

## BYLAW NO. 1152/22

### A BYLAW OF THE TOWN OF NIPAWIN, IN THE PROVINCE OF SASKATCHEWAN, TO REGULATE MAINTENANCE AND PROVIDE FOR THE ABATEMENT OF NUISANCES WITHIN THE TOWN OF NIPAWIN

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WHEREAS Subsection 8(1)(d) of *The Municipalities Act* provides a Municipality with the general power to pass any bylaws for the purposes of the Municipality that it considers expedient in relation to nuisances, including property, activities or things that affect the amenity of a neighbourhood;

AND WHEREAS Part XII, Division 4 of *The Municipalities Act* allows for enforcement provisions for municipal bylaws;

NOW THEREFORE, The Council of the Town of Nipawin in the Province of Saskatchewan enacts:

#### PART 1 – INTERPRETATION

##### Short Title

1. This Bylaw may be cited as The Property Maintenance and Nuisance Abatement Bylaw, 2022.

##### Purpose

2. The purpose of this Bylaw is to establish standards for the maintenance and occupancy of property, to ensure that such standards be maintained, and to provide for the abatement of nuisances, including property or things that 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) **Accessory Building** means a structure attached or detached, which is incidental and subordinate to the main use of the building and which is not used or intended for use as human habitation;
  - (b) **Chief Administrative Officer (CAO)** means the Chief Administrative Officer of the Town of Nipawin;

- (c) **Building** means a building within the meaning of *The Municipalities Act*;
- (d) **Council** means the Council of the Town of Nipawin;
- (e) **Controlled Substance** means a controlled substance as defined and described in Schedules I, II and III of the *Controlled Drugs and Substances Act, 1996 c. 19*, as may be amended from time to time, but does not include the trade or manufacture of a controlled substance that is permitted under that Act or otherwise lawfully permitted under the Town's Business License Bylaw.
- (f) **Designated Officer** means an employee or agent of the Municipality appointed by Council to act as a municipal inspector and/or Bylaw Enforcement Officer for the purposes of administration and enforcement of this Bylaw and/or their authorized representative, such as: a) the License Inspector of the Town appointed from time to time by Council or their designate; and/or b) any Medical or Public Health Officer authorized by the Saskatchewan Health Authority to assist in the administration and enforcement of this Bylaw;
- (g) **Dwelling** means a structure containing a room or group of rooms forming part of a residential or partly residential building and constituting an independent unit used or intended to be used as a place of lodging or residence by one or several persons;
- (h) **Excessive Nuisance Abatement Fees** include the following costs and expenses incurred while responding to a violation of this Bylaw:
  - (i) pro-rata cost of police and Town staff salaries, including all fringe benefits;
  - (ii) pro-rata cost of using police, fire and Town equipment and vehicles;
  - (iii) pro-rata administration costs incurred by the Town in responding to a nuisance service call or abating a nuisance;
  - (iv) the cost of repairs to damaged Town equipment, vehicles or property; and
  - (v) the cost of providing medical treatment for injured police officers and Town officials;
- (i) **Fire Chief** means the Fire Chief of the Town of Nipawin;
- (j) **Graffiti** means any drawing, inscription, writing, or other mark that disfigures or defaces any building, accessory building, fence, or other structure, however made, or otherwise affixed;
- (k) **Junked Vehicle** means any automobile, tractor, truck, trailer or other vehicle that:

- (i) either:
  - (A) has no valid license plates attached to it; or
  - (B) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
- (ii) is located on private land, but that:
  - (A) is not within a structure erected in accordance with any bylaw respecting the erection of buildings and structures in force within the Municipality; and
  - (B) does not form a part of a business enterprise lawfully being operated on that land;
- (l) **Medical Health Officer** means a medical health officer within the meaning of *The Public Health Act* and a public health officer or designated public health officer under any Act that may be substituted for *The Public Health Act*;
- (m) **Municipality** means the Town of Nipawin;
- (n) **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 neighbourhood and includes:
    - (A) a building in a ruinous or dilapidated state of repair;
    - (B) an unoccupied building that is damaged and is an imminent danger to public safety;
    - (C) land that is overgrown with grass and weeds;
    - (D) untidy and unsightly property;
    - (E) Junked Vehicles; and
    - (F) open excavations on property;
- (o) **Nuisance service call** means the Town of Nipawin or police response to a violation of this Bylaw .
- (p) **Occupant** means an occupant as defined in *The Municipalities Act*;
- (q) **Owner** means an owner as defined in *The Municipalities Act*;

