

CITY OF ESTEVAN



The Property Maintenance Bylaw 2018-2009

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City of Estevan
BYLAW 2018-2009

A BYLAW OF THE CITY OF ESTEVAN, IN THE PROVINCE OF SASKATCHEWAN TO REGULATE '*PROPERTY MAINTENANCE AND NUISANCE ABATEMENT*' IN THE CITY OF ESTEVAN.

WHEREAS, pursuant to Section 8 of *The Cities Act*, enables Council the authority to pass bylaws for the purposes such as the safety, health and welfare of citizens and to maintain the amenity of a neighborhood;

AND THEREFORE, The Council of the City of Estevan, in the Province of Saskatchewan enacts as follows:

PART 1: INTERPRETATION

1. Short Title

This Bylaw may be cited as the "*The Property Maintenance Bylaw*".

2. Purpose

The Purpose of this Bylaw is to provide for the proper maintenance of property and the abatement of nuisances, including property or things that is to ensure all properties are continuously maintained in a reasonable attractive, tidy and safe condition;

- 1) Affect the safety, health, and welfare of people in the neighborhood; or
- 2) Affect the amenity of a neighborhood.

3. Definitions

In this Bylaw;

"Accessory Building" means a separate building or structure and not the principal building or structure. It is located on the same site as the principal building or structure and shall include private garages but shall not include a building used for human habitation.

"Boulevard" means the portion of land lying between the curb and gutter of a street and the adjacent property line, excepting the portion occupied by the sidewalk. Where no curb and gutter exist it is the portion of land lying between the designated roadway and the adjacent property line.

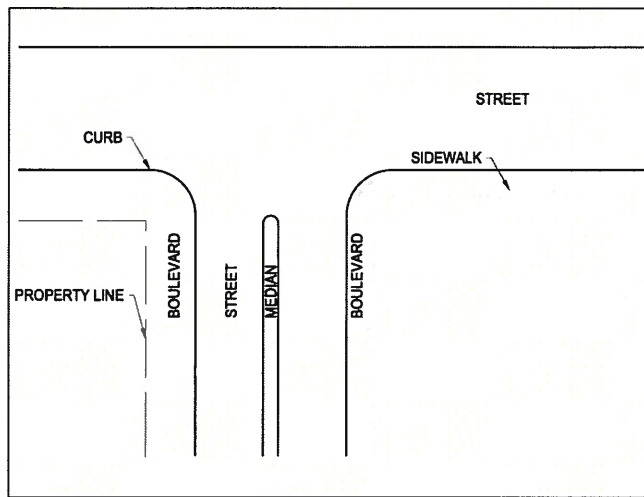


Figure 1.1

"Building" means a building defined in *The Cities Act* as being any structure used or occupied or intended for supporting or sheltering any use or occupancy and includes mobile home or portable shack that is:

- a) not in storage
- b) situated within the City for a period of more than 30 days; or
- c) not licensed pursuant to any bylaw relating to the licensing of trailers, mobile homes or portable shacks.

"Bylaw Enforcement Officer" means an employee(s) of the City appointed by Council and/or City Manager to act as a Bylaw Enforcement Officer for the purposes of this Bylaw or specific sections of this bylaw.

"City" means the City of Estevan.

"City Sign" means signs erected by the City of Estevan, which are regulated by the current Traffic Bylaw.

"City Manager" means the Manager of Corporate Services being the City Manager for the City of Estevan.

"Council" means the Council of the City of Estevan.

"Dilapidated Building" means a building or structure that is in a state of disrepair, ruined or decayed condition.

"Driveway" as defined and meeting the requirements set out in the current City of Estevan Zoning Bylaw.

"Dwelling Unit" means a room or series of rooms of complementary use operated as a house keeping 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.

"Excavation" means the space created by the removal of soil, rock or fill for the purposes of construction. It may also be performed by natural occurrences such as sink holes or holes dug by animals.

"Fence" means a type of wall erected to enclose an area and act as a barrier. It may be built privately or by a developer to enclose a specific community.

"Garbage" means discarded food waste or any other unwanted material intended for disposal at the landfill.

“Graffiti” means a form of unwanted vandalism that includes any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, privacy wall, fence or other structure.

“Green space or Open Space” means a municipally owned area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes that is accessible to the public, and includes any park, or City-owned or Province-owned buffer, walkway, or reserve parcel.

“Hardscaped” means an area of a yard that consists of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile, or wood, but does not include driveways.

“Inspector” means any person designated by the City of Estevan as a Bylaw Enforcement Officer, Building Official, Fire Inspector, Health Inspector, Weed Control Inspector, Pest Control, or Dutch Elm Disease Inspector.

“Junk” means waste, rubbish, or the remains of articles that have been worn, discarded, destroyed or in a broken condition, as determined by the inspector.

“Junked Vehicle” means any automobile, tractor, truck, trailer or other vehicle that:

- a. has no valid license plate attached to it; or
- b. is in a rusted, wrecked, dismantled, partly dismantled, or abandoned condition and is on private land; or
- c. is inoperative or inoperable or cannot be moved by its own power at the request of the inspector.

“Landscaped” means an area of a yard that consists of vegetation, such as trees, shrubs, hedges, ornamental plantings, grass and groundcover.

“Means of egress” means a continuous path of travel provided for the escape of persons from any point in a building. Means of egress includes exits and access to exits.

“Membrane Structure” means a non-permanent structure with various covering material, (including the skeleton or frame) that is used for storage of a motorized vehicle or any other storage use. Although it does not have a permanent foundation; these structures are still considered as accessory buildings and are subject to current Zoning Bylaw regulations with respect to their size and location.

“Nuisance” means a condition of property or 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;

- a) A building in a ruinous or dilapidated state of repair;
- b) An building (occupied or unoccupied) that is damaged and is in imminent danger to public safety;
- c) Land that is overgrown with grass, weeds, or other vegetative growth as defined by Weed Control Act;
- d) Untidy and unsightly property;
- e) Junked vehicles;
- f) Open excavation on property;
- g) Noxious emissions of smoke or odor.

“Occupant” means an occupant as defined in *The Cities Act* as being;

- a) a person residing on land or in a building;
- b) 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
- c) a leaseholder.

“Owner” means an owner as defined in *The Cities Act* as being a person who has title, estate, or interest in land or buildings other than that of a mere occupant, tenant, or mortgagee.

“Placarded” means an order prohibiting occupancy, issued by Building Official, Public Health or Fire Protective Services.

“Property” means land or building or both.

