

TOWN OF DELISLE

BYLAW NO. 4-2017

A BYLAW TO PROVIDE FOR THE MAINTENANCE OF PROPERTY.

The Council of the Town of Delisle in the Province of Saskatchewan enacts as follows:

1. **Short Title**

This Bylaw may be cited as "The Property Maintenance Bylaw"

2. **Purpose**

The purpose of this Bylaw is to provide for the proper maintenance of property, including property or things that:

- (a) affect the safety, health and welfare of people in the neighborhood; or
- (b) affect the amenity of a neighborhood.
- (c) affect the value of property in the neighborhood.

3. **Definitions**

In this Bylaw:

- (a) "building" means any structure of either metal or wood or a combination of both, used or occupied or intended for supporting or sheltering any use or occupancy that:
 - i) is not in storage;
 - ii) is situated within the municipality for a period of more than 30 days;
 - iii) has at least four walls that support a roof;
 - iv) has at least one lockable door;
 - v) has a floor and a foundation made of wood or concrete or a combination of both that is elevated to a level above the surrounding soil and/or terrain and is capable of discouraging vermin or other unwanted wildlife;
 - vi) is built according to building codes at the time of construction or renovation and;
 - vii) is not a sea container;
- (b) "municipality" means The Town of Delisle;
- (c) "council" means the Council of The Town of Delisle;
- (d) "dwelling unit" means a room or series of rooms of complementary use operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
- (e) "graffiti" means any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed;
- (f) "habitable room" means a room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes or any combination thereof; but does not include a bathroom, laundry, pantry, lobby, stairway, closet, service room or other space for service and maintenance of the dwelling unit;
- (g) "designated person" means an employee or agent of the municipality appointed by the Council and/or the Administrator to act as a municipal inspector for the purposes of this Bylaw;
- (h) "occupant" means an occupant as defined in *The Municipalities Act*;
- (i) "owner" means an owner as defined in *The Municipalities Act*;
- (j) "pre-existing condition" means a condition of a property or a thing that existed prior to the enactment of this Bylaw when it refers to the existing elevation of a property;

(k) "property" means land or buildings or both;

(l) "pigeon" means a bird of the species *Columbia livia*, commonly known as the domestic pigeon, and includes pigeons raised for the purpose of racing or for the purpose of show, but excludes feral or wild pigeons;

(m) "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.

(n) "town" means the Town of Delisle.

(o) "vermin" means rodents, insects, all noxious animals, birds or any destructive pests.

4. Responsibility

Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

5. Dilapidated Buildings

Notwithstanding the generality of section 4, 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.

6. Unoccupied Buildings

Notwithstanding the generality of section 4, 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.

7. Untidy and Unsightly Property

Notwithstanding the generality of section 4, no person shall cause or permit any land or buildings to become untidy and unsightly due to graffiti or the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.

8. Open Excavations

Notwithstanding the generality of section 4, 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.

9. Graffiti

Notwithstanding the generality of Section 4, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

10. Property Maintenance

Duty to Maintain

(a) All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this section.

(b) No person shall cause or permit the occupancy or use of any property, including land, building or structures that do not conform to the minimum standards.

(b) Notwithstanding section 4, every occupant of a property, including land, buildings and structures, shall:

- (1) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
- (2) maintain exits to the exterior of the building in a safe and unobstructed condition;
- (3) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards; and
- (4) keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

11. Maintenance of Yards and Accessory Buildings

This section applies to all accessory buildings and yards within the Town.

(a) All yards shall be kept free and clean from:

- (1) garbage and junk;
- (2) junked vehicles and dismantled machinery;
- (3) excessive growth of weeds or grass;
- (4) holes and excavations that could cause an accident;
- (5) an infestation of rodents, vermin or insects;
- (6) dead or hazardous trees; and
- (7) sharp or dangerous materials.

(b) All properties shall be graded in such a manner so as to prevent:

- (1) excessive ponding of water; and
- (2) excessive dampness accumulating near buildings or structures.

12. Outdoor Storage of Materials

(a) Any building materials, lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground so as not to constitute a nuisance or harbourage for rodents, vermin and insects.

(b) Materials referred to in subsection (a) shall be elevated at least 150 mm off the ground and shall be stacked at least 3 metres from the exterior walls of any building and at least 1 metre from the property line.

13. Walkways, Driveways and Parking Spaces

If a walkway, driveway or parking space is provided, it shall be maintained so as to afford safe passage thereon under normal use and weather conditions.

