

# CITY OF PRINCE ALBERT

# BYLAW NO. 27 OF 2020



## Disclaimer:

**This consolidation is not an Official Copy of the Bylaw. Amendments have been incorporated solely for research convenience purposes only. Original Bylaw and amendments are available from the City Clerk's Office and must be consulted for purposes of interpretation and application of the law.**

**OFFICE CONSOLIDATION**

**PROPERTY AMENITIES BYLAW**

**BYLAW NO. 27 OF 2020**

Including the Following Amendments:

**AMENDMENTS**

**DATE PASSED**

Bylaw No. 14 of 2021

July 12, 2021

# CITY OF PRINCE ALBERT BYLAW NO. 27 OF 2020

***A Bylaw of The City of Prince Albert respecting the authority  
to address property amenities and the abatement of  
nuisances within the City of Prince Albert***

WHEREAS Section 8 of *The Cities Act*, enables a Council to pass a bylaw for purposes of establishing standards for nuisances, including property, activities and items that affect the amenity of a neighbourhood;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

## PART I INTERPRETATION

1. Short Title

This Bylaw may be cited as the “Property Amenities Bylaw”.

2. Purpose

The purpose of this bylaw is to identify what constitutes a nuisance and provide for the abatement of nuisances, including property or things that adversely affect:

- (a) the safety, health and welfare of people in the neighbourhood;
- (b) people’s use and enjoyment of their property; or,
- (c) the amenity of a neighbourhood.

3. Definitions

In this Bylaw:

- (a) “Act” means *The Cities Act*.

- (b) “Accessory building” means an accessory building within the meaning of The City of Prince Albert’s current Zoning Bylaw.
- (c) “Boarded” means, in the case of a door or a window frame or casing, a frame or casing that is covered and/or secured, whether by temporary or permanent measures, by plywood or other materials instead of a door or a window.
- (d) “Building” means a building within the meaning of *The Cities Act*.
- (e) “Bylaw Manager” means the person employed by the City of Prince Albert who is assigned to and holding the position responsible to administer, supervise and oversee bylaw enforcement and Bylaw Enforcement Officers for the City of Prince Albert.
- (f) “Officer” means a person appointed by Council as a Bylaw Enforcement Officer as contemplated by Section 337 of *The Cities Act* and/or appointed to enforce City bylaw or bylaws pursuant to other legislative authority, or any member of the Prince Albert Police Service.
- (g) ”City” means the City of Prince Albert.
- (h) “Council” means the Council of the City of Prince Albert.
- (i) “Graffiti” means any drawings, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed.
- (j) “Grass” means any vegetation, usually consisting of typically short plants with long narrow leaves, growing wild or cultivated, on lawns or in gardens.
- (k) “Junked Vehicle” means any automobile, tractor, truck, trailer or other vehicle not mentioned or defined herein, that, either:
  - (i) has no valid license plates attached to it;
  - (ii) is inoperative, or inoperable, or cannot be moved by its own power, at the request of the Officer; or,
  - (iii) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition;

and is located on private land, but that:

- (iv) is not completely obscured or enclosed within a structure erected in accordance with any bylaw respecting the erection of buildings and structures in force within the City; and,
  - (v) does not form part of a business enterprise, such as a garage or salvage, junkyard, scrap metal, etc., lawfully being operated on that land.
- (l) “Nuisance” means a condition of property, or a thing, or an activity that adversely affects or may adversely affect:
- (i) the safety, health and welfare of people in the neighbourhood;
  - (ii) people’s use and enjoyment of their property; or,
  - (iii) the amenity of a neighbourhood;

and includes:

- (iv) a building that:
  - (A) is an imminent danger to public safety, which shall be deemed to include, without limitation, a building that is:
    - (1) unoccupied; or,
    - (2) damaged;
  - (B) has defective or missing hardware so as to be incapable of locking or securing entrances to the building or is otherwise vulnerable to trespass, occupancy and/or entrance by unauthorized persons;
  - (C) has door or window frames or casings that are boarded; or,
  - (D) is the subject of an Order for repair, remedy or upgrade issued pursuant to a Bylaw of the City of Prince Albert or provincial legislation or regulation for which the repair, remedy or upgrade has not been completed within a timeframe specified by the Order;
- (v) Land that is overgrown with grass, weeds or trees;
- (vi) Untidy and unsightly property;
- (vii) Junked vehicles; or,

