

**CITY OF YORKTON
SASKATCHEWAN**

BYLAW NO. 17/2005

**A BYLAW OF THE CITY OF YORKTON IN THE PROVINCE OF SASKATCHEWAN
TO REGULATE PROPERTY STANDARDS WITHIN THE
CITY OF YORKTON**

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BEING A BYLAW that prescribes standards for the maintenance and occupancy of property in the City of Yorkton, for prohibiting the occupancy or use of such properties that do not conform to the standards, and for requiring property below the standards prescribed herein to be repaired and maintained to comply with the standards of the land thereof to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition.

AND WHEREAS s. 100 of *The Cities Act* permits council to delegate its powers to Committees and employees;

THEREFORE, THE COUNCIL OF THE CITY OF YORKTON ENACTS AS FOLLOWS:

1. The purpose of this Bylaw is to set and enforce standards to regulate the maintenance of properties and *structures* within Yorkton in an attractive, tidy and safe condition.
2. The statutory authority for this Bylaw is s. 8, 100, 324, 325, 328, 329, 330, 331, 333, 347 and any other applicable sections of *The Cities Act* as may be amended from time to time.

PART 1 – Short Title and Interpretation

Short Title

1. This Bylaw may be cited as The Property Maintenance & Nuisance Abatement Bylaw No. 17/2005.

Interpretation

2. For the purpose of this Bylaw, unless a contrary intention appears, certain terms or words shall be interpreted as follows: Words used in the present tense include the future tense. The singular includes the plural. The word “person” includes a corporation as well as an individual. The term “shall” is always mandatory. The word “used” or “occupied as applied to any land or buildings shall be construed to include the words “intended, arranged or designed to be used or occupied”
 - a) *Accessory building* means a separate building or *structure*, normally incidental, subordinate, exclusively devoted to, and located on the same site as the principal building or *structure* and shall include private garages but shall not include a building or *structure* used for human habitation;

- b) *Building* means any *structure* used or occupied or intended for supporting or sheltering any use or occupancy and includes a trailer, mobile home or portable shed that is:
 - i) Not in storage;
 - ii) Situated within the *City* for a period of more than 30 days; or
 - iii) Not licensed pursuant to any bylaw relating to the licensing of trailer, mobile homes or portable shed;
- c) *City* means The City of Yorkton;
- d) *Council* means the Council of The City of Yorkton;
- e) *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;
- 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) *Inspector* means any person employed by the City of Yorkton or designated as a Property Manager, Bylaw Enforcement Officer, Building Inspector, Fire or Health Inspector.
- h) *Junked vehicle* means any automobile, tractor, truck, trailer or other vehicle that:
 - i) Is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - ii) Is located on private land, but is not suitably covered as determined by an Inspector or within a structure erected in accordance with any law respecting the erection of *building* and structures in force within the *City* in which the land is situated, and that does not form a part of a business enterprise lawfully operated on that land.
- i) *Means of egress* means a continuous path of travel provided for the escape of persons from any point in a *building* or contained opened space to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the *building* and having access to an open public thoroughfare.
- j) *Nuisance* means:
 - i) Condition of *property*; or
 - (1) A thing;
 - (2) That affects or may affect the amenity of a neighbourhood or the safety, health and welfare of people in the neighbourhood, and includes:
 - (a) A *building* in a ruinous or dilapidated state of repair;
 - (b) An unoccupied *building* that is damaged and is an imminent danger to public safety;
 - (c) Land that is overgrown with grass and weeds;
 - (d) Untidy and unsightly *property*;
 - (e) *Junked vehicles*;
 - (f) Open excavations on *property*;

- k) *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*; and
 - iii) A leaseholder;
- l) *Owner* means a person who has any right, title, estate or interest in land or *buildings* other than that of a mere *occupant*, tenant or mortgagee;
- m) *Property* means land or *buildings* or both;
- n) *Smoke alarm* means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite;
- o) *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.

