



CITY OF MOOSE JAW

Office Consolidation

PROPERTY MAINTENANCE AND NUISANCE BYLAW

Bylaw No. 5484

Date of Passage August 25, 2014
(effective date August 25, 2014)

Including amendments to September 11, 2017

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- (a) the original bylaw and of all bylaws amending it; and**
- (b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

DATE PASSED

FORCE/EFFECT

Bylaw No. 5542

September 11, 2017

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BYLAW NO. 5484

PROPERTY MAINTENANCE AND NUISANCE BYLAW

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THE COUNCIL OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS:

PART I - INTERPRETATION

Short Title

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

Purpose

2 Pursuant to Section 8 of *The Cities Act*, the purpose of this Bylaw is to:

- (a) establish minimum standards for the proper maintenance of Property in the City; and
- (b) provide for the abatement of nuisances caused by the condition of Properties in the City that:
 - (i) affect or may affect the safety, health and welfare of people in a neighbourhood;
 - (ii) affect or may affect the amenity of a neighbourhood; or
 - (iii) substantially depreciate the value of other land and improvements in the neighbourhood.

Definitions

3(1) In this Bylaw:

- (a) “**Act**” means *The Cities Act*, SS 2002, c. C-11.1;
- (a.i) “**barbed wire**” means a type of steel fencing wire constructed with sharp points arranged at intervals along the strand(s);
(Bylaw No. 5542)
- (b) “**boarder**” means a person who rents sleeping accommodations which have no individual cooking facilities, and who may be furnished with meals or other services as part of the consideration, but who is not a member of the household occupying the principal dwelling unit and is not the proprietor of a boarding house or boarding apartment;

- (c) **“boarding apartment”** means a building in which the proprietor supplies sleeping accommodations for more than fifteen (15) boarders, exclusive of the proprietor and the proprietor’s household, and where meals and other services may be provided, and where no cooking facilities are present in any individual sleeping room or accommodations;
- (d) **“boarding house”** means a building in which the proprietor supplies sleeping accommodations for more than five (5) boarders, but not more than fifteen (15) boarders, exclusive of the proprietor and the proprietor’s household, and where meals and other services may be provided, and where no cooking facilities are present in any individual sleeping room or accommodations;
- (e) **“building bylaw”** means the Bylaw of the City regulating the erection, alteration, repair, occupancy, maintenance or demolition of buildings and structures;
- (f) **“Bylaw Enforcement Officer”** means a person appointed by the City Manager to enforce this Bylaw, Sections 324 to 337 of the Act and the provisions of *The Planning and Development Act*, SS 2007, c P-13.2;
- (g) **“City”** means the City of Moose Jaw;
- (h) **“Committee”** means the Executive Committee of Council or the committee designated by Council to hear applications or appeals pursuant to this Bylaw;
- (i) **“Council”** means the Council of the City;
- (j) **“dwelling unit”** means a room or series of rooms that are operated as a household and used and intended to be used as a domicile for one or more persons, usually containing cooking, eating, living, sleeping and sanitary facilities;
- (k) **“graffiti”** means any markings, drawings, inscriptions, or writings, however made on a property or structure without the prior written consent of the owner;
- (l) **“junked vehicle”** means any automobile, tractor, truck, trailer or other vehicle that:
 - (i) has no current valid license plate attached to it; or

- (ii) is in a rusted, wrecked, partially wrecked, dismantled or partially dismantled, inoperative or abandoned condition; and
- (iii) is located on private land, but:
 - (A) is not within a structure erected in accordance with any law respecting the erection of buildings or structure in the City;
 - (B) does not form part of a business enterprise lawfully being operated on that land;
- (m) **“minimum standards”** means the standards of maintenance and repair of buildings and structures in the City, which are set out in this Bylaw;
- (n) **“nuisance”** means a Property that:
 - (i) is in a condition that affects or may affect the amenity of a neighbourhood;
 - (ii) is dangerous to the public safety or health; or
 - (iii) substantially depreciates the value of other land or improvements in the vicinity;
 which Property:
 - (iv) has a junked vehicle located on it;
 - (v) is untidy or unsightly;
 - (vi) is overgrown with grass or weeds;
 - (vii) is fully or partially deteriorated, decayed or in disrepair;
 - (viii) is of faulty construction;
 - (ix) is an unoccupied building that is damaged and dangerous to public safety;
 - (x) does not comply with the minimum standards;
 - (xi) has an open excavation located on it;
 - (xii) that has been placarded for more than 12 months; or
 - (xiii) is marked with graffiti;
- (o) **“order”** means an order made pursuant to Section 328 of the Act and Section 68 of this Bylaw;

