

# Bylaw No. 695-23

COMMUNITY STANDARDS BYLAW

White City

Adopted by Town of White City Council on August 21, 2023

Introduced and read a first time on August 21, 2023.

Read a second time on August 21, 2023.

Read a third time on August 21, 2023.

## BYLAW NO. 695-23

### A BYLAW TO ESTABLISH STANDARDS TO REGULATE THE MAINTENANCE OF PROPERTIES AND ABATEMENT OF NUISANCE WITHIN THE TOWN OF WHITE CITY TO MAINTAIN AN ATTRACTIVE, TIDY AND SAFE COMMUNITY

Under the authority granted by section 8 of *The Municipalities Act*, SS 2005, c M-36.1, the Town of White City in the Province of Saskatchewan, by and with the advice and consent of the Town of White City Council, enacts as follows:

#### Title

- 1 This bylaw shall be referred to as *The Community Standards Bylaw*.

#### Interpretation

- 2 In this bylaw,

- (1) **ambient noise** means the background sound level that naturally exists in a given area or environment, including but not limited to the sounds of wind, traffic, and other constant or intermittent noise sources that are typically present;
- (2) **ambient odour** means the background scent level that naturally exists in a given area or environment, including but not limited to odours arising from vegetation, natural bodies of water, or other constant or intermittent sources typically present;
- (3) **attractant** means food or food waste, meat, a carcass or part of carcass of an animal or fish, compost or any other material that could attract wildlife;
- (4) **boulevard** means that portion of a right-of-way that extends from the edge of the street to the property line of the adjacent property, not including the sidewalk;
- (5) **building** means, as described in *The Planning and Development Act, 2007*, any structure constructed or place on, in or over land, but does not include a public highway;
- (6) **building material** means material or debris which may result from the construction, renovation or demolition of any building or structure and includes but is not limited to wood, gypsum board, roofing, vinyl siding, metal, packaging material and containers of building material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any building or structure;
- (7) **contravention** means an infraction found to be contrary to the provisions set out in the Town's bylaws;
- (8) **control** in reference to weeds means:
  - (a) cut, mow or carry out measures designed to inhibit the propagation of the weed;
  - (b) destroy the weed if specified by a designated officer; or
  - (c) carry out other measures as prescribed by a designated officer;

- (9) **compost** means the managed practice of recycling organic material including food and yard waste through biological degradation in a container or pile to create a useable soil conditioner;
- (10) **construction** means the temporary process of demolishing or building any structure or repairing, renovating or improving a structure that already exists, including landscaping, home repairs, property improvement and any work in connection with that process;
- (11) **Council** means White City Town Council;
- (12) **court** means the Provincial Court of Saskatchewan;
- (13) **dB(A)** means the sound pressure measured in decibels using the “A” weighted scale of a sound level meter;
- (14) **decibel** means a unit for expressing the relative intensity of sounds on a scale from zero for the average least perceptible sound to approximately 130 or the average pain level;
- (15) **designated officer** means an employee or representative of the Town, a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or Community Safety Officer that is authorized to enforce bylaws, provincial or federal statutes within the jurisdiction of the Town;
- (16) **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;
- (17) **fence** means a vertical physical barrier constructed for the purposes of marking a boundary, limiting visual intrusion, preventing unauthorized access or sound abatement;
- (18) **flanking yard** means that part of a corner lot which extends from the front yard to the rear yard between the lot line adjoining a public street and the nearest wall or supporting member of a principal building or structure;
- (19) **front lot line** means:
  - (a) the line dividing the lot from the street;
  - (b) for a corner lot, the front lot line shall be the lot line on the same street as the front lot lines on the same block face;
  - (c) for a through lot, the front lot line shall be that street which interfaces most directly with adjacent land uses;
- (20) **good repair** means a condition where something is free from significant damage or disrepair, including but not limited to:
  - (a) broken or missing parts;
  - (b) rot;
  - (c) peeling;