“Recreational Vehicle” means any motor home, truck camper, popup camper, pull behind trailer, fifth wheel trailer, Toy hauler, or similar mobile structure which can be easily transported to a site to be used for temporary living purposes and/or equipped with overnight sleeping accommodation.”

“Shipping Container” means a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship, or transportation truck. Shipping containers are also commonly referred to as “sea cans” or “storage containers”.

“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.

“Trailers” shall mean for the purpose of this Bylaw, a flat deck trailer, enclosed cargo trailer, utility or recreation vehicle trailer, horse and livestock trailer, gooseneck (5th wheel trailers), or units deemed to be trailers by an Inspector.

“Untidy and Unsightly” means a condition that is caused due to the over accumulation of any type of materials in any yard such that the yard becomes visually unattractive and negatively affects the value of other properties in a neighborhood.

“Yard” means an area of land open to the sky, which no building is erected on.

“Front Yard” means the area extending across the full width of the lot between the front property line and the front exterior wall or walls of the principle building. *See Figure 1.2 & 1.3.* For the purpose of this bylaw; the front yard does not include the driveway and/or parking pad.

“Rear Yard” means the area extending across the full width of the lot between the rear property line and front exterior wall or walls of the principle building. *See Figure 1.2 & 1.3.*

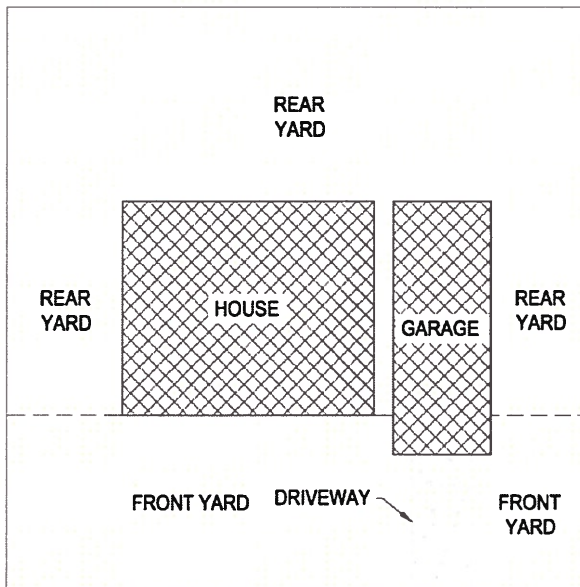


Figure 1.2

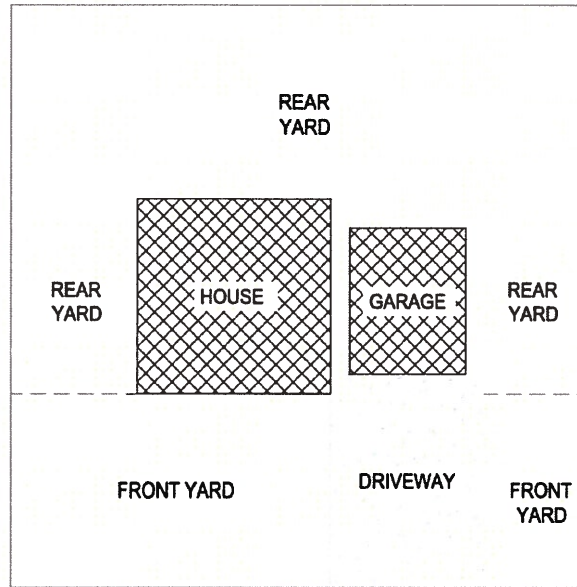


Figure 1.3

4. Responsibility

- 1) Unless otherwise specified, the owner of a property, that includes land, buildings or structures shall be responsible for carrying out the requirements of this bylaw.
- 2) Compliance with the requirements of this bylaw does not exempt any person from compliance with the requirements of any federal, provincial, or municipal legislation, the requirements of any other bylaw in force within the City or from obtaining any permit, license, permission, authority or approval required by this or any other bylaw of the City in force from time to time.

5. General

- (1) All property including land, buildings or structures are to be maintained in accordance with the minimum standards of this Bylaw.
- (2) Any structure that has been a Placarded Structure for a period exceeding three months is deemed to be a nuisance and will be ordered to be repaired or removed at the discretion of Building Official.

PART 2 – MAINTENANCE OF RESIDENTIAL YARDS

This section applies to all residential yards within the City of Estevan.

6. Duty to Maintain

- a) All property shall be maintained in accordance with the minimum standards prescribed in this bylaw and other applicable requirements/regulations of any other authorities having jurisdiction.
- b) No person shall cause or permit the occupancy or use of any property that does not conform to the minimum standards, and every dwelling unit shall provide a safe and sanitary environment for the occupants in accordance with this bylaw.

7. Appearance of all Yards

(1) All residential yards shall be kept free and clean, at the discretion of an Inspector, from the following at all times:

- a) Garbage and Junk;
- b) Junked vehicles;
- c) Excessive growth of weeds and grass;
- d) Holes and excavations deemed a danger to public safety;
- e) Infestations of rodents, vermin or insects;
- f) Dead or hazardous trees;
- g) Dangerous or hazardous materials;
- h) Refrigerators or freezers;
- i) Household appliances/furniture/mattresses;
- j) Dismantled machinery; and/or
- k) Any material that is deemed a nuisance and makes the property appear untidy and unsightly

8. Untidy and Unsightly Property

(1) All residential yards are prohibited from being in an untidy and unsightly condition at the discretion of an Inspector, such as:

- a) The storage of any vehicles is done in such a way as to cause unsightly clutter and therefore adversely affects the visual well-being of a neighbourhood.
The storage of any items in a yard is done in such a way as to cause unsightly clutter and therefore adversely affects the visual well-being of a neighbourhood.
- b) Conditions which provide food or harbourage for vermin such as excessive vegetation overgrowth or the excessive accumulation of new or used furniture, lumber, cardboard, paper, newspaper, appliances, vehicle parts, tires, cans, bottles, barrels, scrap metal, scrap plastic, carrion, building materials, rags, rubbish, litter, debris, other waste material or other junk whether of any apparent value or not.
- c) Where an owner or occupant of a property are composting, the composting is done in an enclosed bin with proper air holes to allow aeration.

(2) No owner of land shall store any materials noted in subsection (1) in the front yard of any residential property or on any adjoining boulevards or lanes.

9. Overgrown Grass, Weeds and Other Vegetative Growth

(1) No owner or occupant of residential property shall allow their yard to be overgrown with grass and weeds. For the purpose of this section, "overgrown" means in excess of 20 centimeters in height or at the discretion of the Inspector.

