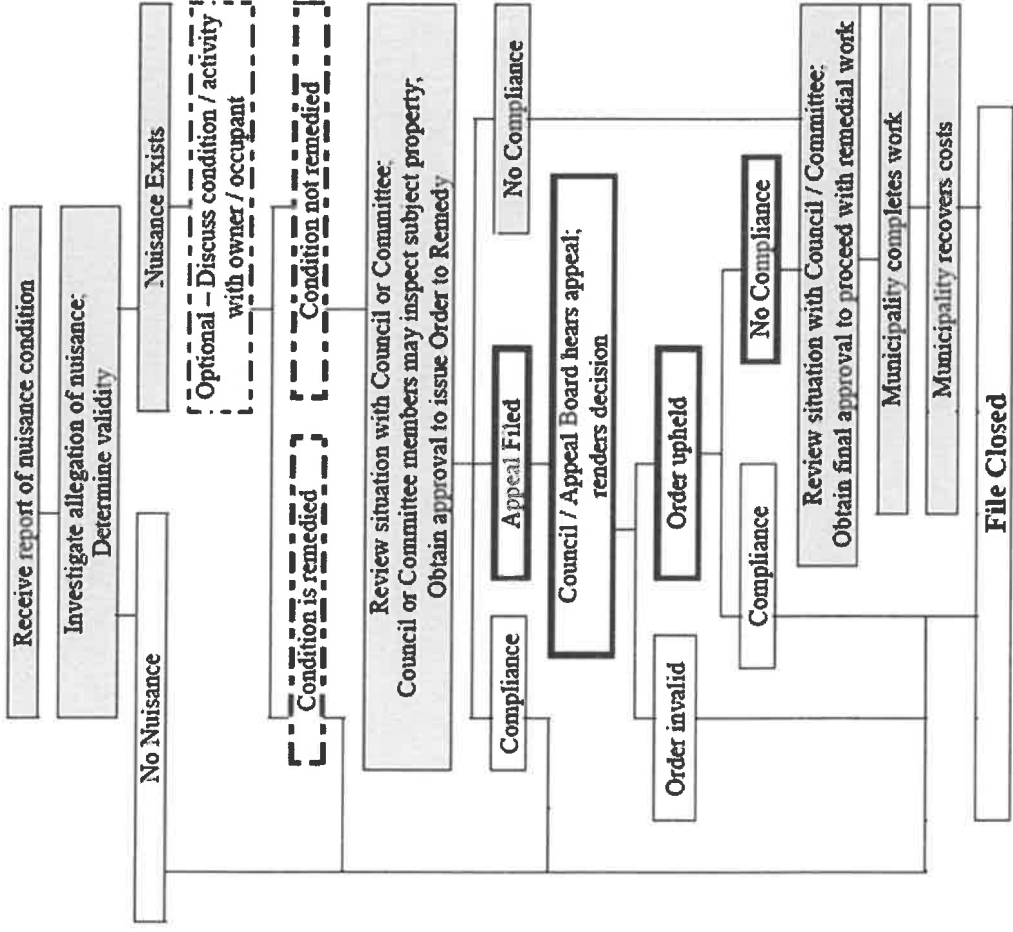
Appendix "A" – Administrative Process Designated Officer with full authority



The municipal response time to allegations of nuisance may be improved where the designated officer has complete authority to act.

Appendix "B" – Council Input

Council or Committee Input



**As a reminder, the requirement to secure council or committee approval prior to issuing an Order to Remedy or prior to proceeding to completing remedial work is a decision that is made by the municipality in the process of defining the administrative procedure to enforce its Nuisance Abatement Bylaw.

**Council or committee involvement may be desirable to share responsibility for critical decisions; however, the process may require additional time to arrange suitable meeting times.

Appendix "C" – Order to Remedy



TOWN OF LUSELAND

Office of the CAO

Box 130, Luseland, Sask. S0L 2A0

Phone: 306-372-4218 Fax: 306-372-4700

Email: luseland@sasktel.net

Website: townofluseland.com

Order to Remedy

TO: _____

RE: Civic Address: _____ Lot: _____ Block: _____ Plan No: _____

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section(s) _____ of Bylaw No. _____ (the Abatement of Nuisances Bylaw) the property described above has been inspected by the Town of Luseland (the Municipality) on the _____ day of _____, 202_____;

THAT as a result of the above inspection, the property is hereby receiving this Order to Remedy because:

- _____
- _____

AND THAT the records of the Municipality show that you are the owner of the property described above.

ORDER TO REMEDY

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

- _____
- _____

The remedial action noted above is to be completed no later than 9:00 a.m., on the _____ day of _____, 202_____. (15 days after the date of order)

RIGHT TO APPEAL

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

THAT the appeal may be filed with Krystal Bazylynski, CAO, Box 130, Luseland SK S0L 2A0, no later than the _____ day of _____, 202_____. If you wish to appear before Council, you must notify the Administrator no later than 4:00 p.m. on the _____ day of _____, 202_____.