Principals and Purpose of Bylaw

- 3. 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 of the public or *occupants* of a *building*
 - b) Affect the safety, health and welfare of and the protection of people and *property*; and
 - c) The condition and repair of a *building* or *structure*

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 2 – 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 subsection 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) Depreciates the value of other land or improvements in the neighbourhood.

Unoccupied Buildings

- 7. Notwithstanding the generality of subsection 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 *Overgrown grass and weeds:*

- a) Notwithstanding the generality of subsection 5, no *owner* or *occupant* of land shall cause or permit the land to be overgrown with grass or weeds as determined by the Inspector.
- b) 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.

Rain Barrels

8. All rain barrels and other containers used for the collection of rain water shall be equipped with a mechanical covering designed to prevent the entry of mosquitoes and other insects that lay their eggs in standing water and with an over flow device that carries overflow water a minimum of 1.2 metres away from any foundation.

Untidy and Unsightly Property

9. Notwithstanding the generality of subsection 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 or other materials or junk.

Junked Vehicles

10. Notwithstanding the generality of subsection 5, no person shall cause or permit no more than two *junked vehicles* to be kept on any land owned by that person.
11. Junked vehicles must be inside an approved structure or securely covered at all times unless the vehicle is actively being worked on.

Open Excavations

12. Notwithstanding the generality of subsection 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.

PART III – Property Maintenance

Duty to Maintain

13. Duty to maintain:
 - a) All *property*, including land, *buildings* and *structures*, shall be maintained in accordance with the minimum standards prescribed in this Part.
 - 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 as contained herein.
 - c) Notwithstanding subsection 4, every *occupant* of a *property*, including land, *buildings* and *structures*, shall:

- i) Keep in a clean and sanitary condition that part of the *property* which the occupant occupies or controls;
- ii) Maintain exits to the exterior of the *building* in a safe and unobstructed condition;
- iii) Dispose of garbage and refuse and keep the *property* free from rubbish and other debris which might constitute fire, health or safety hazards; and
- iv) 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. Maintenance of yards:

- a) A yard shall be kept free and clean from any materials that create an untidy, unsightly or unsafe environment, including but not limited to the following:
 - i) Garbage and junk;
 - ii) *Junked vehicles* and dismantled machinery;
 - iii) Excessive growth of weeds or grass;
 - iv) Holes and excavations that could cause an accident;
 - v) Construction/renovation materials for an extended period of time not to exceed 90 days;
 - vi) Rodents, vermin or insects;
 - vii) Overgrown trees and shrubs; and
 - viii) Any material that is deemed to clutter and make the property appear unattractive.
- b) A yard shall be graded in such a manner so as to prevent:
 - i) Excessive ponding of water; and
 - ii) Excessive dampness accumulating near *buildings* or *structures*.

Outdoor Storage of Materials

16. Outdoor storage of materials:

- c) 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.
- d) Materials referred to in subsection 17(a) shall be elevated at least 450mm 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.
- e) Materials referred to in subsection 17(a) shall be limited to an amount for the project or task being undertaken as deemed appropriate by the Inspector.
- f) At the Inspector's discretion, material referred to in subsection 17(a) may be deemed a nuisance as referred to in subsection 10.

Refrigerators and Freezers

17. Any refrigerator or freezer left in a yard shall be covered and secured so that its door or doors may not be opened or have its hinges, latches, lid, door or doors removed until it is properly disposed of. Under no circumstances may a refrigerator or freezer remain in a yard for more than 30 days.

Accessory Buildings

18. Accessory buildings:

- a) *Accessory buildings* shall be maintained:
 - i) To prevent deterioration due to weather;
 - ii) Free of health, fire and safety hazards; and
 - iii) Free of rodents, vermin and insects.
- b) *Accessory buildings* shall be equipped with doors or closures and shall be kept secured to prevent unauthorized entry.

Fences

19. Fences shall be maintained in a safe and reasonable state of repair and in compliance with the regulations of the current Zoning Bylaw.

