

**A BYLAW IN THE TOWN OF CENTRAL BUTTE TO ESTABLISH AND ENFORCE MINIMUM STANDARDS OF MAINTENANCE AND REPAIR OF BUILDINGS IN THE TOWN OF CENTRAL BUTTE.**

WHEREAS Section 126(1) of *The Municipalities Act* provides that a Council may by bylaw:

- a) Establish minimum standards:
  - (i) Of fitness of human habitation for all buildings;
  - (ii) Relating to state of repair and maintenance of the physical condition of the exterior of buildings or structures;
- b) Prohibit the occupancy or use of buildings that do not conform to the minimum standards to be repaired and maintained to conform with the minimum standards or the site to be cleared for all buildings, structures, debris or refuse and left in a graded and levelled condition;
- c) Provide for the posting of notices on or placarding of buildings that do not conform to the minimum standards; and
- d) Prohibit the removal of any notice or placard until the buildings are repaired or maintained to conform to the minimum standards.

AND WHEREAS it is deemed desirable to provide for the matters referred to above and to establish minimum standards for the states of repair and maintenance of existing buildings.

NOW, THEREFORE, the Council of the Town of Central Butte in open meeting assembled enacts as follows:

**PART I – TITLE**

1. This bylaw shall be cited as the “Maintenance and Occupancy Bylaw”.

**PART II – APPLICATION AND DEFINITIONS**

2. Application

This bylaw shall apply to all buildings, structures and dwelling units within the Town of Central Butte, except for Town-owned properties which are obtained through tax enforcement proceedings or to which *The Tax Enforcement Act* otherwise applies.

3. Definitions

- a) “Accessory Building“ means a building or structure
  - i) Appurtenant to a main building forming part of a dwelling; and
  - ii) Located on the same lot as a main building and includes a building or structure partly or wholly attached to the main building
- b) “Act“ means *The Municipalities Act*
- c) “Approved“ means permitted, inspected or approved by the governmental agency or other authority having jurisdiction over the subject matter to which the approval relates;
- d) “Building“ means any structure used or occupied or intended for supporting or sheltering any use or occupancy and includes a trailer, mobile home or portable structure that is:
  - i) Not in storage;
  - ii) Situated within the urban municipality for a period of more than 30 days
- e) “Dwelling Unit“ means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
- f) “Inspector“ means the building inspector for the Town and anyone acting or authorized by the Town administrator or building inspector to act on behalf of the building inspector in the administration of the responsibilities under this bylaw;
- g) “Local Development Appeals Board“ means the Local Development Appeals Board established pursuant to *The Planning and Development Act 2007*
- h) “Medical Health Officer“ means a medical health officer within the meaning of *The Public Health Act 1994* and a public health officer or designated public health officer under any Act that may be substituted for *The Public Health Act 1994*;
- i) “NBC“ means the National Building Code of Canada.

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- j) “NFC“ means the *National Fire Code of Canada* as adopted and amended by *The Saskatchewan Fire Prevention Act*;
  - k) “NFPA“ means the current published standards of the National Fire Protection Association as same may be amended, revised and replaced;
  - l) “Occupant“ includes a person residing on or in the land or buildings and a leaseholder or renter;
  - m) “Owner“ means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee;
  - n) “Plumbing and drainage regulations“ means the regulations governing plumbing and drainage under *The Public Health Act 1994* or such other provincial regulations as may be promulgated under *The Public Health Act, 1994* which govern plumbing and drainage;
  - o) “Portable structure“ means a building which is capable of being moved from site to site;
  - p) “Service room“ means any room containing a fuel-fired boiler or furnace designed to provide heat to a building;
  - q) “Town“ means the Town of Central Butte
  - r) “Town Council“ means the Council of the Town of Central Butte
4. All words, either in this bylaw or in the schedules hereto, shall be interpreted to include a corporation or partnership or such number and gender as the context may require. Headings shall not be given any effect in determining the proper interpretation of this bylaw. “Used“ and “occupied“ have the ordinary meaning and also mean “intended or arranged and designed to be used or occupied.“ Words in the masculine gender shall include the feminine gender or the neuter gender, whenever the context so requires.

