

**Village of Rama**  
**BYLAW NO. 02/04**

**Property Maintenance and Occupancy Bylaw**

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## BYLAW NO. 02/04

### Property Maintenance and Occupancy Bylaw

The Council of the Village of Rama enacts:

#### Part I General Provisions

##### Title

1. This Bylaw may be cited as the "Property Maintenance and Occupancy Bylaw".

##### Purpose

2. The purpose of this Bylaw is:
  - (a) to establish minimum standards of fitness for human habitation for buildings;
  - (b) to establish minimum standards for the repair and maintenance of the exterior of buildings and structures;
  - (c) to control untidy and unsightly lands or buildings;
  - (d) to control the keeping of junked vehicles;
  - (e) to eliminate the danger caused by unoccupied buildings; and
  - (f) to provide standard requirements and procedures for enforcing various sections of *The Urban Municipality Act, 1984* dealing with demolitions, property maintenance, untidy and unsightly premises, junked vehicles and open excavations.

##### Definitions

3. In this Bylaw:
  - (a) "building" means a building within the meaning of *The Urban Municipality Act, 1984*;
  - (b) "Chief Property Maintenance Inspector" means the Mayor of the Village Of Rama.
  - (c) "Village" means The Village of Rama;
  - (d) "Council" means The Council of the Village of Rama;
  - (e) "dwelling unit" means a dwelling unit within the meaning of *The Urban Municipality Act, 1984*;
  - (f) "habitable room" means a room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes or any combination thereof; but does not include a bathroom, laundry, pantry, lobby, stairway, closet, furnace room or other space for service and maintenance of the dwelling unit;
  - (g) "junked vehicle" means a junked vehicle as defined by *The Urban Municipality Act, 1984*;

- (h) "municipal inspector" means an employee or agent of the Village appointed by the Chief Property Maintenance Inspector to act as an inspector for the purposes of this Bylaw;
- (i) "occupant" means occupant as defined by *The Urban Municipality Act, 1984*;
- (j) "owner" means owner as defined by *The Urban Municipality Act, 1984*;
- (k) "property" includes a building or structure as defined in this Bylaw and any lands appurtenant thereto;
- (l) "property maintenance inspector" means the Chief Property Maintenance Inspector or a municipal inspector;
- (m) "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.

#### **Application of the Bylaw**

- 4. (1) This Bylaw applies to all buildings, both in existence now and those constructed after this Bylaw takes effect, and to all lands within the Village of Rama.
- (2) If, as a result of the enforcement of this Bylaw, repairs must be made to a building or the occupancy or use of a building must be changed, all repairs and changes in occupancy and use must conform to the *National Building Code of Canada, 1990* or any subsequent edition of the *National Building Code* adopted by *The Uniform Buildings and Accessibility Standards Act*.

#### **Conflicting Acts**

- 5. (1) This Bylaw establishes the minimum standards for the occupancy of buildings and for the maintenance of building interiors and exteriors and is not intended to relieve any person from complying with any other Act, regulation or bylaw relating to building construction and repair, fire safety or public health.
- (2) If there is an inconsistency between this Bylaw and:
  - (a) *The Uniform Building and Accessibility Standards Act*;
  - (b) *The Fire Prevention Act, 1992*;
  - (c) *The Public Health Act*; or
  - (d) any bylaw relating to building construction, fire safety or public health;
 the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

#### **Equivalents**

- 6. (1) The provisions of this Bylaw are not intended to limit the appropriate use of materials, systems and equipment not specifically described in this Bylaw.
- (2) Materials, systems and equipment not specifically described in this Bylaw may be used if it can be shown that they are suitable on the basis of past performance, or on the basis of acceptable tests or evaluations.

## **Alternatives**

7. Alternatives to requirements in this Bylaw may be permitted provided the property maintenance inspector is satisfied that:
  - (a) the existing condition or building provides an acceptable degree of health, fire and building or property safety; or
  - (b) measures are taken to provide an acceptable degree of health, fire and building or property safety.