- (p) “**owner**” means the owner and/or occupant as defined in the Act;
 - (q) “**PDAct**” means *The Planning and Development Act*, SS 2007, c. P-13.2;
 - (r) “**property**” means land or improvements, or both;
 - (r.1) “**razor wire**” means a mesh of metal strips with sharp edges whose purpose is to prevent passage by humans;
(*Bylaw No. 5542*)
 - (s) “**service room**” means a room provided in a building to contain equipment associated with building service. Examples of service rooms include, but are not limited to, boiler rooms, furnace rooms, incinerator rooms, garbage handling rooms and rooms to accommodate air-conditioning or heating appliances, pumps, compressors and electrical equipment. Rooms such as elevator machine rooms and common laundry rooms are not considered to be service rooms;
 - (t) “**structure**” means any building, garage, fence, scaffolding, trailer, mobile home, portable shack, garbage container, shed or like improvements;
 - (u) “**untidy or unsightly**” means being in a unkempt, disordered, messy, neglected, cluttered or unclean condition; deficient in order or neatness; unpleasant to look at or aesthetically objectionable;
 - (v) “**vermin**” means noxious or objectionable animals, especially those of small size that appear commonly and are difficult to control, including, but not limited to, flies, cockroaches, mice, rats and pigeons; and
 - (w) “**zoning bylaw**” means Bylaw No. 5346, the Zoning Bylaw of the City of Moose Jaw and amendments thereto.
- (2) Council designates the authority to appoint Bylaw Enforcement Officers for the purposes of this Bylaw to the City Manager.
 - (3) Unless otherwise specified, the terms in this Bylaw have the meaning set out in the Act or the PDAct.

Responsibility

- 4 Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

PART II – NUISANCES

Nuisances Prohibited Generally

5 No person shall cause or permit any property, whether occupied or not, to become, or continue to be a nuisance.

Order to Remedy

6 If an Inspector, as defined herein at Section 63, is of the opinion that a nuisance exists on a property, the Inspector may issue an order to remedy the nuisance.

Dilapidated Buildings

7 No owner shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:

- (1) is dangerous to the public's safety;
- (2) substantially depreciates the value of other land or improvements in the neighbourhood; or
- (3) is substantially detrimental to the amenities of the neighbourhood.

Unoccupied Buildings

8 No owner 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

9(1) No owner shall cause or permit a property to be overgrown with grass or weeds.

- (2) For the purpose of this section “overgrown” means fallen, matted or not consistent with the amenity of the neighbourhood.
- (3) For the purpose of this section “weeds” shall mean “noxious weed” or “nuisance weed” as defined *The Weed Control Act*, SS 2010, c.W-11.1.
- (4) This section shall not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

Untidy and Unsightly Property (Accumulation of Materials)

10(1) No owner or occupier of a property shall allow the accumulation of:

- (a) any material that creates unpleasant odors;
 - (b) any material likely to attract vermin; or
 - (c) animal remains, parts of animal remains, or animal feces.
- (2) No owner of a property shall allow the open or exposed storage on the property of any industrial fluid, including engine oil, brake fluid or antifreeze.
- (3) No owner of a property shall allow the following to accumulate on that property so as cause a nuisance:
- (a) loose garbage;
 - (b) graffiti;
 - (c) lumber, cardboard, paper, or newspapers;
 - (d) bottles, cans, barrels, boxes or packaging materials;
 - (e) household furniture, appliances or other household goods;
 - (f) yard or garden implements;
 - (g) automobile parts, including tires;
 - (h) scrap metal;
 - (i) parts of or disassembled machinery or equipment; and
 - (j) yard waste, including grass, tree and hedge cuttings, but excluding ground cover and the contents of a composting pile.
- (4) No owner of property shall allow the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation project is being carried out on the property and that:
- (a) the project has begun or the beginning of work is imminent;
 - (b) the materials found on the property relate to the project taking place and is in a quantity reasonable to complete the project;

