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## Nuisance Bylaw

April 2008

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### WHAT IS A NUISANCE?

Generally, a nuisance refers to any interference with a person's enjoyment of their property. In Saskatchewan, municipal nuisances include such forms as buildings, untidy and unsightly premises, junked vehicles and excavations. The broad bylaw making authority municipal councils have under section 8(1) of *The Municipalities Act* (MA) serve to provide the general authority to act and pass a bylaw with respect to nuisances within a broad and flexible scope to fit the needs of the municipality, rather than having legislation prescribe the specific authority.

### WHY IS THERE A NEED TO ADOPT A NUISANCE BYLAW?

Previous legislation for municipalities provided specific provisions for nuisances, setting out powers, procedures timelines etc. Section 8 (1) (d) of *The Municipalities Act* provides council with the ability to enact bylaws to address nuisances, including property, activities or things that affect the amenity of the neighborhood. Until council has a bylaw in place, it will be unable to take corrective action to remedy nuisances.

Municipal councils have the flexibility to adopt a nuisance bylaw that is adapted to local concerns. In addition, the broad authority under section 8(1) (d) to adopt a bylaw respecting nuisances allows council to establish its own set of authorities with respect to enforcement procedures, timelines for serving notice, appeal process and so on that is compatible with local needs.

By adopting a nuisance bylaw, council will incorporate a consistent system of enforcement for all nuisance categories (building, untidy and unsightly premises, junked vehicles, and excavations) rather than having different rules for each type of infraction.

### CONTENTS OF A NUISANCE BYLAW

The bylaw will target two separate audiences - the person who is affected by the nuisances and the person who creates the nuisance. In general the bylaw will set out:

- what constitutes a nuisance warranting attention by the municipality
- how the bylaw will be enforced, and
- the consequences associated with non-compliance.

### RESOURCES

The Advisory Services Unit of the Ministry of Municipal Affairs has prepared the "Municipal Nuisance Guide to assist council and administration with the implementation of a nuisance abatement policy for their municipality. You may access the guide at the following link [Municipal Nuisance Guide](#).

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