- (d) chipping surfaces; or
  - (e) other physical deterioration;
- (21) **graffiti** means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any structure, or other property, but does not include words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any vehicle;
- (22) **hard surface** means a durable hard surface of asphalt, concrete, brick or other similar material excluding gravel, slag or similar material;
- (23) **hazardous tree** means a destabilized or structurally compromised tree or tree with pest infestation that, in the opinion of an arborist or designated officer:
- (a) presents a significant risk of harm to people or property;
  - (b) cannot have its life prolonged or be made safe through good arboricultural practices;
  - (c) is in a state of irreversible decline and is unlikely to become healthy through a natural process of recovery; or
  - (d) is a threat to the surrounding environment;
- (24) **highway** means a highway as described in *The Traffic Safety Act*;
- (25) **incomplete building or structure** means any construction project not completed as of the expiry date or cancellation of the building permit issued by the Town for the project or activity;
- (26) **industrial fluids** means fluids that include, but is not limited to engine oil, brake fluid, anti freeze or hydraulic fluid;
- (27) **Inspector** means an individual appointed as an inspector pursuant to *The Weed Control Act*, *The Pest Control Act* or *The Forest Resources Act*;
- (28) **junked vehicle** means any vehicle that:
- (a) has no valid license plates attached to it;
  - (b) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
  - (c) is located on private land, but that:
    - (i) is not stored wholly within:
      - (A) a garage; or
      - (B) a carport with a vehicle cover that fully covers the vehicle;
    - (ii) does not form a part of a business lawfully operated on that land.
- (29) **landscaping** means the provision of any horticultural and other related compatible features or materials designed to enhance the

visual amenity of a site or to provide a visual screen consisting of any combination of the following elements:

- (a) soft landscaping consisting of vegetation such as trees, shrubs, vines, hedges, flowers, grass and ground cover; and
- (b) hard landscaping that consists of concrete, unit pavers, brick pavers, or quarry tile, but does not include gravel, shale or asphalt;

(30) **minimum standards** means the standards of maintenance and repair of buildings and structures in the Town which are prescribed in Schedule “A” to this bylaw;

(31) **naturalization** means a portion of a lot where a lawn or perennial garden previously maintained by the owner has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate planting of species to emulate a natural area;

(32) **noise** means any unwanted, excessive or disturbing sound that is general by human activities, machinery, equipment, animals or other source that has the potential to cause annoyance, disturbance or harm to individuals or the community at large as confirmed by a designated officer;

(33) **notice** means a notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw;

(34) **noxious weeds** means plants designated as noxious weeds in *The Weed Control Act*;

(35) **nuisance** means a condition of property, structure, thing or activity, as confirmed by a designated officer, that adversely affects or may adversely affect the safety, health or welfare of people in the neighbourhood, people’s use and enjoyment of their property or the amenity of the neighbourhood and includes, but is not limited to:

