



ST. WALBURG

BYLAW 2022 – 06

A BYLAW OF THE TOWN OF ST. WALBURG

Maintenance of Property and Nuisance Abatement Bylaw

The Council of the TOWN of ST. WALBURG in the Province of Saskatchewan enacts the following:

PART I: INTERPRETATION

Purpose of Bylaw

1. The purpose of this Bylaw is to regulate the appropriate maintenance of property and the abatement of nuisances, including property, activities, or things on privately owned property, that adversely affect the:
 - a. Health, safety, and welfare of people in the neighbourhood;
 - b. Use and enjoyment of owner and occupants' property;
 - c. Property value and community appeal; or
 - d. Amenity of a neighbourhood.

Responsibility

2. The owner or occupant of a property including buildings, lands, and structures shall be responsible to carry out the provisions of this Bylaw.
3. Nothing in this Bylaw alters or amends the obligations of the owner or occupant of a property to comply with the current adopted edition of the *National Building Code of Canada* and any amendments thereto.
4. The Designated Officer(s) shall be responsible to consult with Council and shall review properties from time to time or on the request of Council with a view to reporting on compliance with this Bylaw.

PART II: PROPERTY MAINTENANCE AND NUISANCE ABATEMENT

Dilapidated and Unoccupied Buildings

5. A building or structure shall not be permitted to deteriorate into a damaged, dilapidated, or ruinous state that is or causes:
 - a. Danger to public health or safety; or
 - b. Shows signs of serious disregard and damage of general maintenance and upkeep; or
 - c. Depreciation to the value of other property or improvements in the neighbourhood; or
 - d. Detrimental to the amenities of the neighbourhood.

Accessory buildings and structures

6. An accessory building and structures shall be kept in good repair:
 - a. Free of infestation by insects, rodents, vermin; and
 - b. Free of fire, health, and safety hazards.

Maintenance of Yards

7. Property including buildings, lands and structures shall be properly maintained and groomed to ensure public health and safety, including but not limited to:

 Mayor Nancy Schneider

 Chief Administrative Officer Shiloh Bronken

- a. Any sharp or dangerous objects, hazardous material, or junked vehicles shall be promptly removed;
- b. Fences, decks, and railings shall be maintained in a reasonable state;
- c. Open excavations shall only be permitted for building purposes and must not pose a danger;
- d. Any building materials, metals, or similar items stored in a yard shall be neatly stacked in piles so as not to constitute a nuisance or harborage for insects, rodents, and vermin;
- e. Garbage and refuse shall be promptly disposed to keep the property free from rubbish and other debris which might constitute fire, health, or safety hazard; and
- f. A person shall not temporarily place a refrigerator, freezer, or other similar appliances on land they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.

PART III: ENFORCEMENT, INSPECTIONS, OFFENCES AND PENALTIES

Enforcement of Bylaw

8. Enforcement of this Bylaw is hereby delegated to the Designated Officer of the Municipality.
9. Enforcement, inspections, orders, and penalties will be administered as per Sections 364 to 380 of *The Municipalities Act*.

Emergencies

10. The Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with Section 367 of *The Municipalities Act*.

Severability

11. In the event that any portion of this Bylaw is declared to be *Ultra Vires* by a Court of competent jurisdiction, 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 Bylaw

12. This Bylaw is not intended to relieve any owner or occupant from complying with any other statute, regulation or bylaw relating to building construction, fire, safety, or public health.

PART IV: DEFINITIONS

12. The definitions are to provide clarity and understanding of this Bylaw and the intentions therein:

- a. **Accessory building** means an accessory building within the meaning of the Municipality's Zoning Bylaw.
- b. **Building** means, subject to the regulations, any structure used or occupied or intended for supporting or sheltering any use or occupancy and includes a trailer, mobile home, or portable shack that:
 - i. is situated within the municipality for a period of more than 30 days; and
 - ii. is not:
 - 1. in storage; or
 - 2. a travel trailer;
- c. **Council** means the Mayor and Council of the Town of St. Walburg;
- d. **Damaged** means unwelcome and detrimental effects;
- e. **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;
- f. **Dilapidated** means (of a building or object) in a state of disrepair or ruin as a result of age or neglect;
- g. **Junked vehicle** means any automobile, tractor, truck, trailer, or other vehicle that:
 - i. Either:
 - 1. Has no valid licence plates attached to it;
 - 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;
- h. **Municipality** means the Town of St. Walburg;
- i. **Nuisance** means a condition of property, a person, a thing, or an activity, that is causing inconvenience or annoyance and adversely affects or may adversely affect, including by not limited to:
 - 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:
 - 1. A building in a ruinous or dilapidated state of repair which may contain graffiti which is any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence, or other structure, however made, or otherwise affixed land that is consistently overgrown with grass and weeds;
 - 2. An unoccupied building that is damaged or in a ruinous state and is an imminent danger to public safety;
 - 3. Land that is overgrown;

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4. Untidy and unsightly property;
 5. Junked vehicles;
 6. Open excavations on property;
- j. **Occupant** means:
- i. a person residing on land or in a building;
 - ii. a person entitled to the possession of land or a building if there is no person residing on the land in the building; or
 - iii. a leaseholder.
- k. **Owner** means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant, or mortgagee;
- l. **Property** means land or buildings or both;
- m. **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; and
- n. **Ultra Vires** means acting or done beyond one's legal power or authority.

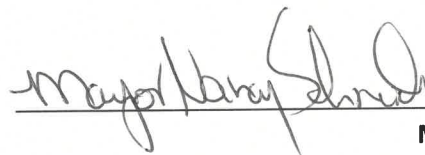
This Bylaw shall come into force and take effect upon the final passing thereof.

The following Bylaw and all Amendments are hereby repealed:

- Bylaw 2021-08

{Seal}




Mayor


Chief Administrative Officer

This Bylaw given first reading at the June 22, 2022, Regular Meeting of Council.

Chief Administrative Officer

This Bylaw given second and third reading with adoption at the July 14, 2022 Regular Meeting of Council.


Chief Administrative Officer