

TOWN OF KERROBERT

BYLAW NO. 1107-26

A Bylaw to Regulate Property Maintenance & Nuisance Abatement in the Town of Kerrobert

The Council of the Town of Kerrobert in the province of Saskatchewan enacts as follows:

Part 1- GENERAL:

Title:

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

Purpose:

2. The purpose of this Bylaw is to provide for the proper maintenance and occupancy of property, to ensure that such standards are maintained and to provide for the abatement of nuisances, including property, activities of things that adversely affect:
 - (a) the safety, health and welfare of people in the neighbourhood; or
 - (b) people's use and enjoyment of their property; or
 - (c) the amenity of a neighbourhood.

Definitions

3. In this Bylaw:
 - (a) "Administrator" means the CAO of the Town of Kerrobert;
 - (b) "Building" means a building within the meaning of *The Municipalities Act*;
 - (c) "Council" means the Council of the Town of Kerrobert;
 - (d) "Designated Officer" means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purpose of this Bylaw;
 - (e) "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 people and usually containing cooking, eating, living, sleeping and sanitary facilities;
 - (f) "Graffiti" means any drawing, inscription, writing or other marks that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed.
 - (g) "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;
 - (h) "junked vehicle" means any automobile, tractor, truck, trailer or other vehicle that:
 - i. has no valid license plates or registration for lawful operation
 - ii. is derelict, wrecked, partly wrecked, dismantled, abandoned, extensively damaged, inoperative or in a state of disrepair or
 - iii. is incapable of lawful operation under its own power;
 - (i) "Municipality" means the Town of Kerrobert;
 - (j) "Municipal Inspector" means an employee or agent of the Town appointed by Council for The Town of Kerrobert to act as a municipal inspector for the purposes of this Bylaw;

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- (k) “Nuisance” means:
- (i) a condition of property; or
 - (ii) a thing or an activity;

that affects or may affect the amenity of a neighbourhood or the safety, health and welfare of people in the neighbourhood, people’s use and enjoyment of their property on the amenity of a neighbourhood, and includes:

- (iii) a building in a ruinous or dilapidated state of repair;
 - (iv) an unoccupied building that is damaged and is an imminent danger to public safety;
 - (v) land that is overgrown with grass and weeds;
 - (vi) untidy and unsightly property;
 - (vii) junked vehicles;
 - (viii) open excavations on property;
- (l) “Occupant” means an occupant as defined in *The Municipalities Act*;
- (m) “Owner” means an owner as defined in *The Municipalities Act*;
- (n) “Property” means land or buildings or both;
- (o) “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.
- (p) “Town” means the Town of Kerrobert.

PART 2-NUISANCE ABATEMENT

Responsibility:

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

Nuisances Prohibited Generally:

- 5.1 No person shall cause or permit a nuisance to occur on any property owned by that person.

Dilapidated Buildings

- 6.1 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; or
 - (c) is substantially detrimental to the amenities of the neighbourhood.

Unoccupied Buildings:

- 7.1 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

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imminent danger to public 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 purposes of this section, “overgrown” means in excess of twenty (20) centimeters 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 (1) or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.
- 8.4 No owner or occupant of land shall cause or permit any adjoining boulevards, lanes, alley or area immediately adjacent to the rear or side property line to become overgrown with grass or weeds.

Untidy and Unsightly Property:

- 9.1 No owner or occupant shall cause or permit any land or buildings to become untidy and unsightly due to the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.
- 9.2 No owner or occupant shall cause or permit any adjoining boulevard, lane, alley, or area immediately adjacent to the rear or side property line to become untidy or unsightly due to the accumulation of waste materials, debris, junk, vegetation, discarded materials, or other nuisance conditions.

Vehicles:

- 10.1 No owner or occupant shall permit any junked, derelict, inoperable, or unlicensed vehicle to remain on property except within a fully enclosed building or where expressly permitted by zoning or municipal approval.
- 10.2 Except where forming a part of a business enterprise lawfully being operated on that land, no owner or occupant of land shall permit the outdoor storage or accumulation of operational vehicles on such land where the storage or accumulation of such vehicles:
 - (a) creates an unsightly condition;
 - (b) interferes with the use or enjoyment of neighbouring property;
 - (c) creates a fire, safety, or health hazard;

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- (d) obstructs access, visibility, or drainage; or
- (e) is inconsistent with the residential character of the neighbourhood.

Open Excavations:

- 11.1 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 to exist in or on any private land or in or in or about any building or structure which is dangerous to the public safety or health.