DIVISION 2: Building Standards (Exterior)

Application

20. This division applies to all *buildings* in the *City*.

Building Components

21. 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

22. Exterior walls:

- a) Every exterior wall shall:
 - i) Be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces of the building;
 - ii) Provide adequate protection from the weather;
 - iii) Be maintained so as to prevent deterioration due to weather and shall be so maintained by restoring or repairing of the walls, coping or flashing, by the waterproofing of the joints and of the walls themselves, or by being covered by a protective surface where this is necessary to resist deterioration of the structural surface; and
 - iv) Be adequately protected against deterioration with a protective coating when constructed of wood.
- b) Without limiting the generality of the above, a protective surface of a building shall be deemed to require repair if:

- i) The protective surface paint is extensively blistered, cracked, flaked, scaled or chalked away;
- ii) The pointing of any brick or stonewall is loose or has fallen out.
- c) All cornices, entablatures, belt courses, corbels, terracotta trim, wall facings and similar architectural features shall be maintained in good repair with proper anchorage and in a safe condition.

Roofs

23. Roofs:

- a) A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition to prevent deterioration or leakage of water into the *building* and shall be neatly finished.
- b) Loose materials, including dangerous accumulations of snow and ice, shall be removed from the roof of a *building* as soon as reasonably possible to prevent damage to the *building* or injury to persons in or near the *building*.
- c) 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 to create a hazardous condition or onto any adjacent *property* so as to damage that *property*.
- d) Eavestroughing and downspouts shall be watertight and maintained in good repair. Downspouts shall be equipped with extensions capable of carrying runoff a minimum of 1.8 metres away from the foundation of the building and directed in a manner that will not adversely affect any neighbouring property.
- e) Gables, antennas and structures of similar character attached to a building shall be maintained:
 - i) Plumb, unless specifically designed to be other than vertical;
 - ii) In good repair and free of fire and accident hazards; and
 - iii) In a rust free condition.

Chimneys

24. Chimneys:

- a) 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*.
- b) Chimneys, flue pipes and smoke stacks shall be free of any defects.
- c) Chimneys, flue pipes and smoke stacks shall have all defective masonry or metal components repaired or replaced as needed.
- d) Chimneys, flue pipes and smoke stacks shall be kept clear of obstructions.

Exterior Doors, Storm Doors, Windows and Screens

25. Exterior Doors, Storm Doors, Windows and Screens:

- a) A door shall be provided at each entrance to a *building* and when closed it shall be reasonably tight fitting within its frame.
- b) Exterior doors, storm doors and storm windows shall be kept in a reasonable state of repair, and shall be weather-tight to perform their intended function. Maintenance of exterior doors, storm doors and storm windows includes but is not limited to:

- i) Repairing, refitting or replacing of defective doors, storm doors, windows and storm windows, frames, sashes, casings, shutters, hatchways or screens;
 - ii) Re-glazing or fitting with an approved translucent substitute;
 - iii) Repairing or replacing defective or missing hardware so as to be capable of being locked;
 - iv) Re-screening or weather-stripping; and
 - v) Painting or application of a similarly effective preservative.
- c) Exterior doors shall have a locking mechanism designed to resist forced entry.
 - d) Operable windows within two metres of ground level shall have a locking mechanism to resist forced entry.
 - e) 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.
 - f) Windows and doors which open to the exterior and which are used for natural ventilation shall be screened to provide protection from the weather and insects. Screening shall be of rustproof material and shall not be less than #16 gauge screen.
 - g) In an unoccupied building or vacant building or in case of fire, openings may be boarded up until repaired or demolished.

Stairs, Porches, Decks and Railings

26. Stairs, Porches, Decks and Railings:

- a) Stairs, porches, decks and railings shall be maintained in good repair so that no components are broken, loose, rotted or warped.
- b) A handrail shall be installed on at least one side of all exterior stairs having more than three risers.

Vermin and Rodents

27. Vermin and rodents:

- a) All buildings shall be maintained to prevent the entry of vermin, rodents and insects and shall be kept rodent and vermin free.
- b) Any condition liable to cause the presence of vermin, insects or rodents shall be removed from buildings and when they are infested, all measures shall be taken to destroy the vermin, insects or rodents immediately, and such preventative measures taken as are necessary to prevent the reappearance of such vermin, insects and rodents.

