

THE DEER VALLEY COMMUNITY STANDARDS BYLAW

THE COUNCIL OF THE RM OF LUMSDEN NO. 189 ENACTS AS FOLLOWS:

**PART I: GENERAL**

**Purpose**

- 1 The purpose of this Bylaw is to establish standards to regulate the maintenance of properties and structures within the Organized Hamlet of Deer Valley in an attractive, tidy and safe condition and provide for enforcement of those standards.

**Authority**

- 2 The statutory authority for this Bylaw is of *The Municipalities Act*.

**Definitions**

- 3 In this Bylaw:
- (a) “**building**” means a building within the meaning of *The Municipalities Act*.
  - (b) “**Council**” means the Council of the RM of Lumsden No. 189.
  - (c) “**designated officer**” means an employee or agent of the RM, appointed by Council, to act as a municipal inspector for the purposes of this Bylaw.
  - (d) “**driveway**” means a private right-of-way abutting and providing access for vehicles from a street, boulevard, curb, or sidewalk to a carport, garage or hard surface parking pad located on the same lot
  - (e) “**graffiti**” includes drawings, inscriptions, or writings, however made, on buildings, accessory buildings, dwelling units, or structures without the prior written authorization of the owner.
  - (f) “**hard surface**” means a durable hard surface of asphalt, concrete, brick or other similar material excluding gravel, slag or similar material.
  - (g) “**incomplete building or structure**” means any construction project not completed within six months of the expiry date or cancellation of the building permit issued by the RM for the project or activity.
  - (h) “**junked vehicle**” means any automobile, tractor truck, tractor, trailer, snowmobile, RV or ATV that:
    - (i) has no valid license plates attached to it or is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative, or abandoned condition; and
    - (ii) is located on private land, but that:
      - (A) is not stored wholly within:
        - a garage; or
        - a carport with a vehicle cover that fully covers the vehicle;
      - (B) does not form a part of a business lawfully operated on that land.
  - (i) “**Minimum Standards**” means the standards of maintenance and repair of buildings and structures in the Organized Hamlet of Deer Valley, which are prescribed in Schedule “A” to this Bylaw.
  - (j) “**nuisance**” means a condition of property, structure, thing, or activity that adversely affects or may adversely affect the safety, health, or welfare of people in the neighborhood, people’s use and enjoyment of their property, or the amenity of the neighborhood and includes but is not limited to:
    - (i) an incomplete building or structure;
    - (ii) a building or structure in an abandoned state;
    - (iii) a building or structure in a ruinous or dilapidated state of repair;
    - (iv) land that is overgrown with grass or other vegetation;
    - (v) a building that is boarded or placarded for a period exceeding 90 calendar days;
    - (vi) untidy and unsightly property;
    - (vii) junked vehicles;
    - (viii) vehicles parked in the front yard contrary to section 12;
    - (ix) unsecured open excavations or holes; and/or
    - (x) high intensity, flashing or flickering exterior lighting, other than from a sign approved pursuant to an RM zoning bylaw.
  - (k) “**order**” means an order of a designated officer made pursuant to *The Municipalities Act* and this Bylaw.
  - (l) “**owner**” means “owner” as defined in *The Municipalities Act*.
  - (m) “**placarded**” means an order prohibiting occupancy issued by an authority having

jurisdiction.

- (n) “**RM**” means the Rural Municipality of Lumsden No. 189.
- (o) “**structure**” includes anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, but not including curbs, pavements, walks or open-air surfaced areas or moving vehicles.
- (p) “**vehicle**” means a device in, on or by which a person or thing is or may be transported or drawn on a highway and includes special mobile machines and agricultural implements and includes any portion thereof.
- (q) “**yard**” includes the open space located on a lot and unoccupied by buildings or structures.

#### **Owner Responsibility**

- 4 The owner of each property in the Organized Hamlet of Deer Valley shall ensure that the property complies with this Bylaw.

## **PART II – NUISANCES**

#### **Nuisances Generally Prohibited**

- 5 No person shall cause, permit or suffer a nuisance to exist on any property.

#### **Placarded Building**

- 6 Any building or structure that has been placarded for a period exceeding 90 calendar days is deemed to be a nuisance.

#### **Unsecured Buildings**

- 7(1) Where the exterior doors, windows, or other exterior openings of an unoccupied building are damaged, broken, or otherwise in disrepair, a designated officer may order the property owner to board up all exterior openings to the building as an interim measure to prevent unauthorized entry to the building.
- (2) Boarding as ordered under subsection 7(1) shall comply with the following requirements:
- (a) All boards used shall be properly fitted to the size of the exterior opening and securely fastened to the building; and
  - (b) All boards shall be painted or otherwise treated so that the color is compatible with the surrounding building exterior.
- (3) No unoccupied building shall remain boarded up for a period longer than 90 calendar days. After 90 calendar days, the owner shall ensure that all boards are removed and that all windows and doors are replaced or repaired to the Minimum Standards prescribed in Schedule “A” of this Bylaw.