- (c) the work on the project has not been suspended for a period in excess of 60 days; and
 - (d) the project has a finite completion date.
- (5) An owner shall ensure that all building material stored on a property that is not in contravention of subsection (4) or the zoning bylaw is:
- (a) elevated at least 15 centimetres off the ground;
 - (b) stacked at least 3 metres from the exterior walls of any building and at least 1 metre from the property line;
 - (c) stacked and stored in an orderly manner; and
 - (d) clean of any excess building materials from any construction or renovation project within 10 days of the completion of the work.

Refrigerator/Freezer

- 11(1) Subject to subsection (2), no owner shall store a refrigerator, freezer or similar appliance outside without first removing the hinges, latches, lid and doors of such appliance.
- (2) An appliance described in subsection (1) may be stored outside with its hinges, latches, lid and doors intact if it is maintained in good appearance and operable condition and remains locked at all times with a padlock and key or similar device.

Light

- 12 No owner of a property shall cause or allow any light fixture attached to that property or illuminated signage to shine directly into the living or sleeping areas of an adjacent dwelling house or to cause a nuisance to an adjacent property.

Graffiti

- 13 No person shall permit graffiti to remain on any building or structure on property owned by that person.

Burning Materials

- 14 No person shall permit the burning of materials on or in any property that produces an odour so as to cause a nuisance. Fire places, including outdoor fireplaces, used or intended to be used for burning fuels in open fires shall only have clean, dry wood burnt in these appliances.

PART III - PROPERTY MAINTENANCE

Application

15 This Part applies to all property located within the City.

Duty to Maintain

16(1) All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.

- (2) No person shall cause or permit the occupancy or use of any property, including land, buildings or structures that do not conform to the minimum standards.
- (3) Notwithstanding Section 4, every occupant of a property, including land, buildings and structures, shall:
 - (a) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
 - (b) maintain exits to the exterior of the building in a safe and unobstructed condition;
 - (c) dispose of garbage and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards; and
 - (d) keep any owned or supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

Division 1 – Yard and Accessory Building Maintenance

Maintenance of Yards

17(1) A yard shall be kept free and clean from:

- (a) garbage and junk;
 - (b) junked vehicles and dismantled machinery as described in the zoning bylaw;
 - (c) excessive growth of weeds or grass;
 - (d) an infestation of rodents, vermin or insects;
 - (e) dead or hazardous trees; and
 - (f) sharp or dangerous materials.
- (2) A yard shall be graded in such a manner so as to prevent;
- (a) excessive pooling of water;

- (b) excessive amounts of moisture accumulating near buildings or structures; and
- (c) any accumulation of moisture that may adversely affect any neighbouring property.

Fences and Walls

18(1) All fences and walls shall be maintained in a safe and reasonable state of repair and free of graffiti. Fencing is to be appropriate for the neighbourhood, as determined by a Development Officer.

- (2) Fences are to be constructed in accordance with Section 4.12 of Bylaw No. 5346, Zoning Bylaw.
- (3) The use of barbed wire on any fence on a residential property is prohibited.
- (4) Barbed wire may be used on a fence at a commercial or industrial property and shall be a minimum height of six (6) feet from ground level, but not higher than eight (8) feet.
- (5) No barbed wire shall protrude upon public areas (highways, sidewalks, boulevards). Barbed wire use must be wholly situated upon the owner's property.
- (6) The use of razor wire on any property is prohibited.

(Bylaw No. 5542)

Accessory Buildings

19(1) All accessory buildings shall be kept:

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

Division 2 – Exterior Maintenance

Building Components

20 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. They shall be capable of sustaining their own weight and any normal load to which it may be subject.

Exterior Surfaces

- 21(1) All exterior equipment on a building including fans, vents, and air conditioners shall be maintained in a rust-free condition, and operational state of repair.
- (2) All signs, billboards, posters, and address signs attached to a building shall be maintained:
- (a) so as not to cause any unsafe condition; and
 - (b) without visible deterioration of the sign and its supporting structure.
- (3) All supporting structures or cables previously used to hold a sign that are no longer used for that purpose or are not properly secured shall be removed.

