

**Town of Foam Lake
Saskatchewan
Bylaw No. 6-2016**

A Bylaw of the Town of Foam Lake in the Province of Saskatchewan to provide for the Regulation of Property Standards.

The Council of the Town of Foam Lake enacts as follows:

The Statutory Authority for this Bylaw is provided for in the applicable sections of *The Municipalities Act* as may be amended from time to time.

Title and Purpose

1. (1) This Bylaw may be cited as The Property Standards Bylaw.

(2) The purpose of this Bylaw is to set and enforce standards to regulate the maintenance of properties and structures within the Town of Foam Lake and to ensure that all properties are continuously maintained in an attractive, tidy and safe condition.

(3) Section 8 of *The Municipalities Act* gives Council the authority to pass bylaws for Town purposes such as:

- a) the safety, health and welfare of the citizens;
- b) people's use and enjoyment of their property; or
- c) the amenity of the neighbourhood

Part 1- Definitions

2. 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.

“Building” means any structure used or occupied or intended for supporting or sheltering any use or occupancy, and includes an addition built to an existing structure and, where applicable, the land adjoining a structure.

“Council” means the Council of the Town of Foam Lake.

“Dilapidated Building” means a building or structure that is in disrepair in that it is in a ruined or decayed condition.

“Driveway” means that portion of a residential property used for the parking of vehicles and for access to an enclosed garage structure or permanently covered car port.

“Dwelling unit” means a room or series of rooms that are used as a residence by one or more persons. A dwelling unit typically contains 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 or useless material.

“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.

“Inspector” means any person designated by the Town of Foam Lake as a Property Manager, Bylaw Enforcement Officer, Building Official, Fire Inspector or Health Inspector.

“Junk” means discarded items or things regarded as worthless or causing clutter. This would include the continuous presence of second-hand goods for sale.

“Junked vehicle” means any automobile, tractor, truck, boat, trailer, ATV, snowmobile or other vehicle that:

- a) has no valid license plates attached to it
- b) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition.

“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.

“Occupant” means the resident of a building.

“Owner” means a person who has any right, title, estate or interest in land or buildings.

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

“Portable Garage” means a non-permanent structure with various covering material that is used for 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 all current zoning conditions with respect to their size and location.

“Property” means land, buildings or structures and any combination of these.

“Structure” means any building, retaining wall, scaffolding, garbage container, trailer, mobile home, shed or portable shack including canvas or tarp covered portable sheds.

“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 over which no building is erected.

“Side Yard” means the area of the yard that begins at the front corner of the principal building and extends to the rear corner of the principal building.

“Rear Yard” means the area of the yard that extends from the rear corner of the principal building to the rear property line.

“Front Yard” means the area of the yard that extends from the front corner of the principal building to the front property line. For the purpose of this bylaw; the front yard does not include the driveway.

Responsibility

3. Unless otherwise specified, the owner of a property, that includes land, buildings or structures shall be responsible for carrying out the provisions of this bylaw.

Part 2 - Property Maintenance

General

4. (1) All property including land, buildings or structures is to be maintained in accordance with the minimum standards of this section.

- (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 Town Council.

Maintenance of Residential Yards

5. (1) This section applies to all yards and accessory buildings within the Town of Foam Lake.
- (2) All residential 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.
 - 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 a neighbourhood.
- (3) All residential yards, front, rear and sides shall be kept free and clean from the following at all times:
- a) garbage and junk
 - b) junked vehicles
 - c) dismantled machinery
 - d) excessive growth of weeds or grass
 - e) holes and excavations
 - f) infestations of rodents, vermin or insects
 - g) dead or hazardous trees
 - h) dangerous or hazardous materials
 - i) refrigerators or freezers
 - j) discarded appliances of any kind
 - k) any material that is deemed to clutter and make the property appear untidy and unsightly
- (4) 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, ATVs, motorcycles, snowmobiles, boats and motor homes; Bylaw 7-2010
 - b) trailers of any type
 - c) campers of any type
 - d) portable garages
 - e) any accessory structure whether portable or permanent
- (5) All residential yards are subject to the following regulations:

- a) Any accessory structure whether portable or permanent must follow the guidelines set forth in *Zoning Bylaw No.12-1999* and any amendments thereto.

(6) All residential driveways are to be kept free of the following:

- a) portable garages
- b) construction vehicles and equipment
- c) any commercial vehicle with a gross vehicle weight exceeding 8,000 kg. or a total length of greater than 6.7 metres
- d) Class A or C motor homes, travel trailers, fifth wheel trailers, boat or any similar vehicle from October 1 to April 30, inclusive; Bylaw 7-2010 Part 5.1.5.c.iii

(7) Residential storage of building materials shall conform to the following:

- a) No owner or occupant of a property shall allow the accumulation of new or used building materials on the premises 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 off the ground.
- c) Building materials are to be stacked 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 thirty 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.