(2) 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 wild flowers, shrubs, perennials, grasses, or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

(3) No owner or occupant of land shall cause or permit any adjoining boulevards or lanes or walkways to be overgrown with grass or weeds.

10. Boulevard and Alley Maintenance

(1) The owner or occupant of a property is responsible for maintenance of the adjacent boulevard or alley up to the centerline of the alley (*see Schedule "A" for diagram*) and:

- a) Shall prevent excessive growth of weeds and grass;
- b) Trees and shrubs that originate on private property that overhang or protrude into the alley must be trimmed to the edge of the roadway to a minimum height of four metres to allow free and clear passage through the alley. (*See Schedule "B" for diagram*)
- c) Shall not deposit or cause, suffer, or permit the deposit of any garden waste, vegetation, waste materials, or tree branches on or upon the boulevard or alley adjacent to the property.
- d) Shall not deposit or cause, suffer or permit the deposit of household furniture, building materials, or garbage or waste, on the boulevard or alley adjacent to the property.

11. Pet Wastes

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

12. Front Yards

(1) All residential front yards regardless of whether they are landscaped or hardscaped shall be kept free of the following:

- a) motorized vehicles including, but not limited to, automobiles, etc.;
- b) trailers of any type; and/or
- c) recreational vehicles.

13. Recreational Vehicles Prohibited Use

- (1) Recreational vehicles shall not be used as a dwelling unit or primary temporary residence in any area of the City, and may only be situated on a site for storage or temporary overnight accommodation of principle residents of the site (or their guests) provided such accommodation does not exceed four (4) days within a thirty (30) day period."

14. Front Yard Driveways and/or Parking Pads

- (1) All residential driveways and/or parking pads are to be kept free of the following:
- a) construction equipment;

15. Shipping Containers

No owner or occupant of a residential property shall allow a shipping container to be placed on their property unless they are permitted under the current *Zoning Bylaw*.

16. Outdoor Storage of Materials

- (1) Residential outdoor storage of materials shall conform to the following:
- a) Any fire wood, scrap metal, boxes, tires, 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 of rodents, vermin and insects and to prevent collection of water.

- b) Materials referred to in Subsection (a) shall be elevated at least 15 cm off the ground and shall be stacked at least three metres from the exterior walls of any principal building and at least one metre from the property line.
- c) Storing of refrigerators or freezers in yards is prohibited, however if such appliances are being held temporarily to facilitate disposal, they shall first have the hinges, latches, lid or lids, door or doors removed in order to prevent entrapment within the appliance.

17. Outdoor Storage of Building Materials

(1) Residential storage of building materials, such as lumber, tin, shingles, pallets, or similar items shall conform to the following:

- a) No owner or occupant of a property shall allow the accumulation of new or used building materials outdoors on the property unless they are being used for a construction or renovation project for that specific property.
- b) Any building materials for the purpose of a renovation are to be neatly stacked in piles and elevated at least 15 cm off the ground.
- c) Building materials are to be stacked at least three metres from the exterior walls of any principal building and at least one metre from any property line.
- d) Any construction or renovation work must be completed in a timely manner and work may not be suspended for a period of more than 30 days.
- e) Excess building materials from any renovation project must be removed from the residential property within 10 days following the completion of the work.

18. Tree and Shrub Pruning at the Sidewalks and/or Streets

(1) No owner or occupant of residential property shall allow their trees or shrubs to grow so as to impede passage on a City sidewalk or street. Trees and shrubs that:

- a) overhang or protrude into the sidewalk are to be trimmed to the back of the sidewalk at a minimum height of three metres. *(see Schedule "C" for diagram)*
- b) overhang or protrude into the street or alley are to be trimmed to the edge of the street at a minimum height of four metres. *(see Schedule "B" for diagram)*
- c) No owner or occupant of land shall cause or permit any adjoining boulevards or lanes to be overgrown with grass or weeds.

19. Hedges and Shrubs in the Front Yard

(1) Hedges and shrubs in the front yard must be trimmed and maintained.

(2) Notwithstanding subsection (1), hedges and shrubs in a sight triangle are subject to the current *Zoning Bylaw* regulations.

20. Tree, Shrub and Hedge Growth Obstructing City Signs

(1) Where City signs are located:

- a) Hedges and shrubs must be trimmed to a maximum height of one metre; and
- b) Tree branches must be trimmed away from the sign face, to provide an unobstructed view of the sign for the intended viewer.

21. Junked Vehicles

(1) No person shall keep or store any junked vehicle on any property in the City of Estevan. A junked vehicle is considered any automobile, tractor, truck, trailer or other vehicle that:

- a) has no valid license plate attached to it; or
- b) is in a rusted, wrecked, dismantled, partly dismantled, or abandoned condition, located on private property; or
- c) is inoperative or inoperable or cannot be moved by its own power at the request of the inspector.

22. Rain Water Collectors

(1) All containers on residential property used for the collection of rain water shall be equipped with the following:

- a) a covering device designed to prevent insects that lay their eggs in standing water from entering; and
- b) an overflow device that discharges excess water away from any foundation.

23. Fences and Walls

(1) All fences and walls that enclose the yard of a residential property shall, at the discretion of the Inspector, be:

- a) maintained in a safe and reasonable state of repair, appropriate for the neighborhood;
- b) free of material that is in a damaged or poor condition;
- c) excepting areas that are approved for the containment of livestock, fences which incorporate barbed wire shall not be permitted.

24. Membrane Structures (Portable Garages)

(1) All membrane structures on a residential property shall, at the discretion of the Inspector or Building Official, be:

- a) in a safe and reasonable state of repair; and
- b) free of material that is in a damaged or poor condition.

25. Graffiti

No owner shall permit graffiti to remain on any building, accessory building, and fence or on any other structure on the property.

26. Dilapidated Buildings

(1) No person shall cause or permit a building or structure to become damaged or to deteriorate into a ruinous or dilapidated state of disrepair 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 neighborhood.

27. Unoccupied Buildings

(1) 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.

(2) Unoccupied buildings shall be securely closed to prevent unauthorized entry.

28. Relocated, Demolished or Partly Demolished or Damaged by Fire Residential Buildings

Residential buildings that have been relocated, demolished, or damaged by fire or partly demolished are required to provide a secure and strongly built fence surrounding any remaining excavation. The fence is required to be a minimum of 1.8 metres in height and is required to remain until the excavation is either filled in or new construction is placed on it. Excavations must be filled and compacted as to not allow water to pond.

29. Open Excavations

No owner shall have a permanent excavation on their residential property that is deemed to be a public safety hazard by an Inspector. Temporary excavations require a fence at a minimum of 1.8 metres in height.