- (r) **Open space** means the yard, lot areas, and undeveloped areas around a building or accessory building;
- (s) **Person** means a physical or juridical person including a corporation, a syndicate, a partnership, a co-operative association or any other group of persons having an interest in property as proprietor, co-proprietor, mortgagee, lessee, executor, or other;
- (t) **Police** means the Royal Canadian Mounted Police;
- (u) **Property** – means land or buildings or both;
- (v) **Standards** means the standards set in Part II of this Bylaw;
- (w) **Structure** means anything erected or constructed, including but not limited to tents, mobile homes, trailers, or other vehicles used as a place of lodging or residence of one or several persons, 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**

- 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.

### **PART II – PROPERTY MAINTENANCE**

#### **Application**

- 5. This Part applies to all buildings, accessory buildings, structures, and dwelling units within the Municipality except Town-owned properties which are obtained through tax enforcement proceedings or to which *The Tax Enforcement Act* otherwise applies.

#### **Duty to Maintain**

- 6. All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.
  - (a) 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.
  - (b) 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) maintain 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; and
  - (iv) keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.
- (c) Property owners within the downtown area identified in the attached Appendix "D" must ensure sidewalks are cleared of snow or ice within 24 hours of the end of a snow or freezing rain event, creating an even, walkable surface by clearing the sidewalks to the edges and as close to the concrete as possible.

Any products used to melt snow or to de-ice must be recommended for use on sidewalks.

#### **Maintenance of Open Spaces**

7. All open spaces shall be kept clean and free from rubbish, debris, unused lumber or deadwood, wreckage of car bodies, heavy undergrowth, and nuisance or noxious weeds:
- (a) Any condition liable to cause the presence of vermin or rodents shall be removed from open spaces.
  - (b) Where the presence of vermin or rodents is evident or suspected, appropriate measures shall be undertaken for immediate extermination, and to prevent their reappearance.

#### **Maintenance of Buildings and Accessory Buildings**

8. All buildings and accessory buildings shall be properly maintained in a state of good repair with paint or other surface finishing applied to ensure a neat and tidy appearance and the elimination of any hazard.

#### **Structural Soundness**

9. All parts of any building shall be so maintained as to have sufficient physical stability to resist the stresses to which they are subjected and be repaired or replaced as required to eliminate the possibility of hazard or accident.

## **Area and Occupancy of Buildings**

10. The physical occupancy of all buildings and the distribution of occupants as related to overcrowding, lighting, heating, ventilation, fire exits, fire protection, safety and hazards, etc., shall be taken into consideration based on local, provincial or national building codes.

## **Exterior Walls**

11. The exterior walls and their components shall be maintained so as to prevent deterioration or damage due to weather or accident and shall be so maintained by siding, or painting, as well as restoring, or repairing of the walls, coping, or flashing, by the water proofing of joints and of the walls themselves.

## **Foundation Walls**

12. In cases of foundation settlement, heaving, cracking or similar problems, the foundation walls shall always be kept in good condition so as to prevent the access of vermin or rodents. All foundation walls shall be maintained and treated so as to prevent the infiltration of water, and areas visible from the outside shall have a clean appearance.

## **Roofs**

13. All parts of roofs including metal works, gutters and rainwater drains shall be kept in good condition and be repaired or replaced when necessary in order to prevent any infiltration of water inside of the buildings.

## **Exterior Doors and Windows**

14. All exterior openings shall be fitted with doors and/or windows to prevent the infiltration of air, rain, or snow.
15. Window and door frames shall be caulked where necessary, and all moveable parts shall function normally and easily.
16. Doors, windows and screens as well as frames and casings shall be restored to good working condition or replaced whenever damaged or defective, and painted at regular intervals in order to protect them and maintain a neat and tidy appearance. All broken glass shall be replaced.

