

LAST MOUNTAIN REGIONAL PARK

BYLAW NO. 002-2016

Nuisance Abatement Bylaw

A **BYLAW** of the Last Mountain Regional Park Authority, in the Province of Saskatchewan, to provide the abatement of nuisances within the Last Mountain Regional Park.

THE LAST MOUNTAIN REGIONAL PARK AUTHORITY, IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

Short Title

1. This bylaw shall be cited as *The Nuisance Abatement Bylaw*.

Purpose

2. The purpose of this Bylaw is to provide for the removal of wastes and the prevention of litter and other nuisances within the Last Mountain Regional Park.

Definitions

3. In this Bylaw:

- a) “building” means any structure used or occupied or intended for supporting or sheltering any use or occupancy, and includes a cabin, trailer, mobile home or portable shack that is situated within the Park;
- b) “Designated Officer” means:
 - 1. an employee or agent of the Park appointed by the Park Authority to act as an inspector for the purposes of this Bylaw;
 - 2. the Park Administrator; and
 - 3. any member of the Park Authority;
- c) “junked vehicle” means any automobile, tractor, 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, partly dismantled, inoperative or abandoned condition; and
 - (ii) is located upon a site, but that is not within a structure erected in accordance with any bylaw respecting the erection of buildings and structures in force within the Park or otherwise approved by the Park Authority;

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- d) “lease” means a lease between any person and the Park Authority for the use and occupation of an area of Park land as specified within the lease;
- e) “leaseholder” means a person who holds a lease with the Park Authority and includes a person who holds a lease with respect to a cabin site and a person who holds a lease with respect to a permanent trailer site;
- f) “permit” means a permit issued by the Park Authority to a person for the use and occupation of an area of Park land specified within the permit;
- g) “permit holder” means a person who holds a permit from the Park Authority;
- h) “Park” means the Last Mountain Regional Park;
- i) “Park Authority” means the Last Mountain Regional Park Authority;
- j) “site” means any lot or campsite within the Park with respect to which a leaseholder or permit holder, as the case may be, holds a lease or permit;
- k) “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;
- l) “water vessel” includes a boat, canoe, raft or other amphibious craft.

Responsibility

- 4. Unless otherwise specified, all users of the Park shall be bound by and responsible for carrying out the provisions of this Bylaw.
- 5. Where this bylaw relates to a site, the leaseholder or permit holder, as applicable, shall be bound by and responsible for carrying out the provisions of this Bylaw.

Nuisances Prohibited Generally

- 6. No person shall cause or permit a nuisance to occur within the Park.
- 7. No permit holder or leaseholder shall cause or permit a nuisance to occur within or upon that person’s site.

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Site Maintenance

8. Notwithstanding the generality of Sections 6 and 7, every leaseholder or person who maintains a site, building or structure on Park land shall maintain the site, building or structure:
 - a. In a reasonable state of repair; and
 - b. In a clean and satisfactory state.

9. (1) All sites shall be maintained in accordance with the minimum standards prescribed in this section.

- (2) Every occupant of a site shall:
 - a. Keep in clean and sanitary condition that part of the site which the occupant occupies or controls;
 - b. Maintain exits to the exterior of any building in a safe and unobstructed condition;
 - c. Dispose of garbage and refuse and keep the site free from rubbish and other debris which might constitute fire, health or safety hazards; and
 - d. Keep any supplied fixtures or facilities clean and sanitary and exercise reasonable care in their proper use and operation.

- (3) On the expiration or cancellation of a permit or lease, or when a permit holder or leaseholder vacates a site, the permit holder or leaseholder shall ensure that:
 - a. the site is vacated by all persons occupying the site under the permit or lease;
 - b. all shelters, equipment and other possessions belonging to the persons mentioned in sub clause (a) are removed; and
 - c. all liquid and solid wastes created by the persons mentioned in sub clause (a) are moved and disposed of in accordance with the guidelines of the Park.

10. Notwithstanding the generality of Sections 6 and 7, no person shall cause or permit on any site:
 - a. An infestation of rodents, vermin or insects;
 - b. Any dead or hazardous trees;
 - c. Any sharp or dangerous objects;
 - d. Garbage and junk;
 - e. Dismantled machinery; or
 - f. Holes and excavations that could cause an accident.

11. Notwithstanding the generality of Sections 6 and 7, no person shall cause or permit any site, building or structure to become untidy and unsightly due to graffiti or the accumulation of new or used lumber, cardboard, paper, newspaper, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.

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Junked Vehicles

12. Notwithstanding the generality of Sections 6 and 7, no person shall cause or permit any junked vehicle to be kept on any site occupied by that person.

Overgrown Grass and Weeds

13. (1) Notwithstanding the generality of Sections 6 and 7, no leaseholder shall cause or permit the site to be overgrown with grass or weeds.

(2) For the purpose of this section, “overgrown” means in excess of 0.20 meters in height.

(3) 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.

Open Excavations

14. Notwithstanding the generality of Sections 6 and 7, 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 site or in or about any building or structure which is dangerous to the public safety or health.

Outdoor Storage of Materials

15. (1) Any building materials, lumber, scrap metal, boxes or similar items stored on a site 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.

(2) Materials referred to in subsection 15(1) shall be elevated at least 0.15 meters off the ground and shall be stacked at least 3.0 meters from the exterior walls of any building and at least 1.0 meter from the site boundary.