PART 3 – PROPERTY MAINTENANCE STANDARDS:

Duty to Maintain:

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

MAINTENANCE OF YARDS AND ACCESSORY BUILDING:

Application:

- 13.1 This Division applies to all accessory buildings and yards within the Town.

Maintenance of Yards;

- 14.1 A yard shall be kept free and clean from:
- (a) garbage and junk;
 - (b) excessive growth of weeds or grass;
 - (c) holes and excavations that could cause an accident;
 - (d) an infestation of rodents, vermin or insects;
 - (e) dead or hazardous trees;
 - (f) sharp or dangerous materials and

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- (g) the accumulation of combustible materials, excessive debris or other conditions creating a fire or safety hazard;

- 14.2 A yard shall be graded in such a manner to prevent:
- (a) excessive ponding of water; and
 - (b) excessive dampness accumulating near buildings or structures.

Outdoor Storage of Materials

- 15.1 Materials stored outdoors shall be limited to materials reasonably associated with the ordinary use and maintenance of the property.
- 15.2 Any building materials, lumber, scrap 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 harborage for rodents, vermin and insects.
- 15.3 Materials referred to in section 15.2 shall be elevated at least 0.15 meters off the ground and shall be stacked at least 3.0 meters from the exterior walls of any building and at least 1.0 meter from the property line.

Refrigerators and Freezers

- 16.1 Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed.

Walkways, Driveways and Parking Spaces

- 17.1 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.

Graffiti

- 18.1 Notwithstanding the generality of Section 5.1, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

Pet Wastes:

- 19.1 (a) Pet waste shall be promptly removed from properties, and disposed of in an acceptable manner.
- (b) Pet waste shall not be allowed to accumulate in an unreasonable manner.

Accessory Buildings

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

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Fences

21.1 Fences shall be maintained in a safe and reasonable state of repair.

EXTERIOR BUILDING STANDARDS

Application

22.1 This division applies to all buildings in the Town.

Building Components

23.1 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

- 24.1 All exterior surfaces shall be made of materials which provide adequate protection from the weather.
- 24.2 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.
- 24.3 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.

Roofs

- 25.1 A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition to prevent deterioration or leakage of water into the building.
- 25.2 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 people in or near the building.
- 25.3 Water running off a roof shall be carried away from the building so as not to cause dampness in the walls, ceilings or floors in the building, but it shall not drain onto a public street to create hazardous conditions or on any adjacent property so as to damage that property.
- 25.4 Eaves troughing and downspouts shall be watertight and maintained in good repair.

Chimneys

26.1 Chimneys, flue pipes and smokestacks shall be maintained in good repair so as to prevent gases, water or any other substance from leaking into the building.

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- 26.2 Chimneys, flue pipes and smokestacks shall be free of any defects.
- 26.3 Chimneys, flue pipes and smokestacks shall have all defective masonry or metal components repaired or replaced as needed.
- 26.4 Chimneys, flue pipes and smokestacks shall be kept clear of obstructions.

Exterior Doors, Storm Doors, Windows and Screens

- 27.1 A door shall be provided at each entrance to a building and when closed it shall be reasonably tight-fitting within its frame.
- 27.2 Exterior doors, storm doors and storm windows shall be kept in a reasonable state of repair, and shall be weather-tight to perform their intended function.
- 27.3 Openable windows within two meters of ground level shall have an acceptable locking mechanism.
- 27.4 Exterior doors shall have an acceptable locking mechanism.
- 27.5 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.
- 27.6 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 rust-proof material and shall not be less than #16-gauge screen.

Stairs, Porches, Decks and Railings

- 28.1 Stairs, porches, decks and railings shall be maintained in good repair so that no components are broken, loose, rotted or warped.
- 28.2 A handrail shall be installed on at least one side of all exterior stairs having more than three risers.

INTERIOR BUILDING STANDARDS

Application

- 29.1 This Division applies to all buildings in the Town.

Floors and Stairs

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

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Walls and Ceilings

- 31.1 Every wall and ceiling shall be maintained in good condition and free from holes, large cracks, loose plaster and other hazards.
- 31.2 Every wall and ceiling shall be painted or finished in a suitable manner.
- 31.3 The surface of every wall and ceiling shall be maintained in a reasonably clean and sanitary condition. Surfaces should be cleaned so as to avoid buildup or grease or other flammable material.