## **Part II**

### **Inspection and Enforcement Procedures**

#### **Alternative to Exercising Authority Under *The Urban Municipality Act, 1984***

8. As an alternative to exercising authority under sections 124, 125, 126, 130, 132 and 134 of *The Urban Municipality Act, 1984*, the Village shall, within its jurisdiction, enforce these sections in the manner and according to the standards and procedures described in this Part.

#### **Duties of Chief Inspector**

9. The Chief Property Maintenance Inspector shall:
  - (a) administer and enforce this Bylaw within the Village; and
  - (b) perform any other duties and may exercise any other powers that may be delegated by Council.

#### **Appointment of Municipal Inspectors**

10. The Chief Property Maintenance Inspector may appoint any employee or agent of the Village as a municipal inspector for the purpose of enforcing this Bylaw.

#### **Inspections**

11. (1) For the purposes of ensuring compliance with this Bylaw, or any order made under this Bylaw, any property maintenance inspector may, at any reasonable time, enter and inspect any building, structure or property.
  - (2) A property maintenance inspector making an inspection may:
    - (a) collect data or samples;
    - (b) make any inspection or study;
    - (c) conduct any test;
    - (d) examine books, records and documents; and
    - (e) require the production of documents and property for the purposes of examination or making copies.
  - (3) When entering on land or into any building or structure under this section, the property maintenance inspector may:

- (a) enter with any equipment, machinery, apparatus, vehicle or materials that the property maintenance inspector considers necessary for the purpose of the entry;
  - (b) take any person who or thing that the property maintenance inspector considers necessary to assist in the inspection.
- (4) Where the property maintenance inspector considers it necessary for the purposes of the entry, the inspector may temporarily close the building, structure or property until the inspection is complete.
- (5) Before entering on any property or into any building or structure, the property maintenance inspector shall notify the owner or occupant, if the owner or occupant is present at the time of the entry, of the purpose of the entry.
- (6) A property maintenance inspector must not enter a private dwelling without a warrant issued under this section unless the owner or occupant consents.
- (7) A property maintenance inspector may apply without notice to a justice of the peace or a judge of the provincial court for a warrant where a person:
  - (a) refuses to permit the property maintenance inspector to enter on property or into any building or structure to carry out an inspection; or
  - (b) fails to produce any documents or property required for the inspection.
- (8) A justice of the peace or judge of the provincial court may issue a warrant where the justice is satisfied by oath that the property maintenance inspector believes on reasonable grounds that there is a contravention of this Bylaw or an order made under this Bylaw.
- (9) A warrant issued under this section authorizes the person named in the warrant to enter the place named in the warrant and any building or structure connected with that place to:
  - (a) inspect the property and connected buildings and structures;
  - (b) carry out the activities described in subsection (2); and
  - (c) search for and seize any books, records and documents.
- (10) Every peace officer is under a duty to assist the property maintenance inspector in enforcing a warrant issued under this section.
- (11) While a property maintenance inspector is conducting an inspection under this section, no person shall:
  - (a) fail to comply with any reasonable request of the property maintenance inspector;
  - (b) knowingly make any false or misleading statement to the property maintenance inspector;
  - (c) unless authorized by the property maintenance inspector, remove, alter or interfere in any way with anything seized, detained or removed by the property maintenance inspector; or
  - (d) obstruct or interfere with the property maintenance inspector.

