

BRIGHTSAND LAKE REGIONAL PARK AUTHORITY
BYLAW NO. 01-2021
A BYLAW OF THE BRIGHTSAND LAKE REGIONAL PARK AUTHORITY
THE ABATEMENT OF NUISANCE BYLAW

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

THE BRIGHTSAND REGIONAL PARK AUTHORITY IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

Short Title:

1. This bylaw shall be referred to as the Nuisance Bylaw.

Purpose:

2. The purpose of this Bylaw is to provide for the abatement of nuisances with the intent of promoting:
 - a) the safety, health or welfare of all persons residing in or visiting the Regional Park.
 - b) the use and enjoyment of one's leased property except wherein said use and enjoyment infringes on another's ability to use and enjoy their own property or presents a risk to anyone's safety, health, or welfare.
 - c) efforts to mitigate the objectionable nature of a nuisance when a mutually acceptable solution is achievable; and
 - d) the abatement of all nuisances wherein there is no benefit to any person in terms of use and enjoyment of property.
3. The *Canadian Charter of Rights and Freedoms* guarantees equal treatment under the law and, as such, the Regional Park shall endeavor to enforce this Bylaw impartially:
 - a) Prohibited nuisances shall be clearly defined in order to avoid ambiguity and facilitate compliance; and
 - b) Prohibited nuisances shall be limited to those that fail to meet the minimum property standards.
 1. The safety, health, or welfare of people in the neighborhood; or
 2. People's use and enjoyment of their property; or
 3. The amenity of a neighborhood; or
 4. The minimum property standards.

Definitions:

4. In this **Bylaw**:
 - a) "**Administrator**" means the Administrator to the Brightsand Regional Park Authority.
 - b) "**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.
 - c) "**Building Inspector**" means the person (s) appointed by Council as the Building

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Official for the Town of St. Walburg.

- d) "**Clean Skull**" means an animal skull that has been completely cleaned of all flesh and blood, as may be used as a yard decoration.
- e) "**Board**" means the Board of the Brightsand Regional Park Authority.
- f) "**Designated Officer**" means.
 - i. an employee or agent of the Park appointed by the Park Authority to act as an Ambassador for the purposes of this Bylaw.
 - ii. the Park Administrator and
 - iii. any member of the Park Authorityor any other person appointed by resolution of the Board to exercise any rights and powers granted under this Bylaw regarding enforcement.
- g) "**Dilapidated Structure**" means any structure that is not sufficiently maintained in compliance with Section 4 of this Bylaw.
- h) "**Driveway**" means any part of the property consisting of gravel, asphalt, concrete, or paving stone which is used for the parking of vehicles or as an approach to a garage and excludes any such area wherein any item other than a vehicle is stored or located upon.
- i) "**Fire Chief**" means the Fire Chief of the St. Walburg and District Fire and Rescue Association.
- j) "**Garden**" means a part of the yard dedicated to the growth of edible or decorative plants (excluding those prohibited under this Bylaw).
- k) "**Graffiti**" means any drawings, inscription, writing or other mark that disfigures or defaces any structure, including but not limited to profanity, depictions of a sexual act or organ, offensive depictions of a religious or political figure, and anything perceived to be an attack on any person (the existence of any such condition is at the sole discretion of the Designated Officer);
- l) "**Inspector**" means the License Inspector of the Park appointed from time to time by

Board or their designate, a bylaw enforcement officer appointed in accordance with *The Park Act*, or any Medical or Health Officer authorized by the Prairie North Health Authority to assist in the administration and enforcement of this bylaw;"
- m) "**Junked Vehicle**" means any automobile, tractor, truck, trailer, or other vehicle that is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and is located on private land, but that:
 - i. is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
 - ii. does not form a part of a business enterprise lawfully being operated on that land.