Plumbing, Heating and Mechanical Standards

Water Supply

- 32.1 Every building shall be provided with an adequate supply of potable running water.
- 32.2 Every sink, wash basin, laundry, bathtub, or shower in a building shall have an adequate supply of hot and cold running water.
- 32.3 Every toilet shall have an adequate supply of running water.

Plumbing Facilities

- 33.1 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.
- 33.2 All bathrooms shall be fully enclosed and fitted with a door capable of being locked from the inside to provide privacy for the occupant.
- 33.3 Seats shall be provided for all toilets, and the seats shall be kept in good repair.

Gas and Open Flame Type Appliances

- 34.1 Gas stoves, water heaters and other gas appliances shall be equipped with suitable pipes or flues for the removal of the products of combustion.
- 34.2 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.

Fireplaces

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

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- 35.2 Fireplaces and similar installations shall be installed in accordance with the manufacturer's instructions.
- 35.3 Fireplaces and similar installations shall be installed so that adjacent combustible materials and structural members are not over-heated to an unsafe condition.
- 35.4 All chimneys, smoke pipes, flues or gas vents used in connection with a fireplace or similar installation shall be free of leaks and be maintained in a proper state of repair.

Ventilation

- 36.1 Every basement, crawl space and similar space shall be adequately ventilated to the outside.
- 36.2 Every opening for natural ventilation other than windows shall be constructed to provide protection from the weather, rodents and insects.
- 36.3 Screening shall be of rust-proof material.

Electrical Services

- 37.1 All buildings shall be supplied with electrical service that is adequate to safely meet the electrical needs of the building.
- 37.2 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 the Ground Fault Circuit Interrupter (GFCI) type.
- 37.3 Extension cords, if used, shall be of an approved type and shall not exceed the circuit capacity.
- 37.4 Extension cords shall not be used in lieu of permanent wiring for electrical outlets, lighting fixtures and switches.

Light

- 38.1 Light shall always be available in every stairway, corridor, hall, storage room and service room in a building.
- 38.2 The average level of light in corridors and stairways shall be at least 50 lux at floor or tread level.

Egress

- 39.1 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.
- 39.2 Every means of egress shall be maintained in good repair and free of obstructions which constitute a fire hazard.

Structural Standards

- 40.1 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.

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- 40.2 Every part of a building shall be maintained in a structurally sound condition to be capable of sustaining safely its own weight and any normal load to which it may be subjected.
- 40.3 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

DWELLING UNIT STANDARDS

Application

- 41.1 This Division applies to all dwelling units in the Town.
- 41.2 The requirements of this Division are in addition to the requirements of Divisions 2 and 3.

Habitable Environment

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

Potable Water Supply

- 43.1 Every dwelling unit shall be supplied with hot and cold running water. The water must be potable.

Heating

- 44.1 Every dwelling unit shall be equipped with adequate heating facilities properly installed and maintained in safe and good working conditions.
- 44.2 Heating facilities shall be capable of maintaining an indoor temperature of 22 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.
- 44.3 Portable room heaters shall not be used as a primary source of heat.
- 44.4 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.
- 44.5 Service rooms shall not be used for sleeping.

Sanitary Facilities

- 45.1 Every dwelling unit shall be provided with:
- (a) a toilet;
 - (b) a wash basin; and
 - (c) a bathtub or shower.
- 45.2 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;

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- (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 people.

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

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

45.5 All bathrooms shall have mechanical or natural ventilation.

45.6 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.

45.7 Sewage shall be properly discharged into the sewage system.

Ventilation

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

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

46.3 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

47.1 Every habitable room, other than a kitchen, shall have at least one approved electrical outlet.

47.2 Every kitchen shall have at least two approved electrical outlets. If a new electrical outlet is installed within 1.8 meters of the kitchen sink, the new outlet shall be of the Ground Fault Circuit Interrupter (GFCI) type.

47.3 At least one lighting outlet with fixture shall be provided in every kitchen, utility room, laundry room, dining room, bathroom, hallway, stairway, storage room and service room. The fixture shall be permanently installed and should be maintained in good working order.

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Kitchen Facilities

- 48.1 Unless otherwise approved, every dwelling unit shall be equipped with safe and adequate cooking facilities for the occupants.
- 48.2 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.
- 48.3 A clearance of at least 750 mm shall be provided above the heating elements of any cooking appliance.