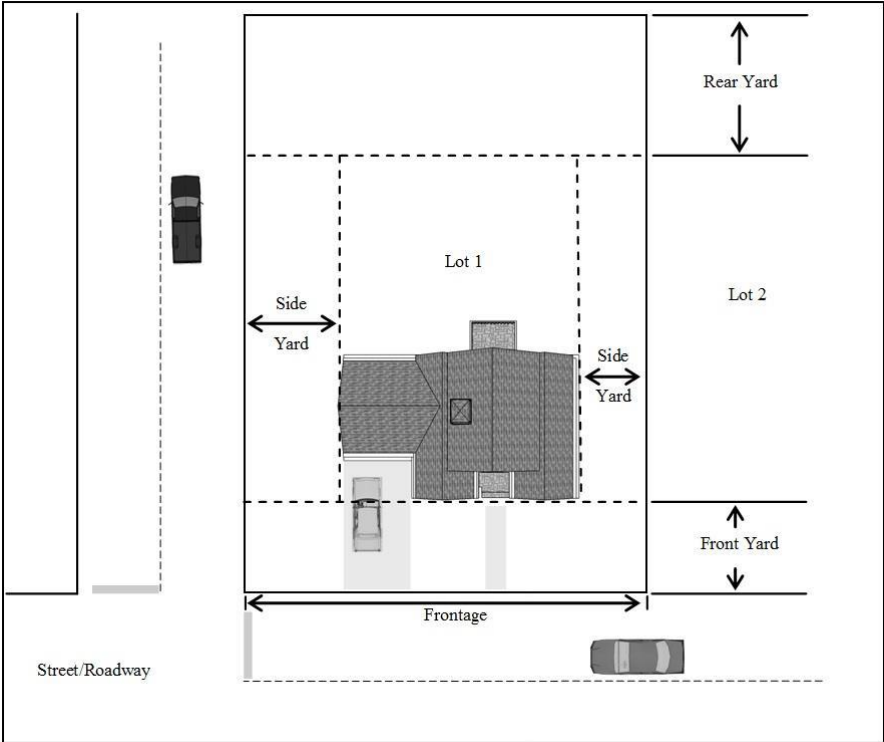
- (a) an incomplete building or structure;
- (b) a building or structure in an abandoned state;
- (c) a building or structure in a ruinous or dilapidated state of repair;
- (d) a building that is boarded or placarded for a period exceeding sixty (60) calendar days;
- (e) land that is overgrowth with grass or other vegetation;
- (f) untidy and unsightly property;
- (g) junked vehicles;
- (h) unsecured open excavations or holes;
- (i) any accessible excavation, ditch, drain or standing water that could pose a danger to the public;

- (j) smelly or messy compost heaps;
  - (k) any tree, shrub or other type of vegetation or any structure that:
    - (i) interferes, or could interfere, with any public work or utility;
    - (ii) obstructs any sidewalk or multi-use pathway adjacent to the land; or
    - (iii) impairs the visibility required for safe traffic flow at any intersection adjacent to the land;
  - (l) production of excessive dust, dirt or smoke;
  - (m) production of nuisance odour; and/or
  - (n) high intensity, flashing or flickering exterior lighting.
- (36) **nuisance odour** means an odour that is offensive, objectionable, or noxious, and substantially interferes with the reasonable use and enjoyment of property or public space which may result from activities such as industrial processes, waste management, agriculture, commercial operations, or other sources;
- (37) **odour** means the perception or sensation of scent or smell that is detectable by the human olfactory system and includes any distinct or noticeable smell or fragrance, whether pleasant or unpleasant, emitted from a substance, activity, or source that has the potential to cause annoyance, discomfort, or harm to individuals or the community at large;
- (38) **order** means an order of a designated officer made pursuant to *The Municipalities Act* and this Bylaw;
- (39) **overgrown** means a length of grass blade or height of grass or other vegetation in excess of 15 cm;
- (40) **owner** means:
- (a) a person who is registered under *The Land Titles Act* as the owner of a parcel of land;
  - (b) a person who is recorded as the owner of a property on the tax assessment roll of the Town;
  - (c) a person who has purchased or otherwise acquired a parcel of land, whether they have purchased or otherwise acquired the land directly for the owner or from another purchaser and has not yet become the registered owner thereof;
  - (d) a person holding themselves out as the person having the powers and authority of ownership of a property or premise or who for the time being exercises the powers and authority of ownership; or
  - (e) a person controlling a property or premise under construction.

- (41) **placarded** means an order prohibiting occupancy issued by an authority having jurisdiction;
- (42) **property markers** means stakes or posts inserted into the ground to locate the edge of a property, driveway, curb or pathway;
- (43) **recreational vehicle** means a vehicle, portable structure or watercraft, including a trailer on which a portable structure or watercraft is mounted, that can be towed, hauled, carried on a vehicle or trailer or driven and which is designed to be used for travel or recreation purposes, which does not include a snowmobile but does include, but is not limited to a:
  - (a) motor home;
  - (b) travel trailer;
  - (c) fifth wheel trailer;
  - (d) tent trailer;
  - (e) truck camper;
  - (f) boat;
  - (g) canoe;
  - (h) kayak;
  - (i) all-terrain vehicle;
  - (j) jet ski; or
  - (k) other similar vehicle.
- (44) **residential** means a building or lot intended principally as a dwelling;
- (45) **sidewalk** means that part of the highway adapted to the use of, or ordinarily used by, pedestrians;
- (46) **structure** means anything construction 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;
- (47) **tenant** means an individual or entity who occupies or has the right to occupy a premises, property, or dwelling unit within the municipal boundaries, under a rental or lease agreement, whether oral or written, with the owner, landlord, or authorized agent.
- (48) **Town** means the Town of White City;
- (49) **unsightly** means:
  - (a) in respect of a structure, a structure whose exterior shows signs of significant physical deterioration, relative to adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighbourhood;
  - (b) in respect of land, land that shows signs of serious disregard for general maintenance and upkeep, relative to