14. Waste Disposal

Every building shall be provided with a sufficient number of receptacles to contain all waste in accordance with the provisions of the Town's Waste Management Bylaw.

15. Accessory Buildings

(a) Accessory buildings shall be kept:

- (1) in good repair;
- (2) free of infestation by rodents, vermin and insects;
- (3) free of health, fire and safety hazards; and
- (4) free of graffiti.

(b) accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

16. Fences

(a) Fences shall be maintained in a safe and reasonable state of repair, made of materials appropriate for the neighbourhood, built to the height and standards as prescribed in any Bylaw or Resolution for the Town; and free of graffiti.

(b) Fences that incorporate barbwire shall not be allowed in a residential area or adjoining residential property;

17. Building Standards (Exterior)

This section applies to all buildings in the Town.

(a) Building Components

- (1) The structural components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be maintained in a safe condition, and shall be capable of performing the function that they were intended to perform.

(b) Exterior Walls

- (1) All exteriors on buildings must not be left open to the elements, water, wind and must be repaired within six (6) months of notice of infraction;
- (2) All exterior surfaces shall be made of materials which provide adequate protection from the weather;

- (3) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit rain or dampness to the interior walls or the interior spaces of the building.
- (4) All exterior surfaces shall be free of graffiti.

(c) **Roofs**

- (1) A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent deterioration or leakage of water into the building and to prevent the unwanted entry of birds, vermin or other pests.
- (2) Water running off a roof shall be carried away from the building so as not to cause dampness in the walls, ceilings or floors in the building but it shall not drain onto a public street so as to create a hazardous condition or onto any adjacent property so as to damage that property;

(d) **Exterior Doors, Storm Doors, Egress Windows and Screens**

- (1) A door shall be provided at each entrance to a building and when closed it shall be reasonably tight-fitting within its frame.

(e) **Stairs, Porches, Decks and Railings**

- (1) Stairs, porches, decks and railings shall be maintained in good repair so that no components are broken, loose, rotted or warped.
- (2) A handrail shall be installed on at least one side of all exterior stairs having more than three risers as **outlined in the National Building Code**.

18. Fireplaces

Must be "certified wood-burning appliances".

19. Egress

- (a) Every building shall have a means of egress so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- (b) Every means of egress shall be maintained in good repair and free of obstructions which constitute a fire hazard.

20. Structural Standards

- (a) Every foundation wall forming part of a building shall be maintained in good repair and be structurally sound so as to prevent undue settlement of the building.
- (b) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any normal load to which it may be subjected.
- (c) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

21. Habitable Environment

- (a) Every dwelling unit shall provide a safe and sanitary environment for the occupants in accordance with the requirements of this section.

22. Potable Water Supply

- (a) Every dwelling unit shall be supplied with hot and cold running water.
- (b) The water must be potable.

23. Heating

- (a) Every dwelling unit shall be equipped with adequate heating facilities properly installed and maintained in safe and good working condition.

24. Sanitary Facilities

- (a) Every dwelling unit shall be provided with:
 - (1) a toilet;
 - (2) a wash basin; and
 - (3) a bathtub or shower.
- (b) In every dwelling unit where sanitary facilities are shared:

- (l) all occupants shall have convenient access to a bathroom, wash basin and bathtub or shower;
- (c) Sewage shall be properly discharged into the sewage system.

25. Fire Safety Standards

- (a) If more than one dwelling unit is located above the first floor, every dwelling unit located on each floor above the first shall have access to a second means of egress which shall not pass through a room in another dwelling unit.
- (b) Smoke alarms shall be installed in each dwelling unit in accordance with the current National Fire Code of Canada.
- (c) Smoke alarms shall be inspected, tested and maintained in accordance with the current National Fire Code of Canada.
- (d) Smoke alarms within dwelling units shall be installed between each sleeping area and the remainder of the dwelling unit and, if the sleeping areas are served by hallways, the smoke alarms shall be installed in the hallway.
- (e) Smoke alarms shall be installed on or near the ceiling.

26. Basement and Attic Occupancies

- (a) Section 27 applies to dwelling units in basements and attics.
- (b) The requirements of Section 27 are in addition to the requirements as outlined in the National Building Code.