- (viii) Open excavation(s) on property.
- (m) "Occupant" means an occupant as defined in *The Cities Act*.
- (n) "Owner" means an owner as defined in *The Cities Act*.
- (o) "Parking pad" means a gravel, concrete or paved area, or an area constructed of similar material as approved at the discretion of the Director of Planning and Development Services, on a property intended for parking a vehicle or recreational vehicle.
- (p) "Property" means land or buildings or both.
- (q) "Recreational Vehicle" means a vehicle designed for recreational use, such as a motor home, camper, all-terrain vehicle, boat, snowmobile or trailer.
- (r) "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.

(14/2021, s.1a)

#### 4. Responsibility

Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this bylaw.

## PART II NUISANCES

#### 5. Nuisances Prohibited Generally

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

#### 6. Dilapidated Buildings

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 deemed a danger to the public's health or safety; or,

- (b) substantially depreciates the value of other land or improvements in the neighbourhood.

7. Unoccupied Buildings

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 or shall become an imminent danger to public safety.

8. Overgrown Grass, Weeds and Trees

- (a) 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.
- (b) For the purposes of this section, “overgrown” means in excess of 20 centimeters in height.
- (c) This section shall not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of 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.
- (d) Trees that encroach onto any public right-of-way or sidewalk.

9. Untidy and Unsightly Property

- (a) Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly due to graffiti or the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials, sharp or dangerous materials or junk.
- (b) All residential front yards shall be kept free of the following:
  - (i) Motorized vehicles including but not limited to, automobiles, ATV's, motorcycles, snowmobiles, boats, trailers, campers, etc. except when located on a driveway or parking pad designed for that purpose and located entirely on the land owned by that person; and
  - (ii) Any accessory structure or building, whether portable or permanent.

- (c) In the case of a corner site, Subsection 9(b)(i) shall apply to both yards facing the abutting street.
- (d) In the case of a corner site, Subsection 9(b)(ii) shall apply to both yards that are facing the abutting street, except when the accessory structure or building conforms to the City's current Zoning Bylaw.

(14/2021, s. 1b)

10. Junked Vehicles

Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept on any land owned by that person. On any individual property, up to two (2) unlicensed vehicles may be stored if garaged, or properly covered in such a manner as to be protected from the elements, and in accordance with Section 3(l).

11. Open Excavations

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 about any building or structure which is dangerous to the public's safety or health.

12. Graffiti

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

PART III  
ABATEMENT OF  
NUISANCES

13. General Conditions

- (a) All property, including land, buildings and structures, not kept in a condition consistent with the minimum standards prescribed in this Part shall be deemed a nuisance as defined under this bylaw.
- (b) 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.



- (c) Notwithstanding Section 4, every occupant of a property, including land, buildings and structures, shall:
  - (i) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
  - (ii) keep exits to the exterior of the building in a safe and unobstructed condition;
  - (iii) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards.
- (d) Human habitation is not permitted in any recreation vehicles, trailer or accessory building. No trailer, motor home, camper or tent trailer shall be supplied with a permanent connection to a utility such as gas or power. No trailer, mobile home, camper or trailer shall be electrified or heated through the use of electrical cords powered from a permanent structure.

14. Yards

A yard shall 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 or insects;
- (f) dead or hazardous trees, or encroaching on any public property; and,
- (g) sharp or dangerous materials.

15. Outdoor Storage of Materials

- (a) 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 harbourage for rodents, vermin and insects.
- (b) Materials referred to in Subsection (a) shall be elevated at least 150

millimetres off the ground and shall be placed 3 metres from the exterior walls of any building and 1 metre from the property line.

- (c) Reference to Subsections (a) and (b) above must not be located in the front yard of a property for more than 72 hours, or they shall be relocated to be obscured from public view.

#### 16. Waste Disposal

Every building shall be provided with a sufficient number of receptacles to contain all waste generated from the site. Waste shall be contained in accordance with the provisions of the City's Waste Collection and Disposal Bylaw and shall not be allowed to accumulate on site without a means of containment.

