

CITY OF MELFORT

BYLAW NO. 2011-16

The Property Maintenance & Nuisance Abatement Bylaw

The Council of The City of Melfort in the Province of Saskatchewan in open meeting assembled hereby enacts as follows:

Part I - Interpretation

Short Title

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

Purpose

2. The purpose of this Bylaw is to provide for the proper maintenance of property and the abatement of nuisances, including property 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 Melfort;
 - (c) "Council" means the Council of The City of Melfort;
 - (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, however made, that disfigures or defaces any building, accessory building, fence or other structure without the prior written authorization of the owner;
 - (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) "junk" means waste, rubbish or the remains of articles that have been worn, discarded, destroyed or in a broken condition, as determined by the municipal inspector.
- (h) "junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that:
 - (i) either:
 - (A) has no valid licence plates attached to it; or
 - (B) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - (ii) is located on private land, but that:
 - (A) is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the City; and
 - (B) does not form a part of a business enterprise lawfully being operated on that land;
- (i) "municipal inspector" means an employee or agent of the City appointed by the City Manager, for the City of Melfort to act as a municipal inspector for the purposes of this Bylaw, and includes the City of Melfort building official, fire inspector and bylaw enforcement officials.
- (j) "nuisance" means:
 - (i) a condition of property; or
 - (ii) a thing;

that affects or may affect the amenity of a neighborhood or the safety, health and welfare of people in the neighborhood, and includes:
 - (iii) a building in a ruinous or dilapidated state of repair;
 - (iv) an unoccupied building that is damaged and is an imminent danger to public safety;
 - (v) land that is overgrown with grass and weeds;
 - (vi) untidy and unsightly property;
 - (vii) junked vehicles;
 - (viii) open excavations on property;
- (k) "occupant" means an occupant as defined in *The Cities Act*;

- (l) "owner" means an owner as defined in *The Cities Act*;
- (m) "property" means land or buildings or both;
- (n) "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 of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

Part II - Nuisances

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 20 centimeters in height.
- (3) 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.

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, scrap metal, old building materials 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.

Graffiti

12. Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

Part III - Property Maintenance**Duty to Maintain**

13.
 - (1) All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.
 - (2) 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.
 - (3) Notwithstanding section 4, every occupant of a property, including land, buildings and structures, shall:
 - (a) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
 - (b) maintain exits to the exterior of the building in a safe and unobstructed condition;
 - (c) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards; and

- (d) keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

Division 1 - Maintenance of Yards and Accessory Buildings

Application

14. This Division applies to all accessory buildings and yards within the City.

Maintenance of Yards

15. (1) A yard shall be kept free and clean from:
- (a) garbage and junk;
 - (b) junked vehicles and dismantled machinery;
 - (c) excessive growth of weeds or grass;
 - (d) holes and excavations, with the exception of excavations for construction purposes;
 - (e) an infestation of rodents, vermin or insects;
 - (f) dead or hazardous trees; and
 - (g) sharp or dangerous materials.
- (2) A yard shall be graded in such a manner so as to prevent:
- (a) excessive ponding of water; and
 - (b) excessive dampness accumulating near buildings or structures.

Outdoor Storage of Materials

16. (1) 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 harborage for rodents, vermin and insects.
- (2) Materials referred to in subsection (1) shall be elevated at least 150 mm off the ground and shall be stacked at least 3 meters from the exterior walls of any building and at least 1 meter from the property line.

Refrigerators and Freezers

17. No refrigerator or freezer shall be openly stored in any yard.

Waste Disposal

18. Every building shall be provided with a sufficient number of receptacles to contain all waste in accordance with the provisions of the City's Waste Collection and Disposal Bylaw.

Accessory Buildings

19. (1) Accessory buildings shall be kept:
- (a) in good repair;
 - (b) free of infestation by rodents, vermin and insects; and
 - (c) free of health, fire and safety hazards.
- (2) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

Fences

20. Fences shall be maintained in a safe and reasonable state of repair.

Division 2 - Building Standards (Exterior)**Application**

21. This division applies to all buildings in the City.

Building Components

22. 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.