#### **Overgrown Grass and Vegetation**

- 8(1) Notwithstanding the generality of section 5, no owner shall cause, permit or suffer their property to be overgrown with grass or vegetation.
- (2) For the purposes of this section, “overgrown” means a length of grass blade or height of grass or other vegetation in excess of 20 centimeters within the Hamlet community and a length of grass blade or height of grass or other vegetation in excess of 30 centimeters on an acreage within the Hamlet boundaries.
- (3) This section shall not apply to any growth which forms part of natural garden that has been deliberately planted to produce ground cover, decoration, or food, including one or more species of wildflowers, shrubs, trees, perennials, fruits, vegetables and ornamental grasses or combination of them, whether native or non- native, consistent with a managed and natural landscape other than regularly mown grass.

#### **Untidy and Unsightly Property**

- 9(1) Notwithstanding the generality of section 5, no person shall suffer, cause or permit any land, building, structure or yard to become untidy or unsightly due to serious disregard for general maintenance or upkeep.
- (2) Notwithstanding the generality of section 5, no person shall allow conditions which provide food or harborage for vermin, or the excessive accumulation of new or used furniture, lumber, cardboard, paper, newspapers, appliances, vehicle parts, tires, cans, bottles, barrels, scrap metal, scrap plastic, needles, syringes, carrion, building materials, rags, rubbish, litter, debris, other waste material or other junk whether of any apparent value or not.

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### **Graffiti**

- 10 Notwithstanding the generality of section 5, no person shall suffer, cause or permit graffiti to remain on any building or other structure on property.

### **Junked Vehicle**

- 11 Notwithstanding the generality of section 5, no person shall suffer, cause or permit any junked vehicle to be kept on any land.

### **Vehicles in Front Yard**

- 12 Notwithstanding the generality of section 5, no person shall suffer, cause or permit all or part of any vehicle to be kept on any land between the front of a residential building and a street, and for a corner lot, the side of a residential building and a street, except where the entire vehicle is located on and over a hard surface driveway or parking pad or parking area composed of packed gravel or rock.

### **Open Excavations**

- 13(1) Notwithstanding the generality of section 5, no person shall suffer, cause or permit any unsecured open excavation on any land.
- (2) Notwithstanding the generality of section 5, no person shall suffer, cause or permit any open excavation for longer than 15 calendar days.

### **Outdoor Lighting**

- 14(1) Notwithstanding the generality of section 5, no person shall suffer, cause or permit an outdoor light, excluding lighting within public rights-of-way and public properties, to shine directly into the living room or sleeping areas of an adjacent dwelling.
- (2) Notwithstanding the generality of section 5, no person shall suffer, cause or permit flashing, flickering or other similar lighting fixtures on the exterior of a property or in a yard.
- (3) Subsections (1) and (2) do not apply to signs for which a permit has been issued pursuant to an RM of Lumsden zoning bylaw.
- (4) Where specific lighting requirements are prescribed by another municipal bylaw or other code requirement, these shall take precedence over this Bylaw, and the light shall not constitute a violation of this section.

## **PART III – PROPERTY MAINTENANCE**

### **Duty to Maintain**

- 15(1) All property, including land, buildings, structures and yards, shall be maintained in accordance with the Minimum Standards prescribed in Schedule “A” to this Bylaw.
- (2) No person shall cause, permit or suffer their property, including land, buildings, structures, or yards, to contravene the Minimum Standards prescribed in Schedule “A” to this Bylaw.

## **PART IV – ENFORCEMENT, OFFENCES, AND PENALTIES**

### **Order to Remedy Contravention**

- 16(1) If a designated officer finds that a property, or any part thereof, is in contravention of this Bylaw, the designated officer may, by written order, require the owner of the property to remedy the contravention.
- (2) Prior to performing any work to comply with an order, the owner must apply for, and obtain, all permits and approvals required by law for the work.
- (3) All work necessary to comply with an order shall be carried out in good and workmanlike manner in accordance with industry standards and good construction practices.
- (4) An order shall be served on the owner of the land in accordance with the requirements of *The Municipalities Act*.

### **Offences**

- 17(1) No person shall:
- (a) fail to comply with an order made pursuant to *The Municipalities Act* and this Bylaw;
- (b) obstruct or hinder any person acting under the authority of this Bylaw;

- (c) fail to comply with any provision of this Bylaw;
- (d) remove, deface or destroy an order issued pursuant to *The Municipalities Act* and this Bylaw.

