

Town of Nipawin
Bylaw No. 866/07

A Bylaw of the Town of Nipawin to Establish and Enforce Minimum Standards of Maintenance and Repair of Buildings in the Town

WHEREAS Section 8 of *The Municipalities Act* provides that a Council may pass bylaws relating to nuisances, including property, activities or things that affect the amenity of a neighbourhood;

AND WHEREAS it is Council's intent to:

- a) establish minimum standards:
 - (i) of fitness for human habitation for all buildings;
 - (ii) relating to state of repair and maintenance of the physical condition of the exterior of buildings or structures;
- b) prohibit the occupancy or use of buildings that do not conform with the minimum standards;
- c) require buildings that do not conform to the minimum standards to be repaired and maintained to conform with the minimum standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- d) provide for the posting of notices on or placarding of buildings that do not conform to the minimum standards; and
- e) prohibit the removal of any notice or placard until the buildings are repaired or maintained to conform to the minimum standards.

AND WHEREAS it is deemed desirable to provide for the matters referred to above and to establish minimum standards for the states of repair and maintenance of existing buildings.

NOW THEREFORE the Council of the Town of Nipawin in open meeting assembled enacts as follows:

Part I – Title

1. This Bylaw shall be cited as The Maintenance and Occupancy Bylaw.

Part II – Application and Definitions

Application

2. This Bylaw shall apply to all buildings, structures and dwelling units within the Town of Nipawin except Town-owned properties which are obtained through tax enforcement proceedings or to which *The Tax Enforcement Act* otherwise applies.

Definitions

3. In this bylaw:
 - a) accessory building – means a structure attached or detached, which is incidental and subordinate to the main use of the building and which is not used or intended for use as human habitation;

- b) building – means a dwelling, commercial building or structure, industrial building or portable structure, trailer, mobile home, or any one or more of them;
- c) commercial building – means a structure other than a residential building or an industrial building wherein a business enterprise is being, was, or is about to be carried on;
- d) dwelling – means a structure containing a room or group of rooms forming part of a residential or partly residential building and constituting an independent unit used or intended to be used as a place of lodging or residence by one or several persons;
- e) industrial building – means a structure other than a residential building or a commercial building wherein an industrial enterprise is being, was, or is about to be carried on;
- f) Medical Health Officer – means a medical health officer within the meaning of *The Public Health Act* and a public health officer or designated public health officer under any Act that may be substituted for *The Public Health Act*;
- g) municipality – means the Town of Nipawin;
- h) NBC – means the National Building Code of Canada as adopted and amended by *The Uniform Building and Accessibility Standards Act* of Saskatchewan;
- i) occupant – includes:
- i) a person residing on land or in a building;
 - ii) a person entitled to the possession of land or a building if there is no person residing on the land or in the building; or
 - iii) a leaseholder;
- j) open space – means the yard, lot areas, and undeveloped areas around a building or accessory building;
- k) person – means a physical or juridical person including a corporation, a syndicate, a partnership, a co-operative association or any other group of persons having an interest in property as proprietor, co-proprietor, mortgagee, lessee, executor or other;
- l) standards – means the standards set in Parts III, IV and V of these regulations;
- m) structure – means a building of whatever type or construction, including tents, mobile homes, trailers or other vehicles used as a place of lodging or residence of one or several persons;
- n) designated officer - means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
- o) owner - means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee.

Part III – Maintenance of Open Spaces

Open Spaces

4. All open spaces shall be kept clean and free from rubbish, debris, unused lumber or deadwood, wreckage of car bodies, heavy undergrowth and noxious weeds.
5. Any condition liable to cause the presence of vermin or rodents shall be removed from open spaces.
6. Where the presence of vermin or rodents is evident or suspected, appropriate measures shall be undertaken for immediate extermination, and to prevent their reappearance.

Part IV – Maintenance of Buildings

Structural Soundness

7. All constituent parts of any building shall be so maintained as to have sufficient physical stability to resist the stresses to which they are subjected and be repaired or replaced as required to eliminate the possibility of hazard or accident.

Exterior Walls

8. The exterior walls and their components shall be maintained so as to prevent their deterioration or damage due to weather or accident and shall be so maintained by siding, painting, restoring or repairing of the walls, coping or flashing, by the water proofing of joints and of the walls themselves.

Foundation Walls

9. In cases of foundation settlement, heaving, cracking or similar problems, the foundation walls shall always be kept in good condition so as to prevent the access of vermin or rodents. All foundation walls shall be maintained and treated so as to prevent the infiltration of water, and areas visible from the outside shall have a clean appearance.

Roofs

10. All constituent parts of roofs including metal works, gutters and rainwater drains shall be kept in good condition and be repaired or replaced when necessary in order to prevent any infiltration of water inside of the buildings.

Exterior Doors and Windows

11. All exterior openings shall be fitted with doors and/or windows to prevent the infiltration of air, rain or snow.
12. Window and door frames shall be caulked where necessary, and all their moveable parts shall function normally and easily.

13. Doors, windows and screens as well as their frames and casings shall be restored to good working condition or replaced whenever they are damaged or defective, and be painted at regular intervals in order to protect them and maintain a neat and tidy appearance. All broken glass shall be replaced.