Exterior Walls

23. (1) All exterior surfaces shall be made of materials, which provide adequate protection from the weather.
- (2) Exterior walls shall be covered with an application of paint, stain, stucco, brick, stone facing or other similar protective surface to protect the walls from deterioration due to moisture penetration.
- (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.

Roofs

24. (1) A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent deterioration or leakage of water into the building.
- (2) Loose materials, including dangerous accumulations of snow and ice, shall be removed from the roof of a building as soon as reasonably possible so as to prevent damage to the building or injury to persons in or near the building.
- (3) 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.
- (4) Eavestroughing and downspouts shall be watertight and maintained in good repair.

Chimneys

25. (1) Chimneys, flue pipes and smoke stacks shall be maintained in good repair so as to prevent gases, water or any other substance from leaking into the building.
- (2) Chimneys, flue pipes and smoke stacks shall be free of any defects.
- (3) Chimneys, flue pipes and smoke stacks shall have all defective masonry or metal components repaired or replaced as needed.
- (4) Chimneys, flue pipes and smoke stacks shall be kept clear of obstructions.

Exterior Doors, Storm Doors, Windows and Screens

26. (1) A door shall be provided at each entrance to a building and when closed it shall be reasonably tight fitting within its frame.
- (2) Exterior doors, storm doors and storm windows shall be kept in a reasonable state of repair, and shall be weather-tight so as to perform their intended function.
- (3) Openable windows within two meters of ground level shall have an acceptable locking mechanism.
- (4) Exterior doors shall have an acceptable locking mechanism.
- (5) Windows and glass doors which separate heated space from unheated space or the exterior shall be at least double glazed unless there is a separate storm door or window.
- (6) Windows and doors which open to the exterior and which are used for natural ventilation shall be screened so as to provide protection from the weather and insects. Screening shall be of rustproof material and shall not be less than #16 gauge screen.

Stairs, Porches, Decks and Railings

27. (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.

Division 3 - Building Standards (Interior)**Application**

28. This Division applies to all buildings in the City.

Floors and Stairs

29. (1) Floors and stairs shall be free of loose, warped, protruding or rotting floorboards.
- (2) Floor and stair coverings, including tiles, linoleum and carpeting, shall be kept in a reasonable state of repair.

Walls and Ceilings

30. (1) Every wall and ceiling shall be maintained in good condition and free from holes, large cracks, loose plaster and other hazards.
- (2) Every wall and ceiling shall be painted or finished in a suitable manner.
- (3) The surface of every wall and ceiling shall be maintained in a reasonably clean and sanitary condition. Surfaces shall be cleaned so as to avoid buildup or grease or other flammable material.

Plumbing, Heating and Mechanical Standards**Water Supply**

31. (1) Where city water service is available, every building shall be connected and provided with an adequate supply of potable running water.
- (2) Every sink, washbasin, laundry, bathtub, or shower in a building shall have an adequate supply of hot and cold running water.
- (3) Every toilet shall have an adequate supply of running water.

Plumbing Facilities

32. (1) All plumbing facilities in a building, including fixtures, drains, water pipes and connections to the water and sewer systems shall be protected from freezing, be maintained in good working order and be free from leaks or other defects.
- (2) All bathrooms shall be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.
- (3) Seats shall be provided for all toilets and the seats shall be kept in good repair.

Gas and Open Flame Type Appliances

33. (1) Gas stoves, water heaters and other gas appliances shall be equipped with suitable pipes or flues for the removal of the products of combustion.
- (2) All gas appliances shall be of an approved type, shall be installed in an approved manner and shall be kept in a proper state of repair.