**Notices of Violation**

- 18(1) When a designated officer has reason to believe that a person has contravened any provision of this Bylaw specified in Schedule “B”, the designated officer may issue a Notice of Violation to the person in contravention.
- (2) A Notice of Violation issued pursuant to subsection (1) shall contain a voluntary payment amount, determined by the nature of the contravention and the number of times a notice of violation has been issued for a contravention of the same nature, at the same property, to the same owner, as prescribed in Schedule “B”.
- (3) Where a Notice of Violation is issued, a person may make voluntary payment of the amount shown on the Notice of Violation, if the person does so before the date specified as the payment date set out in the Notice of Violation.
- (4) A Notice of Violation shall be served by any method available to the Organized Hamlet pursuant to section 390(1)(a), (b) or (c) of *The Municipalities Act*.
- (5) Where the RM receives a voluntary payment of the prescribed amount in Schedule “B” before a court summons is issued, the person receiving the Notice of Violation shall not be liable to prosecution for the contravention.
- (6) Payment of a voluntary payment amount specified in a Notice of Violation does not relieve the owner of the property from compliance with an order issued pursuant to *The Municipalities Act* and this Bylaw.

**General Penalty Provision**

- 19 Notwithstanding section 18, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to:
  - (a) a fine in the amount set out in Schedule “C”; or
  - (b) where a fine is not specified in Schedule “C”, to a fine in an amount provided for in *The Municipalities Act*.

**Coming Into Force**

- 20 This Bylaw comes into force on the day of its final passing.

**READINGS**

Read a first time this	12 <sup>th</sup> day of December, 2019.
Read a second time this	12 <sup>th</sup> day of December, 2019.
Given three readings this	12 <sup>th</sup> day of December, 2019.
Read a third time this	12 <sup>th</sup> day of December, 2019.



Kent Fargo  
Reeve

[Signature]  
Chief Administrative Officer

**SCHEDULE "A"**

**PART I – GENERAL**

**A. VERMIN, RODENTS, PIGEONS, AND INSECTS**

1. All buildings and structures shall be maintained to prevent the entry of vermin, rodents, pigeons, and insects.
2. All yards, buildings, and structures shall be kept free of infestations of vermin, rodents, pigeons, and insects.
3. Any condition liable to cause the presence of vermin, rodents or insects shall be removed from yards, buildings or structures and when yards, buildings or structures are infested, all measures shall be taken to destroy the vermin, rodents, pigeons, or insects immediately, and preventative measures undertaken to prevent the reappearance of such vermin, rodents and insects.

**PART II – BUILDING EXTERIORS**

**A. EXTERIOR DOORS, STORM DOORS, WINDOWS AND SCREENS**

1. All exterior doors, windows and storm or screen windows in or on a building shall meet the following Minimum Standards:
  - (a) shall not be broken, cracked or missing and shall completely fill the opening in which they are installed;
  - (b) doors, storm doors, windows, and storm windows, frames, sashes, casings and screens must be maintained free from damage, decay or deterioration;
  - (c) have storm sash or double-glazed windows;
  - (d) for windows that are designed to be opened, have a screen;
  - (e) be capable of being locked;
  - (f) have weather-stripping; and
  - (g) be painted or be treated with a similarly effective preservative
2. When an opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall contain a wire mesh screen, metal grill or other equivalent durable material.

**B. EXTERIOR WALLS**

1. All exterior dwelling walls shall be completely covered with paint, stain, non-vinyl siding, brick, stucco or other weatherproof cladding material. Exterior shed walls may be covered in vinyl siding.
2. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit moisture to the interior walls or the interior spaces of the building.
3. All shutters, entablatures, belt courses, corbels, terracotta trim, wall facings and similar architectural features shall be maintained in good repair with proper anchorage and in a safe condition.
4. All exterior surfaces on buildings or structures shall be free of graffiti.

### **C. ROOFS, ROOF-MOUNTED STRUCTURES AND EAVESTROUGHS**

1. Every roof shall be covered with shingles or other water repellent roofing material.
2. Fascia boards, soffits, cornices and flashings, shall be maintained in a watertight condition and shall be neatly finished.
3. Every eaves trough, roof gutter and downpipe shall be kept in good repair in good working order and positioned so as:
  - (a) to be watertight and free from leaks; and
  - (b) to avoid accident hazards.
4. All downspouts shall direct drainage a minimum of 1.0 metre away from the foundation and to the front or rear of the lot.
5. Loose materials, including accumulations of snow and ice, shall be removed from the roof of a building or structure as soon as reasonably possible.