#### **PART IV – STANDARDS, INSPECTIONS, ORDERS**

5. The standards for repair and maintenance of buildings as set forth in Schedule A to this bylaw shall be the minimum standards for the Town of Central Butte, and the said Schedule A is hereby enacted and adopted as part of this bylaw.
6. The owner of every building shall, at all times, maintain the building so that it conforms to the minimum standards described in Schedule A to this bylaw.
7. Town Council may, by resolution, appoint such number of inspectors as it may deem necessary.
8. (1) For the purposes of ensuring compliance with this bylaw, or any order made under this bylaw, any inspector may, at any reasonable time, enter and inspect any building, structure or property.
- (2) An 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 inspector may:
- (a) Enter with any equipment, machinery, apparatus, vehicle or materials that the inspector considers necessary for the purpose of the entry;
  - (b) Take any person who, or thing that, the inspector considers necessary to assist in the inspection.
- (4) Where the 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.

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- (5) Before entering on any property or into any building or structure, the 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) An inspector must not enter a private dwelling without a warrant issued under this section unless the owner or occupant consents.
  - (7) An 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 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 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 inspector in enforcing a warrant issued under this section.
  - (11) While an inspector is conducting an inspection under this section, no person shall:
    - (a) Fail to comply with any reasonable request of the inspector;
    - (b) Knowingly make any false or misleading statement to the inspector;
    - (c) Unless authorized by the inspector, remove, alter or interfere in any way with anything seized, detained or removed by the inspector; or
    - (d) Obstruct or interfere with the inspector.
9. If, after inspection, the inspector is satisfied that in some respect a building does not conform to the minimum standards, the inspector may give notice containing particulars of the non-conformity or non-compliance as required pursuant to Section 126(2) of the Act.
10. Any persons served with a notice referred to in Section 11 shall, within 30 days of receipt of a notice, be permitted the opportunity to appear before Town Council and make representations with respect to the matters contained within the notice.
11. (1) After the expiration of the 30-day period prescribed in Section 12, if no representation has been made to Town Council, an inspector is authorized to make an order in accordance with Section 126(4) of the Act; or

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- (2) If representation has been made to Town Council pursuant to Section 12, Town Council may:
    - (a) Make no order; or
    - (b) Make an order containing particulars required by Section 126(4) of the Act.
  - (3) Upon completion of an inspection, if the inspector is of the opinion that the condition of the building is hazardous to the health of the occupants, he may direct a report of his observations to the Medical Health Officer requesting that he investigate and, where he deems it appropriate, take proceedings to prevent the occupancy of the building pursuant to *The Public Health Act, 1994*.
12. No person other than an inspector shall remove a notice or an order posted pursuant to Section 126 of the Act or this bylaw. Any person other than an inspector who removes a posted notice or order before the building is repaired or maintained to conform with the minimum standards is guilty of an offence and subject upon conviction to the penalty prescribed by this bylaw.
  13. Where an order made pursuant to Section 126 of the Act is not complied with within the time allowed, as same may be confirmed or modified by appeal, the inspector shall direct a report to Town Council concerning placarding and any work he recommends to be undertaken with respect to the building as provided by Sections 124(5) and (6) of the Act.

**PART V – PENALTIES**

14. Where an order has been made pursuant to Section 126 of the Act and either all appeals pertaining thereto are completed or the time limit for appeal has expired, and the building does not conform with the minimum maintenance standards, the owner shall be guilty of an offence and punishable on summary conviction.
15. Any person, other than an inspector, who removes or defaces or destroys a notice or order posted pursuant to the authorities referred to in Section 126 of the Act is guilty of an offence and punishable on summary conviction.
16. Any person who represents himself as a person designated pursuant to Section 9 of this bylaw when not so authorized is guilty of an offence punishable on summary conviction.
17. (1) No person shall obstruct or hinder any inspector acting under the authority of this bylaw.
  - (2) Any person in violation of a provision of this bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding:
    - (a) \$2,000.00 in the case of an individual; or
    - (b) \$5,000.00 in the case of a corporation.
  - (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 VI – SEVERABILITY**

18. If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

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19. This bylaw shall come into force and take effect on, from and after the final passing thereof.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2010

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2010

Read a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

(SEAL)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

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Schedule A

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All references made are from the *National Building Code of Canada* unless otherwise indicated to reference another code or Act.

PART 1 – ACCESSORY BUILDINGS

ACCESSORY BUILDINGS

1. All accessory buildings shall be maintained to the following standards:
  - (a) To prevent deterioration due to weather;
  - (b) To be free from health, fire and accident hazards;
  - (c) To be free from insects, rodents and vermin.

