

BYLAW NO. 1908

A BYLAW OF THE CITY OF NORTH BATTLEFORD TO REGULATE PROPERTY MAINTENANCE AND ABATE NUISANCE IN THE CITY OF NORTH BATTLEFORD

WHEREAS pursuant to Clauses 8(1) (a), (b), and (d) of *The Cities Act*, Council has the general power to pass bylaws for city purposes that it considers expedient in relation to:

- (a) the peace, order and good government of the city,
- (b) the safety, health and welfare of people and the protection of people and property,
- (d) nuisances, including property, activities or things that affect the amenity of a neighbourhood.

WHEREAS the Council of the City of North Battleford deems it necessary that such standards for the maintenance and occupancy of property be established and that there be a prohibition of the use of property that does not meet such standards,

NOW THEREFORE, the Council of the City of North Battleford in the Province of Saskatchewan, in open meeting assembled enacts as follows:

PART I - INTERPRETATION

TITLE

1. This Bylaw may be cited as "The Maintenance and Occupancy of Property and Nuisance Abatement Bylaw."

PURPOSE

2. The purpose of this Bylaw is to establish standards for the maintenance and occupancy of property, to ensure that such standards be maintained, and to provide for the abatement of nuisances, including property, activities or things that:
 - a) affect the safety, health and welfare of people, or
 - b) endanger people and property, or
 - c) affect the amenity of a neighbourhood.

DEFINITIONS

3. In this Bylaw:

"accessory building or use" means a building or use which:

- (i) is subordinate to and serves the principal building or principal use;
- (ii) is subordinate in area, extent, and purpose to the principal building or principal use served;
- (iii) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served;
- (iv) is located on the same site as the principal building or principal use served.

"building" means a building within the meaning of *The Cities Act*;

"business" means a business within the meaning of *The Cities Act*;

"clerk" means the City Clerk appointed pursuant to Section 85 of *The Cities Act*;

"council" means the Council of the City of North Battleford;

"derelict vehicle" means any automobile, tractor, truck, trailer, ATV, snowmobile, or other vehicle that:

- (i) is not roadworthy;
- (ii) is unregistered with no attached and exposed thereon valid license plate issued and required under *The Traffic Safety Act*;
- (iii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition being used primarily for salvage or for parts or is a vehicle actively being restored or is being stored with plans for restoration; and
- (iv) is located on private land but is not suitably covered as determined by a designated officer or within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the City and does not form part of a business enterprise lawfully being operated on that land.

"designated officer" means a person designated by Council or a person to whom a power or authority is delegated by the manager;

"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;

"emergency" means a present or imminent situation or condition that requires prompt action to prevent or limit loss of life, harm or damage to the safety, health or welfare of people, or damage to property or the environment.

"graffiti" means any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed;

"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;

"large recreational vehicle" means any motor-home, travel trailer, or fifth wheel trailer; any camper when it is not mounted on a truck, but placed on the ground, on a stand or otherwise stored; or other similar vehicle. A large recreational vehicle shall not include: small utility trailers; camper van conversions; tent trailers; campers which are mounted in trucks; boats; snowmobiles; all-terrain vehicles; jet skis; or motorcycles and trailers to carry them.

"manager" means the City Manager appointed pursuant to Section 84 of *The Cities Act*;

"nuisance" means:

- (i) a condition of property; or
- (ii) a thing or activity that affects or may affect the amenity of a neighbourhood or the safety, health and welfare of people in the neighbourhood or substantially depreciates the value of other land or improvements in the vicinity, 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) and that is overgrown with grass and weeds;
 - (d) untidy or unsightly property;
 - (e) derelict vehicles;
 - (f) open excavation on property;

"occupant" means an occupant as defined in *The Cities Act*;

"owner" means an owner as defined in *The Cities Act*;

"placarded structure" means a structure which has been placarded by the Prairie North Health Region.

"property" means land or building or both.