30. Yard Drainage

- (1) Yards shall be graded in such a manner so as to prevent the following:
- a) excessive ponding of water; and/or
 - b) excessive amounts of moisture accumulating near a building or structure on the property.

PART 3 - MAINTENANCE OF NON-RESIDENTIAL YARDS

This section pertains to all non-residential yards within the City of Estevan.

31. Untidy and Unsightly Premises

- (1) All non-residential yards are prohibited from being in an untidy and unsightly condition at the discretion of an Inspector, such that:
- a) the storage of any vehicles is done in such a way as to cause unsightly clutter and therefore adversely affects the visual well-being of the city.
 - b) the storage of any items in a yard is done in such a way as to cause unsightly clutter and therefore adversely affects the visual well-being of the city.
 - c) Conditions which provide food or harbourage for vermin or the excessive accumulation of new or used furniture, lumber, cardboard, paper, newspaper, appliances, vehicle parts, tires, cans, bottles, barrels, scrap metal, scrap plastic, carrion, building materials, rags, rubbish, litter, debris, other waste material or other junk whether of any apparent value or not.
 - d) Where an owner or occupant of a property are composting, the composting is done in an enclosed bin with proper air holes to allow aeration.

32. Appearance of All Yards

- (1) All non-residential yards shall be kept free and clean, at the discretion of an Inspector, from the following at all times:
- a) garbage;
 - b) excavations;
 - c) infestations of rodents, vermin or insects;
 - d) dead or hazardous trees; or
 - e) dangerous or hazardous materials.

33. Outdoor Storage of Materials

- (1) Outdoor storage of materials in non-residential yards shall comply with the following:
- a) any materials such as lumber, scrap metal, boxes, tires or similar items stored in a yard shall be neatly stacked in piles and elevated at least 15 cm off the ground;
 - b) materials in a non-residential yard that are not relevant to the commercial business lawfully being operated on that property are to be stored within an approved and fully enclosed structure or removed; and
 - c) materials stored in a non-residential yard that are determined to be a potential safety hazard to individuals able to access them shall be securely enclosed with a wall or fence. The fence is to be strongly built and a minimum of 1.8 metres in height.

34. Shipping Containers on Non-Residential Property

- (1) No owner or occupant of a non-residential property shall permit a shipping container to be placed on their property unless permitted by the current *Zoning Bylaw* and *Building Bylaw*.
- (2) No owner or occupant of a non-residential property shall permit a shipping container to become rusty or in a state of disrepair. Where applicable, shipping containers must be painted to match or compliment the exterior of the principle building.
- (3) Shipping containers shall not be used for display or advertising.

35. Yard Drainage

- (1) Where possible at the discretion of the City Manager Designate, a non-residential yard shall be graded and drained so as to prevent the following:
- a) excessive ponding of water; and/or
 - b) excessive amounts of moisture accumulating near a building or structure on the property.

36. Overgrown Grass and Weeds

- (1) No owner or occupant of non-residential property shall allow their yard to be overgrown with grass and weeds. For the purpose of this section, "overgrown" means in excess of 20 centimeters in height or at the discretion of the Inspector. This section shall not apply to plants and ornamental grasses that are part of a tended and maintained garden
- (2) 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 wild flowers, shrubs, perennials, grasses, or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.
- (3) No owner or occupant of land shall cause or permit any adjoining boulevards or lanes or walkways to be overgrown with grass or weeds.

37. Boulevard and Alley Maintenance

- (1) Unless alternative agreements are in place, the owner or occupant of a non-residential property is responsible for maintenance of the adjacent boulevard or alley up to the centerline of the alley (see Schedule "A" for diagram) and:
- a) shall prevent excessive growth of weeds and grass;

- b) trees and shrubs that originate on private property that overhang or protrude into the alley must be trimmed to the edge of the roadway to a minimum height of four metres to allow free and clear passage through the alley. (See Schedule "B" for *diagram*)
- c) shall not deposit or cause, suffer, or permit the deposit of any garden, vegetation, waste materials, or tree branches on or upon the boulevard or alley adjacent to the property.
- d) shall not deposit or cause, suffer or permit the deposit of household furniture, building materials, or garbage or waste on the boulevard or alley adjacent to the property.

38. Tree and Shrub Pruning at the Sidewalks and/or Streets

(1) No owner or occupant of a non-residential property shall allow their trees or shrubs to grow so as to impede passage on a City sidewalk or street. Trees and shrubs that:

- a) overhang or protrude into the sidewalk are to be trimmed to the back of the sidewalk at a minimum height of three metres. (*see Schedule "C" for diagram*)
- b) overhang or protrude into the street are to be trimmed to the edge of the street at a minimum height of four metres.

39. Hedges and Shrubs in the Front Yard

Hedges and shrubs in the front yard must be trimmed and maintained

40. Tree, Shrub and Hedge Growth Obstructing City Signs

(1) Where City signs are located:

- a) hedges and shrubs must be trimmed to a maximum height of one metre; and
- b) tree branches must be trimmed away from the sign face, to provide an unobstructed view of the sign for the intended viewer.

41. Fences and Walls

(1) All fences and walls that enclose the yard of a non-residential property shall be:

- a) in a safe and reasonable state of repair;
- b) free of material that is in a damaged or poor condition; and
- c) secured to prevent entry by the public during off hours.

42. Graffiti

No owner shall permit graffiti to remain on any building, accessory building, shipping container, fence or on any other structure on the property.

43. Open Excavations

No owner shall have a permanent excavation on their non-residential property that is deemed to be a public safety hazard by an Inspector. Temporary excavations require a fence at a minimum of 1.8 metres in height.

44. Relocated, Demolished or Partly Demolished or Damaged by Fire, Non-Residential Buildings

Non-residential buildings that have been relocated, demolished, or partly demolished or damaged by fire are required to provide a secure and strongly built fence surrounding any remaining excavation. The fence is required

to be a minimum of 1.8 metres in height and is required to remain until the excavation is either filled in or new construction is placed on it. Excavations must be filled and compacted as to not allow water to pond.

PART 4 - EXTERIOR BUILDING STANDARDS

This section applies to the exterior of all buildings.