#### 17. Accessory Buildings

- (a) Accessory buildings shall not be nuisances and shall be kept:
  - (i) in good repair;
  - (ii) free of infestation by rodents, vermin and insects;
  - (iii) free of health, fire and safety hazards; and,
  - (iv) free of graffiti.
- (b) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.
- (c) Accessory buildings shall not have any human habitation.

#### 18. Fences

shall:

- (a) be free of graffiti;
- (b) have no materials in use that cannot fulfill their original function such as broken boards, rails or posts; and,
- (c) have materials in use that are resistant to deterioration due to exposure to weather conditions.

19. Building Condition

- (a) The components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be kept in reasonable state of repair, and shall be suitably protected from the elements.
- (b) The foundation of a building shall not allow the ingress of water through cracks or other damage.
- (c) If an Officer encounters visual damage that they feel may be detrimental to the building, the Officer will provide photographic evidence to the City's Building Division for review, and if required, correction under the provisions of the City's Maintenance and Occupancy Bylaw.

*(14/2021, s.1c)*

20. Exterior Condition

- (a) All exterior surfaces shall be made of materials which provide adequate protection from the weather.
- (b) Exterior walls shall be covered with an application of paint, stain, stucco, brick, stone facing, siding or other similar protective surface to protect the walls from deterioration due to moisture penetration.
- (c) 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.
- (d) All exterior surfaces shall be free of graffiti.

21. Roofs

- (a) A roof, including the shingles, fascia boards, soffit, cornice and flashing shall be watertight so as to prevent deterioration or leakage of water into the building, or the entry of vermin.
- (b) Loose materials, including dangerous accumulations of snow and ice, above entrances or exits and egress windows, shall be removed from the roof of a building as soon as reasonably possible so as to prevent damage to the building or injury to persons in or near the building.
- (c) Water running off a roof shall be carried away from the building so as to not cause dampness in the walls, ceilings or floors in a building.

Downspouts shall be used to direct water away from a building but shall not be positioned in such a way as to direct water on to an adjacent property or toward a public sidewalk or public area in a manner which may result in a hazardous condition or damage by erosion.

- (d) Eaves troughs, downspouts, and extensions shall be watertight and in good repair.

## 22. Chimneys

- (a) Chimneys, flue pipes and smoke stacks shall be in good repair so as to prevent gases, water or any other substance from leaking into the building.
- (b) Chimneys, flue pipes and smoke stacks shall be free of any defects.
- (c) Chimneys, flue pipes and smoke stacks shall have all defective masonry or metal components repaired or replaced as needed.
- (d) Chimneys, flue pipes and smoke stacks shall be kept clear of obstructions.

## 23. Exterior Doors, Storm Doors, Windows and Screens

- (a) A door shall be provided at each entrance to a building, and when closed, it shall be reasonably tight-fitting within its frame.
- (b) Exterior doors, storm doors and storm windows shall be kept in a reasonable state of repair, and shall be weather-tight so as to perform their intended function.
- (c) Openable windows within 2 metres of ground level shall have an acceptable locking mechanism.
- (d) Exterior doors shall have an acceptable locking mechanism.
- (e) 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.
- (f) 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.

24. Stairs, Porches, Decks and Railings

- (a) Stairs, porches, decks and railings shall be kept in good repair with no components that are broken, loose, rotted or warped.
- (b) A handrail shall be installed on at least one side of all exterior stairs having more than three risers.
- (c) A guardrail shall be installed on all open sides where the difference in elevation between the adjacent ground level the walking surface exceeds 600 millimetres.
- (d) Guardrails shall be 900 millimetres height where the walking surface is not more than 1800 millimetres above grade.
- (e) Guardrails shall be 1070 millimetres height where the walking surface is greater than 1800 millimetres above grade.
- (f) Guardrails shall have openings not exceed 100 millimetres between the balusters and shall not facilitate climbing.

25. Electrical Services

- (a) All buildings shall be supplied with electrical service that is adequate to safely meet the electrical needs of the building.
- (b) All electrical outlets, lighting shall be in good working condition with required covers and no exposed wiring.
- (c) Overhead electrical masts must be in a condition that can support the electrical wire.
- (d) At any time, the Officer may request the owner obtain a certified electrician or electrical inspector to provide written documentation that the electrical meets the National Electrical Code of Canada. Failure to do so shall be an offence under this bylaw.