Exterior Walls

- 22(1) All exterior surfaces must be made of materials which provide adequate protection from the weather.
- (2) All exterior surfaces must be covered with an application of paint, stain, stucco, brick, stone facing or other similar protective surface to protect the walls from deterioration due to moisture penetration.
- (3) All exterior walls must be free of holes, breaks, loose or rotting boards or timbers or any other conditions, which might admit rain, moisture or dampness to the interior walls or the interior spaces of the building.

Roofs, Eavestroughs and Downspouts

- 23(1) All roof structures, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent deterioration or leakage of water into the building.
- (2) All loose materials, including dangerous accumulations of snow and ice, shall be removed from the roof of a building as soon as reasonably possible so as to prevent damage to the building or injury to persons in or near the building.
- (3) Water running off a roof shall be carried away from any building that requires a permit under the building bylaw so as not to cause dampness in the walls, ceilings or floors in the building, but it shall not drain onto a public street so as to create a hazardous condition or onto any adjacent property so as to damage that property.
- (4) All eavestroughing and downspouts shall be watertight and maintained in good repair.

- (5) Where downspouts are not connected to a storm sewer directly, a 2 metre length extension is required, which discharges to either the front or rear yard and shall be maintained as to drain away from neighbouring properties at all times.

Chimneys

24(1) All chimneys, flue pipes and smoke stacks shall be maintained in good repair so as to prevent gases, water or any other substance from leaking into the building.

- (2) All chimneys, flue pipes and smoke stacks shall be free of any defects and all defective masonry or metal components repaired or replaced as needed.
- (3) All chimneys, flue pipes and smoke stacks shall be kept clear of obstructions and shall be reasonably tight-fitting within its frame.

Exterior Doors, Storm Doors, Windows and Screens

25(1) A door shall be provided at each entrance to a building and when closed it shall be reasonably tight-fitting within its frame.

- (2) All exterior doors, windows, storm and screen windows, shutters and hatchways and their associated hardware and locks in a building shall be maintained in a weather-tight condition so as to perform their intended function, including:
 - (a) repairing, refitting or replacing of defective doors, storm doors and their associated hardware, windows and storm windows, frames, sashes, casing, shutters, hatchways or screens;
 - (b) rescreening or weather-stripping if required; and
 - (c) painting or the application of a similarly effective preservative.
- (3) All windows and doors, which open to the exterior and which are used for natural ventilation or illumination, shall be screened so as to provide protection from the weather and insects with a wire mesh screen, metal grill or other durable material suitable to prevent the intrusion of rodents and other vermin.
- (4) Openable windows within 2 metres of ground level shall have an acceptable locking mechanism.
- (5) Exterior doors shall have an acceptable locking mechanism.
- (6) Windows and glass doors, which separate heated space from unheated space or the exterior, shall be at least double glazed unless there is a separate storm door or window.

Stairs, Porches, Decks and Railings

26 All stairs, porches, decks and railings shall be installed as per the requirement of the latest adopted edition of the *National Building Code of Canada* and any amendments thereto and maintained in good repair so that no components are broken, loose, rotted or warped.

Vermin and Rodents

27 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 so as not to constitute a health hazard.

Division 3 – Interior Maintenance

Application

28 This Division applies to all buildings in the City.

Floors and Stairs

29(1) Floors and stairs shall be free of loose, warped, protruding or rotting floorboards.

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

Walls and Ceilings

30(1) The surface of every wall and ceiling shall be maintained:

(a) in good repair, free from holes, broken, torn, damaged, decayed or stained material; and

(b) painted or finished in a suitable manner.

(2) The surface of every wall and ceiling shall be maintained in a reasonably clean and sanitary condition. Surfaces shall be cleaned so as to avoid buildup of grease or other flammable material.

Plumbing, Heating and Mechanical Standards

Water Supply

31(1) Every building shall be provided with an adequate supply of potable running water.

(2) Every sink, washbasin, laundry, bathtub or shower in a building shall have an adequate supply of potable hot and cold running water relative to the occupancy of the building.

(3) Every toilet shall have an adequate supply of running water.