"residential district" means any residential district per the Zoning Bylaw;

"roadworthy vehicle" means a vehicle that is in suitable condition for use on a roadway, requires and meets the standards of safety and repair maintained by the Administrator as defined in *The Traffic Safety Act*.

"site" means a site as defined in the Zoning Bylaw;

"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.

"unregistered vehicle" means a vehicle that is not registered per requirements as set out in *The Traffic Safety Act*.

"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 neighbourhood.

"vehicle to be restored" means any automobile, tractor, truck, trailer, or other vehicle that is being repaired for the purpose of bringing the vehicle back to its former, original, modified or operational condition.

"yard" means a yard as defined in the Zoning Bylaw.

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 a nuisance to occur on any property owned by that person.

DILAPIDATED BUILDINGS

6. Notwithstanding the generality of Section 5, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:
- a) is dangerous to the public health or safety; or
 - b) substantially depreciates the value of other land or improvements in the neighbourhood.

UNOCCUPIED BUILDINGS

7. Notwithstanding the generality of Section 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 health or safety.

OVERGROWN GRASS AND WEEDS

- 8.1 Notwithstanding the generality of Section 5, no owner or occupant of land shall cause or permit the land to be overgrown with grass or weeds.
- 8.2 For the purpose of this section, "overgrown" means in excess of 20 centimetres in height.
- 8.3 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.
- 8.4 No owner or occupant of land shall cause or permit any adjoining boulevards or lanes to be overgrown with grass or weeds.

UNTIDY AND UNSIGHTLY PROPERTY

- 9.1 Notwithstanding the generality of Section 5, no person shall cause or permit any land, building or structure to become untidy and unsightly due to graffiti or the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal, building materials, other waste materials or junk.

- 9.2 No owner of land shall cause or permit any adjoining boulevards or lanes to become untidy and unsightly due to the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal, building materials, other waste materials or junk.

VEHICLES IN RESIDENTIAL AREAS

In any Residential District:

- 10.1 The maximum number of unregistered vehicles allowed to be parked or stored on any one registered land parcel is four (4).
- 10.2 Of the total number of unregistered vehicles allowed pursuant to Section 10.1, a maximum of two (2) derelict vehicles may be parked or stored on any one registered land parcel provided that each vehicle is fitted with an approved vehicle cover as determined by a designated officer or within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the City, and unless actively being restored, remain properly covered; but at no time shall a derelict vehicle be parked or stored on a required front or side yard of any property.
- 10.3 Any vehicle allowed to be parked or stored in a required front yard shall be located on a surfaced parking area, consisting of gravel, asphalt, concrete, brick pavers, or other similar material accessible from the street by an approved curb crossing.
- 10.4 No person shall park or store on any part of a site any commercial vehicle, with a gross vehicle weight (G.V.W.) exceeding 8,000 kg, or a total length greater than 6.7 metres for longer than is reasonably necessary to load or unload the vehicle.
- 10.5 One commercial vehicle may be parked overnight on a site, provided the commercial vehicle does not exceed 8,000 kg G.V.W. or a length of 6.7 metres and is operated by a resident of the dwelling unit. The weight and length limits contained in this subsection shall not apply to school buses; however, school buses shall not be parked within 1.2 metres from the interior edge of the sidewalk.
- 10.6 Large recreational vehicles may be parked in front, rear and side yards on a residential site provided the vehicle is not within 1.2 metres of the interior edge of the sidewalk. Such large recreational vehicles are not subject to the restrictions pursuant to Section 10.1 and may be so parked whether licensed or unlicensed.
- 10.7 No person shall repair, clean, paint, refit, modify or refurbish vehicles or machinery for payment or other consideration. Spray painting of any vehicle or machinery is prohibited, whether for consideration or not.
- 10.8 The storage or parking of commercial or industrial type equipment is prohibited.

OPEN EXCAVATIONS

11. Notwithstanding the generality of Section 5, no person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure which is dangerous to the public safety or health to exist in or on any private land or in or about any building or structure.