45. Display of Civic Numbers on Buildings

- (1) The owner or occupant of a building shall display the address assigned to the property at all times. The number shall be in a location that is clearly visible and legible:
 - a) from the street; **and**
 - b) from the alley, if the property has access to an alley.
- (2) Addresses are to be clearly visible and legible at all times.
- (3) The building numbers shall be at least 10 cm in height and have a stroke width of at least 1.5 cm, and shall be of contrasting color to the surface upon which such numbers are installed.
- (4) The owner of a commercial property shall display the appropriate assigned number to the property at every public access and be plainly visible.
- (5) No person shall display any address number on a property other than the one that is currently assigned.
- (6) The owner of a building with more than one dwelling or rental unit that has a separate exterior entrance door shall provide the following:
 - a) a plainly visible number that has been assigned to the multiple unit building; and
 - b) a plainly visible suite number displayed on the entrance door of each rental unit.

46. Building Components

- (1) The structural components of every building, including roofs, stairs, railings, porches and decks shall be maintained in good repair and shall be capable of performing the function that they were intended to perform. They shall be capable of sustaining their own weight and any normal load to which it may be subjected.
- (2) 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.
- (3) No owner shall permit any structure on their property to fall into a dilapidated state of repair.
- (4) Materials which have deteriorated and/or become damaged shall be repaired or replaced.
- (5) Any building that does not meet the standards contained herein may be deemed a dilapidated building at the discretion of an Inspector.

47. Exterior Walls

- (1) All exterior walls of a building shall comply with the following:
 - a) exterior surfaces shall be made of materials which provide adequate protection from the weather;
 - b) exterior walls shall be covered with an application of paint, stain, vinyl, stucco, brick, or other protective surface to protect the walls from deterioration due to moisture penetration.
 - c) exterior surfaces shall be free of holes, breaks, loose or rotting boards and any other condition that would allow the penetration of moisture;
 - d) all exterior surfaces including privacy walls and fences shall be free of graffiti; and

- e) repairs must be in keeping with the existing exterior finishes of the building.

48. Roofs

- (1) A roof including the fascia board, soffit, cornice and flashing shall be neatly finished and maintained in a watertight condition.
- (2) 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 near the building.
- (3) Every permanent structure greater than 100 ft² shall have eaves troughs and downspout. The eaves troughs and downspouts shall be watertight and maintained in good repair. Downspouts shall be equipped with extensions to carry runoff a minimum of 1.8 metres away from the foundation, but it shall not be directed in such a manner so as to adverse impacts onto any adjacent property so as to damage that property.
- (4) Antennas and any attachments of similar character shall be securely attached to the building and shall be maintained in good repair, free of rust and free of fire and accident hazards.

49. Chimneys

Chimneys, flue pipes and smoke stacks shall be maintained in good repair as to prevent gases, water or any other substance from leaking into a building.

50. Exterior Doors, Storm Doors, Windows and Screens

- (1) Exterior doors and windows shall be maintained in good repair. Broken glass in doors or windows is to be replaced in a timely manner. In the case of fire, window and door openings shall be boarded up until the building is either repaired or demolished.
- (2) Exterior doors shall have an acceptable locking mechanism

51. Stairs, Porches, Decks and Railings

- (1) Stairs, porches, decks and railings shall be installed and maintained in good repair at all times, free of components that are broken, loose, rotted or warped.
- (2) A handrail shall be installed on exterior stairs in accordance with the requirements of the latest adopted edition of the National Building Code of Canada and any amendments thereto.
- (3) Guards shall be installed on decks, landings, porches, balconies, mezzanines and raised walkways per the requirements of the current adopted edition of the National Building Code of Canada and any amendments thereto.

52. Vermin and Rodents

All buildings shall be maintained to prevent the entry of vermin, rodents and insects and shall be kept free of the infestation of vermin and rodents at all times.

PART 5 - INTERIOR BUILDING STANDARDS

This section applies to all buildings.

53. Floors and Stairs

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

54. Walls and Ceilings

- (1) Every wall and ceiling shall be maintained in good condition.
- (2) Every wall and ceiling shall be painted or finished in a suitable manner.

55. Water Supply

- (1) Every building shall be supplied with potable water.
- (2) Piping for hot and cold water shall be connected to every kitchen sink, lavatory, bathtub, shower and laundry area.
- (3) Piping for cold water shall be run to every water closet and hose bib.

56. Plumbing Facilities

- (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) Sewage shall be properly drained into the municipal sewage system works and where municipal services are not available it shall drain into an approved private sewage works.

57. Gas and Open Flame Type Appliances

Gas stoves, water heaters and other gas appliances shall be installed as per the manufacturer's specifications and applicable requirements/ regulations of any other authority having jurisdiction.

58. Solid Fuel Burning Appliances

Solid fuel burning appliances including but not limited to fireplaces, wood stoves and similar installations shall be connected to safe and functioning chimneys, smoke pipes, flues or gas vents.

59. Ventilation

Every living space shall be adequately ventilated to the outside and shall be constructed to provide protection from the weather, rodents or insects.

60. Electrical Services

- (1) All buildings shall be supplied with electrical service that is adequate to safely meet the electrical needs of the building.
- (2) Extension cords shall not be used in lieu of permanent wiring for electrical outlets, lighting fixtures and switches.
- (3) Any new electrical outlet shall be installed in accordance with the current adopted edition of the Canadian Electrical Code and any amendments thereto.

61. Light

Artificial light shall be available at all times in every stairway, corridor, hall, storage room and service room in a building.

62. Egress

Every means of egress including exit doors, exterior exit stairs, and exit ramps shall be maintained in good condition and free of any obstructions that would negatively impact their use.

- (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.

PART 6 - HABITABLE ENVIRONMENT STANDARDS

This section applies to all buildings.

63. Habitable Environment

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

64. Heating

- (1) Every dwelling unit shall be equipped with adequate heating facilities that are properly installed and maintained in a safe and good working condition.
- (2) Heating facilities shall be capable of maintaining an indoor temperature of 22 degrees Celsius (22°C) when the outside temperature is minus 35 degrees Celsius (-35°C) or colder. The required temperature shall be taken at a height of 750 millimetres from the floor in the centre 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 which provides a sufficient outlet for the escape of all noxious gases.
- (5) In a multi-dwelling unit, air from one suite shall not be circulated to any other suite or to a public corridor except where an existing recirculating air-handling system serving more than one suite is of sufficient design and operated with capabilities to render the air free from conditions capable of constituting a health hazard and shall shut down automatically upon detection of smoke.
- (6) If, in the opinion of the Inspector, the heating equipment in a building or dwelling unit is not functioning properly, the Inspector shall require that a certified technician inspect the heating equipment and provide to the Inspector a copy of such written report. The owner shall comply with all requirements of the technician at his or her sole cost. The owner shall be required to provide documentation that the work has been completed by a certified technician by a deadline set by the Inspector. Failure to comply will be an offence under this Bylaw.