### **D. PROJECTIONS AND ATTACHMENTS**

1. Every floor, stairway, veranda, porch, deck, loading dock, residential exhaust duct, marquee sign, awning, and every appurtenance attached thereto shall be maintained to the following Minimum Standards:
  - (a) floors, treads or risers shall not be excessively worn, broken, warped, loose or otherwise defective;
  - (b) structural members shall not be rotted, deteriorated or loose;
  - (c) balustrades, guardrails and railings shall be present and in good repair;
  - (d) in the case of wood constructions, will be coated with paint or other equivalent preservative;
  - (e) will be plumb, level and in alignment;
  - (f) in the case of metal constructions, will be coated with a rust-proofing and weather-proofing coating material;
  - (g) treads and risers will have equal rise and run.
2. Every open side of a stairway or flat roof to which access may be gained through a doorway and every terrace, balcony, porch, landing or stairwell shall be maintained in good repair and firmly attached.

## **PART III - BUILDING INTERIORS**

### **A. CLEANLINESS**

1. Buildings and structures shall be maintained in a clean and sanitary condition and buildings and structures shall be kept free from rubbish or other debris or conditions which constitute a fire, accident or health hazard.

### **B. FLOORS, STAIRWAYS, AND HANDRAILS**

1. Every floor shall:
  - (a) be free of all loose, warped, protruding, broken or rotted materials;
  - (b) be free of defective floor boards; and
  - (c) be reasonably level and smooth and maintained in good condition.
2. All floor coverings shall be maintained in good condition and where installed in bathrooms, kitchens, toilet rooms or shower rooms, shall be so maintained as to be water resistant and readily cleaned.
3. All interior handrails shall be maintained in good repair and firmly attached so as to provide reasonable protection against accident and injury.

### **C. WALLS AND CEILINGS**

1. Every wall and ceiling shall be maintained in good condition and free from holes, large cracks, loose plaster and other hazards.
2. The surface of every wall and ceiling shall be maintained in a reasonably clean and sanitary condition. Surfaces shall be cleaned so as to avoid buildup of grease or other flammable material.

### **D. HEATING AND MECHANICAL STANDARDS**

#### **Moisture Control and Ventilation**

1. Every floor, every ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be maintained free from dampness.
2. Subsection 1 does not apply to:
  - (a) any non-habitable room in a cellar; or
  - (b) a garage.

#### **Structural Standards**

1. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

### **PART IV – MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS**

#### **A. OUTDOOR STORAGE OF MATERIALS**

1. Any building materials, lumber, metal boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground.
2. Materials referred to in section 1 shall be elevated at least 0.15 metres off the ground and shall be stacked at least 3.0 metres from the exterior walls of any building and at least 1.0 metre from the property line.

#### **B. WALKWAYS, DRIVEWAYS, AND PARKING SPACES**

1. If a walkway, driveway or parking space is provided, it shall be maintained so as to allow safe passage thereon under normal use and weather conditions.

#### **C. FENCES**

1. Fences shall be maintained in a safe and reasonable state of repair and free of graffiti.

#### **D. YARDS**

1. The yard shall be maintained so as to prevent erosion of soil.



**SCHEDULE "B"**  
**VOLUNTARY PAYMENT AMOUNTS**  
**NOTICE OF VIOLATION**

Bylaw section	Contravention	1 <sup>st</sup> Notice of Violation	2 <sup>nd</sup> Notice of Violation	3 <sup>rd</sup> Notice of Violation
8(1)	Overgrown grass vegetation	\$100	\$150	\$200
9	Untidy and unsightly	\$500	\$1,000	\$1,500
11	Junked vehicle	\$200	\$300	\$600
12	Vehicles in front yard	\$250	\$350	\$650
13	Open excavation	\$200	\$500	\$750
14	Outdoor lighting	\$100	\$150	\$200
17 (1)(a)	Failure to comply with an order	\$500	\$1,000	\$1,500
17(1)(d)	Deface, destroy or remove a posted order	\$100	\$150	\$200



**SCHEDULE "C"**  
**FINES ON**  
**CONVICTION**

Bylaw section	Offence	Fine on 1 <sup>st</sup> Conviction	Fine on 2 <sup>nd</sup> Conviction	Fine on 3 <sup>rd</sup> Conviction	Fine on 4 <sup>th</sup> and Subsequent Convictions
8(1)	Overgrown grass vegetation	\$150	\$200	\$250	Established by the Court
9	Untidy and unsightly	\$500	\$1,000	\$1,500	Established by the Court
11	Junked vehicle	\$250	\$500	\$750	Established by the Court
12	Vehicles in front yard	\$300	\$550	\$800	Established by the Court
13	Open excavation	\$300	\$600	\$1,000	Established by the Court
14	Outdoor lighting	\$150	\$200	\$250	Established by the Court
17(1)(a)	Failure to comply with an order	\$1,000	\$1,500	\$2,000	Established by the Court
17(1)(d)	Deface, destroy or remove a posted order	\$150	\$200	\$250	Established by the Court