(8) A residential yard shall be graded and drained so as to prevent the following:

- a) excessive ponding of water
- b) excessive amounts of moisture accumulating near a building or structure
- c) any accumulation of moisture that may adversely affect any neighboring property

(9) Overgrown grass and weeds:

- a) No owner or occupant of residential property shall allow their yard to be overgrown with grass and weeds. A yard will be deemed to be overgrown with grass and weeds at the discretion of the Inspector. Plants and grasses that are part of a tended and maintained garden do not apply.

Residential Junked Vehicles

- 6. A maximum of 2 junked vehicles are permitted to be stored on any residential property provided that they are fitted with an approved vehicle cover that is to be replaced if torn and shredded. Storage is not permitted in front yards. The non-compliance of any cover will be determined at the discretion of the Inspector.

Open Excavations

7. No owner shall have any excavation on their residential property that is deemed to be a public safety hazard. Excavations for the purpose of construction must be enclosed with a strongly constructed fence. For single family residential properties the fence shall be a minimum of one metre in height.

Relocated, Demolished or Partly Demolished Residential Buildings

8. Residential buildings that have been relocated, demolished, 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.

Rain Water Collectors

9. 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
 - b) an overflow device that discharges excess water away from any foundation

Fences and Walls

10. All fences and walls that enclose the yard of a 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
 - c) free from any graffiti; it is the responsibility of the owner of the property to remove any graffiti found on a fence or wall

Maintenance of Non Residential Yards

11. (1) All non-residential 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 the town
 - 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
- (2) All non-residential yards, front, rear and sides shall be kept free and clean from the following at all times:
 - a) garbage and junk not in an approved container
 - b) junked vehicles that do not contribute to the day to day operations of a particular business
 - c) excessive growth of weeds or grass

- d) holes and excavations
- e) infestations of rodents, vermin or insects
- f) dead or hazardous trees
- g) dangerous or hazardous materials

(3) Outdoor storage of materials in non-residential yards shall comply with the following:

- a) any materials such as lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground
- b) materials in a non-residential yard that are not relevant to the operation of the business occupying the property are to be stored within an approved and fully enclosed structure or removed
- 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

(4) A non-residential yard shall be graded and drained so as to prevent the following:

- a) excessive ponding of water
- b) excessive amounts of moisture accumulating near a building or structure
- c) any accumulation of moisture that may adversely affect any neighboring property

Commercial Junked Vehicles

12. Junked vehicles that are not directly associated with the day to day operations of a commercial business are not allowed to be located within a commercial yard.

Fences and Walls and garage sale signs

13. 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
- c) secured to prevent entry by the public during off hours
- d) free from any graffiti; it is the responsibility of the owner of the property to remove any graffiti found on a fence or wall

14. All garage sale signs are prohibited from being attached to any sign post or light standard and shall be removed immediately following the end of the sale.

Open Excavations

15. No owner shall have any excavation on their property that is deemed to be a public safety hazard. Excavations for the purpose of construction must be enclosed with a strongly

constructed fence. For commercial properties the fence shall be a minimum of 1.8 metres in height.

Part 3 - Exterior Building Standards

General

16. This section applies to the exterior of all buildings.

Building Components

17. (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.

Display of Civic Numbers on Buildings

18. (1) All civic addressing shall comply with the Town of Foam Lake Civic Addressing Policy.

(2) The owner of a property on which a structure has been erected shall display the number assigned to the property at all times. This shall be in a location that is plainly visible and faces the street to which the property is addressed.

(3) The building numbers shall be at least 100 mm (4") in height and have a stroke width of at least 15mm (1/2"), 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) Where a name is used to supplement the address of a property; the owner of the property shall immediately inform the Town of Foam Lake in writing of the revised name.

(7) 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

- b) a plainly visible suite number displayed on the entrance door of each rental unit

Exterior Walls

19. 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 and siding to complete the exterior
- b) exterior surfaces shall be free of holes, breaks, loose or rotting boards and any other condition that would allow the penetration of moisture
- c) all exterior surfaces including privacy walls and fences shall be free of graffiti
- d) repairs must be in keeping with the existing exterior finishes of the building

Roofs

20. (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) 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 meters away from the foundation. Downspouts must be directed to the front of the property and shall not be directed to the neighboring property.