Fireplaces

34. (1) Fireplaces and similar installations used or intended to be used for burning fuels in open fires, shall be connected to approved chimneys, smoke pipes, flues or gas vents.
- (2) Fireplaces and similar installations shall be installed in accordance with the manufacturer's instructions.
- (3) Fireplaces and similar installations shall be installed so that adjacent combustible materials and structural members are not over-heated to an unsafe condition.
- (4) All chimneys, smoke pipes, flues or gas vents used in connection with a fireplace or similar installation shall be free of leaks and be maintained in a proper state of repair.

Ventilation

35. (1) Every basement, crawl space and similar space shall be adequately ventilated to the outside.
- (2) Every opening for natural ventilation other than windows shall be constructed to provide protection from the weather, rodents and insects.
- (3) Screening shall be of rustproof material.

Electrical Services

36. (1) All buildings shall be supplied with electrical service that is adequate to safely meet the electrical needs of the building.

- (2) If an electrical outlet currently exists in a bathroom, it shall be an approved outlet. If any new electrical outlet is installed in a bathroom, it shall be the Ground Fault Circuit Interrupter (GFCI) type.
- (3) Extension cords, if used, shall be of an approved type and shall not exceed the circuit capacity.
- (4) Extension cords shall not be used in lieu of permanent wiring for electrical outlets, lighting fixtures and switches.

Light

37. (1) Light shall be available at all times in every stairway, corridor, hall, storage room and service room in a building.
- (2) The average level of light in corridors and stairways shall be at least 50 lx at floor or tread level.

Egress

38. (1) 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.
- (2) Every means of egress shall be maintained in good repair and free of obstructions, which constitute a fire hazard.

Structural Standards

39. (1) 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.
- (2) 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.
- (3) Materials, which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

Division 4 - Additional Standards for Dwelling Units**Application**

40. (1) This Division applies to all dwelling units in the City.
- (2) The requirements of this Division are in addition to the requirements of Divisions 2 and 3.

Habitable Environment

41. Every dwelling unit shall provide a safe and sanitary environment for the occupants in accordance with the requirements of this Division.

Heating

42. (1) Every dwelling unit shall be equipped with adequate heating facilities properly installed and maintained in safe and good working condition.
- (2) Portable room heaters shall not be used as a primary source of heat.
- (3) Fuel-burning equipment shall be vented by means of rigid connections to a chimney or flue, which provides a sufficient outlet for the escape of all noxious gases.
- (4) Service rooms shall not be used for sleeping.

Sanitary Facilities

43. (1) Every dwelling unit shall be provided with:
- (a) a toilet;
- (b) a wash basin; and
- (c) a bathtub or shower.
- (2) In every dwelling unit where sanitary facilities are shared:
- (a) all occupants shall have convenient access to a bathroom, wash basin and bathtub or shower;
- (b) all required facilities shall be located within the building so as to be accessible from a common hall or passageway without going outside the building or through another occupant's quarters;
- (c) all required facilities shall not be located more than one floor away from the dwelling unit; and
- (d) the number of occupants sharing the use of a bathroom, wash basin and bathtub or shower shall not exceed 10 persons.
- (3) Bathtubs, showers or toilets shall not be located in any habitable room.
- (4) The washbasin shall be in the same room as the toilet or in an accessible adjoining room.
- (5) All bathrooms shall have mechanical or natural ventilation.

- (6) All bathrooms shall be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.
- (7) Sewage shall be properly discharged into the sewage system.

Ventilation

44. (1) Unless a satisfactory alternative means of ventilation is provided, every habitable room shall have at least one window, which can be easily opened.
- (2) Where a system of mechanical ventilation is provided, it shall be designed and installed in accordance with the current National Building Code of Canada.
- (3) All enclosed spaces within a dwelling unit shall:
 - (a) be adequately ventilated;
 - (b) have access of sufficient size to permit entry; and
 - (c) be fitted with a door or panel to enclose the opening except when the access opening is from the adjacent basement and provides ventilation to the crawl space.