PLACARDED STRUCTURES

12. Any structure that has been a Placarded Structure for a period exceeding three months is deemed to be a Nuisance.

GRAFFITI

13. Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

PART III – PROPERTY MAINTENANCE**DUTY TO MAINTAIN**

- 14.1 All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.
- 14.2 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.
- 14.3 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) keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation; and
 - d) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards.

DIVISION 1 - MAINTENANCE OF YARDS AND BUILDINGS**APPLICATION**

15.1 This Division applies to all buildings and yards within the City.

15.2 All yards are prohibited from being in an untidy and unsightly condition 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 a neighbourhood or 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 neighbourhood or of the City.

MAINTENANCE OF YARDS

16.1 A yard shall be kept free and clean from the following at all times:

- a) garbage and junk;
- b) derelict vehicles and dismantled machinery;
- c) excessive growth of weeds or grass;
- d) holes and excavations that could cause an accident;
- e) an infestation of rodents, vermin or insects;
- f) dead or hazardous trees,
- g) overgrown trees and shrubs,
- h) sharp or dangerous materials; and
- i) any material that is deemed to clutter and make the property appear unattractive.

16.2 A yard shall be graded in such a manner so as to prevent:

- a) excessive ponding of water; and
- b) excessive dampness accumulating near buildings or structures.

OUTDOOR STORAGE OF MATERIALS

- 17.1 Any building materials, lumber, 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.
- 17.2 Materials referred to Section 17.1 shall be elevated at least 150 mm off the ground and shall be stacked at least 3.0 metres from the exterior walls of any building and at least 1.0 metre from the property line.

REFRIGERATORS AND FREEZERS

18. Any refrigerator or freezer, prior to being properly disposed of, shall be covered and secured so that its door or doors cannot be opened or shall have its hinges, latches, lid, door or doors removed. The existence of uncovered or unsecured refrigerators or freezers will be deemed an emergency and dealt with pursuant to Section 63 of this Bylaw.

WALKWAYS, DRIVEWAYS AND PARKING SPACES

19. If a walkway, driveway or parking space is provided, it shall be maintained so as to afford safe passage thereon under normal use and weather conditions.

WASTE DISPOSAL

20. Every building shall be provided with a sufficient number of receptacles to contain all waste in accordance with the provisions of the City of North Battleford Solid Waste Management Bylaw.

ACCESSORY BUILDINGS

- 21.1 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.
- 21.2 Accessory buildings shall be equipped with doors or closures with an acceptable locking mechanism designed to resist unauthorized entry.

FENCES

22. Fences shall be maintained in a safe and reasonable state of repair, free of graffiti and appropriate for the neighbourhood, as determined by a designated officer.

DIVISION 2 - BUILDING STANDARDS (EXTERIOR)**APPLICATION**

23. This Division applies to all buildings in the City.

BUILDING COMPONENTS

24. 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

25.1 All exterior surfaces shall be made of materials which provide adequate protection from the weather.

25.2 Exterior walls shall 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.

25.3 Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit rain or dampness to the interior walls or the interior spaces of the building.

25.4 All exterior surfaces shall be free of graffiti.

ROOFS

26.1 A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent deterioration or leakage of water into the building.

26.2 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 person in or near the building.

26.3 Water running off a roof shall be carried away from the building so as not to cause dampness in the walls, ceiling 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.

26.4 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.

- 26.5 Gantries, 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

- 27.1 Chimneys, flue pipes and smoke stacks shall be maintained in good repair so as to serve their intended purpose and to prevent gases, water or any other substance from leaking into the building.
- 27.2 Chimneys, flue pipes and smoke stacks shall be free of any defects.
- 27.3 Chimneys, flue pipes and smoke stacks shall have all defective masonry or metal components repaired or replaced as needed.
- 27.4 Chimneys, flue pipes and smoke stacks shall be kept clear of obstructions.