## **Balconies, Galleries, Catwalks, Stairways**

17. Balconies, galleries, catwalks, handrails, exterior or interior stairways, and generally all structures projecting from a main building shall be kept in good condition, repaired or

replaced when necessary, and be properly maintained at regular intervals so as to retain a neat appearance.

### **Walls and Ceilings**

18. Walls and ceilings shall be kept in good repair and be free of holes, cracks or other hazardous defects. Where fire and sound resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire and sound resistant quality.

### **Floors**

19. All floors shall be kept in good repair and free of holes, cracks, or other hazardous defects.

### **Fireplaces, Chimneys and Furnace Rooms**

20. Fireplaces, chimneys, furnace rooms and pipes of whatever type shall, at all times, be maintained in a safe efficient condition preventing any fire hazard or infiltration of combustible gases into buildings.

### **Vent and Elevator Shafts**

21. Vent and elevator shafts shall be kept in good repair, be clean and kept free of any obstruction. Moveable parts of all openings in shafts shall function normally.

### **Basic Equipment**

22. All existing basic equipment (including but not limited to plumbing fixtures, water pipes, private drains, heating systems, water heaters, and electric circuits) shall be maintained in good working order. All necessary repairs shall be made thereto and such equipment shall be replaced whenever necessary in order to provide for the comfort and health of the occupants and to protect them against fire or other hazards of any nature whatsoever. Lots shall be maintained so as to provide adequate surface drainage without erosion. All plumbing, pipes, fixtures, etc. shall be maintained to ensure sound condition for the expected useful life of the building and to ensure discharge of sewage or organic waste into the municipal system. All plumbing systems shall be maintained so as to provide adequate hot and cold water, drainage, venting and operation of all fixtures as required by The Plumbing and Drainage Regulations within the National Building Code. All existing wiring and electrical equipment shall be so maintained as to ensure safety and eliminate hazards as required by *The Electrical Inspection Act, 1993* and Regulations of the Province of Saskatchewan.

### **Waste Disposal**

23. Every property shall be provided with a sufficient number of receptacles to contain all waste in accordance with the Town's Waste Collection and Disposal Bylaw.

### **Removal and Demolition**

24. If a building is declared unfit for occupancy by the Designated Officer which cannot be maintained or which constitutes a hazard to the safety or health of the occupants or to the public, the Designated Officer must apply to Council for a resolution deeming the building be removed or demolished.
25. Upon resolution of the Council, all buildings declared unfit as under Section 24 shall be removed or demolished.

### **Vermin and Rodents**

26. All properties shall be so maintained as to eliminate any condition liable to bring about the existence or presence of vermin or rodents or to eliminate existing vermin or rodents.

## **PART III – NUISANCES**

### **Nuisances Prohibited Generally**

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

### **Dilapidated Buildings**

28. Notwithstanding the generality of Section 27, no person shall cause or permit any 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.



## **Maintenance of Yards**

29. Notwithstanding the generality of Section 27, no person shall cause or permit on any property owned by the person:
- (a) garbage and junk, including but not limited to graffiti, or the accumulation of cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials;
  - (b) Junked Vehicles and/or dismantled machinery;
  - (c) excessive growth of weeds or grass;
    - (i) for the purposes of this section, "excessive growth" means in excess of 15 centimeters (6 inches) in height; and
    - (ii) 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.
  - (d) Open excavations or holes that could cause an accident (including but not limited to 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).
  - (e) an infestation of rodents, vermin or insects;
  - (f) dead or hazardous trees
  - (g) sharp or dangerous materials; and
  - (h) Grass, trees, shrubs, or hedges that encroach from the property line onto any public right-of-way, sidewalk, or back alley.
30. A yard shall be graded in such a manner so as to prevent:
- (a) excessive ponding of water; and
  - (b) excessive dampness accumulating near buildings or structures.

