

**CITY OF MELVILLE
BYLAW NO. 4/03**

**(CONSOLIDATED FOR OFFICE USE ONLY)
INCLUDES AMENDMENTS 16/04**

**The Property Maintenance & Nuisance
Abatement Bylaw**

The Council of The City of Melville enacts:

Short Title

1. This Bylaw may be cited as The Property Maintenance & Nuisance Abatement Bylaw, 2003.

Purpose

2. The purpose of this Bylaw is to provide for the proper maintenance of property and the abatement of nuisances, including property, activities or things that:
 - (a) affect the safety, health and welfare of people in the neighbourhood; or
 - (b) affect the amenity of a neighbourhood.

Definitions

3. In this Bylaw,
 - (a) “building” means a building within the meaning of *The Cities Act*;
 - (b) “City” means The City of Melville;
 - (c) “Council” means the Council of The City of Melville;
 - (d) “junked vehicle” means any automobile, tractor, truck, trailer or other vehicle that has no valid license plate attached to it and is in a severely rusted, wrecked, partly wrecked, dismantled, partly

dismantled, inoperative or abandoned condition, and is located on private land, but that is not within a structure erected in accordance with any law respecting the erection of buildings and structures enforced within The City of Melville, and does not form a part of a business enterprise lawfully being operated on that land.”

“nuisance” means:

(i) a condition of property;

(ii) a thing;

(iii) a plant; or

(iv) an activity;

that affects or may affect the amenity of a neighbourhood or the safety, health and welfare of people in the neighbourhood, and includes:

(v) a building in a ruinous or dilapidated state of repair;

(vi) an unoccupied building that is damaged and is an imminent danger to public safety;

(vii) land that is overgrown with grass and weeds;

(viii) untidy and unsightly property;

(ix) junked vehicles;

(x) open excavations on property;

(f) “occupant” means an occupant as defined in *The Cities Act*;

(g) “owner” means an owner as defined in *The Cities Act*;

(h) “property” means land or buildings or both;

(i) “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.

Responsibility

4. Unless otherwise specified, the owner shall be responsible for carrying out the provisions of this Bylaw.

Nuisances Prohibited Generally

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

Dilapidated Buildings

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; or
 - (b) substantially depreciates the value of other land or improvements in the neighbourhood.

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.
 - (1) 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.
 - (2) For the purposes of this section, "overgrown" means in excess of twenty (20) centimetres in height.
 - (3) This section shall not apply to any growth which forms part of a natural garden that has been deliberately implemented to produce ground cover, including one (1) 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

9. Notwithstanding the generality of section 5, no person shall cause or permit any land or buildings to become untidy and unsightly due to the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels or other waste materials or junk.

Junked Vehicles

10. 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.

Open Excavations

11. 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.

Inspections

12. (1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) The power to inspect property under this Bylaw is hereby delegated to the City Manager.
- (3) The City Manager is hereby authorized to further delegate the power to inspect under this Bylaw to inspectors employed by the City of Melville.
- (4) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (5) No person shall obstruct a bylaw inspector who is authorized to conduct a inspection under this section, or a person who is assisting a bylaw inspector.
- (6) Every person who contravenes subsection (5) is guilty of an offence and liable on summary conviction to the penalties prescribed in section 19.

Order to Remedy Contraventions

13. (1) If an inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (2) Orders given under this Bylaw shall comply with section 328 of *The Cities Act*.
- (3) Orders given under this Bylaw shall be served in accordance with section 347 of *The Cities Act*.

Appeal of Order to Remedy

14. (1) A person may appeal an order made pursuant to section 13 in accordance with section 329 of *The Cities Act*.
- (2) Appeals shall be made initially to Council

City Remedying Contraventions

15. The City may, in accordance with section 330 of *The Cities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

Civil Action to Recover Costs

16. The City may, in accordance with section 332 of *The Cities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

Adding Amounts to Tax Roll

17. The City may, in accordance with section 333 of *The Cities Act*, add any unpaid expenses and costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

Emergencies

18. In the event that it becomes an emergency to abate a nuisance, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 331 of *The Cities Act*.

Offences

19. Every person who fails to comply with an order to remedy a contravention of this Bylaw is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine not exceeding *\$10,000* and, in the case of a continuing offence, to a further fine not exceeding *\$10,000* for each day during which the offence continues;
 - (b) in the case of a corporation, to a fine not exceeding *\$25,000* and, in the case of a continuing offence, to a further fine not exceeding *\$25,000* for each day during which the offence continues.

Coming Into Force

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

Read a first time this 6th day of January, 2003.

Read a second time this 6th day of January, 2003.

Read a third time and passed this 6th day of January, 2003.

Mayor

City Manager