EXTERIOR DOORS, STORM DOORS, WINDOWS AND SCREENS

- 28.1 A door shall be provided at each entrance to a building and when closed it shall be reasonably tight-fitting within its frame.
- 28.2 Exterior doors, storm doors and storm windows shall be kept in a reasonable state of repair, and shall be weather-tight so as to perform their intended function.
- 28.3 Openable windows within two metres of ground level shall have an acceptable locking mechanism to resist forced entry.
- 28.4 Exterior doors shall have an acceptable locking mechanism designed to resist forced entry.
- 28.5 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.
- 28.6 Windows and doors which open to the exterior and which are used for natural ventilation shall be screened so as to provide protection from the weather and insects. Screening shall be of rustproof material and shall be not less than #16 gauge screen.

STAIRS, PORCHES, DECKS AND RAILINGS

- 29.1 Stairs, porches, decks and railings shall be maintained in good repair so that no components are broken, loose, rotted or warped.

- 29.2 A handrail shall be installed on at least one side of all exterior stairs having more than three risers.

VERMIN, RODENTS AND INSECTS

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

DIVISION 3 - BUILDING STANDARDS (INTERIOR)

APPLICATION

31. This Division applies to all buildings in the City.

FLOORS AND STAIRS

- 32.1 Floors and stairs shall be free of loose, warped, protruding or rotting floor boards.
- 32.2 Floor and stair coverings, including tiles, linoleum and carpeting shall be kept in a reasonable state of repair.

WALLS AND CEILINGS

- 33.1 Every wall and ceiling shall be maintained in good condition and free from holes, large cracks, loose plaster and other hazards.
- 33.2 Every wall and ceiling shall be painted or finished in a suitable manner.
- 33.3 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

- 34.1 Except where municipal services are not available, every building shall be provided with an adequate supply of potable running water.
- 34.2 Every sink, wash basin, laundry, bathtub, or shower in a building shall have an adequate supply of hot and cold running water.

- 34.3 Every toilet shall have an adequate supply of running water.
- 34.4 Buildings not normally occupied, such as garden sheds or cold storage buildings, do not require a potable water supply.

Plumbing Facilities

- 35.1 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.
- 35.2 All bathrooms shall be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.
- 35.3 Seats shall be provided for all toilets and the seats shall be kept in good repair.

Gas and Open Flame Type Appliances

- 36.1 Gas stoves, water heaters and other gas appliances shall be equipped with suitable pipes or flues for the removal of the products of combustion.
- 36.2 All gas appliances shall be of an approved type, shall be installed in an approved manner and shall be kept in a proper state of repair.

Solid Fuel Burning Appliances

- 37.1 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.
- 37.2 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.
- 37.3 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.
- 37.4 All chimneys, smoke pipes, flues or gas vents used in connection with 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

- 38.1 Every basement, crawl space and similar space shall be adequately ventilated for its intended use.
- 38.2 Every opening for natural ventilation other than windows shall be constructed to provide protection from the weather, rodents and insects.

38.3 Screening shall be of rustproof material.

Electrical Services

- 39.1 All buildings shall be supplied with electrical service that is adequate to safely meet the electrical needs of the building.
- 39.2 If an electrical outlet currently exists in a bathroom, it shall be an approved outlet. If any new electrical outlet is installed in a bathroom, it shall be a ground fault circuit interrupter (GFCI) type.
- 39.3 Extension cords, if used, shall be of an approved type and shall not exceed the circuit capacity.
- 39.4 Extension cords shall not be used in lieu of permanent wiring for electrical outlets, lighting fixtures and switches.

Light

- 40.1 Light shall be available at all times in every stairway, corridor, hall, storage room and service room in a building.
- 40.2 The average level of light in corridors and stairways shall be at least 50 lx (5 foot candles) at floor or tread level.

Egress

- 41.1 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.
- 41.2 Every means of egress shall be maintained in good repair and free of obstructions which constitute a fire hazard.