adjacent lands and land uses or relative to other lands and land uses that could reasonably be considered to be in the neighbourhood;

- (50) **vehicle** means a device in, on or by which a person or thing may be transported or drawn on a highway and includes recreational vehicles, special mobile machines and agricultural implements and includes any portion thereof;
- (51) **wildlife** means all amphibians, reptiles, birds and mammals both native and not native to the province excluding any domesticated animal under the control of a human; and
- (52) **yard** includes the open space located on a lot and unoccupied by buildings or structures;



- (53) **yard, front** means the area between the side site lines and the front site line to the front building line (see diagram in subsection 2(52));
- (54) **yard, rear** means the area between the side site lines and the front site line to the rear building line. (corner and interior) (see diagram in subsection 2(52)); and
- (55) **yard, side** means the area between the front and rear yards and between the side site line and the side building line (see diagram in subsection 2(52)).

- 3 Terms used in this bylaw and not defined in this part have the meanings ascribed to them as in:

(1) *The Municipalities Act*

(2) *The Planning and Development Act, 2007*

(3) *The Traffic Safety Act*

4 Council shall have the final interpretation of any term used in this Bylaw.

Owner Responsibility

- 5
- The owner of each property in the Town shall ensure that the property complies with this Bylaw.

Part II

PROPERTY MAINTENANCE

- 6
- All property, including land, buildings, structure and yards, shall be maintained in accordance with the minimum standards prescribed in Schedule “A” to this Bylaw.

- (1)
- 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.

- 6.1
- Landscaping on residential properties shall be completed by the later of:

- (1)
- two (2) years after the issuance of the final inspection report for the primary dwelling; or
- (2)
- for any properties that have received the final inspection report but have not completed landscaping prior to the implementation of this bylaw, November 1, 2026

Part III

NUISANCE

- 7
- No person shall allow, cause or permit a nuisance to exist on land they own or occupy.
- 8
- No person shall allow, cause or permit the property which they own or occupy to be in an unsightly condition due to serious disregard for general maintenance or upkeep.

Accumulation of Materials

- 9
- No person shall allow the accumulation of:
- (1)
- materials that create nuisance of any kind;
- (2)
- animal remains, parts of animal remains or animal feces;
- (3)
- any material likely to attract animals, pests or wildlife;
- (4)
- excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse whether of apparent value or not;
- (5)
- any loose litter, garbage or refuse whether located in a storage area, collection area or anywhere else on the land; or
- (6)
- any loose building or construction materials, any accumulation of construction related garbage or refuse, or any untidy work or storage areas on the land.
- 10
- No person shall allow the open or exposed storage on the property of any industrial fluids.

Appliances

- 11
- No refrigerator, freezer, washer, dryer or similar appliance shall be stored in any yard.

As amended by Bylaw  
No. 710-24, adopted  
October 28, 2024.

12 A person shall not place any refrigerator, freezer, washer, dryer or similar appliance on the property for removal or stored on a vehicle for transportation unless effective measures have been taken to prevent the opening and closing of the appliance.

(1) Measures considered to be effective include:

- (a) the complete removal of the door for the appliance;
- (b) the removal of the door handle mechanism if this prevents opening and closing of the door;
- (c) the removal of the door hinges;
- (d) locking the appliance; or
- (e) otherwise wrapping or containing the appliance so that the interior is inaccessible.