Electrical Facilities

45. (1) Every habitable room, other than a kitchen, shall have at least one approved electrical outlet.
- (2) Every kitchen shall have at least two approved electrical outlets. If a new electrical outlet is installed within 1.8 meters of the kitchen sink, the new outlet shall be of the Ground Fault Circuit Interrupter (GFCI) type.
- (3) At least one lighting outlet with fixture shall be provided in every kitchen, utility room, laundry room, dining room, bathroom, hallway, stairway, storage room and service room. The fixture shall be permanently installed and shall be maintained in good working order.

Kitchen Facilities

46. (1) Unless otherwise approved, every dwelling unit shall be equipped with safe and adequate cooking facilities for the occupants.
- (2) A counter work surface at least 1500 mm long and 500 mm wide, including the area occupied by the kitchen sink, shall be provided in the kitchen.
- (3) A clearance of at least 750 mm shall be provided above the heating elements of any cooking appliance.

Fire Safety Standards

47. (1) 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.
- (2) Smoke alarms shall be installed in each dwelling unit in accordance with the current National Fire Code of Canada.
- (3) Smoke alarms shall be inspected, tested and maintained in accordance with the current National Fire Code of Canada.
- (4) 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.
- (5) Smoke alarms shall be installed on or near the ceiling.
- (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.

Part IV - Enforcement, Offences and Penalties**Enforcement of Bylaw**

48. The administration and enforcement of this Bylaw is hereby delegated to the municipal inspector for the City of Melfort.

Inspections

49. (1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this section, or a person who is assisting a municipal inspector.

Order to Remedy Contraventions

50. (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*.

Registration of Notice of Order

51. If an order is issued pursuant to section 50, the City may, in accordance with section 328 of *The Cities 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.

Appeal of Order to Remedy

52. (1) A person may appeal an order made pursuant to section 50 in accordance with section 329 of *The Cities Act*.
- (2) Appeals shall be made initially to the Council of the City of Melfort.

City Remediating Contraventions

53. 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

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

Adding Amounts to Tax Roll

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

Emergencies

56. In the event that it becomes an emergency to remedy a contravention of this Bylaw, 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

57. (1) No person shall:
 - (a) fail to comply with an order made pursuant to this Bylaw;

- (b) obstruct or hinder any municipal inspector or any other person acting under the authority of this Bylaw; or
 - (c) fail to comply with any other provision of this Bylaw.
- (2) Every person who contravenes any provision of subsection (1) , other than those sections contained in sub-section (3), 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.
- (3) Every person who contravenes any provision of Part II & Part III - Division 1, is guilty of an offence and subject to the following penalties:
- (a) in a residential neighbourhood, the penalty for a 1st offence for violating these sections shall be \$100.00.
 - (b) in a residential neighbourhood, the penalty for a 2nd offence in the same year shall be \$200.00.
 - (c) in a residential neighbourhood, the penalty for a 3rd and subsequent offence in the same year shall be \$300.00.
 - (d) in a commercial district, the penalty for a 1st offence for violating these sections shall be \$200.00.
 - (e) in a commercial district, the penalty for a 2nd offence in the same year shall be \$300.00.
 - (f) in a commercial district, the penalty for a 3rd and subsequent offence in the same year shall be \$400.00.

In addition to the above penalties, equipment charges will be applied when City heavy equipment is required to remedy the contravention on behalf of the property owner, as well as landfill tipping fees.

- (4) In the event of non-payment of a fine imposed pursuant to clause 2(a), the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

Bylaw No. 2007-14 Repealed

58. Bylaw No. 2007-14 is hereby repealed.

Coming Into Force

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

Mayor

City Clerk

Read a first time this 11th day of July, 2011.

Read a second time this 11th day of July, 2011.

Read a third time and passed this 11th day of July, 2011.

SEAL

CERTIFIED a true copy of Bylaw No.
2011-16, adopted by resolution of Council on
the 11th day of July, 2011

City Clerk