Structural Standards

- 42.1 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.
- 42.2 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.
- 42.3 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**

- 43.1 This Division applies to all dwelling units in the City.
- 43.2 The requirements of this Division are in addition to the requirements of Divisions 2 and 3.

HABITABLE ENVIRONMENT

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

POTABLE WATER SUPPLY

45. Every dwelling unit shall be supplied with hot and cold potable running water.

HEATING

- 46.1 Every dwelling unit shall be equipped with adequate heating facilities properly installed and maintained in safe and good working condition.
- 46.2 Heating facilities shall be capable of maintaining an indoor air temperature of 18 degrees Celsius when the outside temperature is minus 35 degrees Celsius. The required temperature shall be taken at a height of 750 mm from the floor in the centre of each occupied room.
- 46.3 Portable room heaters shall not be used as a primary source of heat.
- 46.4 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.
- 46.5 Service rooms shall not be used for sleeping.

SANITARY FACILITIES

- 47.1 Every dwelling unit shall be provided with:
- a) a kitchen sink;
 - b) a toilet;
 - c) a wash basin, and
 - d) a bathtub or shower.

47.2 In every dwelling unit 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 the building or through another occupant's quarters;
- c) all required facilities shall not be located more than one floor away from the dwelling unit; and
- d) the number of occupants sharing the use of a bathroom, wash basin and bathtub or shower shall not exceed 10 persons.

47.3 Bathtubs, showers or toilets shall not be located in any habitable room.

47.4 The wash basin shall be in the same room as the toilet, or in an accessible adjoining room.

47.5 All bathrooms shall have mechanical or natural ventilation.

47.6 All bathrooms shall be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.

47.7 Sewage shall be properly drained into the communal sewage works and where municipal services are not available it shall drain into an approved private sewage works.

VENTILATION

48.1 Unless a satisfactory alternative means of ventilation is provided, every habitable room shall have at least one window which can be easily opened.

48.2 Where a system of mechanical ventilation is provided, it shall be designed and installed generally in accordance with the current National Building Code of Canada.

48.3 All enclosed spaces within a dwelling unit shall:

- a) be adequately ventilated;
- b) have access of sufficient size to permit entry; and
- c) be fitted with a door or panel to enclose the opening except when the access opening is from the adjacent basement and provides ventilation to the crawl space.

ELECTRICAL FACILITIES

- 49.1 Every habitable room, other than a kitchen, shall have at least one approved electrical outlet.
- 49.2 Every kitchen shall have at least two approved electrical outlets. If an electrical outlet is installed within 1.8 metres of the kitchen sink at any time following the passage of this bylaw, the outlet shall be of the ground fault circuit interrupter (GFCI) type.
- 49.3 At least one lighting outlet with fixture shall be provided in every kitchen, bedroom, utility room, laundry room, dining room, bathroom, hallway, stairway, storage room, service room, and at every exterior entrance to a dwelling unit. The fixture shall be permanently installed and shall be maintained in good working order.

KITCHEN FACILITIES

- 50.1 Unless otherwise approved, every dwelling unit shall be equipped with safe and adequate cooking facilities for the occupants.
- 50.2 A counter work surface at least 1500 mm long and 500 mm wide, including the area occupied by the kitchen sink, shall be provided in the kitchen.
- 50.3 A vertical clearance of at least 750 mm shall be provided above the heating elements of any cooking appliance.

FIRE SAFETY STANDARDS

51. Properties, including rental properties, shall meet the requirements of the Fire Prevention and Emergency Services Bylaw.

DIVISION 5 - BASEMENT AND ATTIC OCCUPANCIES**APPLICATION**

- 52.1 This Division applies to dwelling units located in basements and attics.
- 52.2 The requirements of this Division are in addition to the requirements of Division 2, 3 and 4 of this Part.