## **Compliance Orders**

12. (1) If, in the opinion of the property maintenance inspector, there is a contravention of this Bylaw or an order made under this Bylaw, in a building, structure or property, the property maintenance inspector may issue to the owner, operator or occupant of the building, structure or property a written order in which the property maintenance inspector:
- (a) must specify the contravention;
  - (b) must set out the act or thing the owner, operator or occupant of the building, structure or property is required to do in order to remedy the contravention;
  - (c) must set out a reasonable time within which that person is to remedy the contravention;
  - (d) must inform the person receiving the order of the right to appeal;
  - (e) must inform the person receiving the order that the person may appear at the hearing of the appeal in person or by counsel or agent; and
  - (f) must inform the person receiving the order that it is an offence to fail to comply with the order.
- (2) Every order made under this Bylaw must be served:
- (a) in the case of service on an individual:
    - (i) personally; or
    - (ii) by mailing it by registered mail to the individual's last address known to the person making the order; and
  - (b) in the case of service on a corporation:
    - (i) personally on a director, officer, or manager of the corporation; or
    - (ii) by leaving it at or mailing it by registered mail to the registered office of the corporation or to the office of its attorney in Saskatchewan, if it is an extra-provincial corporation.
- (3) An order served by registered mail is deemed to have been received on the fifth day following the date of its mailing.

#### **Carrying out of Orders by Chief Property Maintenance Inspector**

13. (1) The Chief Property Maintenance Inspector may carry out the act or thing required to be done by an order if:
- (a) the person to whom the order is directed fails to comply with the order within the time specified in the order and, no stay of the order has been issued; or
  - (b) after reasonable inquiry, the whereabouts of the owner, operator or occupant of the building, structure or property that is the subject of the order cannot be determined.
- (2) If an order is carried out by the Chief Property Maintenance Inspector under subsection (1), the costs incurred in carrying out the order are a debt due to the Village and may be recovered from the owner of the building, structure or property.
- (3) If the costs mentioned in subsection (2) are not paid by the owner within 30 days of a written demand for payment by the Village, the costs may be added to and shall form part of the taxes on the land on which the work was done.

### **Appeal to Saskatchewan Municipal Board**

14. (1) A person who is aggrieved by an order made by a property maintenance inspector may, within 20 days of being served with the order, appeal the order to the Saskatchewan Municipal Board.
- (2) On receipt of an appeal under this section, the Saskatchewan Municipal Board shall consider the appeal and may confirm, modify or repeal the order appealed from or substitute its own decision.
- (3) The Saskatchewan Municipal Board shall give written notice of its decision to appellant and respondent in the appeal and any other person that the Board considers may be interested in the decision.
- (4) An appeal taken under this section does not operate as a stay of the order appealed from unless the Board, on an application by the appellant, decides otherwise.

### **Appeal to the Court of Queen's Bench**

15. (1) Notwithstanding section 33 of *The Municipal Board Act*, a decision made by the Saskatchewan Municipal Board under section 16 of this Bylaw may be appealed to the Court of Queen's Bench within 30 days after the date the decision is made on a point of law or jurisdiction only.
- (2) The Court of Queen's Bench may confirm, modify or repeal the decision appealed from or order the matter be returned to the Saskatchewan Municipal Board to be dealt with in light of the court's decision on the question of law or jurisdiction.

### **Imminent Danger to Public Health and Safety**

16. Notwithstanding any other provision of this Bylaw, where in the course of an inspection under this Bylaw, the Chief Property Maintenance Inspector is of the opinion that a situation exists creating an imminent danger to public health or safety, the Chief Property Maintenance Inspector may:
  - (a) use any measures that the Chief Property Maintenance Inspector considers appropriate to remove or lessen the situation; and
  - (b) evacuate and close a building, structure or property where the contravention exists for any period that the Chief Property Maintenance Inspector considers appropriate.

### **Offences and Penalties**

17. (1) No person shall:
  - (a) fail to comply with an order made under this Bylaw;
  - (b) obstruct or hinder any property maintenance inspector acting under the authority of this Bylaw; or
  - (c) fail to comply with any other 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 \$2,000 and, in the case of a continuing offence, to a further fine of not more than \$2,000 for each day during which the offence continues; and

- (b) in the case of a corporation, to a fine of not more than \$5,000 and, in the case of a continuing offence, to a further fine of not more than \$5,000 for each day during which the offence continues.
- (3) A conviction for an offence for failing to comply with an order does not relieve the person convicted from complying with the order and the convicting judge or justice of the peace may, in addition to any fine imposed, order the person to do any act or work, within a specified time, to comply with the order with respect to which the person was convicted.