DIVISION 3: Building Standards (Interior)

Application

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

Floors and Stairs

29. Floors and stairs:

- a) Floors and stairs shall be free of loose, warped, protruding or rotting floorboards.

- b) Floor and stair coverings, including tiles, linoleum and carpeting, shall be kept in a reasonable state of repair.

Walls and Ceilings

30. Walls and ceilings:

- a) Every wall and ceiling shall be maintained in good condition and free from holes, large cracks, loose plaster and other hazards.
- b) Every wall and ceiling shall be painted or finished in a suitable manner.
- c) The surface of every wall and ceiling shall be maintained in a reasonably clean and sanitary condition. Surfaces shall be cleaned to prevent the build-up of grease or other flammable material.

Plumbing, Heating and Mechanical Standards – Water Supply

31. Water supply:

- a) Every *building* shall be supplied with potable water.
- b) Piping for hot and cold water shall be connected to every kitchen sink, lavatory, bathtub, shower, slop sink and laundry area.
- c) Piping for cold water shall be run to every water closet and hose bib.
- d) Where a piped water supply is available, a hot water supply shall be provided by equipment capable of heating to at least 45°C but not above 60°C.

Plumbing Facilities

32. Plumbing facilities:

- a) 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.
- b) All bathrooms shall be fully enclosed and fitted with a door to provide privacy for the *occupant*.
- c) Seats shall be provided for all toilets and the seats shall be kept in good repair.

Gas and Open Flame Type Appliances

33. Gas and Open Flame Type Appliances:

- a) Gas stoves, water heaters and other gas appliances including but not limited to gas fireplaces shall be equipped with approved pipes or flues for the removal of the products of combustion.
- b) 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.

Solid Fuel Burning Appliances

34. Solid Fuel Burning Appliances:

- a) Solid fuel burning appliances including but not limited to fireplaces, wood stoves 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.
- b) Solid fuel burning appliances including but not limited to fireplaces, wood stoves and similar installations shall be installed in accordance with the manufacturer's instructions and all applicable codes and relevant standards.

- c) Solid fuel burning appliances including but not limited to fireplaces, wood stoves and similar installations shall be installed so that adjacent combustible materials and structural members are not over-heated to an unsafe condition.
- d) All chimneys, smoke pipes, flues or gas vents used in connection with a Solid fuel burning appliances including but not limited to fireplaces, wood stoves and similar installations shall be free of leaks and be maintained in a proper state of repair.

Ventilation

35. Ventilation:

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

Electrical Services

36. Electrical services:

- a) All *buildings* shall be supplied with electrical service that is adequate to safely meet the electrical needs of the *building*.
- b) 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.
- c) Extension cords, if used, shall be of an approved type and shall not exceed the circuit capacity.
- d) Extension cords shall not be used in lieu of permanent wiring for electrical outlets, lighting fixtures and switches.

Light

37. Light:

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

Egress

38. Egress:

- a) Every *building* shall have a *means of egress* that will 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 that constitute a fire hazard.

Structural Standards

39. Structural standards:

- a) Every foundation wall forming part of a building shall be maintained in good repair and be structurally sound to prevent undue settlement of the building.
- b) Every part of a *building* shall be maintained in a structurally sound condition that is capable of sustaining safely its own weight and any normal load to which it may be subjected.
- c) Materials showing evidence of damage, rot or other deterioration shall be repaired or replaced.

DIVISION 4: Additional Standards for Dwelling Units

Application

40. Application:

- a) This Division applies to all *dwelling units* in the *City*.
- b) 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 and any applicable legislation that may be amended from time to time.