*(14/2021, s.1d)*

PART IV  
ENFORCEMENT, OFFENCES AND  
PENALTIES

26. Enforcement of Bylaw

- (a) Administration and enforcement of this bylaw is hereby delegated to the Bylaw Manager for the City.
- (b) The Bylaw Manager for the City is hereby authorized to further delegate the administration and enforcement of this bylaw.

*(14/2021, s.1e)*

27. Inspections

- (a) The inspection of property by the City to determine if this bylaw is being complied with is hereby authorized.
- (b) Inspections under this bylaw shall be carried out in accordance with Section 324 of the Act.
- (c) No person shall obstruct an Officer who is authorized to conduct an inspection under this section, or a person who is assisting an Officer.
- (d) The Officer conducting the inspection may request that the owner supply confirmation of a condition, a thing or an activity by providing a certificate, letter, or any other documentation from an expert in a field related to the condition, thing or activity. If requested, the documentation will be required to provide a solution(s) to rectify the condition, thing or activity which the owner shall than be required to complete.
- (e) An Order may contain an option or a requirement to demolish a structure. If provided as an option, a demolition may be chosen by the owner as an alternative to undertaking repairs. Demolition may be required by Order without the option to repair if the structure has been deemed to pose an unacceptable risk to public safety in terms of structure, condition or use.
- (f) The requirements contained within an Order do not suspend the need to comply with conditions defined by any other bylaw, act or regulation, including but not limited to the need to obtain permits, permissions or certification.

*(14/2021, s.1f)*

28. Order to Remedy Contraventions

- (a) If an Officer finds that a person is contravening this bylaw, the Officer may, by written Order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (b) Orders given under this bylaw shall comply with Section 328 of the Act.
- (c) Orders given under this bylaw shall be served in accordance with Section 347 of the Act.

*(14/2021, s.1g)*

29. Registration of Notice of Order

If an Order is issued pursuant to Section 28 of this bylaw, the City may, in accordance with Section 328 of the 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.

30. Appeal of Order to Remedy

- (a) A person may appeal an Order made pursuant to Section 28 of this bylaw in accordance with Section 329 of the Act.
- (b) Appeals shall be made initially to the City's Property Maintenance Appeal Board, which Board is hereby established and appointed by Council.

31. City Remedying Contraventions

- (a) The City may, in accordance with Section 330 of the Act, take whatever actions or measures are necessary to remedy a contravention of this bylaw.
- (b) The City and/or its officers, may direct or authorize the removal of any vehicles not in compliance with this bylaw, off of the property in contravention, at the expense of the property owner.

32. Civil Action to Recover Costs

The City may, in accordance with Section 332 of the 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.

33. Adding Amounts to Tax Roll

The City may, in accordance with Section 333 of the Act, add any unpaid expenses and costs incurred by the City in remedying a contravention of this bylaw to the taxes on the property on which the work was done.

34. Emergencies

In the event that it becomes an emergency to remedy a contravention of this bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 331 of the Act.

35. Notice of Violation and Remedial Orders

- (a) An Officer may, as an alternative to proceeding by way of summary conviction, issue a notice of violation for any contravention(s) of this Bylaw.
- (b) If a notice of violation is issued, the notice shall require the person to pay to the City the penalty sum specified in accordance with this Bylaw within fifteen (15) days of the date the notice of violation is delivered, or an early payment amount specified in accordance with this Bylaw within ten (10) days of the date the notice of violation is delivered.
- (c) The City's rights under this section shall be in addition to the City's right to seek other legal remedies or actions for abatement of the contravention.
- (d) The penalty sum specified in a notice of violation is to be paid:
  - (i) In person, during regular office hours, to the cashier located at City Hall, Prince Albert, Saskatchewan;
  - (ii) By mail addressed to the Office of the City Treasurer, City Hall, Prince Albert, Saskatchewan, S6V 7P3; or
  - (iii) By any other method indicated on the notice of violation.
- (e) If payment as required under a notice of violation is not paid by the date specified therein, then the penalty sum specified therein shall be enforceable by the City as a debt due to the City.