#### Buildings and Structures

13 Any building or structure that has been placarded for a period extending sixty (60) days is deemed to be a nuisance.

14 Where 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 to board up all exterior openings to the building as an interim measure to prevent unauthorized entry to the building.

15 Boarding as ordered under Section 14 shall comply with the following requirements:

- (1) all boards used shall be made of plywood or oriented strand board with a minimum thickness of 1.5 cm and fastened to the structure using screws with a minimum length of 5 cm that are spaced a maximum of 25 cm apart;
- (2) all boards used shall be properly fitted to the size of the exterior opening and securely fastened to the building; and
- (3) all boards shall be painted or otherwise treated so the colour is compatible with the surrounding building exterior.

16 Where an unsecured building cannot be boarded due to structural issues, a designated officer may order the property owner to install a temporary fence around the unsecured building.

17 After an unoccupied building is boarded or fenced for up to sixty (60) days, the owner shall on the expiry of the sixty (60) days ensure all boards and temporary fencing are removed and that all windows and doors are replaced or repaired to the minimum standards prescribed in Schedule "A" of this bylaw.

#### Graffiti

18 No person shall create or apply graffiti on, or to, any premises, structure or other property unless the graffiti is not in public view and the property owner has given prior written approval for the creation or application of the graffiti.

- 19 Every owner or occupant of a property shall ensure that graffiti placed on their property is removed, painted over, or otherwise blocked from public view.

#### Outdoor Lighting

- 20 No person shall cause, permit or suffer 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.
- 21 No person shall cause, permit or suffer flashing, flickering or other similar lighting fixtures on the exterior of a property or in a yard.
- (1) Section 21 shall not apply to temporary light displays erected in the observance of a holiday or event so long as the light display does not shine directly into adjacent dwellings or negatively impact traffic.
- 22 Sections 20 and 21 shall not apply to signs for which a permit has been issued pursuant to a Town bylaw, provided that the sign is functioning in accordance with that bylaw and the permit issued for the sign.
- 23 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.

#### Outdoor Storage of Materials

- 24 Accumulation of building materials shall not be permitted on a property, whether new or used, unless for basic property maintenance or the owner or occupant can establish that construction is taking place on the property and that:
- (1) all required permits have been obtained from the Town;
- (2) the construction is currently taking place, is imminent or has been recently completed;
- (3) the materials found on the property relate to the project taking place on the property in an amount reasonable for size and scope of the project;
- (4) the work on the project has not been suspended for a period in excess of one hundred and eighty (180) days; and
- (5) the project has a definite completion date.
- 25 All building materials stored on a property in compliance with section 24 shall be stored in an organized and orderly manner.
- (1) Materials shall be:
- (a) neatly stacked in piles and elevated off the ground;
- (b) elevated at least 15 cm off the ground; and
- (c) stacked at least 1.0 m from any property line.

#### Property Markers

- 26 No person shall cause or permit property markers on a property they own or occupy that:

- (1) are made of permanent or inflexible materials, including but not limited to rebar, concrete, brick, stone, rock or other similar materials;
- (2) are permanently affixed either through permanent stakes or concrete into the ground; and
- (3) include rope, string, or other similar material, to be strung between property markers.

#### Sidewalks

27 A person shall maintain any sidewalk adjacent to land they own or occupy clear of all snow, ice or other debris within forty-eight (48) hours of the falling, depositing or creation thereon of any snow, ice or other debris.

- (1) Section 27 does not apply to properties where a multi-use pathway has been retrofitted in the Town owned right-of-way adjacent to their property.

#### Vehicles

28 No person shall cause, permit or suffer all, or part, of any vehicle to be kept on any land in the front yard, flankage yard or Town property except where the entire vehicle, including any overhang, is located on and over a hard surface driveway or parking pad.

29 No person shall cause, permit or suffer any junked vehicle to be kept on any land.

- (a) Notwithstanding Section 29, junked vehicles shall only be permitted on commercial or industrial property where the intended use of the property is a business that deals with junked vehicles.