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- n) **"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 seasonal trailer site.
- o) **"Nuisance"** means any condition or state of property, object, activity, smell, noise, or anything else of a safety or health concern or of an objectionable nature including but not limited to those prohibited in this Bylaw.
- p) **"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.
- q) **"Permit Holder"** means a person who holds a permit from the Park Authority;
- r) **"Park"** means Brightsand Regional Park Authority.
- s) **"Police"** means the Royal Canadian Mounted Police.
- t) **"Project Car"** means any motorized vehicle that is self-propelled when in operating condition including but not limited to motorcycles, cars, SUVs, motorhomes, vans, tractors, and trucks, that:
 - i. cannot operate as a self-propelled vehicle in its current state due to a mechanical or other issue.
 - ii. is missing any of its wheels or is supported at any point on the ground by anything other than its wheels; or
 - iii. cannot be licensed for use due to safety deficiencies; and that
 - iv. is located on privateland.
- u) **"Property"** means everything within the legal boundaries of the lot or parcel.
- v) **"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.
- w) **"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.
- x) **"Yard"** means any part of the property's ground space whereupon there is no structure or driveway placed or resting atop.

Responsibility

- 5. Unless otherwise specified, all users of the Park shall be bound by and responsible for carrying out the provisions of this Bylaw.
- 6. 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

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

Site Maintenance

- 9. Notwithstanding the generality of Sections 6 and 7, every leaseholder or person who

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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.
10. All sites shall be maintained in accordance with the minimum standards prescribed in this section.
- a) Every occupant of a site shall:
 - i. Keep in clean and sanitary condition that part of the site which the occupant occupies or controls.
 - ii. Maintain exits to the exterior of any building in a safe and unobstructed condition.
 - iii. Dispose of garbage and refuse and keep the site free from rubbish and other debris which might constitute fire, health, or safety hazards; and
 - iv. Keep any supplied fixtures or facilities clean and sanitary and exercise reasonable care in their proper use and operation.
 - b) 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:
 - i. The site is vacated by all persons occupying the site under the permit or lease.
 - ii. All shelters, equipment and other possessions belonging to the persons mentioned in sub clause (i) are removed; and
 - iii. All liquid and solid wastes created by the persons mentioned in sub clause (i) are moved and disposed of in accordance with the guidelines of the Park.
11. 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.
12. 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.

Storage of Vehicles

13. 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.

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Furthermore:

- a) No more than two (2) project cars may be located within any property
- b) Except for when necessary for the purposes of an ongoing construction, demolition, removal, renovation, or other work on the property wherein the overweight vehicle is employed, no property in the Park shall have an overweight vehicle in a yard or driveway.

Open Excavations

14. Notwithstanding the generality of Section 6 and 7, no owner or occupant shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool, or hot tub to exist on any property without adequate fencing or other obstruction adequate to prevent injury, in the opinion of the Designated Officer.

Overgrown Grass and Weeds

15. Notwithstanding the generality of Sections 6 and 7, no leaseholder shall cause or permit the site to be overgrown with grass or weeds.
 - a) For the purpose of this section, "overgrown" means in excess of 0.30 meters in height.
 - b) 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.

Outdoor Storage of Materials

16. 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.
17. Materials referred to in Subsection 16 shall be elevated at least 0.15 meters off the ground and shall be stacked in a tidy manner.

Excessive Noise and Offensive Behavior

18. No person within the Park shall create or cause or allow to be created or caused any loud or unnecessary noise.
19. "Noise" as referred to in section 18 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.
 - b) a noise, including barking or howling, from a domestic animal, over which a person has custody or control.
20. No person shall:
 - a) Annoy, be or cause or a nuisance to, or disturb any other person within the Park without lawful cause; or

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- b) Interfere with the rights of other persons to quiet and peaceful enjoyment of the Park.
21. Without limiting the generality of section 20, 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, Boatlifts, and Ice Fishing Shacks