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date and time set forth 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 disposing of property may be added to, and thereby form part of, the taxes on the property.

Dated at the Town of Luseland
In the Province of Saskatchewan

This _____ day of _____, 202_____

Krystal Bazylynski
CAO
Designated Officer

Appendix "D" – Order to Remedy – Derelict / Junked Vehicle



TOWN OF LUSELAND

Office of the CAO

Box 130, Luseland, Sask. S0L 2A0

Phone: 306-372-4218 Fax: 306-372-4700

Email: luseland@sasktel.net

Website: townofluseland.com

TO: _____

RE: Civic Address: _____ Lot: _____ Block: _____ Plan No: _____

Order to Remedy

NOTICE OF VIOLATION

TAKE NOTICE THAT in accordance with Section(s) _____ of Bylaw No. _____ (the Abatement of Nuisances Bylaw) the property described above has been inspected by the Town of Luseland (the Municipality) on the _____ day of _____, 202____;

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

- Is hereby declared a nuisance because:
- _____
 - _____

AND THAT the records of the Municipality show that you are the owner of the property described above.

ORDER TO REMEDY

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

- _____
- _____

The remedial action noted above is to be completed no later than 9:00 a.m., on the _____ day of _____, 202____ (15 days after the date of order)

RIGHT TO APPEAL

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

THAT the appeal may be filed with Krystal Bazylinski, CAO, Box 130, Luseland SK S0L 2A0, no later than the _____ day of _____, 202____. if you wish to appear before Council, you must notify the Administrator no later than 4:00 p.m. on the _____ day of _____, 202____.

FAILURE TO COMPLY WITH THE ORDER

TAKE NOTICE THAT if you fail to remedy this contravention by the date and time set forth 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 disposing of property may be added to, and thereby form part of, the taxes on the property.

Dated at the Town of Luseland
In the Province of Saskatchewan

This _____ day of _____, 202____

Krystal Bazylinski
CAO
Designated Officer

Appendix "E" – Order to Take Emergency Action



TOWN OF LUSELAND

Office of the CAO

Box 130, Luseland, Sask. S0L 2A0

Phone: 306-372-4218 Fax: 306-372-4700

Email: luseland@sasktel.net

Website: townofluseland.com

Emergency Action Taken

TO: _____

RE: Civic Address: _____ Lot: _____ Block: _____ Plan No: _____

DECLARATION OF IMMINENT DANGER

TAKE NOTICE THAT in accordance with Section(s) _____ of Bylaw No. _____ (the Abatement of Nuisances Bylaw) on the _____ day of _____, 202____ the Town of Luseland (the Municipality) has declared the building (or other structure or thing) _____ located on the property described above to;

- Be an imminent danger to public safety; and / or
- Pose a risk of causing serious harm to other property because of;
 - _____
 - _____

ACTIONS 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
 - _____
 - _____

The Emergency action noted above is to be completed no later than 9:00 a.m., on the _____ day of _____ 202____

APPEAL

TAKE NOTICE THAT you are invited to attend the special meeting of the Council of the Town of Luseland that is to be held on the _____ day of _____, 202____ at _____ p.m. / a.m. 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.

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 \$ _____ (XXXXXXXXXX)

Dated at the Town of Luseland
in the Province of Saskatchewan

This _____ day of _____, 202____

Krystal Bazylnski
CAO
Designated Officer

Appendix "F" – Notice of Violation



TOWN OF LUSELAND
Office of the CAO
Box 130, Luseland, Sask. S0L 2A0
Phone: 306-372-4218 Fax: 306-372-4700
Email: luseland@sasktel.net
Website: townofluseland.com

Notice of Violation

TO: _____

RE: Civic Address: _____ Lot: _____ Block: _____ Plan No: _____

NOTICE OF VIOLATION

TAKE NOTICE THAT the records of the Town of Luseland (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 _____, 202____, you did or you did allow the following to happen / proceed;

- _____
- _____

In contravention with Section(s) _____ of Bylaw No. _____ (the Abatement of Nuisances Bylaw) to occur on the property described above;

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 hereby liable on Summary Conviction to the following penalty:

- d) Every person who contravenes any provision of Section 34 is guilty of an offence and liable on summary conviction: in the case of an individual, to a fine of not more than \$10,000.00;
- e) in the case of a corporation, to a fine of not more than \$25,000.00; and
- f) in the case of continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.

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 15 (fifteen) days of the date of this Notice of Violation, a person shall not be liable to prosecution for the alleged contravention.

Dated at the Town of Luseland
In the Province of Saskatchewan

This ____ day of _____, 202____

Krystal Bazylinski
CAO
Designated Officer