

VILLAGE OF BETHUNE

BYLAW NO. 2025-05

A BYLAW ON THE ABATEMENT OF NUISANCES AND NOISE

Whereas, pursuant to Clause 8(1)(d) of *The Municipalities Act*, a municipality is authorized to make bylaws respecting nuisances, including property, activities or things that affect the amenity of a neighbourhood.

The Council of the Village of Bethune, in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS

In this Bylaw, including this section:

- 1.1 **Act** shall mean *The Municipalities Act*, 2005, as amended or repealed and replaced from time to time.
- 1.2 **Administrator** shall mean the employee or representative of the Municipality tasked with enforcing this Bylaw, or their delegate.
- 1.3 **Agricultural Operations** shall mean any site characterized by the following activities, including but not limited to:
 - a. cultivating land;
 - b. raising livestock or animals;
 - c. processing agricultural products; and
 - d. operating agricultural machinery.
- 1.4 **Building** shall mean a building as defined in the Act.
- 1.5 **Council** shall mean the Council of the Municipality.
- 1.6 **Designated Officer** shall mean an employee or representative of the municipality, a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, Community Safety Officer, Development Officer, Chief Operating Officer, or Administrator.
- 1.7 **Good Repair** shall mean the condition of property when none of the following is present:
 - a. significant damage;
 - b. peeling surfaces;

- c. broken, missing, or fallen parts; or
 - d. rot or significant deterioration.
- 1.8 **Graffiti** shall mean any image, lettering, or scratching scrawled, painted, or marked in any manner on property without the consent of the property owner.
- 1.9 **Junked Vehicle** shall mean any vehicle that:
 - a. has no valid license plate attached to it or is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative, or abandoned condition; and
 - b. is located on private land, but that:
 - i. is not stored wholly within:
 - A. a garage; or
 - B. a carport with a vehicle cover that fully covers the vehicle;
 - ii. does not form a part of a business lawfully operated on that land.
- 1.10 **Municipality** shall mean the Village of Bethune.
- 1.11 **Nuisance** shall mean a condition of property, or a thing, or an activity that adversely affects, or may adversely affect the safety, health, or welfare of people, people's use and enjoyment of their property, or the attractiveness of the Municipality, 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, or land that is overgrown with grass and weeds to an extent that, in the opinion of a Designated Officer, is excessive or demonstrates neglect;
 - c. untidy and unsightly property or property that is not in a state of good repair;
 - d. open excavation on property; and
 - e. noise that would annoy, disturb, injure, or endanger any reasonable person.
- 1.12 **Occupant** shall mean occupant as defined in the Act.
- 1.13 **Owner** shall mean owner as defined in the Act.
- 1.14 **Person** shall mean any company, corporation, owner, partnership, firm, association, society, party, or tenant.

- 1.15 **Vehicle** shall mean vehicle as defined in *The Traffic Safety Act*, 2004, as repealed and replaced from time to time, and that has a vehicle registration class of A, C, D, L, LV, PV, PS, MT, PT, PB, PC, and shall include all terrain vehicle as defined in *The All Terrain Vehicles Act*, 1989, as repealed and replaced from time to time.

2. GENERAL REGULATIONS

- 2.1 This bylaw may be cited as "The Nuisance & Noise Abatement Bylaw."
- 2.2 Unless otherwise specified, the owner of a property, including land and buildings, shall be responsible for carrying out the provisions of this Bylaw.
- 2.3 No person shall cause or permit a nuisance to occur on any property owned by that person.
- 2.4 Pursuant to 2.3, nuisance caused by unsightly premises will be evaluated relative to adjacent lands and land uses, or other lands and land uses in the vicinity.
- 2.5 Pursuant to 2.3, nuisance caused by noise likely to annoy or disturb other persons will be evaluated with consideration for:
- a. the time of day;
 - b. the proximity to residential or commercial sleeping facilities;
 - c. the duration and volume of the noise;
 - d. the noise's recurrence as either intermittent or constant; and
 - e. other considerations deemed relevant by the Designated Officer.
- 2.6 No person shall permit the production of generally offensive odours, unless produced through reasonable and generally accepted agricultural operational practice.
- 2.7 No person shall throw, place, deposit, or leave any dirt, stones, filth, or garbage on any street, sidewalk, land, or other public place in the Municipality.

3. BUILDINGS

- 3.1 Notwithstanding the generality of Section 2, no person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool, or other building to exist in or on any private land, or in or about any building, which is dangerous to public safety or health.
- 3.2 Notwithstanding the generality of Section 2, no person shall cause or permit a building to become damaged or deteriorate into a state of disrepair or dilapidation such that the building:

- a. is dangerous to public health or safety;
- b. substantially depreciates the value of other land or improvements in the Municipality;
- c. is substantially detrimental to the attractiveness of the Municipality due to lack of repair or maintenance, including:
 - i. significant deterioration;
 - ii. broken or missing windows, siding, shingles, shutters, eaves, or other building material; or
 - iii. significant fading, chipping, or peeling of painted areas; or
- d. has any graffiti displayed on it that is visible from any surrounding property.