### **Part III**

#### **Responsibilities and Obligations**

##### **Obligations of Owner**

- 18. (1) Unless otherwise specified, the owner of a building, structure or property is responsible for complying with this Bylaw.
- (2) No owner shall use, permit the use of, rent or offer to rent any building, structure or property that does not conform to the standards contained in this Bylaw.
- (3) If required by an order of a property maintenance inspector, the owner of a building, structure or property must maintain, repair or demolish the whole or offending part of any building, structure or property that does not comply with the standards in this Bylaw. Repairs must be done in accordance with generally accepted construction practices.
- (4) No owner shall permit the existence of mice, rats, lice, bed bugs, cockroaches, silverfish or other rodents, vermin or insects in any building, structure or property.
- (5) Heating, ventilating, plumbing, mechanical and electrical appliances and equipment must be installed, operated and maintained in proper working condition so as not to create a hazardous condition.

##### **Obligations of Occupant**

- 19. Every occupant of a building, structure or property must:
  - (a) keep in a clean and sanitary condition that part of the building, structure or property which the occupant occupies or controls;
  - (b) maintain safe and unobstructed exits to the exterior of the building;
  - (c) dispose of garbage and refuse and keep the building, structure or property free from rubbish and other debris and conditions which constitute fire, health or safety hazards; and
  - (d) keep the supplied fixtures clean and sanitary and be responsible for the exercise of reasonable care in their proper use and operation.

### **Part IV**

#### **General Standards**

##### **Nuisances**

- 20. (1) If a building or structure is in a ruinous or dilapidated state, and in the opinion of the Chief Property Maintenance Inspector:

- (a) is dangerous to the public safety or health; or
- (b) substantially depreciates the value of other land or buildings in the vicinity;

the Chief Property Maintenance Inspector may order the owner, within the time specified in the order, to demolish or remove the building and to fill in any open basement or excavation remaining on the site of the building after its demolition or removal.

- (2) The provisions of Part II of this Bylaw shall apply to an order issued under this section.
- (3) If an order is made under this section, the Chief Property Maintenance Inspector may file a notice of the order with the Registrar of the Saskatoon Land Titles Office to be entered on the certificate of title for the lands to which the order applies.
- (4) Where a notice has been entered on the certificate of title under subsection (3), the order runs with the land and is binding on the owner and any subsequent owner.

### **Unoccupied Buildings**

- 21. (1) If, in the opinion of the Chief Property Maintenance Inspector, an unoccupied building is damaged and is an imminent danger to the public safety, the Chief Property Maintenance Inspector may take any reasonable emergency action that is required to secure the building and eliminate the danger.
- (2) The cost of the work is a debt due to the Village, and may be added to, and shall form part of the taxes on the land on which the building is situated.
- (3) If emergency action is taken under subsection (1), the Chief Property Maintenance Inspector shall serve a notice by registered mail on the owner advising the owner of the action taken and the intention of the Village to charge the cost of the work against the land and buildings.
- (4) A notice served by registered mail is deemed to have been received on the fifth day following the date of its mailing.
- (5) If the owner disagrees with the need for the action of the Village or the cost of the work, the owner may appeal the matter in accordance with Sections 15, 16 and 17 of this Bylaw.

### **Untidy and Unsightly Lands or Buildings**

- 22. (1) If, in the opinion of a property maintenance inspector, a building or property is untidy or unsightly, the property maintenance inspector may order the owner or occupant of the building or property to remedy the untidiness or unsightliness within the time specified in the order.
- (2) Any property that is over grown with grass or weeds is deemed to be untidy for the purposes of this section.
- (3) The provisions of Part II of this Bylaw shall apply to an order issued under this section.

### **Junked Vehicles**

- 23. (1) If the owner or occupant of property keeps a junked vehicle on the property, a property maintenance inspector may order the owner or occupant of the property to remove and destroy the junked vehicle within the time specified in the order.