22. 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, boatlift 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.
 - c) Ice fishing shacks and boatlifts not identified by owner with name and phone number.
23. The Designated Officer may cause a vehicle, water vessel, boatlift or ice fishing shack that is removed and stored pursuant to section 22 to be released to the owner of the vehicle, water vessel, boatlift, 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, boatlift, or ice fishing shack; and
 - c) In the case of a vehicle, water vessel, boatlift, or ice fishing shack removed and stored pursuant to subsection 22(b), satisfies the Designated Officer that the vehicle or water vessel, boatlift, or ice fishing shack, will not again be abandoned or be a nuisance on Park land.
24. If a vehicle, water vessel, boatlift, or ice fishing shack that is removed and stored pursuant to section 21 is not claimed by the owner in accordance with section 22 within 90 days, the Designated Officer may dispose of the vehicle or water vessel in any manner that the Designated Officer considers appropriate.
25. The costs of removing, storing, and disposing of a vehicle, water vessel, boatlift, and ice fishing shack pursuant to sections 22-24 are a debt due to the Park Authority by the owner of the vehicle, water vessel, boatlift, or ice fishing shack.

Litter and Pollution

26. 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.
27. No person shall pollute, contaminate, or cause injury to waters in or adjacent to Park land.
28. No person shall fail to comply with any instruction posted on Park land by the Park

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Authority respecting disposal of garbage or ashes.

Enforcement of Bylaw

29. The administration and enforcement of this Bylaw is hereby delegated to the Designated Officer.
30. 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.
31. The inspection of property by the Park to determine if this Bylaw is being complied with is hereby authorized.
32. 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, 362"(1) ***If this Act or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer may, after making reasonable efforts to notify the owner or occupant of the land or building to be entered to carry out the inspection: (a) enter that land or building at any reasonable time, and carry out the inspection authorized or required by the enactment or bylaw; (b) request that anything be produced to assist in the inspection; and (c) make copies of anything related to the inspection.(2) The designated officer shall display or produce on request identification showing that he or she is authorized to make the entry. (3) When entering any land or building pursuant to this section, the designated officer may: (a) enter with any equipment, machinery, apparatus, vehicle or materials that the designated officer considers necessary for the purpose of the entry; and (b) take any person who or thing that the designated officer considers necessary to assist him or her to fulfil the purpose of the entry.(4) In an emergency or in extraordinary circumstances, the designated officer need not make reasonable efforts to notify the owner or occupant and need not enter at a reasonable hour and may do the things in clauses (1)(a) and (c) without the consent of the owner or occupant.***" which shall be deemed to apply, mutatis mutandi, with any necessary modifications required by the context.
33. 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.
34. 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 so by a Designated Officer.
35. 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

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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
36. An order pursuant to Section 35 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.

Inspections

- 37. The inspection of property by the Designated Officer to determine if this Bylaw is being complied with is hereby authorized.
- 38. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act* as stated in section 32.
- 39. No person shall obstruct a Designated Officer who is authorized to conduct an inspection or any person who is assisting a Designated Officer.

Appeal of Order to Remedy

- 40. A person may appeal an order made pursuant to Section 35 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.

Park Authority Remedying Contraventions

- 41. The Park Authority may take whatever actions or measures are necessary to remedy a contravention of this Bylaw. All expenses shall be incurred by the offender.
- 42. In an emergency, the Park Authority may take whatever actions or measures are necessary to eliminate the emergency.

Recovery of Unpaid Expenses and Costs

- 43. Any unpaid expenses, fee(s) or costs incurred by the Park Authority in remedying a contravention is 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.

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Offences and Penalties

43. 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.
44. 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.
45. Where the Park Authority receives voluntary payment of the amount prescribed under Section 44 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
46. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 35 of this Bylaw.
47. Every person who contravenes any provision of Section 43 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.

Severability

48. If a Court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

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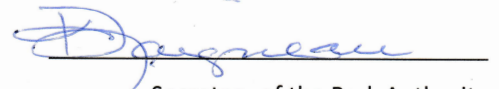
Coming into Force

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

Stamp Area

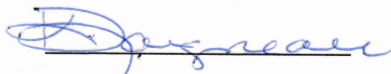



Chair of Park Authority


Secretary of the Park Authority

First Reading: On the 22nd day of March 2021
Second Reading: On the 22nd day of March 2021
Final Reading: On the 22nd day of March 2021

Certified a true copy of the original
Bylaw passed by resolution of the
Park Authority present at their regular meeting held
On the 22nd day of March 2021


Secretary of the Park Authority