27. Special Requirements for Basement and Attic Occupancies

Notwithstanding the other requirements of this section, basement and attic space shall not be used as a dwelling unit or habitable room unless it meets the following requirements:

- (a) access to every dwelling unit or habitable room shall be gained without passage through a service/mechanical room;
- (b) every dwelling unit shall be separated from another dwelling unit (walls and ceilings) by a fire separation having a fire-resistance rating of not less than 30 minutes;
- (c) every service room shall be separated from all adjacent areas by a fire separation having a fire-resistance rating of not less than 30 minutes (walls only). Every service room shall have a solid core door complete with a latch and closer;
- (d) an interior stairway, used for the purpose of exiting a dwelling unit, shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 30 minutes;
- (e) every doorway providing egress from a dwelling unit to an exit or a means of exit shall be equipped with a door and frame having a fire-resistance rating of not less than 20 minutes. (A 45 mm thick solid core door and 38 mm solid wood casings are acceptable). The door shall be equipped with a latch and closer;
- (f) the rise, run, tread depth, width and headroom of stairs forming part of an interior stairway used for the purpose of exiting a dwelling unit shall reasonably conform to the current National Building Code of Canada, and the stairs shall have a handrail installed on at least one side;
- (g) an exit corridor forming part of a means of egress from a dwelling unit shall have a minimum ceiling height of 1.95 metres. Projections or obstructions into an exit corridor shall not reduce the ceiling height to less than 1.80 metres;
- (h) every room in a dwelling unit shall have a minimum ceiling height of 1.95 metres over not less than 75% of the room area. Projections or obstructions in the room shall not reduce the ceiling height to less than 1.80 metres;
- (i) smoke alarms in a dwelling unit shall be installed by permanent connections to an electrical circuit and shall be located and maintained in accordance with the current National Fire Code of Canada;
- (j) a smoke detector shall be installed in every service room, and shall be wired so that the activation of the smoke detector will cause the smoke alarm in the first storey dwelling unit to sound;
- (k) every dwelling unit shall have at least two outside windows openable from the inside without the use of tools or special knowledge. Every bedroom in a dwelling unit shall have at least one openable window. Windows shall provide unobstructed openings with areas not less than 0.35 square metres and with no dimension less than 380 mm;
- (l) a separate source for fresh combustion air shall be provided in every service room.

28. Changes Required to First Storey Dwelling Unit

If basement or attic space is used as a dwelling unit or habitable room, a dwelling unit on the first storey shall, in addition to the other standards prescribed by this Part, meet the following additional requirements:

- (a) every doorway providing egress from a first storey dwelling unit to an exit or a means of exit shall be equipped with a door and frame having a fire-resistance rating of not less than 20 minutes. (A 45 mm thick solid core door and 38 mm solid wood casings are acceptable). The door shall be equipped with a latch and closer;
- (b) smoke alarms in the first storey dwelling unit shall be installed by permanent connections to an electrical circuit and shall be located and maintained in accordance with the current National Fire Code;
- (c) smoke alarms in the first storey dwelling unit shall be wired so that the activation of the smoke detector in the service room of the building will cause the smoke alarms to sound.

29. Enforcement, Offences and Penalties

The administration and enforcement of this Bylaw is hereby delegated to the Town Administrator for the Town of Delisle;

- (a) The Administrator of the Town of Delisle is hereby authorized to further delegate the enforcement of this Bylaw to the Bylaw Enforcement Officer, the Fire Chief, Delisle and District Fire Department, and the municipal building inspectors for the Town of Delisle.

30. Inspections

- (a) The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized.
- (b) Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*;
- (c) No person shall obstruct a Bylaw Officer or other municipal inspector, who is authorized to conduct inspections under this section, or a person who is assisting a bylaw officer or municipal inspector.

31. Order to Remedy Contraventions

- (a) If a bylaw officer or a municipal inspector finds that a person is contravening this Bylaw, that bylaw officer or municipal inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (b) Orders given under this Bylaw shall comply with section 364 of *The Municipalities Act*.
- (c) Orders given under this Bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

32. Registration of Notice of Order

If an order is issued pursuant to section 31, the Town may, in accordance with section 364 of *The Municipalities 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.

33. Appeal of Order to Remedy

- (a) A person may appeal an order made pursuant to section 31 in accordance with section 365 of *The Municipalities Act*.
- (b) Appeals shall be made to the Council for the Town of Delisle within 15 days of the date of the Order;

34. Town Remedying Contraventions

The Town may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

35. Civil Action to Recover Costs

The Town may, in accordance with section 368 of *The Municipalities 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.

36. Adding Amounts to Tax Roll

The Town may, in accordance with section 369 of *The Municipalities Act*, add any unpaid expenses and costs incurred by the Town in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

37. Emergencies

In the event that it becomes an emergency to remedy a contravention of this Bylaw, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 367 of *The Municipalities Act*.