Fire Safety Standards

- 49.1 If more than one dwelling unit is located above the first floor, every dwelling unit located on each floor above the first shall have access to a second means of egress which shall not pass through a room in another dwelling unit.
- 49.2 Smoke alarms shall be installed in each dwelling unit in accordance with the current National Fire Code of Canada.
- 49.3 Smoke alarms shall be inspected, tested and maintained in accordance with the current National Fire Code of Canada.
- 49.4 Smoke alarms within dwelling units shall 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 shall be installed in the hallway.
- 49.5 Smoke alarms shall be installed on or near the ceiling.

BASEMENT AND ATTIC OCCUPANCY STANDARDS

Application

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

Special Requirements for Basement and Attic Occupancies

- 51.1 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 in the current National Building Code of Canada:
- (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;

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- (c) every service room shall be separated from all adjacent areas 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 exit 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 casings are 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 of 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 meters. Projections or obstructions into an exit corridor shall not reduce the ceiling height to less than 1.80 meters;
- (h) every room in a dwelling unit shall have a minimum ceiling height of 1.95 meters 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 meters;
- (i) smoke alarms in a dwelling unit shall be installed by permanent connections to an electrical circuit 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 shall be wired so that the activation of the smoke detector will cause the smoke alarm in the first storey dwelling unit to sound;
- (k) Every dwelling unit shall have at least two outside windows openable from the inside without the use of tools or special knowledge. Every bedroom in a dwelling unit shall have at least one openable window. Windows should provide unobstructed openings with areas not less than 0.35 square meters and with no dimensions less than 380 mm;
- (l) a separate source for fresh combustion air shall be provided in every service room.

Changes Required to First Storey Dwelling Unit

52.1 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 of the current National Building code of Canada:

- (a) every doorway providing egress from a first storey dwelling unit to an exit or a means of exit shall be equipped with a door and frame having a fire-resistance rating of not less than 20 minutes. (A 45 mm thick solid core door and 38 mm solid wood casings are acceptable). The door shall be equipped with a latch and closer;
- (b) smoke alarms in the first storey dwelling unit shall be installed by permanent connections to an electrical circuit and shall be located and maintained in accordance with the current National Fire Code;

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(c) smoke alarms in the first storey dwelling unit shall be wired so that the activation of the smoke detector in the service room of the building will cause the smoke alarms to sound.

PART 4-ENFORCEMENT

Enforcement Authority

- 53.1 The administration and enforcement of this Bylaw is hereby delegated to the Administrator and Fire Chief of the Town of Kerrobart.
- 53.2 The Administrator and Fire Chief for the Town of Kerrobart is hereby authorized to further delegate the administration and enforcement of this Bylaw to municipal inspectors.
- 53.3 Municipal Inspectors shall include the positions of Town Foreman and Bylaw Enforcement Officer as hired by the Council of the Town of Kerrobart, as well as independent contractors hired by the Town of Kerrobart.
- 53.4 Where the Town determines that a condition or situation poses an immediate danger to public health, safety, or property, thereby constituting an emergency the Town may take immediate action to remedy the condition or situation without prior notice or additional formality.

Inspections

- 54.1 The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized.
- 54.2 Inspections under this Bylaw shall be carried out in accordance with **section 362** of *The Municipalities Act*.
- 54.3 No person shall obstruct, hinder, interfere with, threaten, or attempt to intimidate a Bylaw Enforcement Officer, Peace Officer, employee, contractor, or agent of the Town carrying out an inspection under this Bylaw, or a person who is assisting with an inspection carried out under this Bylaw.
- 54.4 The Town may photograph, document, record, and retain evidence of contraventions for enforcement purposes.

Order to Remedy

- 55.1 If an inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- 55.2 Orders given under this Bylaw shall comply with **section 364** of *The Municipalities Act*.

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- 55.3 Orders given under this Bylaw shall be served in accordance with **section 364** of *The Municipalities Act*.
- 55.4 Compliance timelines established in an Order to Remedy shall be reasonable having regard to:
- (a) the nature and severity of the contravention;
 - (b) any risk to public safety or property;
 - (c) the actions required to achieve compliance;
 - (d) weather or seasonal conditions;
 - (e) previous contraventions on the property; and
 - (f) whether the contravention is recurring in nature.
- 55.5 Repeat contraventions occurring on the same property within 12 months of a previous contravention may be considered evidence of a continuing nuisance condition.
- 55.6 Repeat contraventions and/or continuing nuisance conditions may lead to the imposition of reduced compliance timelines.
- 55.7 Nothing in this section limits the Town's authority to take immediate action in emergency circumstances pursuant to this Bylaw or The Municipalities Act.

