

## TOWN OF EATONIA

### BYLAW NO. 6/09

#### A BYLAW TO REGULATE PROPERTY MAINTENANCE AND ABATE NUISANCES IN THE TOWN OF EATONIA

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

#### Short Title

1. This Bylaw may be cited at The Nuisance Abatement Bylaw.

#### Purpose

2. The purpose of this Bylaw is to provide for the abatement of nuisances, including property, activities, or things that adversely affect:
  - a) the safety, health or welfare of the people in the neighbourhood;
  - b) people's use and enjoyment of their property; or
  - c) the amenity of a neighbourhood.

#### Definitions

3. In this Bylaw:
  - a) **"Administrator"** means the Administrator of the Town of Eatonia
  - b) **"Building"** means a building with the meaning of *The Municipalities Act*;
  - c) **"Council"** means the Council of the Town of Eatonia;
  - d) **"Designated Officer"** means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purpose of this bylaw;
  - 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) **"Junked Vehicle"** means any automobile, tractor, truck, trailer or other vehicle that
    - i) either:
      - 1) has no valid license plates attached to it; or
      - 2) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
    - ii) is located on private land, but that:
      - 1) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
      - 2) does not form a part of a business enterprise lawfully being operated on that land;
  - g) **"Municipality"** means the Town of Eatonia;
  - h) **"Nuisance"** means a condition of property, or a thing, or an activity, that adversely affects or may adversely affect:
    - i) the safety, health or welfare of people in the neighbourhood;
    - ii) people's use and enjoyment of their property; or
    - iii) the amenity of a neighbourhood and includes:
      - 1) a building in a ruinous or dilapidated state of repair;
      - 2) an unoccupied building that is damaged and is an imminent danger to public safety;
      - 3) land that is overgrown with grass and weeds;
      - 4) untidy and unsightly property;
      - 5) junked vehicles; and
      - 6) open excavations on property;
  - i) **"Occupant"** means an occupant as defined in *The Municipalities Act*;
  - j) **"Owner"** means an owner as defined in *The Municipalities Act*;
  - k) **"Property"** means land or building or both;
  - l) **"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.

## **PART I - YARD MAINTENANCE**

### **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.

### **Nuisances Prohibited Generally**

5. No person shall cause or permit a nuisance to occur on any property owned by that property.

### **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;
  - b) substantially depreciates the value of other land or improvements in the neighbourhood; or
  - c) is substantially detrimental to the amenities of the neighbourhood.

### **Unoccupied Buildings**

7. Notwithstanding the generality of Section 5, no person shall cause or permit an occupied 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. 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.
9. For the purposes of this section, "overgrown" means in excess of twenty (20) centimetres in height.
10. 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 (1) 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.
11. No owner or occupant of land shall cause or permit any adjoining boulevards or lane to be overgrown with grass and weeds.
12. After having been served with an order respecting property overgrown with grass and weeds under this section, no person shall permit or allow lands described in that order to become overgrown with grass and weeds again.

### **Untidy and Unsightly Property**

13. Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy or unsightly due to the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.
14. Notwithstanding the generality of Section 5, no person shall cause or permit any adjoining boulevards or lanes to become untidy and unsightly due to the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.
15. After having been served with an order respecting untidy or unsightly property under this section, no person shall permit or allow lands described in that order to become untidy or unsightly again.

### **Junked Vehicles**

16. Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicles to be kept on any land owned by that person in the Town of Eatonia
17. After having been served with an order respecting a junked vehicle under this section, no person shall permit or allow a junked vehicle on lands described in that order.

## **PART II - PROPERTY MAINTENANCE**

### **Duty to Maintain**

18. (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 that 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**

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

#### **Maintenance of Yards**

20. Notwithstanding the generality of Section 5, no person shall cause or permit on any property owned by that person:
  - 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) excessive growth of weeds or grass
21. 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**

22. Any building materials, lumber, metal boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the grounds so as not to constitute a nuisance or harborage for rodents, vermin and insects. Materials so stored must be in a quantity and location deemed reasonable and acceptable to the designated officer in consideration of the zoning and purpose of the property.
23. Materials referred to in Section 22 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 3.0 metres from the exterior walls of any buildings and at least 1.0 metre from the property line.

#### **Refrigerators and Freezers**

24. Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed.

#### **Open Excavations**

25. 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 which is dangerous to public safety or health to exist in or on any private land or in or about any building or structure.

#### **Graffiti**

26. 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.

**Pet Wastes**

27. Pet wastes shall be promptly removed from properties, and disposed of in an acceptable manner. Pet wastes shall not be allowed to accumulate in an unreasonable manner.

**Walkways, Driveways and Parking Spaces**

28. 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.

**Accessory Buildings**

29. (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 authorized entry.

**Fences**

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

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

31. This division applies to all buildings in the Town.

**Building Components**

32. The structural components of every building, including roofs, stairs, railings, porches, decks, joints, 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**

33. (1) All exterior surfaces shall be made of materials that provide adequate protection from the weather.
- (2) Exterior walls shall be covered with an applications 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 that might admit rain or dampness to the interior walls or the interior spaces of the building.

**Roofs**

34. (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 material, 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**

35. (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 replace as needed.
- (4) Chimneys, flue pipes and smoke stacks shall be kept clear of obstruction.

### **Exterior Doors, Storm Doors, Windows and Screens**

36. (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 (2) metres of ground level shall have an acceptable locking mechanism.
- (4) Exterior doors shall have an acceptable locking mechanism.
- (5) Windows and glass doors that 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 rust-proof material and shall not be less than #16 gauge screen.