30 Pursuant to Section 28, recreational vehicles shall only be permitted to be kept on a hard surface driveway or parking pad in the front yard between April 1 and October 31 of each year.

- (1) Recreational vehicles shall be parked a minimum of 2.0 m from the curb for any longer than is reasonably necessary to load or unload such vehicle.
- (2) A property owner shall not permit all, or part of, any recreational vehicle to be kept on any land in the front yard between November 1 and March 31 of each year.
  - (a) Notwithstanding subsection 30(2), recreational vehicles may be parked in the front yard on a hard surface driveway or parking pad of a property between November 1 and March 31 of each year so long as the parking location of the vehicle is 10.0 m or more from the front property line.
- (3) A property owner shall not permit more than two recreational vehicles to be kept on any land in the front yard at the same time.

#### Waste

31 A person shall not place, cause or permit a waste bin to be placed on any land they own or occupy unless the waste bin is:

- (1) equipped with a lid or cover capable of completely covering the waste bin; and
  - (2) kept closed or covered at all times except for actual loading or unloading of waste.
- 32 A person shall not place, cause or permit any litter, garbage, waste, refuse or other waste material upon another property.
- (1) No person shall place, cause or permit any litter, garbage, waste, refuse or other waste material to be disposed of from a vehicle onto privately owned or public property.
    - (a) If it cannot be determined who is, or was, the operator of the vehicle, the owner of the vehicle is deemed to be the person who disposed of the litter, garbage, waste, refuse or other waste material unless the owner proves to the satisfaction of the Court that at the time of the offence the vehicle was not being operated or parked or left by the owner or any other person with the owner's consent, express or implied.

#### Water Escaping Property

- 33 No person shall allow a flow of water from a hose, spout or other similar device on the property to be directed toward an adjacent property if it is likely that the water from the device will enter the adjacent property or be directed over a public sidewalk or multi-use pathway to be a hazard to any person or another person's property.
- (1) Section 33 does not apply to pre-existing engineered overland drainage.
- 34 Drainage from a sump pump, rainwater downspout, eavestrough or similar device shall be directed toward the front or rear of the property unless it is pre-existing or presents drainage concerns to the overland drainage system.
- (1) Notwithstanding section 34, drainage may be directed to the side yard where:
    - (a) the side yard does not abut another property; or
    - (b) the overland drainage system dictates drainage to the side yard.

#### Wildlife

- 35 A person shall not:
- (1) feed, attempt to feed, or permit the feeding of, or deposit food for consumption by wildlife on land they own or occupy;
  - (2) feed, attempt to feed, or permit the feeding of, or deposit food on land they own or occupy for consumption by wildlife, feral cats or birds in a way that leads to a public safety risk or nuisance condition;

(3) provide, leave or permit an attractant on their property in a manner that attracts or may attract wildlife.

(a) For the purpose of greater certainty, a nuisance, in respect of wildlife, feral cats or birds means:

- (i) excessive accumulation of accessible edible materials on the property, including but not limited to raw or cooked meat, harvested fruits, harvested vegetables, bird seed or suet;
- (ii) accumulation of rotten, spoiled or moldy food left openly accessible or improperly contained;
- (iii) habituation, food conditioning or increased presence of wildlife to the area generally, or to the specific property due to the availability of food on the property; and/or
- (iv) property damage to neighbouring property, or parkland, by wildlife due to the availability of food on the property.

(4) A person shall not provide, leave or place an attractant on a property in a matter that attracts or could attract wildlife.

36 Section 35 does not apply to a person who feeds birds on private property with a birdfeeder that is generally inaccessible to other wildlife, provided the area is kept clean.

37 No person shall cause or permit stagnant water from remaining on any premises and becoming a breeding place for mosquitoes or other pests.

#### Yard Maintenance

38 No person shall cause, permit or suffer dead grass, brush or rubbish which may be untidy or unsightly, or may harbour vermin or pests.