- (2) The provisions of Part II of this Bylaw shall apply to an order issued under this section.

### **Excavations**

24. (1) If, in the opinion of a property maintenance inspector, any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure in or on any private property or in or about any building or structure is a nuisance and is dangerous to the public safety or health, the property maintenance inspector may order the owner or occupant of the property to remove, pull down, fill up or otherwise deal with the nuisance within the time specified in the order.
- (2) The provisions of Part II of this Bylaw shall apply to an order issued under this section.

### **Maintenance of Buildings**

25. (1) If, in the opinion of a property maintenance inspector, a building, structure or property does not conform to the minimum standards:
- (a) of fitness for human habitation; or
  - (b) relating to the state of repair and maintenance of the physical condition of the exterior of buildings or structures;

as set out in Part V of this Bylaw, the property maintenance inspector may order the owner or occupant of the building, structure or property, within the time specified in the order, to repair and maintain the building, structure or property so as to conform with the minimum standards or to clear the site of all buildings, structures, debris or refuse and to leave the site in a graded and levelled condition.

- (2) The provisions of Part II of this Bylaw shall apply to an order issued under this section.

## **Part V Property Maintenance Standards**

### **Division 1 - Maintenance of Yards and Accessory Buildings**

#### **Application**

26. This division applies to all accessory buildings and yards within the Village.

#### **Maintenance of Yards**

27. (1) A yard must be kept free and clean from:
- (a) garbage and junk;
  - (b) junked 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 and insects; and
  - (f) dead or hazardous trees.

(2) A yard must be graded in such a manner so as to prevent:

- (a) excessive ponding of water; and
- (b) excessive dampness from occurring in buildings.

### **Refrigerators**

28. (1) Any refrigerator left in a yard must first have its hinges, latches, lid, door or doors removed.
- (2) Nothing in this Section relieves a person from strict compliance with The Abandoned Refrigerator Act, R.S.S. 1978, c.A-1.

### **Waste Disposal**

29. Every building must be provided with a sufficient number of receptacles to contain all waste in accordance with the provisions of the Village's Waste Bylaw.

### **Accessory Buildings**

30. Accessory buildings must be kept:
- (a) in a secured condition;
  - (b) in good repair;
  - (c) free of infestation by rodents, vermin and insects; and
  - (d) free of health, fire and safety hazards.

### **Fences**

31. Fences must be maintained in a safe and reasonable state of repair.

## **Division 2 - Building Standards**

### **Application**

32. This division applies to all buildings in the Village.

### **Exterior Walls**

33. (1) All exterior surfaces must be made of materials which provide adequate protection from the weather.
- (2) Exterior walls 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) Exterior walls must 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.

### **Roofs**

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

- (2) Loose materials, including dangerous accumulations of snow and ice, must 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 must be carried away from the building so as not to cause dampness in the walls, ceilings or floors in the building but it must 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) Eavestroughing and downspouts must be watertight and maintained in good repair.

### **Building Components**

35. (1) The structural components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings must be maintained in a safe condition and must be capable of performing the function that they were intended to perform.
- (2) Every building must have operable doors and windows. Exterior doors and bathroom doors must be equipped with adequate locking devices. Openable windows must have screens.
- (3) Every building must have safe and adequate plumbing, electrical, ventilating and heating systems, including chimneys where required.
- (4) Every building must have proper bathrooms or access to proper bathrooms required for the particular occupancy.

### **Division 3 - Additional Standards for Dwelling Units**

#### **Application**

36. (1) This Division applies to all dwelling units in the Village.
- (2) The requirements of this Division are in addition to the requirements of Division 2 of the Part.