Plumbing Facilities

32(1) All plumbing in a building, including fixtures, drains, waterpipes and connecting lines to the water and sewer systems, shall be:

- (a) protected from freezing;
 - (b) maintained in good working order;
 - (c) repaired and free from leaks or other defects; and
 - (d) installed and maintained so all drains effectively drain the fixture.
- (2) All rooms with toilets shall be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.
- (3) Seats shall be provided for all toilets and the seats shall be kept in good repair.

Gas and Open Flame Type Appliances

33(1) Gas stoves, water heaters and other gas appliances shall be equipped with suitable pipes or flues for the removal of the products of combustion.

- (2) All gas appliances shall be:
- (a) of an approved type;
 - (b) installed as per the manufacturer's specifications; and
 - (c) kept in a proper state of repair.

Solid Fuel Burning Appliances

34(1) Fireplaces and similar installations used or intended to be used for burning fuels in open fires, shall be connected to approved chimneys, smoke pipes, flues or gas vents.

- (2) Solid fuel burning appliances, including but not limited to fireplaces, wood stoves and similar installations shall be kept clear of obstruction and cleaned so as to prevent the heating of adjacent combustible material and structural members to unsafe temperatures and should be effectively vented to outside air.
- (3) All chimneys, smoke pipes, flues or gas vents shall be free of leaks and be maintained in a proper state of repair.

Ventilation

35 (1) Every basement, crawl space and similar space shall be adequately ventilated to the outside.

- (2) Every opening for natural ventilation other than windows shall be constructed to provide protection from the weather, vermin, rodents and insects.
- (3) Screening shall be of rust-proof material.

Electrical Services

- 36(1) All buildings shall be supplied with electrical service that is adequate to safely meet the electrical needs of the building.
- (2) Extension cords, if used, shall be of an approved type and shall not exceed the circuit capacity.
 - (3) Extension cords shall not be used in lieu of permanent wiring for electrical outlets, lighting fixtures and switches.

Light

- 37 Adequate artificial light shall be available and the fixtures supplying the light shall be maintained at all times in all rooms and in every stairway, corridor, hall, elevator, storage room, service room and basement of a building.

Egress

- 38 (1) Every building shall have a means of egress so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- (2) Every means of egress shall be maintained in good repair and free of obstructions which constitute a fire hazard.

Structural Standards

- 39 (1) Every foundation wall forming part of a building shall be maintained in good repair and be structurally sound so as to prevent undue settlement of the building.
- (2) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any normal load to which it may be subjected.
 - (3) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

Division 4 – Additional Standards for Dwelling Units

Application

- 40(1) This Division applies to all dwelling units in the City.

- (2) The requirements of this Division are in addition to the requirements of Divisions 2 and 3.

Habitable Environment

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

Heating

42(1) Every dwelling unit shall be equipped with adequate heating facilities properly installed and maintained in a safe and good working condition.

- (2) Portable room heaters shall not be used as a primary source of heat.
- (3) Fuel-burning equipment shall be vented by means of rigid connections to a chimney or flue which provides a sufficient outlet for the escape of all noxious gases.
- (4) Service rooms shall not be used for sleeping.

Sanitary Facilities

43(1) Every dwelling unit shall be provided with a functioning toilet, wash basin, bathtub or shower and kitchen sink.

- (2) In every dwelling unit used as a boarding apartment or boarding house where sanitary facilities are shared:
 - (a) all occupants shall have convenient access to a bathroom, wash basin and bathtub or shower;
 - (b) all required facilities shall be located within the building so as to be accessible from a common hall or passageway without going outside of the building or through another occupant's quarters;
 - (c) all required facilities shall not be located more than one floor away from the dwelling unit; and
 - (d) the number of occupants sharing the use of the bathroom, wash basin and bathtub or shower shall not exceed 8 persons.
- (3) Bathtubs, showers or toilets shall not be located in any habitable room.
- (4) The wash basin shall be in the same room as the toilet or in an accessible adjoining room.
- (5) All bathrooms shall have mechanical or natural ventilation.
- (6) Sewage shall be properly discharged into the sewage system.

Ventilation

44(1) Every habitable room shall have at least one window, which can be easily opened without tools or special knowledge, and remain open on its own.