Heating

42. Heating:

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

Sanitary Facilities

43. Sanitary Facilities:

- a) Every dwelling unit shall be provided with:
 - i) A kitchen sink;
 - ii) A lavatory;
 - iii) A bath tub or shower and
 - iv) A water closet.
- b) In every dwelling unit where sanitary facilities are shared:
 - i) All *occupants* shall have convenient access to a bathroom, lavatory and bathtub or shower;

- ii) 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;
- iii) All required facilities shall not be located more than one floor away from the dwelling unit; and
- iv) The number of *occupants* sharing the use of a bathroom, lavatory and bathtub or shower shall not exceed 10 persons.
- c) Bathtubs, showers or water closets shall not be located in any *habitable room*.
- d) The lavatory shall be in the same room as the water closet or in an accessible adjoining room.
- e) All bathrooms shall have mechanical or natural ventilation.
- f) All bathrooms shall be fully enclosed and fitted with a door in order to provide privacy for the *occupant*.
- g) Sewage shall be properly discharged into the sewage system.

Ventilation

44. Ventilation:

- a) Unless a satisfactory alternative means of ventilation is provided, every *habitable room* shall have at least one window that can be easily opened.
- b) Where a system of mechanical ventilation is provided, it shall be designed and installed to provide adequate ventilation without creating a situation where a negative pressure occurs within the dwelling unit that may result in a back drafting of chimneys.
- c) All enclosed spaces within a dwelling unit shall:
 - i) Be adequately ventilated;
 - ii) Have access of sufficient size to permit entry; and
 - iii) 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. Electrical facilities:

- a) Every habitable room, other than a kitchen, shall have at least one approved electrical outlet.
- b) Every kitchen shall have at least two 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.
- c) 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. Kitchen facilities:

- a) Unless otherwise approved, every dwelling unit shall be equipped with safe and adequate cooking facilities for the *occupants*.

- b) A counter work surface at least 1500 mm long and 500 mm deep, including the area occupied by the kitchen sink, shall be provided in the kitchen.
- c) A clearance of at least 750 mm shall be provided above the heating elements of any cooking appliance.

Fire Safety Standards

47. 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 that shall not pass through a room in another dwelling unit.
- b) *Sufficient smoke alarms* shall be installed so that:
 - i) There is at least one smoke alarm on each floor level, including basements, that is 900 mm or more above or below an adjacent floor level;
 - ii) Each bedroom is protected by a smoke alarm either inside the bedroom or, if outside, within 5 m, measured following corridors, and doorways, of the bedroom door; and
 - iii) The distance, measured following corridors and doorways, from any point on a floor level to a smoke alarm on the same level does not exceed 15 m.
- c) *Smoke alarms* shall be installed on or near the ceiling.
- d) *Smoke alarms* shall be inspected, tested and maintained in accordance with the manufacturer's literature. Such instructions shall be posted in a location where they will be readily available to the occupants for reference.

PART IV – Enforcement, Offences and Penalties

Enforcement of Bylaw

48. Enforcement of bylaw:

- a) The administration and enforcement of this Bylaw is hereby delegated to *Inspector(s)* for The City of Yorkton.
- b) The City Manager for The City of Yorkton is hereby authorized to further delegate the administration and enforcement of this Bylaw to *Inspectors*.

Inspections

49. Inspections:

- a) The inspection of *property* by the *City* to determine if this Bylaw is being complied with is hereby authorized.
- b) Complaints may be registered on the form identified as "Schedule B".
- c) An Inspector may, in his or her discretion, make an Order that:
 - i) Any Structure is a Nuisance;
 - ii) Any land or Structure is untidy or unsightly;
 - iii) Any vehicle is a Junked Vehicle;
 - iv) Any Structure does not conform to the Minimum Standards;
 - v) Any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure in or on any private land or in or about any building or structure is a nuisance and dangerous to the public safety or health;

- vi) Any Structure is an imminent danger to the public safety or health because it is unsecured or for any other reason; and
- vii) An Owner or Occupant or both shall perform such work as the Inspector may designate to remedy the situation and set a time limit for such work to be done.

Occupancy Prohibited

50. Any building that does not meet the standards contained herein may be deemed unfit for occupancy at the discretion of an *Inspector*. Occupancy shall remain prohibited until a Building Official appointed by the City of Yorkton issues an occupancy permit.