38. Offences

(a) No person shall:

- (1) fail to comply with an order made pursuant to this Bylaw;
- (2) obstruct or hinder any bylaw officer or municipal inspector or any other person acting under the authority of this Bylaw; or
- (3) fail to comply with any other provision of this Bylaw.

(b) Every person who contravenes any provision of subsection (a) is guilty of an offence and liable on summary conviction:

- (1) in the case of an individual, to a fine of not more than \$10,000;
- (2) in the case of a corporation, to a fine of not more than \$25,000; and,
- (3) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

(c) If an individual is convicted of an offence pursuant to this section, and if the individual fails to pay the fine with respect to the conviction within the prescribed time, the individual convicted may be imprisoned for a term of not more than 6 months, unless the fine is paid sooner.

(d) This Bylaw may be enforced, and the contravention of any provision of the Bylaw restrained, by any court on action brought by the Town of Delisle, whether or not any penalty is imposed for the contravention.

(e) Conviction of a person for a contravention of any provision of this Bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of the Bylaw.

(f) A person who fails to comply with an order made pursuant to Subsection (e) hereof within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than \$250.00 for each day during which failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.

(g) Where a bylaw enforcement officer or a peace officer believes that a person has contravened the provisions of this Bylaw, may by personal service, server or cause to be served upon such person a notice of violation in Form A as provided by this section.


(h) The notice of violation in Form A shall be in a form similar to that provided as Form A of this Bylaw and shall indicate thereon the section of the Bylaw which was contravened and the amount of penalty to be paid as provided in Schedule "A" of this Bylaw.

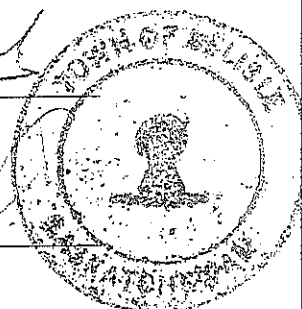
(i) Upon production of the notice of violation in Form A issued pursuant to subsection (h) within (7) days from the date of service together with payment as indicated on the notice of violation in Form A to the person to whom the notice of violation was issued shall not be liable for prosecution for the contravention in respect of which the notice of violation in Form A was given.

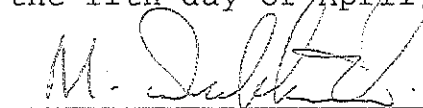
39. Coming Into Force

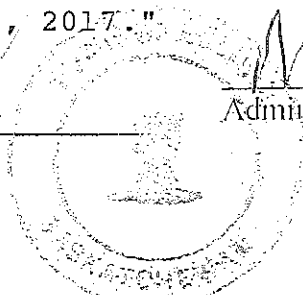
This Bylaw shall come into force on the day of its final passing.

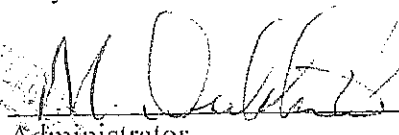
"Certified a true copy of Bylaw No. 4-2017 of the Town of Delisle passed on the 11th day of April, 2017."


Mayor




Administrator




Administrator

Schedule "A"
of Bylaw No. 4 – 2017

- | | |
|--|-----------------|
| 1. First offence | \$100.00 |
| 2. Second offence in a calendar year | \$200.00 |
| 3. Third and subsequent offences in a calendar year | \$300.00 |

"Form A"
of Bylaw No. 4 - 2017

NOTICE OF VIOLATION

No.: _____

TOWN OF DELISLE

NAME: _____

ADDRESS: _____

POSTAL CODE: _____

DETAILS OF OFFENSE:

DATE: _____ TIME: _____ am/pm

LICENCE NUMBER: _____

VEHICLE DESCRIPTION:

VIOLATION:
_____ Parking Bylaw No. _____
_____ Animal Control Bylaw No. _____
_____ Other Bylaw No. _____

DESCRIPTION OF
VIOLATION: _____

LOCATION OF
VIOLATION: _____

_____ Owner _____ Possessor or Harbourer of (dog)

You are charged with violation of Bylaw No. _____
Section(s) _____

Penalty for the above violation: _____

Clerk/Special Constable/Bylaw Enforcement Officer

You may make voluntary payment of the above penalty at the municipal office of The Town of Delisle during regular office hours or by mail within _____ days from the date of service of this Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, you shall be liable to the penalty provided under the said Bylaw.