Registration of Notice of Order

- 56.1 If an order is issued pursuant to section 55.1, the Town may, in accordance with **section 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.

Appeals

- 57.1 A person may appeal an order made pursuant to section 55.1 in accordance with **section 365** of *The Municipalities Act*.
- 57.2 Appeals to this Bylaw shall be heard by the Town of Kerrobort Board of Revision.
- 57.3 The Board of Revision may establish procedures for hearing appeals under this Bylaw.
- 57.4 Members of the Board of Revision hearing an appeal under this Bylaw shall act impartially and in accordance with principles of procedural fairness.

**TOWN OF KERROBERT
BYLAW NO. 1107-26**

**A Bylaw to Regulate Property Maintenance & Nuisance Abatement in the Town of
Kerrobert**

Town Remedying Contraventions

- 58.1 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.
- 58.2 The Town may retain contractors, towing companies, equipment operators, or other people necessary to remedy a contravention of this Bylaw.

Civil Action to Recover Costs

- 59.1 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

- 60.1 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.

Removal, Impoundment, Storage and Disposal of Property

- 61.1 Where the Town removes, seizes, impounds, or otherwise takes possession of property pursuant to this Bylaw, all costs associated with inspection, enforcement, removal, towing, transportation, storage, disposal, recycling, or destruction shall be the responsibility of the party who contravened the Bylaw.
- 61.2 Any property removed pursuant to this Bylaw, other than vehicles, shall be deemed abandoned by The original owner upon removal by the Town.
- 61.3 Subject to 61.4 the Town may dispose of, destroy, recycle, sell, auction, scrap, or otherwise deal with abandoned property, whether removed by the Town pursuant to this Bylaw or otherwise, in any manner deemed appropriate by the Town without compensation to the original owner of the said personal property.
- 61.4 If the Town elects to sell all or part of a building or structure that has been removed pursuant to this Bylaw , it shall:
- (a) use the proceeds of the sale to pay for the expenses and the costs of the removal; and
 - (b) pay any excess sale proceeds to the owner of the said building or structure that was removed.

It shall be the said owner's responsibility to contact the Town to make arrangements to collect any excess sale proceeds releasable pursuant to section 61.4(b). Such excess sale proceeds must be claimed within one year of the date of sale, otherwise, they shall form part of the general revenue for the Town.

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- 61.5 The Town shall not be liable for damage to, or loss of property removed, impounded, stored, or disposed of pursuant to this Bylaw except where it was caused by gross negligence or willful misconduct.
- 61.6 Subject to the Town's discretion where a vehicle is removed or impounded pursuant to this Bylaw:
- (a) all towing, storage, impound, and enforcement costs shall be paid in full prior to release of the vehicle;
 - (b) the owner shall provide proof of ownership and valid vehicle registration prior to release;
 - (c) the vehicle shall be in operable condition and capable of lawful operation prior to release, or should the vehicle not be in an operable condition and capable of lawful operation, the vehicle owner shall provide sufficient proof that the vehicle will be immediately transported to and stored in a fully enclosed building or structure; and
 - (d) any vehicle not claimed within thirty (30) days may be deemed abandoned and disposed of in accordance with applicable provincial legislation.
- 61.6 The remedies provided under this section are in addition to any other enforcement remedies available to the Town under this Bylaw, The Municipalities Act, or any other enactment.

Emergencies

- 62.1 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*.

PART 5 – OFFENCES AND PENALTIES

- 63.1 No person shall:
- (a) fail to comply with an order made pursuant to this Bylaw;
 - (b) obstruct or hinder any municipal inspector or any other person acting under the authority of this Bylaw; or
 - (c) fail to comply with any other provision of this Bylaw.
- 63.2 Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$10,000;
 - (b) in the case of a corporation, to a fine of not more than \$25,000; and,
 - (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

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- 63.3 If an individual is convicted of an offence pursuant to this section, and if the individual fails to pay the fine with respect to the conviction within the prescribed time, the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.
- 63.4 Each day that a contravention continues after the compliance deadline constitutes a separate offence.
- 63.5 For greater certainty, continued non-compliance after the compliance deadline may result in additional enforcement action, penalties, remedial action by the Town, or further offences for each day that the contravention continues.

PART 6-COMING INTO FORCE

- 64.1 That Bylaw No. 940-09 is hereby repealed.
- 64.2 This Bylaw shall come into force and take effect on the date of third and final reading by the Council of the Town of Kerrobort.





Mayor



Administrator

Read a third time and hereby adopted this

June 10th, 2026