## **Outdoor Storage of Materials**

31. Building materials, lumber, firewood, or similar items may be stored in a yard subject to the following:

- (a) shall be neatly stacked in piles;
  - (b) shall be elevated at least 15 centimetres (6 inches) off the ground so as not to constitute a nuisance or harbor for rodents, vermin and insects;
  - (c) shall be stacked at least 3.0 metres (10 feet) from the exterior walls of any building; and
  - (d) shall be stacked at least 1.0 metre (3 feet) from the property line.
32. Building materials stored on site during the construction of any building on a residential property shall not be subject to the provisions of section 31 above.

### **Storage of Containers**

33. All boxes, crates, barrels and other containers, empty or otherwise, used or kept in any building or on any lot, shall be:
- (a) neatly stacked clear of windows and doors to provide clear ingress and egress to any building; and
  - (b) kept away from any source of fire.
34. If, in the opinion of the Fire Chief or a Designated Officer, any accumulation of boxes, crates, barrels or other containers or packing materials constitutes a fire hazard, the Fire Chief or a municipal inspector may order the owner or occupant of the building or lot to remove the accumulation immediately.

### **Fences**

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

## **PART IV – ENFORCEMENT, OFFENCES, AND PENALTIES**

### **Enforcement of Bylaw**

36. The administration and enforcement of this Bylaw is hereby delegated to the Chief Administrative Officer of the Town of Nipawin.
37. The CAO of the Town of Nipawin is hereby authorized to further delegate the administration and enforcement of this Bylaw to another employee of the Town of Nipawin including, but not limited to, the Designated Officer or their authorized representative.

## **Inspections**

38. The Designated Officer is hereby authorized to carry out inspections in accordance with Section 362 of *The Municipalities Act* to determine compliance with this bylaw.
39. 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**

40. 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.
41. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
42. Orders given under this Bylaw shall be served in accordance with Section 390(1) of *The Municipalities Act*.
43. The Administrative Process to follow in issuing an Order to Remedy is outlined in Appendix A.
44. Issuing an Order to Remedy does not exempt the person from enforcement of an Notice of Violation pursuant to Section 52 of this Bylaw.

## **Registration of Notice of Order**

45. If an order is issued pursuant to Section 40, 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**

46. A person may appeal an order made pursuant to Section 40 in accordance with Section 365 of *The Municipalities Act*.

## **Municipality Remediating Contraventions**

47. 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.
48. In the event that it becomes an emergency to remedy a contravention of this Bylaw, 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*.

## **Offences and Penalties**

49. 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
50. Every person who contravenes any provision of Section 49 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;
  - (b) in the case of a corporation, to a fine of not more than \$25,000; and
  - (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.
51. If an individual is convicted of an offence pursuant to Section 49, 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.

## **Failure to Comply – Notice of Violation**

52. Notwithstanding the offences set out in Section 49 of this Bylaw, no person shall fail to comply with any other provision of this Bylaw.
53. Notwithstanding the penalties set out in Section 50 of this Bylaw, any person who contravenes any other provisions of this bylaw is liable on summary conviction to a fine of not less than the minimum penalty shown in Appendix C.
54. Every person who contravenes any provisions in this bylaw is liable on summary conviction to the increasing minimum penalties for each subsequent contravention made within 24 months, as shown in Appendix C.
55. The following procedure shall apply to contraventions of the Bylaw under Section 52:
- (a) a Designated Officer may issue a Notice of Violation to any person committing a contravention under Section 52. The notice shall require the person to pay to the Municipality the penalty set out in Appendix C;
  - (b) the fine may be paid:
    - (i) in person, during regular office hours, to the cashier located at Town Office, 210 2 Ave E, Nipawin, Saskatchewan;

- (ii) by deposit, at the depository located in front of the Town Office; or
  - (iii) by mail addressed to Town of Nipawin, c/o Bylaw Enforcement, PO Box 2134, Nipawin, SK S0E 1E0.
- (c) the amount of the fine under Appendix C shall be discounted in accordance with the amounts set out in Appendix C if paid within 15 calendar days of the date of the notice of bylaw violation. The date of payment shall be determined as follows:
- (i) for payment in person, the date of the payment shall be the date payment is received by the Municipality;
  - (ii) for payment by deposit, the date of payment shall be the date payment is deposited in the depository at The Town Office; or
  - (iii) for payment by mail, the date of payment shall be the post marked date on the remittance.
- (d) If payment of the fine as provided in Appendix C is not made within 30 calendar days of service of the Notice of Violation, such outstanding fine will be forwarded to a Collections Agency for pursuit at the Town's discretion.
- (e) If payment of the fine as provided in Appendix C is made within 60 calendar days of service of the Notice of Violation, the person shall not be liable to prosecution for that offence.
56. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 40 of this Bylaw.