4. YARD MAINTENANCE

- 4.1 Notwithstanding the generality of Section 2, no person shall cause or permit any land or building to become untidy or unsightly.
- 4.2 The owner of any property shall ensure that all fences are maintained in a safe and state of good repair free from graffiti.
- 4.3 Notwithstanding the generality of Section 2, no owner or occupant of land shall cause or permit any junked vehicle to be kept on any land.
- 4.4 Notwithstanding the generality of Section 2, 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.
- 4.5 Building materials, lumber, scrap metal, boxes, or similar stored on a property shall be neatly stacked in piles and elevated off the ground so as not to constitute a nuisance or harborage for rodents, vermin, or insects.
- 4.6 No person may store building materials, lumber, scrap metal, boxes, or similar on a property, without intention to build, for more than 2 years.
- 4.7 Notwithstanding the generality of Section 2, no owner or occupant of land shall cause or permit the land to be overgrown with grass or weeds, and for the purpose of this clause:
 - a) "overgrown" shall mean in excess of 0.20 metres in height;

- b) 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; and
 - c) noxious weeds are not permitted and are subject to *The Weed Control Act*, 2010, as amended or repealed and replaced from time to time.
- 4.8 A composting container or composting pile that does not create offensive odours or attracts nuisance animals shall not be considered a nuisance.

5. NOISE

- 5.1 No person shall operate a household yard maintenance device powered by an engine of any description between 10:00 PM and 7:00 AM the following day.
- 5.2 No person who owns, keeps, houses, harbours, or allows to stay on their premises a dog or any animal shall allow or permit the animal, by reason of barking, howling, or creating any other noise, to disturb the comfort of other persons in the vicinity of the premises.
- 5.3 Unless granted permission by the Administrator, no person shall operate or allow to operate any construction equipment capable of creating a sound beyond the boundaries of the site where the activity is being carried out between 10:00 PM and 7:00 AM the following day.
- 5.4 Where permitted by this bylaw, a person wishing to obtain permission to operate construction equipment within the hours prohibited by this Section shall apply to the Administrator in writing.
- 5.5 Notwithstanding any provisions of this Section, this Section shall not apply to any person who emits or causes to emit noise in connection with any life-saving duty or any person acting in an emergency situation.
- 5.6 Notwithstanding any provisions of this Section, this Section shall not apply to reasonable and generally accepted agricultural operations.

6. INSPECTION, ENFORCEMENT, AND PENALITIES

- 6.1 The administration and enforcement of this Bylaw is hereby delegated to a Designated Officer.
- 6.2 The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.

- 6.3 Any person who contravenes any provision of this Bylaw, or obstructs, interferes with, or hinders a Designated Officer in the performance of their duties is guilty of an offence pursuant to this Bylaw.
- 6.4 Inspections under this Bylaw shall be carried out in accordance with Section 362 of the Act.
- 6.5 Inspections done to determine if Section 4 is being complied with will occur approximately every 2 to 6 weeks from the first Monday of May to the last Monday in September in any given year.
- 6.6 Any person contravening any provision of this Bylaw is guilty of an offence and liable on summary conviction:
- a) in the case of an individual, to a fine of not more than \$500.00 plus any applicable surcharge imposed pursuant to *The Victims of Crime Regulations*;
 - b) in the case of a corporation, to a fine of \$2,500.00 plus any applicable surcharge imposed pursuant to *The Victims of Crime Regulations*; and
 - c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.
- 6.7 If a Designated Officer finds that a person is in contravention of Sections 3 or 4, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- 6.8 Orders given pursuant to this Bylaw shall comply with Section 364 of the Act.
- 6.9 Orders given pursuant to this Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of the Act.
- 6.10 If an order is issued, the Municipality may, in accordance with Section 364 of the 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.
- 6.11 A person may appeal an order in accordance with Section 365 of the Act.
- 6.12 The Municipality may, in accordance with Section 366 of the Act, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
- 6.13 Pursuant to 6.12, the Municipality may, in accordance with Section 369 of the Act, add unpaid expenses and costs to the tax roll of a parcel where the Municipality has incurred costs in remedying a contravention of this Bylaw.

- 6.14 Where any person makes payment within 14 days of the date of the offence, the fine shall be 50% of the penalty amount.
- 6.15 All disputes arising from the administration of this Bylaw shall be referred to Council, and Council shall be the final authority in all cases.

7. SERVERABILITY

- 7.1 The provisions of this Bylaw shall not apply to Designated Officers.
- 7.2 This Bylaw shall not be construed to hold the Municipality or its agents responsible or liable for any damages to persons or property caused as a result of the administration of the Bylaw.
- 7.3 If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw. The part, section, sentence, clause, phrase, or other portion of this Bylaw is to be deemed a separate, distinct, and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

8. REPEAL

- 8.1 Bylaw No. 1/91, Bylaw No. 2010/6 and Bylaw No. 13/2005, and all subsequent amendments are hereby repealed.

9. COMING INTO FORCE

- 9.1 This Bylaw shall come into force and take effect on the final passing thereof.



Read a third time and adopted
this 17th day of December, 2025.


Mayor


Administrator