65. Sanitary Facilities

- (1) Every dwelling unit shall be provided with a kitchen sink, lavatory, water closet and a bathtub or shower enclosure.
- (2) In every dwelling unit where sanitary facilities are shared; all occupants shall have convenient access to the above from a common hallway.
- (3) The number of occupants sharing the use of a water closet, lavatory and bathtub or shower shall not exceed 10 persons.
- (4) Bathtubs, showers or water closets shall not be located in any habitable room.
- (5) The lavatory shall be in the same room as the water closet or in an accessible joining room.
- (6) Sewage shall be properly discharged into the sewage system.

66. Walls

The surface of every wall and ceiling shall be maintained in a reasonably clean and sanitary condition. Surfaces shall be cleaned to prevent build-up of grease or other flammable material.

67. Kitchen Facilities

Every dwelling unit shall be equipped with safe and adequate cooking facilities.

68. Fire Safety Standards

- (1) Sufficient smoke alarms shall be installed on all levels. The location and number of smoke alarms required is determined by the current adopted edition of the National Building Code of Canada and National Fire Code of Canada any amendments thereto.
- (2) Smoke alarms shall be installed at or near the ceiling.
- (3) Smoke alarms shall be inspected, tested and maintained in accordance with the manufacturer's specifications.
- (4) Smoke alarms are required in all dwelling units regardless of age.

69. Carbon Monoxide

- (1) Every dwelling with a fuel burning appliance or attached garage shall have carbon monoxide alarms. The number and location of alarms shall be determined by the current adopted edition of the National Building Code of Canada and National Fire Code of Canada and any amendments thereto.
- (2) Carbon monoxide alarms shall be inspected, tested and maintained in accordance with the manufacturer's specifications.

PART 7 – ENFORCEMENT, OFFENCES AND PENALTIES

70. Enforcement of Bylaw

- (1) The administration and enforcement of this Bylaw is hereby delegated to Inspector(s) for The City of Estevan.
- (2) The City Manager for The City of Estevan is hereby authorized to further delegate the administration and enforcement of this Bylaw to appointed City Inspectors.

71. Inspections

- (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 an Inspector who is authorized to conduct an inspection under this section, or a person who is assisting an Inspector.
- (4) An Inspector may request that the owner supply confirmation of a condition, a thing or an activity by providing a certificate, letter, or any other documentation from an expert in a field related to the condition, thing, or activity. Failure to do so will be an offence under this Bylaw.
- (5) An Inspector may, at his or her discretion, make an order that any property is in violation of the provisions contained within this Bylaw.

72. Occupancy Prohibited

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 Estevan issues permission to occupy the property.

73. Order to Remedy Violations

- (1) If an Inspector finds that a person is contravening this Bylaw, the Inspector may issue a written order that will require the owner or occupant of the property to which the violation relates to remedy the situation. Orders issued under this Bylaw shall be in accordance with Section 328 of *The Cities Act*.
- (2) Orders shall clearly state a deadline for compliance and what action will be required to remedy the violation.
- (3) If the owner fails to comply with work required by an order within the prescribed time limit, the City may proceed to have the work done at the owner's expense.
- (4) Any Order requiring compliance with this Bylaw shall be delivered in accordance with Section 347 of *The Cities Act* in one of the following manners:
 - a) personally;
 - b) by registered mail to the last known address of the person being served;
 - c) by hand delivering a copy of the Order to the last known address of the person being served;
 - d) or by posting a copy of the Order at the land, building or structure or on a vehicle to which the Order relates.

74. Registration of Notice of Order

If an Order is issued, the City may, in accordance with Subsection 328(5) 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.

75. Appeal of Order to Remedy

A person may appeal an order made pursuant to Section 24 in accordance with Section 329 of *The Cities Act*. Appeals shall be made to Council.

76. City Remedying Contraventions

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 and prevent re-occurrence of the contravention.

77. Civil Action to Recover Costs

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.

78. Adding Amounts to Tax Roll

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.

79. Emergencies

In the event that it becomes an emergency to remedy a contravention of this Bylaw due to endangering public health or safety; emergency action may be taken to eliminate the danger. 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*. The cost of such work will be a debt owed to the City and may be added to the taxes on the land where the work was performed.

80. Offences

(1) No person shall:

- a) Fail to comply with an order pursuant to this Bylaw.
- b) Obstruct or hinder any Inspector or any other person acting under the authority of this Bylaw.
- c) Fail to comply with any other provision of this Bylaw.

(2) Any person that fails to comply with the above is guilty of an offense and liable on summary conviction:

- a) a fine of not more than \$10,000;
- b) imprisonment for not more than six months;
- c) a penalty consisting of any combination of clauses (a) and (b)

(3) Every person who contravenes any provision of this Bylaw where no other penalty is provided is guilty of an offence and liable on summary conviction and to a fine of not more than:

- a) \$2,000.00 in the case of an individual;
- b) \$5,000.00 in the case of a corporation.

(4) All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary conviction before a Judge and, in default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the fine or penalty are paid sooner.

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

(6) Conviction of a person for a contravention of any provision of this Bylaw does not relieve him or her from compliance with the Bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of Bylaw.

(7) A person who fails to comply with an order made pursuant to subsection (6) hereof within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than \$250.00 for each day during which the failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.

(8) Where a bylaw enforcement officer or peace officer believes that a person has contravened the provisions of this Bylaw, they may by personal service, serve or cause to be served upon such person a notice of violation.

(9) The notice of violation in Schedule "E" shall be in a form similar to that provided as Schedule "E" of this Bylaw and shall indicate thereon the Section of the Bylaw which was contravened and the amount of penalty to be paid as provided in Schedule "D" of this Bylaw.

(10) Where a Notice of Violation is issued, a person may make voluntary payment of the amount shown on the Notice of Violation, if the person does so before the date specified as the payment date set out in the Notice of Violation.

(11) Where the City receives a voluntary payment of the prescribed amount in Schedule "D" before a Court Summons is issued, the person receiving the Notice of Violation shall not be liable to prosecution for the contravention.

(12) Payment of a voluntary payment amount specified in a Notice of Violation does not relieve the owner of the property from compliance with an Order issued pursuant to *The Cities Act* and this Bylaw.

(13) If payment is not received as provided in subsection (10) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offence and thereafter the provisions of this section shall not apply with respect to that offence. A person to whom a notice of violation in Schedule "E" is being issued pursuant to this section shall furnish any Bylaw Enforcement Officer or Peace Officer, upon request, with his or her name and address.