Order to Remedy Contraventions

- 51. 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.
- 52. If an Inspector makes an Order pursuant to subsection 50 on "Schedule A", the Inspector may take any reasonable emergency action that is deemed necessary to secure the structure or otherwise eliminate the danger. The cost of that work is a debt due and owing to the City and may be added to the taxes on the land on which the work was performed.
- 53. An Order shall be served on the Owner or Occupant or any other person with an interest in the land and the recipient(s) of the Order have 10 days from the date of the Order to appeal the Order to the Committee. An appeal pursuant to this section shall be in writing.
- 54. If any person fails to do the work required by an Order within the time limit prescribed in the Order, the City may proceed to have the work done that it considers necessary for carrying out the Order. The cost of the work is a debt due and owing to the City and may be added to the taxes of the land on which the work is done.
- 55. Except where otherwise provided for in this Bylaw, any notice, order or other document required by this Bylaw to be given or served may be served either:
 - a) Personally;
 - b) By first class mail to the last known address of the person being served;
 - c) By hand delivering a copy of the notice, order or document to the last known address of the person being served; or
 - d) By posting a copy of the notice, order or document on the building or structure to which the notice, order or document relates.
- 56. A notice, order or document served in accordance with subsection 55(a) is deemed to have been served the day of actual delivery if it was personally served.
- 57. A notice, order or document served in accordance with subsection 55(b) is deemed to have been served on the fifth day after the date of its mailing.
- 58. A notice, order or document served in accordance with subsection 55(c) or (d) is deemed to have been served the day after the date of its delivery or posting.
- 59. If service cannot be effected in accordance with subsection 55:
 - a) The notice, order or other document may be served by publishing it in two (2) issues of a newspaper circulating in the city; and

- b) For purposes of clause (a), the second publication must appear at least 3 days before any action is taken with respect to the matter to which the notice, order or document relates.
60. Any order issued pursuant to this bylaw shall be accompanied by information regarding application for an appeal hearing.
61. An Inspector who has reason to believe that a person has contravened any article of this Bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the City of Yorkton will accept voluntary payment in an amount as prescribed below:
- a) First offence of any violation found in this bylaw, the sum of One Hundred (\$100.00) Dollars;
 - b) Second offence of any violation found in this bylaw within 12 months of the first offence being issued, the sum of Two Hundred (\$200.00) Dollars;
 - c) Third offence of any violation found in this bylaw within 12 months of the first offence being issued, the sum of Three Hundred (\$300.00) Dollars.
62. An Inspector appointed by the City of Yorkton may order the demolition of any building or accessory building

Registration of Notice of Order

63. If an order is issued pursuant to subsection 52, 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

64. Appeal of Order to Remedy:
- a) A person may appeal an order made pursuant to subsection 53 in accordance with section 329 of *The Cities Act* using the form "Schedule C".
 - b) Appeals shall be made initially to the Yorkton Property Maintenance Appeal Board, which Board is hereby established.
 - c) The Board shall consist of five members appointed by *Council*. A quorum shall consist of three members.

Cities Remediating Contraventions

65. 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

66. The *City* may, in accordance with Section 332 of *The Cities 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.

Adding Amounts to Tax Roll

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

Emergencies

68. 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

69. Offences:

- a) No person shall:
 - i) Fail to comply with an order made pursuant to this Bylaw;
 - ii) Obstruct or hinder any Inspector or any other person acting under the authority of this Bylaw; or
 - iii) Fail to comply with any other provision of this Bylaw.
- b) Every person who contravenes any provision of clause (a) is guilty of an offence and liable on summary conviction:
 - i) In the case of an individual, to a fine of not more than \$10,000;
 - ii) In the case of a corporation, to a fine of not more than \$25,000; and
 - iii) 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 one year, unless the fine is paid sooner.

Schedules and Forms

70. Schedules may be amended by the City Clerk providing the amendment does not affect the substance of the form.

Bylaws Repealed

71. Bylaw No. 4/2003 and Bylaw 5/2003 and all amendments thereto are hereby repealed.

Effective Date of Bylaw

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

Read a first time this 11th day of July, A.D., 2005.

Read a second time this 11th day of July, A.D., 2005.

Read a third time and passed this _____ day of _____, A.D., 2005.