PART 2 – BUILDING EXTERIORS OF ALL BUILDINGS

A. EXTERIOR SURFACES

1. All exterior equipment on a building including fans, vents, and air conditioners shall be maintained:
  - (a) In good repair and free of accident and fire hazards;
  - (b) In a rust-free condition.
2. Signs, billboards, posters and address signs attached to a building shall be maintained:
  - (a) So as not to cause any unsafe conditions;
  - (b) Without any visible deterioration of the sign and its supporting structure when viewed from any property including the property on which the sign is situated.
3. Sign-supporting structures and cables that are unused or not properly secured on any building shall be removed.

B. DOORS, WINDOWS, SHUTTERS AND HATCHWAYS

1. All doors, windows, storm or screen windows, shutters and hatchways in the exterior walls of a building shall be maintained in a weather tight condition so as to perform their intended function; including:
  - (a) Repairing, refitting or replacing of defective doors, storm doors, windows and storm windows, frames, sashes, casings, shutters, hatchways or screens;
  - (b) Repairing or replacing defective or missing hardware so as to be capable of being locked;
  - (c) Rescreening or weather stripping;
  - (d) Painting or application of a similarly effective preservative.

C. EXTERIOR WALLS

1. Every exterior wall of a building shall be protected with siding, including flashing, trim and other special-purpose accessory pieces required for the siding system being used, sufficient to restrict the entry of rain and snow into the wall assembly.
2. Every exterior wall of a building shall:
  - (a) Be free of holes, breaks, loose or rotting boards or timbers, and any other conditions capable of admitting rain or dampness to the interior portions of the walls or the interior spaces of the building; and
  - (b) Be maintained so as to prevent deterioration due to weather and shall be maintained by restoring or repairing of the walls by:
    - (i) Coping or flashing
    - (ii) Waterproofing of joints and of the walls themselves; or
    - (iii) Covering the walls with a protective surface sufficient to resist deterioration of the structural surface.

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Schedule A

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3. Without limiting the generality of the above, a protective surface of the exterior of a building shall be deemed to require repair if:
  - (a) The protective surface paint is extensively blistered, cracked, flaked, scaled or chalked away;
  - or
  - (b) The pointing of any brick or stone wall is loose or has fallen out.
4. All architectural features of the exterior of a building shall be maintained in good repair with proper anchorage and in a safe condition.

D. ROOFS AND EAVESTROUGHS

1. Every roof of a building including related roof structures, guards and lightning arrestors shall be maintained and repaired so as to properly perform the intended function, and be capable of supporting the loads to which it may be subjected.
2. Chimneys, smoke or vent stacks and other roof structures of a building shall be maintained plumb and in good repair so as to be free from:
  - (a) Loose bricks, mortar, and loose or broken capping; and
  - (b) Loose or rusted stanchions, guy wires, braces and attachments; and
  - (c) Any fire or accident hazard.
3. Downspouts shall be provided to carry rainwater away from the building in a manner which will prevent soil erosion and be maintained:
  - (a) In good repair;
  - (b) Free from leaks; and
  - (c) Free from hazards which are capable of jeopardizing health.
4. No roof drainage from a building shall be directly discharged on public walkways or conveyed so as to cause dampness in the walls, ceilings or floors of any portion of any building.
5. Facia boards, soffits, cornices and flashings of a building shall be maintained in a watertight condition.

E. ROOF-MOUNTED STRUCTURES

1. Antennas and structures of similar character attached to a building shall be maintained:
  - (a) Plumb, unless specifically designed to be other than vertical;
  - (b) In good repair and free of fire and accident hazards; and
  - (c) In a rust-free condition.

F. VERMIN AND RODENTS

1. All buildings shall be maintained so as to prevent the entry of vermin, rodents and insects and shall be kept rodent- and vermin-free so as not to constitute a health hazard.
2. Any condition liable to cause the presence of vermin, insects or rodents shall be removed from a building. The owner shall ensure that the building does not remain infested with vermin. The owner shall take such preventative measures as are necessary to prevent the reappearance of such vermin, insects and rodents.

G. STRUCTURAL ADEQUACY

1. Every part of a building shall be maintained in a structurally-sound condition, capable of sustaining safely its own weight and any design load to which it may be subjected. Any materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced to eliminate the possibility of hazard or accident.

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Schedule A

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