PART 8- REPEALING BYLAWS

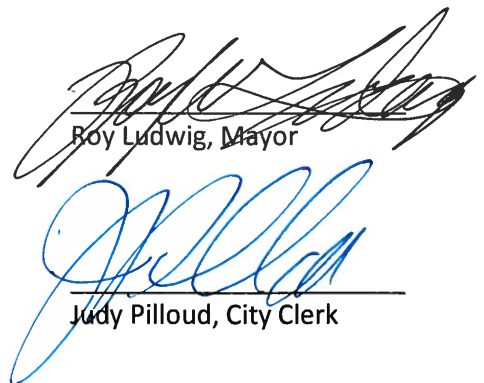
FORMER BYLAW REPEALED

That Bylaw 2005-1709 of the City of Estevan, Saskatchewan and all amendments thereto are hereby repealed; such repeal shall not prejudicially affect any matter or thing whatever done, existing or pending at the time of such repeal.

PART 9 – EFFECTIVE DATE OF BYLAW

11. This Bylaw shall come into force and take effect on the day of final passing.

City of Estevan



Roy Ludwig, Mayor

Judy Pilloud, City Clerk

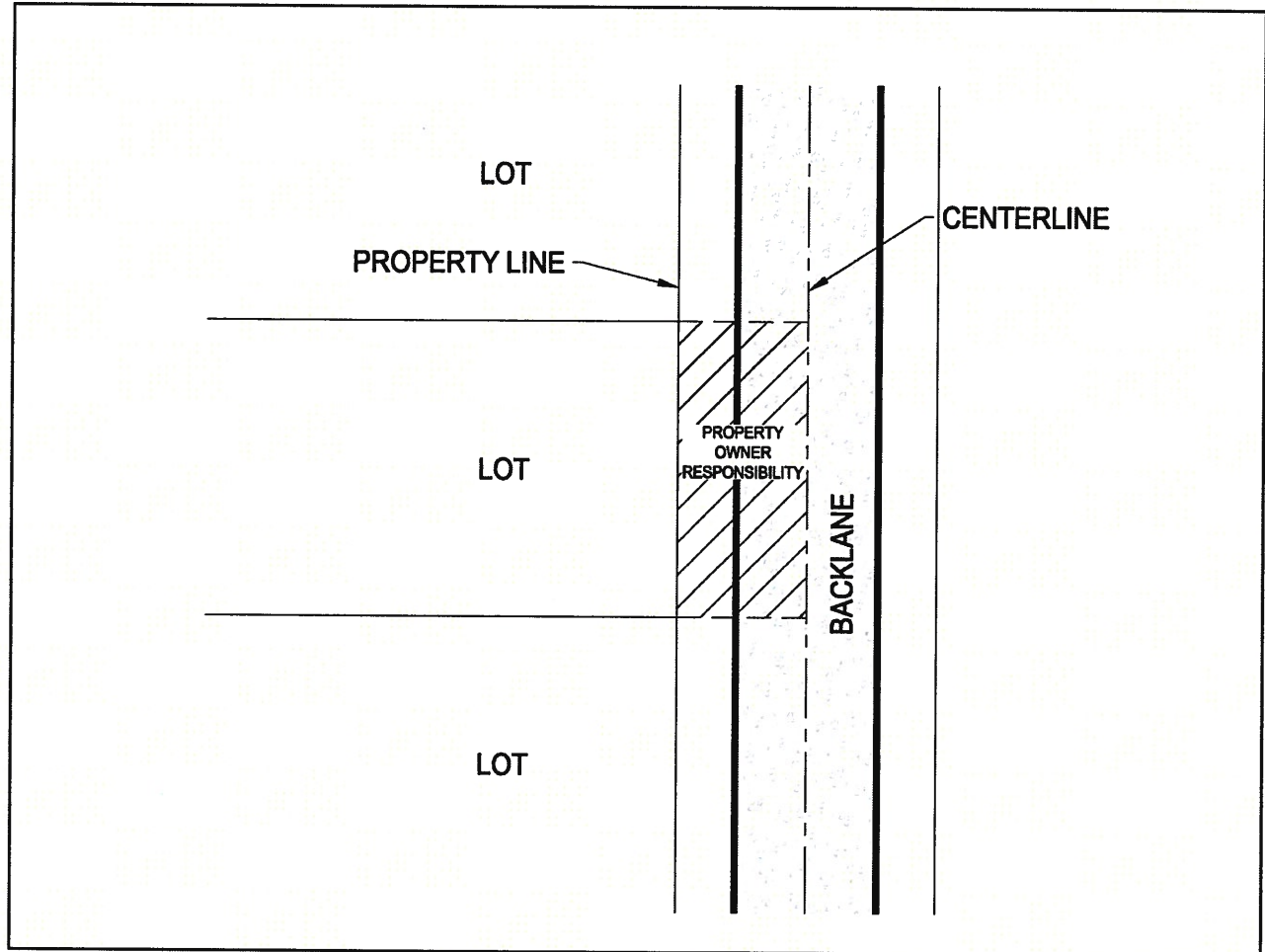
Read a first time this 26th day of November, 2018