### **Stairs, Porches, Decks and Railings**

37. (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 have more than three risers.

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

#### **Application**

38. This Division applies to all buildings in the Town.

#### **Floors and Stairs**

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

#### **Walls and Ceilings**

40. (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 reasonable clean and sanitary condition. Surfaces shall be cleaned so as to avoid buildup or grease or other flammable materials.

### **Plumbing, Heating and Mechanical Standards**

#### **Water Supply**

41. (1) Every building shall be 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**

42. (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**

43. (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**

44. Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be designed and installed in accordance with the current *National Building Code of Canada*.

### **Ventilations**

45. (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 rust-proof material.

### **Electrical Services**

46. (1) All building 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**

47. (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**

48. (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 that constitute a fire hazard.

### **Structural Standards**

49. (1) Every foundation wall forming part of a building shall be maintained in good repair and be structurally sound 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 cable of sustaining safely its own weight and any normal load to which it may be subjected.
- (3) Materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

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

### **Application**

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

### **Habitable Environment**

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

### **Potable Water Supply**

52. Every dwelling unit shall be supplied with hot and cold running water. The water must be potable.

**Heating.**

53. (1) Every dwelling unit shall be equipped with adequate heating facilities properly installed and maintained in safe and good working condition.
- (2) Heating facilities shall be capable of maintaining an indoor temperature of 22 degrees Celsius when the outside temperature is minus 35 degrees Celsius. The required temperature shall be taken at a height of 750 mm from the floor in the center of each occupied room.
- (3) Portable room heaters shall not be used as a primary source of heat.
- (4) Fuel-burning equipment shall be vented by means of rigid connections to a chimney or flue that provide a sufficient outlet for the escape of all noxious gases.
- (5) Service rooms shall not be used for sleeping.

**Sanitary Facilities**

54. (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, washbasin 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, washbasin and bathtub or shower shall not exceed ten (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 to the occupant.
- (7) Sewage shall be properly discharged into the sewage system.

**Ventilation**

55. (1) Unless a satisfactory alternative means of ventilation is provided, every habitable room shall have at least one (1) window that 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**

56. (1) Every habitable room, other than a kitchen, shall have at least one (1) approved electrical outlet.
- (2) Every kitchen shall have at least two (2) approved electrical outlets. If a new electrical outlet is installed within 1.8 metres 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**

57. (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**

58. (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 that 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.

### **Division 5 - Basement and Attic Occupancies**

#### **Application**

59. (1) This Division applies to all dwelling units in basements and attics in buildings in the Town.
- (2) The requirements of this Division are in addition to the requirements of Divisions 2, 3 and 4 of this Part.

#### **Special Requirements for Basement and Attic Occupancies**

60. Notwithstanding the other requirements of this Part, basement and attic space shall not be used as a dwelling unit or habitable room unless it meets the requirements in the current *National Building Code of Canada*.

#### **Changes Required to First Storey Dwelling Unit**

61. If a basement or attic space is used as a dwelling unit or habitable room, a dwelling unit on the first storey shall meet the requirements of the current *National Building Code of Canada*.

### **PART III - ENFORCEMENT**

#### **Enforcement of Bylaw**

62. The administration and enforcement of this Bylaw is hereby delegated to the Town Office for the Town of Eatonia.
63. The Administrator of the Town of Eatonia is hereby authorized to further delegate the administration of this Bylaw to the Bylaw Enforcement Officer of the Town of Eatonia or his/her designate or alternate.

#### **Inspections**

64. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
65. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
66. No person shall obstruct the Bylaw Enforcement Officer or any other Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting the Administrator, Bylaw Enforcement Officer or Designated Officer.



### **Order to Remedy Contraventions**

67. If the Administrator, Bylaw Enforcement Officer or Designated Officer finds that a person is contravening this Bylaw, the Administrator, Bylaw Enforcement Officer, or Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
68. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
69. Orders given under this Bylaw shall be served in accordance with Section 390(1)(a), (b) or (c) of *The Municipalities Act*.

### **Registration of Notice of Order**

70. If an order is issued pursuant to Section 67, 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 subject of the order.

### **Appeal of Order to Remedy**

71. A person may appeal an order made pursuant to Section 38 in accordance with Section 365 of *The Municipalities Act*.
72. Appeals shall be made directly to the Council.
73. Appeals shall be made within fifteen (15) days after the date of the order.

### **Municipality Remediating Contraventions**

74. 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.
75. 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**

76. 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*.

### **Offences and Penalties**


77. No person shall:
  - a) fail to comply with an order made pursuant to this Bylaw;
  - b) obstruct or interfere with the Administrator, Bylaw Enforcement Officer, 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.
78. An Administrator, Bylaw Enforcement Officer, or 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 \$500.00 to be paid to the Municipality within thirty (30) days.
79. Where the municipality receives voluntary payment of the amount prescribed under Section 78 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
80. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 67 of this Bylaw.
81. Every person who contravenes any provision of Section 77 is guilty of an offence and liable on summary conviction:
  - a) in the case of an individual, to a fine of not more than \$10,000.00;
  - b) in the case of a corporation, to a fine of not more than \$25,000.00;
  - c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day.

**Coming Into Force**

82. That Bylaw No. 10/05 are hereby repealed.

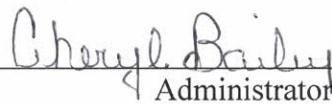
83. That Bylaw shall come into force and be in effect on the final passing thereof .

Given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading and adopted the 15<sup>th</sup> day of September, 2009.



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Mayor



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Administrator