#### Part IV

#### VEGETATION

39 Every owner or occupant of any property within the Town shall:

- (1) eradicate or control all weeds or grass on a property;
- (2) prune or remove any and all hazardous trees;
- (3) prune or remove any tree that, for any reason, interferes with any public utility or public works; and
- (4) prune or remove any tree, shrub or vegetation which is, or could be, a nuisance or danger to any person using any public sidewalk, pathway, multi-use pathway or street.

40 No person shall cause, permit or suffer:

- (1) any trees growing on private property to interfere with or endanger the lines, poles, conduits, pipes, sewers or any other works of the Town or another utility; and/or
- (2) their property to be overgrown with grass or vegetation.

- (a) Every owner or occupant of any property within the Town shall cut or mow the grass on:
  - (i) their property;
  - (ii) any area situated on Town owned land adjoining or abutting or adjacent to property owned or occupied, but not including parks or other municipal reserve land; and
  - (iii) any boulevard adjacent to property owned or occupied,
 to prevent such grass from growing to such a height as to be considered overgrown.
- (b) 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 a combination of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

- 41 Every property owner or occupant shall ensure that privately owned trees are healthy and free from disease or pests.
- 42 No person shall plant trees, shrubs or any other vegetation that creates fuzz or other debris, other than leaves, that may accumulate or create a nuisance.
- 43 Notwithstanding any other provision of this Bylaw and unless ordered by the Town, no person shall:
  - (1) remove or damage any public tree on a boulevard or any public area; or
  - (2) prune, cut, repair or perform any other work on any public tree on a boulevard or in any public area.
- 44 No person shall place, allow or suffer noxious weeds on a property which they own or occupy.
- 45 No person shall spray or use any kind of pesticide or herbicide in a way, or during weather conditions, that may result in damage to another property or person's health.

#### Elm Trees

- 46 A person shall not remove, cause or permit the removal of an elm tree unless the stump of the elm tree is:
  - (1) removed to a depth of at least 10 cm below the surface of the soil; or
  - (2) treated in a manner acceptable to an Inspector.

47 Unless otherwise ordered by an Inspector, a person who owns or occupies land shall keep every elm tree pruned so that the elm tree is free of wood that is dead or dying.

(1) Unless otherwise ordered by an Inspector, a person shall not prune, cause or permit the pruning of an elm tree from April 1 to August 31 of any year.

48 Any and all wood resulting from the removal or pruning of an elm tree shall not be stored and must be immediately disposed of.

(1) A person shall not dispose, cause or permit the disposal of an elm tree within the Town.

49 A person shall not bring, cause or permit to be brought into the Town an elm tree:

(1) suffering from Dutch Elm Disease caused by:

- (a) *Ophiostoma ulmi* (Buis.);
- (b) *Ceratocystis ulmi* (Buis.); or
- (c) *Ophiostoma novo-ulmi* (Braiser).

(2) carrying or infected by:

- (d) the native elm bark beetle (*Hylurgopinus Rufipes*); or
- (e) the European elm bark beetle (*Scolytus Multistriatus*).

50 Unless otherwise ordered or permitted by an Inspector, a person shall not cause or permit the transportation, storage, use or sale of an elm tree within the Town.

51 In any order or permission pursuant to this part, an Inspector shall:

- (1) describe the quantity and condition of elm trees that are the subject of the order or permission;
- (2) describe the activity being permitted;
- (3) where applicable:
  - (a) describe the purpose, route and mode of transportation;
  - (b) describe the storage location; or
  - (c) describe the use.

## Part V

### ODOURS & EMISSIONS

52 A person shall not engage in any activity that creates odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another individual.

53 A person shall not cause or permit property they own or occupy to be used so that any odour, emission, vapour, dust or other airborne matter from the property is reasonably likely to disturb another individual.

54 In determining if any odour, emission, vapour, dust or other airborne matter is reasonably likely to disturb another individual, the following criteria may be considered but is not limited to:

- (1) the type, frequency, intensity or duration of the odour, emission, smoke, vapour, dust or other airborne matter;
- (2) the time of day and day of the week;
- (3) the weather and ambient conditions;
- (4) the proximity to neighbouring properties;
- (5) the nature and use of the surrounding area; and
- (6) the effects of the odour, emission, smoke, vapour, dust or other airborne matter.