- (2) All enclosed spaces within a dwelling unit shall:
 - (a) be adequately ventilated;
 - (b) have access of sufficient size to permit entry; and
 - (c) be fitted with a door or panel to enclose the opening except when the access opening is from the adjacent basement and provides ventilation to the crawl space.

Electrical Facilities

45 (1) Every habitable room, other than a kitchen, shall have at least one approved electrical outlet.

- (2) Every kitchen shall have at least two approved electrical outlets.
- (3) At least one lighting outlet with fixture shall be provided in every kitchen, utility room, laundry room, dining room, bathroom, hallway, stairway, storage room and service room. The fixture shall be permanently installed and shall be maintained in good working order.

Kitchen Facilities

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

Egress

47 Every doorway providing egress from a dwelling unit to an exit or a means of exit shall be equipped with a door and frame having a fire resistance rating of not less than 20 minutes. The door shall be equipped with a latch and closer.

Fire Safety Standards

48(1) If more than one dwelling unit is located above the first floor, every dwelling unit located on each floor above the first shall have access to a second means of egress which shall not pass through a room in another dwelling unit.

- (2) Every dwelling unit shall meet the requirements of the City of Moose Jaw's Fire Prevention Bylaw, No. 5070.

Division 5 – Basement and Attic Occupancies

Application

49(1) This Division applies to dwelling units in basements and attics.

- (2) The requirements of this Division are in addition to the requirements of Divisions 2, 3, and 4 of this Part.

Special Requirements for Basement and Attic Occupancies

50 (1) Notwithstanding the other requirements of this Part, a basement and attic space shall not be used as a dwelling unit or habitable room unless such space meets the requirements of the Building Bylaw, together with the following additional requirements:

- (a) access to every dwelling unit or habitable room shall be gained without passage through a service room;
 - (b) every dwelling unit shall be separated from another dwelling unit (walls and ceilings) by a fire separation having a fire-resistance rating of not less than 1 hour;
 - (c) every service room shall be separated from all adjacent areas by a fire separation having a fire-resistance rating of not less than 1 hour (walls only). Every service room shall have a solid core door complete with a latch and closer;
 - (d) an interior stairway, used for the purpose of exiting a dwelling unit, shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 hour;
 - (e) the rise, run, tread depth, width and head room of stairs forming part of an interior stairway used for the purpose of exiting a dwelling unit shall be of a reasonable size for its purpose and the stairs shall have a handrail installed on at least one side;
 - (f) every dwelling unit shall have at least two outside windows openable from the inside without the use of tools or special knowledge. Every bedroom in a dwelling unit shall have at least one unobstructed openable window; and
 - (g) a separate source for fresh combustion air shall be provided in every service room.
- (2) No person shall rent a dwelling unit to an occupant that does not comply with the requirements of this section.

PART IV - ENFORCEMENT, PENALTIES AND OFFENCES

Bylaw Enforcement Officers

- 51(1) The following persons are hereby appointed as Inspectors for the purpose of administering and enforcing the provisions of this Bylaw and are deemed to be designated officers pursuant to Section 324 of the Act for the purposes of inspecting property and places:
- (a) a peace officer within the meaning of the *Criminal Code of Canada*, R.S.C. 1985, c.C-46;
 - (b) a person employed or retained by the City and appointed as a "Fire Prevention Officer" for the City;
 - (c) a person employed or retained by the City and appointed as a "Building Official" for the City; and
 - (d) a person employed or retained by the City and appointed as a "Bylaw Enforcement Officer" for the City.
- (2) The persons appointed pursuant to subsection (1) may represent the City before the Committee, a justice of the peace or provincial court judge in the prosecution of anyone who is charged with a contravention of any bylaw of the City.
- (3) Inspectors are entitled, while performing the duties of their office, to all the protection to which peace officers are entitled pursuant to the *Criminal Code of Canada*.