SPECIAL REQUIREMENTS FOR BASEMENT AND ATTIC OCCUPANCIES

53. Notwithstanding the other requirements of this Part, basement and attic space shall not be used as a dwelling unit or habitable room unless it meets the following 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 30 minutes;
- c) every service room shall be separated from adjacent rooms and spaces by a fire separation having a fire-resistance rating of not less than 30 minutes (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 30 minutes;
- e) every doorway providing egress from a dwelling unit to an exit or a means of egress shall be equipped with a door and frame having a fire-resistance rating of not less than 20 minutes. (A 45 mm thick solid core door and 38 mm solid wood frame is acceptable). The door shall be equipped with a latch and closer;
- f) 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 reasonably conform to the current National Building Code for Canada, and the stairs shall have a handrail installed on at least one side;
- g) an exit corridor forming part of a means of egress from a dwelling unit shall have a minimum ceiling height of 1.95 metres. Projections or obstructions into an exit corridor shall not reduce the ceiling height to less than 1.80 metres;
- h) every room in a dwelling unit shall have a minimum ceiling height of 1.95 metres over not less than 75% of the room area. Projections or obstructions in the room shall not reduce the ceiling height to less than 1.80 metres;
- i) smoke alarms in dwelling units may be battery operated or 110v and shall be located and maintained in accordance with the current National Fire Code of Canada;
- j) a smoke detector shall be installed in every service room, and it shall be interconnected so that the activation of the smoke detector will cause the smoke alarm in the first storey dwelling unit to sound;
- k) every dwelling located in a basement or attic shall have at least two outside windows which can be opened from the inside without the use of tools or special knowledge;

- l) every bedroom in a dwelling unit shall have at least one openable window. Windows shall provide unobstructed openings with areas not less than 0.35 square metres and with no dimension less than 380 mm;
- m) a source for continuous fresh combustion air shall be provided in every service room containing open flame appliances.

CHANGES REQUIRED TO FIRST STOREY DWELLING UNIT

54. If basement or attic space is used as a dwelling unit or habitable room, a dwelling unit on the first storey shall, in addition to the other standards prescribed by this Part, meet the following additional requirements:
- a) Every doorway providing egress from a first storey dwelling unit to a shared exit, or a shared means of egress shall be equipped with a door and frame having a fire-resistance rating of not less than 20 minutes. (A 45 mm thick solid core door and 38 mm solid wood frame is acceptable). The door shall be equipped with a latch and closer;
 - b) Smoke alarms in the first storey dwelling unit may be battery operated or 110v and shall be located and maintained in accordance with the current National Fire Code.

PART IV - ENFORCEMENT, OFFENCES AND PENALTIES

ENFORCEMENT OF BYLAW

- 55.1 The administration and enforcement of this Bylaw is hereby delegated to the City Manager.
- 55.2 The City Manager is hereby authorized to further delegate the administration and enforcement of this bylaw to a designated officer.

INSPECTIONS

- 56.1 The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
- 56.2 Inspection under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.
- 56.3 No person shall obstruct a designated officer who is authorized to conduct inspections under this section, or a person who is assisting a designated officer.

ORDER TO REMEDY CONTRAVENTION

57.1 If a designated officer finds that a person is contravening this Bylaw, the designated officer may, by written Order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

57.2 A Designated Officer may make an Order that:

- a) any structure is a nuisance;
- b) any land or structure is untidy or unsightly;
- c) any vehicle is a derelict vehicle;
- d) all graffiti be removed from buildings, accessory buildings, dwelling units or structures;
- e) any building or structure does not conform to minimum standards;
- f) premises be put and maintained in a sanitary condition;
- g) any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure in or on any private land or in about any building or structure is a nuisance and dangerous to the public safety or health;
- h) any structure is an imminent danger to the public safety or health because it is unsecured or for any other reason;
- i) an owner or occupant arrange for inspection or assessment of a building or structure by a person of any professional designation as determined to be necessary by a Designated Officer (including, but not limited to, a registered Professional Engineer, a licensed architect, or an environmental consultant) and for submission to the City of a written report by that professional detailing the results of that inspection or assessment;
- j) an owner or occupant arrange for an environmental air quality analysis of the interior spaces (including the attic, wall and floor cavities, and crawl spaces) of a building or structure be conducted by a professional environmental or indoor air quality consultant to identify potential water or mold damage and for submission to the City of a written report of that analysis. Analysis may require inspection holes to be cut in walls, floors and ceilings and the lifting of carpets, vinyl sheet flooring or removal of wallpaper;