(4) All downspouts in new construction shall terminate a minimum of 3 metres (10 feet) from a front sidewalk.

(5) Garages located in rear yards where their location is such that a metre (10 feet) setback of the downspout is not possible from the alley will be exempted from the requirement.

(6) 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.

Chimneys

21. 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.

Exterior Doors, Storm Doors, Windows and Screens

22. 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.

Stairs, Porches, Decks and Railings

23. (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 per 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.

Vermin and Rodents

24. 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 4 - Interior Building Standards

Plumbing Facilities

25. All plumbing facilities in a building, including built to code.

Gas and Open Flame Type Appliances

26. Gas stoves, water heaters and other gas appliances shall be installed as per the manufacturer's specifications.

Solid Fuel Burning Appliances

27. 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 a per manufacturer's specifications.

Electrical Services

28. (1) All buildings shall be supplied with electrical service and built to code.

Fire Safety Standards

29. (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 any amendments thereto.

Carbon Monoxide

30. (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 any amendments thereto.

Service Rooms

31. Service rooms shall not be used for sleeping.

Part 5 - Enforcement, Offences and Penalties

Enforcement of Bylaw

32. (1) The administration and enforcement of this Bylaw is hereby delegated to Inspector(s) for The Town of Foam Lake.

(2) The CAO for The Town of Foam Lake is hereby authorized to further delegate the administration and enforcement of this Bylaw to appointed Inspectors.

Inspections

33. (1) The inspection of property by The Town of Foam Lake to determine if this Bylaw is being complied with is hereby authorized.

(2) An Inspector may, at his or her discretion, make an order that any property is in violation of the provisions contained within this Bylaw.

Occupancy Prohibited

34. 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 Town of Foam Lake issues permission to occupy the property.

Order to Remedy Violations

35. (1) If an Inspector finds that a person is violating 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.

(2) If an Inspector determines that any violation endangers public health or safety; emergency action may be taken to eliminate the danger. The cost of such work will be

a debt owed to the Town and may be added to the taxes on the land where the work was performed.

- (3) The owner has the right to submit a written appeal to the Town's Chief Administrative Officer's office within 15 days of receiving an order from an Inspector that requires them to perform work that will rectify the violation.
- (4) If the owner fails to comply with a work required by an order within the prescribed time limit; the Town may proceed to have the work done at the owners' expense.
- (5) Any order requiring compliance with this Bylaw may be delivered as follows:
 - a) by first class mail to the last known address of the person being served
 - b) hand delivery to the last known address of the person being served.
 - c) posting a copy of the order on the structure in violation
 - d) any of the methods or service provided in the Queen's Bench Rules of Court
 - e) publishing the order in two issues of a newspaper circulating in the Town of Foam Lake.
- (6) Any order issued pursuant to this Bylaw shall be accompanied by information regarding application for an appeal hearing.

Penalties

36. (1) An Inspector who has reason to believe that a person has contravened any article of this Bylaw may serve on that person a Notice of Violation which shall indicate that the Town of Foam Lake will accept voluntary payment in an amount as prescribed below:
 - (2) Any person that fails to comply with the above is guilty of an offense and liable on summary conviction:
 - a) First offence of any violation found in this Bylaw will be the sum of \$100.00.
 - b) Second or any further offences of any violation found in this Bylaw within 12 months of the first offence being issued will be the sum of \$200.00.
 - (3) An Inspector provided by the Town of Foam Lake may order the demolition of any building, structure or accessory building.

Registration of Notice of Order

37. If an order is issued, the Town may, in accordance with Subsection 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

Appeal of Order to Remedy

38. A person may appeal an order in writing made in accordance with Section 365 of *The Municipalities Act*.

Town Remedying Contraventions

39. The Town may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

Civil Action to Recover Costs

40. The Town may, in accordance with Section 368 of *The Municipalities 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

41. The Town may, in accordance with Section 369 of *The Municipalities Act*, add any unpaid expenses and costs incurred by the Town in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

Emergencies

42. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

Offences

43. (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) In the case of an individual, to a fine of not more than \$10,000.
- b) In the case of a corporation, a fine of not more than \$25,000.
- c) In the case of a continuing offense, to a maximum daily fine of not more than \$2,500.00 per day.

Part 6 – Effective Date of Bylaw

57. This Bylaw will come into force and take effect on the date of adoption.

58. Bylaw No. 8 – 2013 is hereby repealed.

Mayor

Chief Administrative Officer

Introduced and read a first time this _____ May 10, 2016 _____

Read a second time this _____ May 10, 2016 _____

Read a third time and adopted this ___ May 10, 2016 _____