14. All entrance doors equipped with locks shall be maintained as to permit locking from both the inside and outside.

Balconies, Galleries, Catwalks, Stairways

15. Balconies, galleries, catwalks, handrails, exterior or interior stairways and generally all structures projecting from a main building shall be kept in good condition, be repaired or replaced when necessary, and be properly maintained at regular intervals so as to retain a neat appearance.

Walls and Ceilings

16. Walls and ceilings shall be kept in good repair and be free of holes, cracks or other hazardous defects. Coatings or other material that has started crumbling or is in danger of falling shall be repaired or replaced whenever necessary. Where fire and sound resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire and sound resistant quality.

Floors

17. All floors shall be maintained so as to ensure no hazard, and to facilitate cleaning.

Fireplaces, Chimneys and Furnace Rooms

18. Fireplaces, chimneys, furnace rooms and pipes of whatever type shall, at all times, be maintained in a safe efficient condition preventing any fire hazard and infiltration of combustion gases into buildings.

Vent and Elevator Shafts

19. Vent and elevator shafts shall be kept in good repair, be clean and kept free of any obstruction. Moveable parts of all openings in shafts shall function normally.

Basic Equipment

20. All plumbing fixtures, water pipes, private drains, heating systems, water heaters, electric circuits and generally all existing basic equipment shall be maintained in good working order. All necessary repairs shall be made thereto and such equipment shall be replaced whenever necessary in order to provide for the comfort and health of the occupants and to protect them against fire or other hazards of any nature whatsoever. Lots shall be maintained so as to provide adequate surface drainage without erosion. All plumbing, pipes, fixtures, etc. shall be maintained to ensure sound condition for the expected useful life of the building and to ensure discharge of sewage or organic waste into the municipal system. All plumbing systems shall be maintained so as to provide adequate hot and cold water, drainage, venting and operation of all fixtures as required by The Plumbing and Drainage Regulations within the National Building Code. All existing wiring and electrical equipment shall be so maintained as to ensure safety and eliminate hazards as required by *The Electrical Inspection Act, 1993* and Regulations of the Province of Saskatchewan.

Garbage Disposal

21. All buildings shall be provided with one or several acceptable stands and receptacles, as required, to contain garbage, rubbish and ashes. Such receptacles shall be placed as to not be an eyesore, and shall allow for an orderly pick-up for disposal on collection days, in accordance with the Town's Waste Collection and Disposal Bylaw or any amendments thereto.

Vermin and Rodents

22. All properties shall be so maintained as to eliminate any condition liable to bring about the existence or presence of vermin or rodents or to eliminate existing vermin or rodents.

Part V – Removal and Demolition

23. All buildings declared unfit for occupancy by the designated officer and/or Public Health Inspector which cannot be maintained or which constitute a hazard to the safety or health of the occupants or to the public, shall be removed or demolished.

Part VI – General Requirements and Maintenance of Buildings and Accessory Buildings

Maintenance of Buildings and Accessory Buildings

24. All buildings and accessory buildings shall be properly maintained and kept in a state of good repair to ensure the elimination of any hazard.

25. All buildings and accessory buildings shall be properly maintained and kept clean and whenever necessary paint or other surface finish shall be applied to maintain a neat and tidy appearance.

Area and Occupancy of Buildings

26. The physical occupancy of all buildings and the distribution of occupants as related to overcrowding, lighting, heating, ventilation, fire exits, fire protection, safety and hazards, etc., shall be taken into consideration based on local, provincial or National Building Codes.

Part VII – Administration and Enforcement

Enforcement of Bylaw

27. The administration and enforcement of this Bylaw is hereby designated to the Administrator of the Town of Nipawin.

28. The Administrator is hereby authorized to further delegate the administration and enforcement of this Bylaw to any employee of the Town of Nipawin.

Inspections

29. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.

30. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

31. No person shall obstruct or hinder any designated officer acting under the authority of this bylaw, or a person who is assisting a designated officer.

Order to Remedy Contraventions

32. If a Designated Officer finds that a person is contravening this Bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

33. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.

34. Orders given under bylaw shall be served in accordance with Section 390 (1) (a), (b) or (c) of *The Municipalities Act*.

Registration of Notice of Order

35. If an order is issued pursuant to Section 32, the municipality 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.

Appeal of Order to Remedy

36. A person may appeal an order made pursuant to Section 32 in accordance with Section 365 of *The Municipalities Act*.

Municipality Remediating Contraventions

37. The municipality may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this bylaw.

38. In an emergency, the municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

Recovery of Unpaid Expenses and Costs

39. Any unpaid expenses and costs incurred by the municipality in remediating a contravention of this bylaw may be recovered either:

- a) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; or
- b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

Part VIII – Offences and Penalties

40. 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 provision of this bylaw.

41. 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 municipality will accept voluntary payment in the sum of One Hundred Dollars (\$100.00) to be paid to the municipality within thirty (30) days.

42. Where the municipality receives voluntary payment of the amount prescribed under Section 41 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

43. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 32 of this bylaw.

44. Every person who contravenes any provision of Section 40 is guilty of an offence 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.

45. Bylaw No. 798/2002 is hereby repealed.

46. This bylaw shall come into force and take effect upon the final passing thereof.

MAYOR

TOWN ADMINISTRATOR

Read a third time and
finally adopted this
10th day of December, 2007.

Certified a True Copy of
Bylaw 798/2002 Adopted by
Resolution of Council this
10th day of December, A.D., 2007.

Town Administrator