#### **Habitable Environment**

37. (1) Every dwelling unit must provide a safe and sanitary environment for the occupants.
- (2) Every dwelling unit must be supplied with hot and cold running water. The water must be drinkable.
- (3) Every dwelling unit must be equipped with heating facilities capable of maintaining proper heat in the dwelling unit.
- (4) Every dwelling unit must be equipped with electrical installations capable of maintaining a reasonable level of illumination in the dwelling unit and a sufficient number of plug-ins for electrical appliances normally found in a dwelling unit.
- (5) Every dwelling unit must be provided with:
  - (a) a toilet;
  - (b) a wash basin; and
  - (c) a bath or shower.
- (6) The wash basin must be in the same room as the toilet or in an accessible adjoining room.

- (7) All bathrooms must have mechanical or natural ventilation and must be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.
- (8) Sewage must be properly discharged into a sewage system.
- (9) Unless otherwise approved, every dwelling unit must be equipped with safe and adequate cooking facilities for the occupants.
- (10) Smoke alarms must be installed in each dwelling unit in accordance with the National Fire Code of Canada, 1990.
- (11) Smoke alarms must be inspected, tested and maintained in accordance with the National Fire Code of Canada, 1990.
- (12) Smoke alarms within dwelling units must be installed between each sleeping area and the remainder of the dwelling unit and, if the sleeping areas are served by hallways, the smoke alarms must be installed in the hallway.
- (13) Smoke alarms must be installed on or near the ceiling.

#### **Division 4 - Basement, Attic and Partial Storey Occupancies**

##### **Application**

- 38. (1) This Division applies to dwelling units in basements, attics and partial storeys.
- (2) The requirements of this Division are in addition to the requirements of Divisions 2 and 3 of this Part.

##### **Basement Occupancies**

- 39. Notwithstanding the other requirements of this Part, basement space must not be used as a dwelling unit or habitable room unless it meets the following requirements:
  - (a) access to each dwelling unit or habitable room must be gained without passage through a service room;
  - (b) each dwelling unit or habitable room must be separated from a service room by a fire separation having a fire-resistance rating of not less than 20 minutes;
  - (c) each dwelling unit must have at least two openable windows. Every bedroom in the dwelling unit must have at least one openable window. The bedroom window must have a minimum height of 380 mm, a minimum width of 380 mm and a minimum area of 0.35 square metres;
  - (d) each dwelling unit or habitable room must be equipped with a smoke alarm in accordance with the *National Fire Code of Canada, 1990*;
  - (e) each habitable room must have a minimum ceiling height of 2.1 metres over not less than 75% of the room area;
  - (f) catch basins must not be located in any habitable room;
  - (g) stairways must provide reasonable headroom clearance and be wide enough to provide safe egress from the basement;
  - (h) a handrail must be installed on at least one side of all basement stairs;
  - (i) corridors must have a minimum height of 1.95 metres;

- (j) each dwelling unit must be separated from another dwelling unit by a fire separation having a fire-resistance rating of not less than 20 minutes.

### Attic and Partial Storey Occupancies

40. Notwithstanding the other requirements of this Part, attic and partial storey space must not be used as a dwelling unit or habitable room unless it meets the following requirements:
- (a) each habitable room must have a minimum ceiling height of 2.1 metres over not less than 75% of the room area;
  - (b) stairways must provide reasonable headroom clearance and be wide enough to provide safe egress from the attic or partial storey;
  - (c) a handrail must be installed on at least on side of all stairs leading to an attic or partial storey;
  - (d) each dwelling unit or habitable room must be equipped with a smoke alarm in accordance with the *National Fire Code of Canada, 1990*;
  - (e) corridors must have a minimum height of 1.95 metres;
  - (f) each dwelling unit must be separated from another dwelling unit by a fire separation having a fire-resistance rating of not less than 20 minutes.

## Part VI Commencement

### Coming Into Force

41. This Bylaw comes into force on the day of its passing.

Read a first time this 18 day of March, 2004.

Read a second time this 18 day of March, 2004.

Read a third time and passed this 18 day of March, 2004.

  
"Darrell Dutchak"  
Mayor

  
"Nicole Monchamp"  
Village Clerk



Certified a true copy of Bylaw No. 05/04 passed on  
this 25 day of March, 2004.



  
Village Clerk