#### **Excessive Nuisance Abatement Fees**

57. Any repeat nuisance service calls will be subject to the following additional penalty:
- (a) Where police, the Designated Officer, or Town officials have been required to respond to three (3) or more nuisance service calls for a single residential property within a twelve (12) month period in response to a violation of this Bylaw, the Town may impose upon the owner of the residential property an Excessive Nuisance Abatement Fee.
  - (b) The Excessive Nuisance Abatement Fee shall be in accordance with the amounts prescribed in Appendix B of this Bylaw.
  - (c) The Excessive Nuisance Abatement Fee shall be added to the penalty amounts set out in Appendix C and served upon the person contravening the Bylaw as outlined in Section 55.

58. If the Excessive Nuisance Abatement Fees are not paid in full before the 31<sup>st</sup> day of December in the year received, upon written notice to the owner, the amount shall be added to and form part of the taxes on the residential property, as taxes in arrears, in accordance with s. 369 of *The Municipalities Act*.
59. Nothing in this Section shall be construed to limit the Town's other available remedies for violation of this or any other Town bylaw.

#### **Notice of Violation Forms**

60. All violations and associated notices will be given in accordance to Bylaw No. 1090/19 known as the General Penalty Bylaw.

#### **Recovery of Unpaid Expenses and Costs**

61. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw may be recovered either:
  - (a) 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*;
  - (b) through submission to a Collection Agency; and/or
  - (c) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*.

#### **Severability**

62. In the event that any portion of this Bylaw is declared by a Court of competent jurisdiction to be invalid, then such portion shall be deemed to be severed from the Bylaw to that extent and the remainder of the Bylaw shall continue in force and effect.

#### **Compliance With Other Statutes and Bylaws**

63. This Bylaw is not intended to relieve any person from complying with any other statute, regulation or Bylaw relating to building construction and repair, fire safety or public health.