Read a second time this 17th day of December, 2018

Read a third and final time this 17th day of December, 2018

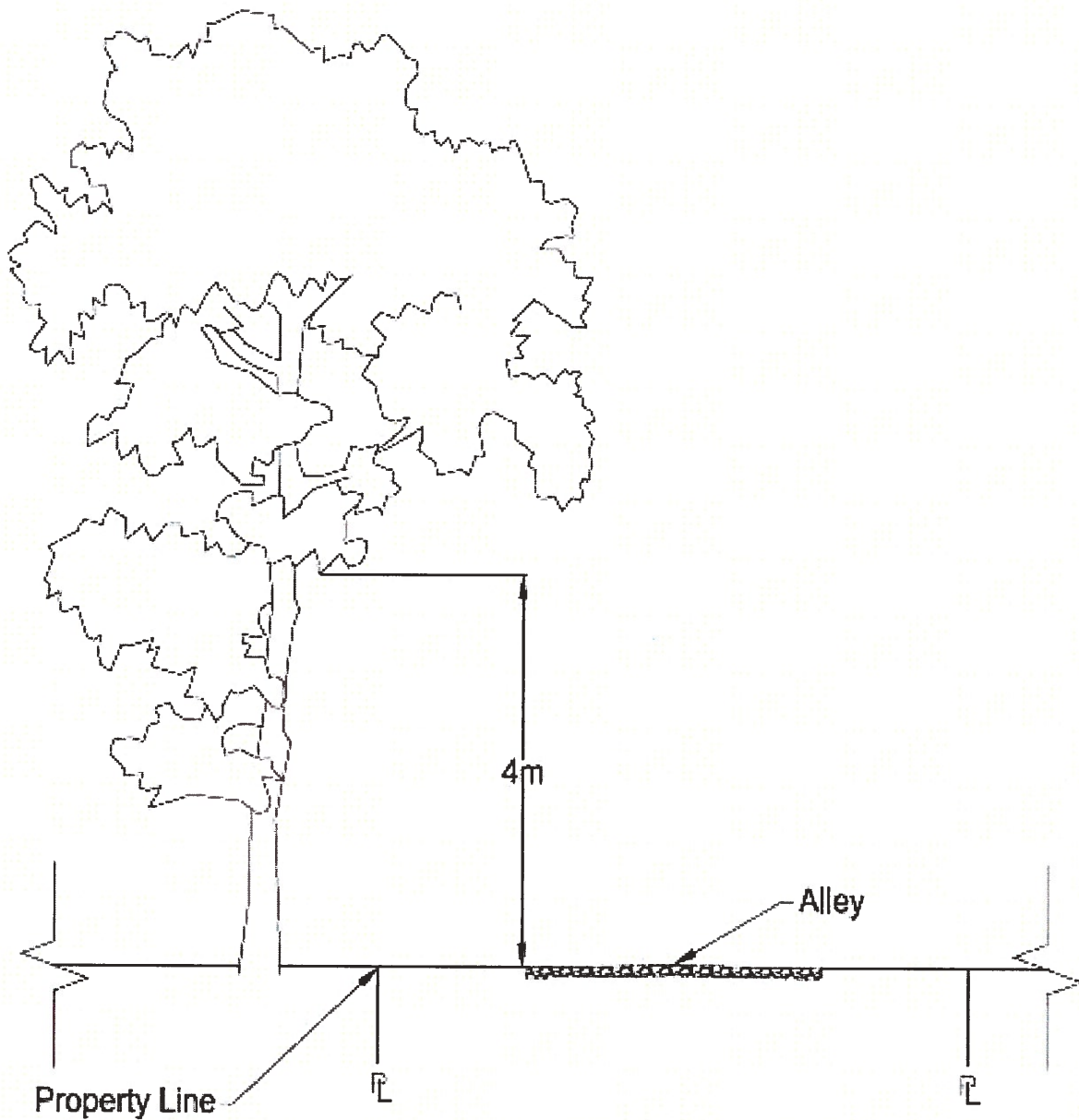
Schedule "A"

Alley Maintenance Diagram



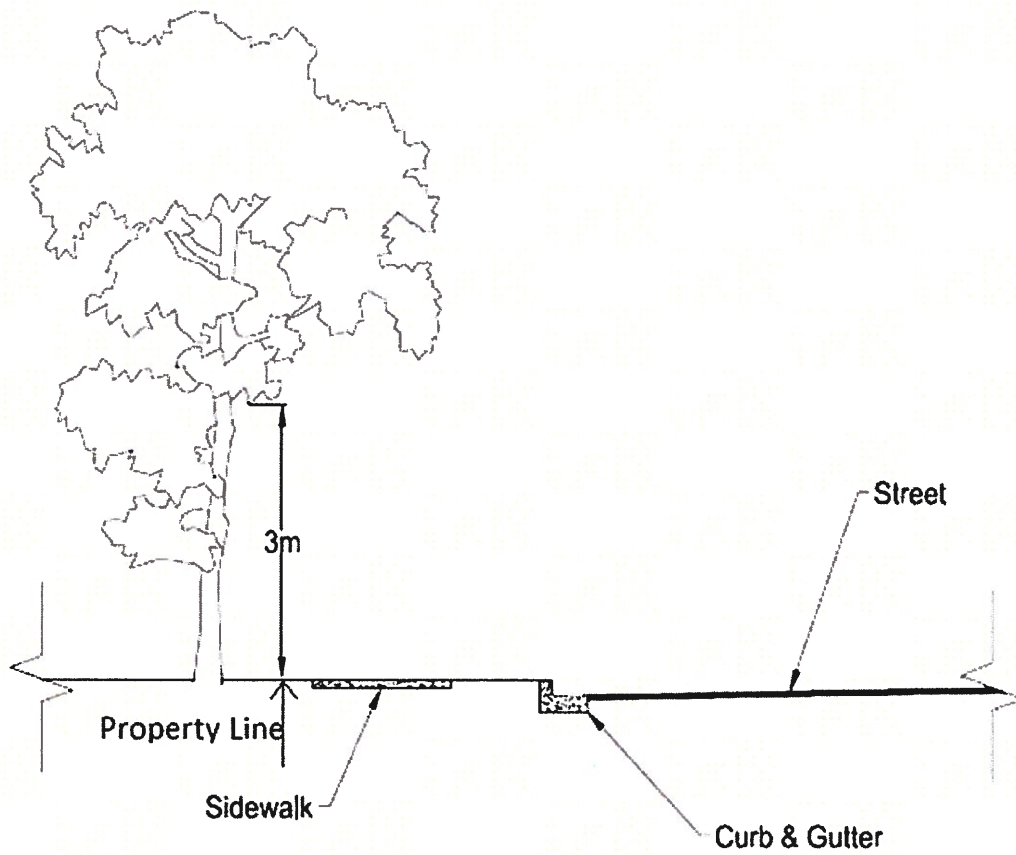
Schedule "B"

Trees and Shrubs at the Alley



Schedule "C"

Trees at the Sidewalk and/or Street



SCHEDULE "D"

- | | |
|------------------------|---------------------------|
| 1. First Offence | \$200.00 (Minimum Fine) |
| 2. Subsequent Offences | \$2,000.00 (Maximum Fine) |

Schedule "E"



CITY OF ESTEVAN

NOTICE OF VIOLATION

(Avoid prosecution by paying Promptly)



Ticket # 0001	Date	Time	Occurrence #		
Location		Plate#	Make	Model	Colour
Bylaw#	Section				

☐ Running at Large

☐ Over Parking

☐ No City Licence/
Not wearing Licence

☐ Parking on Yellow Line

☐ Other

☐ Improper Parking

☐ Parked in a Handicap Zone

Officer's Name		Remarks	
Violator's Name and Address			Phone#
PENALTY		PAY AMOUNT INDICATED	PENALTY
		No Reduction Allowed	NIA
		If Payment is made or postmarked within 14 days of issue date - Pay	

Payment in person may be made at... (cash only) Estevan Police
Service

301 - 11th Avenue, Estevan SK S4A 1C7

Estevan Police Service assumes no responsibility for cash sent through the mail.

WHITE- EPS

YELLOW-File

PINK- Violator