- k) occupation of a building or structure by a person or persons as a dwelling or for any other purpose shall not be permitted or permitted to continue until such time as the Order has been complied with and compliance with the Order has been formally acknowledged by the City; or
- l) all environmentally sensitive substances be removed and disposed of by an environmental contractor or Professional Cleaner and proof of such disposal be submitted to the City.

57.3 Orders given under this Bylaw shall comply with Section 328 of *The Cities Act*.

57.4 Orders given under this bylaw shall be served in accordance with Section 347 of *The Cities Act*.

REGISTRATION OF NOTICE OF ORDER

58. If an Order is issued pursuant to Section 57.1, 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

59.1 A person may appeal an Order made pursuant to Section 57.1 in accordance with Section 329 of *The Cities Act*.

59.2 Appeals shall be made directly to the Council.

59.3 Appeals of an Order shall be made within 15 days after the date of the Order and shall be made in writing.

CITY REMEDYING CONTRAVENTION

60. 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

61. 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

62. 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

63. 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

64.1 No person shall:

- a) fail to comply with an Order made pursuant to this Bylaw;
- b) obstruct or hinder any person acting under the authority of this Bylaw; or
- c) fail to comply with any provision of this Bylaw.

64.2 Every person who contravenes any provision of Section 64.1 is guilty of an offence and liable on summary conviction:

- a) In the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
- b) In the case of a corporation, to a fine not exceeding a \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.

64.3 In the event of non-payment of a fine imposed pursuant to Subsection 64.2 a), the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

64.4 a) Notwithstanding the provisions of Section 64.2, any person who contravenes the provisions of Section 8.1, 8.4, 9.1 and 9.2 is guilty of an offence and liable on summary conviction to a fine of One Hundred dollars (\$100.00) for a first offence; Two Hundred dollars (\$200.00) for a second offence; and Three Hundred dollars (\$300.00) for a third and subsequent offences.

b) If the penalty prescribed in Subsection 64.4 (a) is paid within seven (7) calendar days of the date of the offence, as stipulated on the ticket issued for the violation, the penalty shall be reduced by Twenty-five dollars (\$25.00) and no further action will be taken for such violation.

c) If the penalty prescribed in Subsection 64.4 (a) is not paid within seven (7) calendar days of the date of the offence, an Information may be laid and a Summons issued. The penalty, without reduction, may be paid before the return date of the Summons and no further action will be taken for such violation.

- d) If the penalty prescribed in Subsection 64.4 (a) is not paid prior to the return date of the Summons, the penalty provisions of Section 64.2 shall apply without application of the exceptions described in Subsections 64.4 (a), (b) and (c).
- e) Voluntary payments under Section 64.4 may be made in person at City Hall or by mail, postmarked within the allowed time limitations, to the City of North Battleford, P.O. Box 460, North Battleford, Saskatchewan, S9A 2Y6.

64.5 The offence provisions in Sections 64.2 to 64.4 do not apply to owners issued an Order pursuant to Sections 9.1 or 13 when the removal of graffiti from their property is required.

REPEAL OF BYLAW

65. Bylaw No. 1723 is hereby repealed.

COMING INTO FORCE

66. This bylaw shall come into force and effect immediately upon the passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 25th DAY OF MAY, A.D. 2010.

READ A SECOND TIME THIS 25th DAY OF MAY, A.D. 2010.

READ A THIRD TIME AND PASSED THIS 28th DAY OF JUNE, A.D. 2010.

"Ian Hamilton"
MAYOR

"Debbie Wohlberg"
CITY CLERK