36. Specified Payment Amount

Except in such circumstances for which a penalty sum is otherwise specified for a specific contravention of this Bylaw, persons contravening a provision of this Bylaw are subject to a penalty sum recoverable by the City in the amount of:

- (a) In the case of an individual, a penalty sum of:
  - i) \$250.00 for the first violation;
  - ii) \$500.00 for the second violation; and
  - iii) \$750.00 for the third or subsequent violation.
- (b) In the case of a corporation, a penalty sum of:
  - i) \$500.00 for the first violation;
  - ii) \$1,000.00 for the second violation;
  - iii) \$1,500.00 for the third or subsequent violation.

37. Early Payment Amount

- (a) For penalty sums contemplated under Section 36, if the penalty imposed under a notice of violation is paid within ten (10) calendar days of the date of the notice of violation, the amount of the penalty sum shall be discounted to an early payment amount of:
  - (i) In the case of an individual, a penalty sum of:
    - A) \$150.00 for the first violation;
    - B) \$300.00 for the second violation;
    - C) \$500.00 for a third or subsequent violation.
  - (ii) In the case of a corporation, a penalty sum of:
    - A) \$300.00 for the first violation;
    - B) \$600.00 for the second violation;
    - C) \$1,000.00 for a third or subsequent violation.
- (b) The date of payment shall be determined as follows:
  - (i) For payment in person, the date of payment shall be the date payment is received by the City;

- (ii) For payment by deposit, the date of payment shall be the date payment is deposited in the depository at City Hall; or
  - (iii) For payment by mail, the date of payment shall be the federal post marked date on the remittance.
- (c) Upon payment of a notice of violation, the person contravening the Bylaw shall not be liable to prosecution for that offence.
- (d) For the purpose of determining the prescribed penalty required by Subsection 37(a), the number of prior offences shall be determined by the number of prior notices of violation issued in relation to the specified contravention, with the exception of those which have been cancelled or dismissed by the court.

38. Prosecutions

- (a) No person shall:
- i) Fail to comply with an Order made pursuant to this Bylaw;
  - ii) Obstruct or hinder any Officer or any other person acting under the authority of this Bylaw; or
  - iii) Fail to comply with any provision of this Bylaw.
- (b) Subject to Subsection 37(c) and notwithstanding Section 35, in lieu of the City proceeding with a notice of violation or with collection proceedings of an outstanding penalty sum due thereunder, where an Officer determines in consultation with the Bylaw Manager to whom is assigned responsibility for bylaw enforcement that it is in the public interest to compel a person who has contravened a provision of this Bylaw to appear before a justice, the Officer may cause to be issued a summons that requires the person to appear before a judge of a court of competent jurisdiction in Saskatchewan to answer a charge(s) for violation(s) of this Bylaw.
- (c) The summons may provide for a voluntary payment of the penalty sum not to exceed an amount applicable under Section 37, which if paid as directed in the summons by a date prior to the first appearance date specified in the summons.
- (d) If the voluntary payment is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence.
- (e) If in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the court appearance date, permit the accused to pay the penalty sum as set out in Section 36 to avoid prosecution.

- (f) Except where a penalty is specifically provided in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on conviction:
  - (i) In the case of an individual, to a fine of up to \$10,000.00;
  - (ii) In the case of a corporation, to a fine of up to \$25,000.00; and
  - (iii) In the case of a continuing offence, to a maximum daily fine of up to \$2,500.00 per day of violation.
- (g) A conviction of failing to comply with a remedial 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 specified time, to comply with the Order with respect to which the person was convicted.
- (h) The court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of the individual for a term not exceeding six (6) months.

39. Severability

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 the 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

40. Repeal of Bylaws

Bylaw No. 18 of 2016 and all applicable amendments and subsequent amending Bylaws are hereby repealed, including but not necessarily limited to Bylaw No. 12 of 2017 and Bylaw No. 2 of 2019.

41. Coming Into Force

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

*(14/2021, s.1h & i)*

INTRODUCED AND READ A FIRST TIME THIS 13<sup>TH</sup> DAY OF OCTOBER, AD 2020.

READ A SECOND TIME THIS 13<sup>TH</sup> DAY OF OCTOBER, AD 2020.

READ A THIRD TIME AND PASSED THIS 13<sup>TH</sup> DAY OF OCTOBER, AD 2020.

*"Greg Dionne"*

MAYOR

*"Sherry Person"*

CITY CLERK