Inspections

- 52(1) An Inspector is hereby authorized to enter property and to inspect any premises in the City to determine if the provision and requirements of this Bylaw are being complied with or contravened, as the case may be.
- (2) Inspectors appointed pursuant to the authority of this Bylaw, during the term of their appointment, are designated for the purpose of conducting inspections within the meaning of Section 324 of the Act and all inspections conducted pursuant to the authority of this Bylaw shall be carried out in accordance with the provisions of this Bylaw and the Act.
 - (3) Subject to subsection (4) and (5), for purposes of inspection, an Inspector may enter and inspect any property during daylight hours or any business premises during normal business hours, with or without the consent of the owner or occupant of that property or premises.
 - (4) In the event the owner or occupant of a property or premises that is the subject matter of an inspection asks or directs an Inspector to leave, the Inspector and any person assisting that officer shall promptly and directly exit that property or premises, as the case may be.

- (5) No Inspector shall enter a dwelling house or any other building or structure located on residential property without the consent of the owner or occupant of that property or Order of the Court.
- (6) In the event an Inspector is refused access or entry to any property or premises pursuant to subsections (4) or (5), that Inspector may apply to a justice of the peace or a provincial court judge for a warrant pursuant to Section 325 of the Act.
- (7) No person shall obstruct an Inspector who is authorized to conduct an inspection under this Section, or a person who is assisting an Inspector.

Order to Remedy Contraventions

53(1) If an Inspector finds that a person is contravening any provision of this Bylaw, the Inspector may, by written Order, require that person to remedy the contravention.

- (2) Orders given under this Bylaw shall comply with the requirements of Section 328 of the Act and shall be served in accordance with Section 347 of the Act.
- (3) Prior to performing any work to comply with an Order, the owner or occupant of the property must apply for, and obtain, all permits and approvals required by law for the work.
- (4) Any person who removes, defaces or destroys an Order posted pursuant to Section 347(1)(d) of *The Cities Act* is guilty of an offence and is liable upon summary conviction to a fine of not less than \$150.00.

Appeal of Order to Remedy

54(1) A person may appeal an Order made pursuant to Section 53 in accordance with the procedures set forth in Section 329 of the Act.

- (2) The Committee is hereby designated as the local appeal board within the meaning of Section 329 of the Act for the purpose of hearing appeals from Orders made pursuant to Section 53 and, for such purposes, the Committee shall have the authority set forth in Section 329 of the Act.

Registration of Order to Remedy

55 If an Order is issued pursuant to Section 53, the City may, in accordance with Section 328 of the Act, give notice of the existence of the Order by registering an interest against the title to the property that is the subject of that Order.

City Remediating Contraventions

56 The City may, in accordance with Section 330 of the Act, take whatever actions or measures are necessary to remedy a contravention of this Bylaw or prevent a re-occurrence of the contravention.

Civil Action to Recover Costs

57(1) The expenses and costs of an action or measure taken by or on behalf of the City pursuant to Section 56 are an amount owing to the City by the person who contravened the Bylaw.

- (2) The City may, in accordance with Section 332 of the 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

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

Emergencies

59 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 Act.

False Statements Prohibited

60 No person shall knowingly make a false or misleading statement to an Inspector or produce a false document or thing to a person who is acting pursuant to the authority of this Bylaw.

Offences, general

61(1) No person shall:

- (a) fail to comply with an Order made pursuant to this Bylaw;
 - (b) permit the same circumstances that precipitated an Order made pursuant to this Bylaw to recur;
 - (b) fail to comply with any provision of this Bylaw.
- (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$10,000;
 - (b) in the case of a corporation, to a fine of not more than \$25,000; and
 - (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.
- (3) 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.

Minimum Penalty

62 Notwithstanding subsection 61(2), the minimum penalty that may be prescribed on summary conviction where a person fails to comply with an Order to Remedy Contravention made pursuant to section 53 of this Bylaw shall be:

- (a) for a first offence, \$500;
- (b) for a second offence, \$750; and
- (c) for a third or subsequent offence, \$1,000.

Repealing Bylaws

63 The following bylaws are repealed:

- (1) Bylaw No. 4820; and
- (2) Bylaw No. 4823.

Coming into Force

64 This Bylaw shall come into force on the day of its final passage.

READ A FIRST TIME ON AUGUST 11, 2014.

READ A SECOND TIME ON AUGUST 11, 2014.

READ A THIRD TIME AND PASSED ON AUGUST 25, 2014.

(Sgd.) "Deb Higgins"
MAYOR

(Sgd.) "Myron Gulka-Tiechko"
CITY CLERK

(seal)