BYLAW VIOLATION ORDER

To: _____

RE: _____

civic and/or legal address of affected property _____

The above captioned property was inspected by the undersigned on _____, _____ 20____, and in violation of the following:

- Overgrown grass and weeds
- Untidy and unsightly property
- Junked vehicles _____; _____; _____
- Open excavations
- Outdoor storage of materials (Examples of contraventions)

Under authority of City of Yorkton Bylaw 17/2005 regarding Property Standards, you are ordered to:

- Remove the accumulation of all debris and refuse.
- Cut and clean overgrowth of grass/weeds.
- Trim and remove overgrowth of shrubs/trees.
- Remove all indoor furniture and household items.
- Pile all lumber neatly 450 mm off the ground. (Examples of remedies)
- Removed, tarped, stored, sold or otherwise disposed of.
- Demolish building or accessory building.

Compliance with this order is required on or before the _____ day of _____, 20____.

If you know of any reason why this work should not be completed, you may within ten (10) days of the date of service of this Order contact the Inspector at City Hall located at 37 Third Avenue North (786-1725) to dispute the Order or otherwise show cause as to why the work should not be proceeded with.

Should you fail to remedy the contravention for which this order is issued by the date set forth above or fail to contact the Inspector to show cause as to why this work should not be completed, the City will engage the services of a contractor to remedy the condition and remove any articles deemed necessary from the land and destroy, sell or otherwise dispose of them. All cleanup cost and the cost of removing and destroying selling or otherwise disposing of them may be added to, and thereby forms part of, the taxes on the property.

In accordance with Bylaw No. 17/2005, the above-mentioned property must be continuously kept and maintained clean and tidy at all times or a fine of \$100.00 shall be issued and for each subsequent offence a fine of \$200.00

- Kevin Galbraith, Bylaw Control Officer
 Doug Jaques, Bylaw Control Officer
 _____, Bylaw Control Officer

Issued this _____ day of _____ 20_____.

PROPERTY STANDARDS COMPLAINT FORM

1. PROPERTY AFFECTED:

Civil Address:

Lot (s): Block: Plan No.:

2. APPLICANT:

Name:

Address:

Phone No.: Fax No.:

Email:

3. SUBSTANDARD AREAS:

The above captioned property is in my belief to be substandard in the following area(s) (check the required items):

- | | |
|---|--|
| <input type="checkbox"/> Smoke Alarms | <input type="checkbox"/> Mould |
| <input type="checkbox"/> Cleanliness | <input type="checkbox"/> Windows |
| <input type="checkbox"/> Security | <input type="checkbox"/> Fire Safety |
| <input type="checkbox"/> Exits | <input type="checkbox"/> Floor Coverings |
| <input type="checkbox"/> Guards and Handrails | <input type="checkbox"/> Plumbing |
| <input type="checkbox"/> Interior Finish | <input type="checkbox"/> Furnace/Heating |
| <input type="checkbox"/> Ventilation | <input type="checkbox"/> Stairs |
| <input type="checkbox"/> Lights and Electrical | <input type="checkbox"/> Doors |
| <input type="checkbox"/> Fireplace | <input type="checkbox"/> General Comfort |
| <input type="checkbox"/> Deck | <input type="checkbox"/> Fencing |
| <input type="checkbox"/> Other (please specify) | |

4. OTHER COMMENTS:

5. DETAIL YOUR OWN EFFORTS TO ACHIEVE A REMEDY:

Received by,

, Inspector

Dated this ____ of _____, 2005

**REQUEST FOR HEARING
NOTICE OF APPEAL**

In the matter of City of Yorkton Property Standards Bylaw 17/2005

To: The Property Standards Appeal Board

RE: NOTICE OF APPEAL

I/we, _____

Of _____

Owner/occupant of property located at:

Civil Address:

Lot (s):

Block:

Plan No.:

Hereby appeal an order made pursuant to the Property Standards Bylaw dated _____, 2005, and received on _____ 2005, attached to this Notice of Appeal.

THE REASONS IN SUPPORT OF MY APPEAL ARE:

Request for Appeal Hearing Received by,

Inspector

Dated this _____ day of _____, 2005