Excessive Noise and Offensive Behavior

16. No person within the Park shall create or cause, or allow to be created or caused any loud or unnecessary noise.

17. “Noise” as referred to in section 16 includes:

- a) a noise from a vehicle, a part of a vehicle or anything or substance that the vehicle or part of the vehicle comes into contact with;

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- b) a noise, including barking or howling, from a domestic animal, over which a person has custody or control.
18. No person shall:
- a) Annoy, be or cause or a nuisance to, or disturb any other person within the Park without lawful cause; or
 - b) Interfere with the rights of other persons to quiet and peaceful enjoyment of the Park.
19. Without limiting the generality of section 18, no person shall cause a disturbance to others or hinder Park employees in the performance of their duties by:
- a) Fighting;
 - b) Swearing or using obscene language; or
 - c) Impeding or molesting other persons.

Removal of Vehicles, Water Vessels and Ice Fishing Shacks

20. A Designated Officer may cause to be removed and stored in a suitable place, at the expense of the owner:
- a) Any vehicle parked or left on Park land (excluding a site) in contravention of the rules and regulations of the Park;
 - b) Any vehicle, water vessel or ice fishing shack that is in a rusted, wrecked, partly wrecked, dismantled or partly dismantled condition and that has apparently been abandoned within Park land.
21. The Designated Officer may cause a vehicle, water vessel or ice fishing shack that is removed and stored pursuant to section 20 to be released to the owner of the vehicle, water vessel or ice fishing shack if the owner:
- a) Presents information satisfactory to the Designated Officer proving that he or she is the owner;
 - b) Pays the costs incurred by the Park Authority to remove and store the vehicle or water vessel; and
 - c) In the case of a vehicle, water vessel or ice fishing shack removed and stored pursuant to subsection 20(b), satisfies the Designated Officer that the vehicle or water vessel will not again be abandoned or be a nuisance on Park land.

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22. If a vehicle, water vessel or ice fishing shack that is removed and stored pursuant to section 20 is not claimed by the owner in accordance with section 21 within 90 days, the Designated Officer may dispose of the vehicle or water vessel in any manner that the Designated Officer considers appropriate.
23. The costs of removing, storing and disposing of a vehicle, water vessel and ice fishing shack pursuant to sections 20-22 are a debt due to the Park Authority by the owner of the vehicle, water vessel or ice fishing shack.

Litter and Pollution

24. No person shall leave or dispose of any glass, bottles, cans, cartons, bags, garbage, paper, dirt, gravel, tree limbs or similar refuse on Park land except in a place or receptacle provided by the Park for the purpose.
25. No person shall pollute, contaminate or cause injury to waters in or adjacent to Park land.
26. No person shall fail to comply with any instruction posted on Park land by the Park Authority respecting disposal of garbage or ashes.

Enforcement of Bylaw

27. The administration and enforcement of this Bylaw is hereby delegated to the Park Authority and Park Manager for the Park.
28. The Park Administrator is hereby authorized to further delegate the administration and enforcement of this Bylaw to any other party deemed appropriate by the Administrator.
29. The inspection of property by the Park to determine if this Bylaw is being complied with is hereby authorized.
30. Where an inspection pursuant to this Bylaw involves a private dwelling, the inspection shall be carried out in accordance with Section 362 of *The Municipalities Act*, which shall be deemed to apply, *mutatis mutandi*, with any necessary modifications required by the context.
31. 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.
32. A Designated Officer may evict from the Park any individual who is in non-compliance with any provision of this Bylaw and who fails to comply when requested to do so by a Designated Officer.

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33. If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, require the person to which the contravention relates to remedy the contravention. The order must:

- a) Give notice to the person to whom the order is directed that an appeal is available;
- b) Advise as to the body to which an appeal should be directed; and
- c) Be served upon the person to whom the order is directed in one of the following manners:
 - i. Personally;
 - ii. By registered mail to the last known address of the person by served;
 - iii. By hand delivering a copy of the notice to the last known address of the person being serviced;
 - iv. By posting a copy of the notice at the site, building or structure or on a vehicle to which the order relates

34. An order pursuant to Section 33 may do all or any of the following:

- a) direct a person to stop doing something, or to change the way in which the person is doing it;
- b) direct a person to take any action or measures necessary to remedy the contravention of this Bylaw and, if necessary, to prevent a recurrence of the contravention, including:
 - i. removing or demolishing a structure that has been erected or placed in contravention of the bylaw; or
 - ii. requiring the person responsible for a site, building or structure to:
 - eliminate a danger to public safety in the manner specified;
 - remove or demolish a building or structure and level the site;
 - fill in an excavation or hole and level the site; or
 - improve the appearance of the site, building or structure in the manner specified
- c) state a time within which the person must comply with the directions;
- d) state that if the person does not comply with the directions within a specific time, the Park Authority may take the action or measure at the expense of the person.

Appeal of Order to Remedy

35. A person may appeal an order made pursuant to Section 33 to the Park Authority. The process set out in Section 365 of *The Municipalities Act* shall apply to an appeal pursuant to this section, with such modification as the context requires.

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Park Authority Remedying Contraventions

36. The Park Authority may take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
37. In an emergency, the Park Authority may take whatever actions or measures are necessary to eliminate the emergency.

Recovery of Unpaid Expenses and Costs

38. Any unpaid expenses and costs incurred by the Park Authority in remedying a contravention are a debt due and owing by the person responsible for the contravention and may be recovered by civil action for debt in a court of competent jurisdiction.

Offences and Penalties

39. 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.
40. 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 Park Authority will accept voluntary payment in the sum of Two Hundred and Fifty Dollars (\$250.00) to be paid to the Park Authority within thirty (30) days.
41. Where the Park Authority receives voluntary payment of the amount prescribed under Section 40 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
42. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 33 of this Bylaw.
43. Every person who contravenes any provision of Section 39 is guilty of an offense 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.

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Coming Into Force

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

Certified a true copy of the original
Bylaw passed by the resolution of the
Park Authority present at their regular meeting Held
on the ____ day of _____, 2016.

Administrator