#### **Repeal of Former Bylaws**

64. Bylaw No. 1091/19 and all amendments thereto are hereby repealed.

**Coming Into Force**

65. This Bylaw shall come into force on final passing thereof.



*Levin Harper*  
Mayor

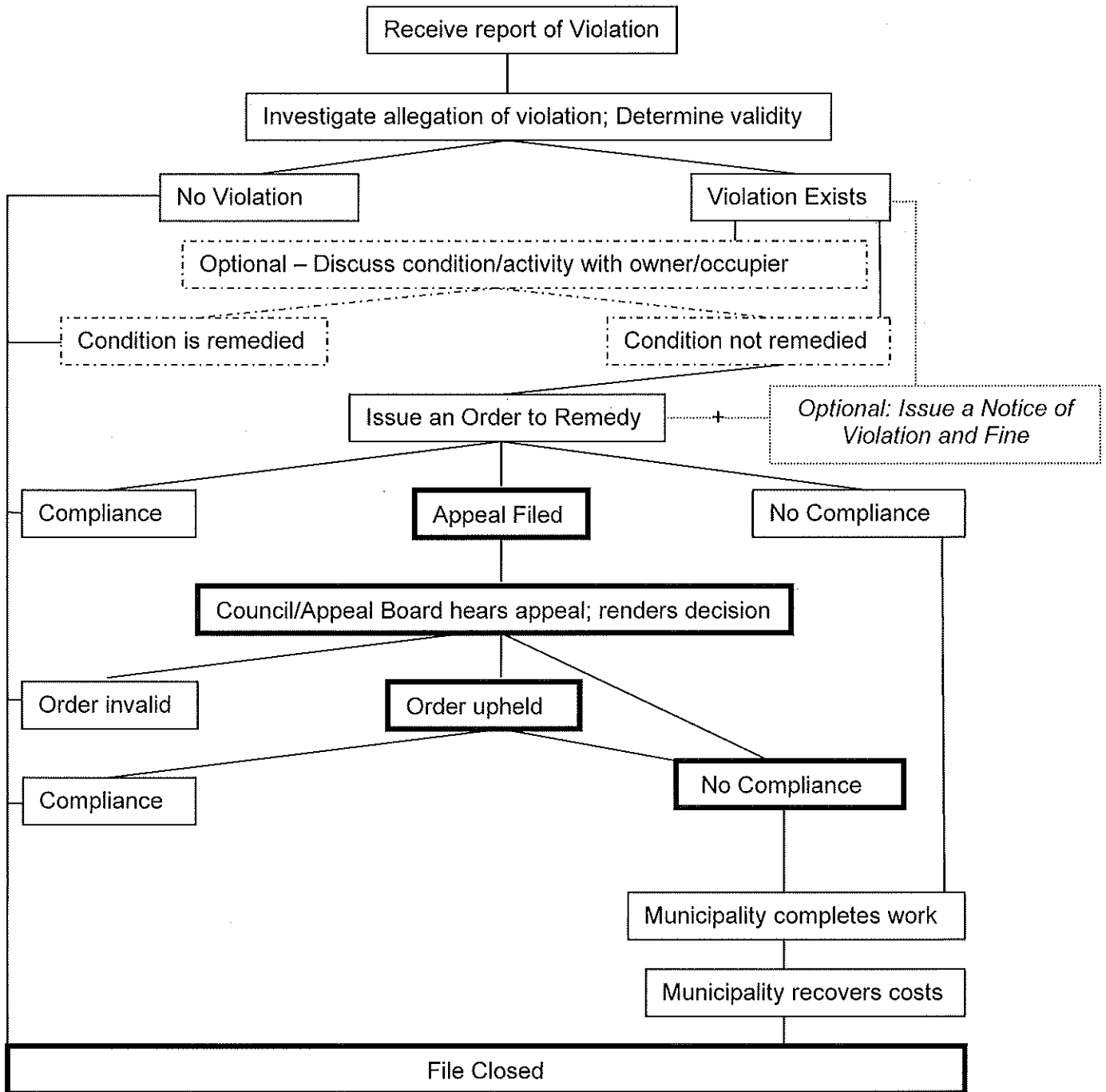
*Michelle Pritchard*  
Chief Administrative Officer

Read a third time and  
finally adopted this

12 day of September, 2022

APPENDIX A – ADMINISTRATIVE PROCESS ORDER TO REMEDY

DESIGNATED OFFICER WITH FULL AUTHORITY:





**APPENDIX B – EXCESSIVE NUISANCE ABATEMENT FEES**

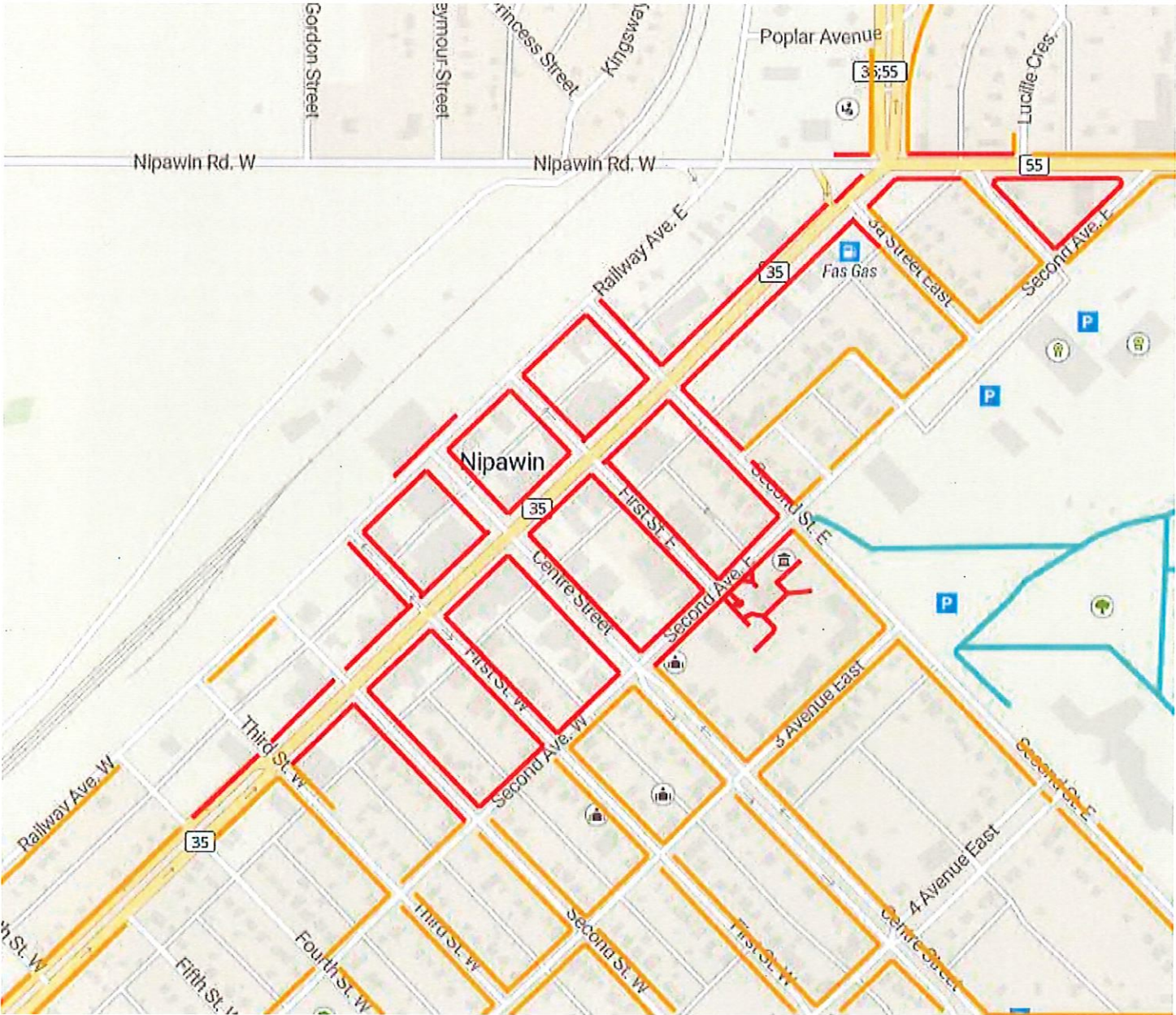
- |   |                                |
|---|--------------------------------|
| 1. Police Nuisance Response and Abatement Service Call:     | \$195.00/call                  |
| 2. Town Staff Nuisance Response and Abatement Service Call: | \$50.00/hr                     |
| 3. Administration Fee:                                      | 10% on Total Service Call Fees |

**APPENDIX C – MINIMUM PENALTIES**

**IN THE MATTER OF THE PROPERTY MAINTENANCE AND NUISANCE ABATEMENT  
BYLAW NO. 1091/19**

| Offence Pursuant to<br><br>The Property Maintenance and Nuisance<br>Abatement Bylaw, 2019 |                         | Penalty (Fine)                                |               |
|---|-------------------------|---|---------------|
|   |                         | Time of Issuance<br><br>(paid within 15 days) | After 15 days |
| Section 51: Failure to<br>Comply With an<br>Order to Remedy<br>Contravention              | 1 <sup>st</sup> Offence | \$100.00                                      | \$250.00      |
|   | 2 <sup>nd</sup> Offence | \$150.00                                      | \$500.00      |
|   | 3 <sup>rd</sup> Offence | \$200.00                                      | \$750.00      |
| Failure to Comply<br>With Any Other<br>Provision of This<br>Bylaw                         | 1 <sup>st</sup> Offence | \$100.00                                      | \$250.00      |
|   | 2 <sup>nd</sup> Offence | \$150.00                                      | \$500.00      |
|   | 3 <sup>rd</sup> Offence | \$200.00                                      | \$750.00      |

APPENDIX "D" – DOWNTOWN AREA SNOW REMOVAL MAP



Legend:

Red lines – Priority 1 Areas

Orange lines – Priority 2 Areas