55 Whether any odour, emission, smoke, vapour, dust or other airborne matter disturbs, or otherwise constitutes reasonable objectionable disturbance, is a question of fact to be determined by a designated officer issuing a warning or other enforcement action as outlined in Part VIII of this Bylaw, or by a Court hearing a prosecution pursuant to this part of the Bylaw.

- (1) A person may be found guilty of a contravention whether or not the air quality, particulate level or odour is measured.
- (2) In the absence of evidence to the contrary, if the source of the odour, emission, smoke, vapour, dust or other airborne matter is originating from private property or an activity taking place on private property, the person(s) who are the registered owner(s) of the property shall be deemed to be the person(s) causing, permitting or engaging in the activity that is creating the odour, emission, smoke, vapour, dust or airborne matter.

## Part VI

### NOISE

56 No person shall make, continue, cause or permit to be made or continued, any unreasonably loud or excessive noise likely to disturb any reasonable person within the Town.

- (1) Factors for determining whether a sound is an unreasonably loud or excessive noise likely to disturb any reasonable person include, but are not limited to, the following:
  - (a) land use and zoning of the surrounding area, including proximity of the sound to any residential use or other use containing sleeping quarters;
  - (b) time of day and day of week;
  - (c) duration;
  - (d) volume;
  - (e) type or nature of the sound;
  - (f) the frequency of occurrence;
  - (g) decibel level, if measured;
  - (h) the nature of the activity from which the sound emanates; and
  - (i) any other relevant factor.

- 57 Whether any sound disturbs, or otherwise constitutes reasonable objectionable noise, is a question of fact to be determined by a designated officer issuing a warning or other enforcement action as outlined in Part VIII of this Bylaw, or by a Court hearing a prosecution pursuant to this part of the Bylaw.

#### Advertising Noise

- 58 No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any type of musical instrument, by the use of loud speakers or other devices for the amplification of sound, or by any other audible means, on any street or other public place or in any building or premises with the intention or result that the sound there from shall be or is audible to persons using or frequenting any street or other public place.

#### Construction Noise

- 59 Except in an emergency, no person shall carry on the construction, erection, demolition, alteration or repair of any type of building or structure which involves hammering, drilling, sawing or the use of any machine, tools or other equipment capable of creating sound beyond the boundaries of the premises on which the activity is being carried on between 2200 to 0700 hours.
- 60 Except in an emergency, no person shall operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher or riveting machine, a trenching machine, a drag line, an air or steam compressor, jack hammer, pneumatic drill, tractor, bulldozer or any other device or machine of a noise nature, as to create a noise which may be heard in any residential building between 2000 to 0700 hours.

#### General Noise

- 61 A person shall not cause or permit any sound exceeding:
- (1) 65 dB(A) as measured at the property line of a property zoned for residential use between 2200 and 0700 hours; or
  - (2) 75 dB(A) as measured at the property line of a property zoned for commercial or industrial use between 0700 and 2200 hours.
- 62 A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds:
- (1) 65 dB(A), as measured at the property line of a property zoned for residential use between 2200 and 0700 hour; or
  - (2) 75 dB(A), as measured at the property line of a property zoned for commercial or industrial use between 0700 and 2200 hours.
- 63 The use of sound machines, or any other devices emitting sound for the purpose of deterring wildlife, animals or animal behaviour shall only be permitted between 0700 and 2200 hours.
- (1) A person shall not operate sound machines, or any other devices emitting sound for the purpose of deterring wildlife, animals or animal behaviour that causes a noise level exceeding the limits established in this part.
- 64 This part does not apply to sounds:
- (1) on a property zoned for residential use up to:

- (a) 70 dB(A) lasting a total period of time not exceeding two (2) hours in any one day;
  - (b) 75 dB(A) lasting a total period of time not exceeding one (1) hour in any one day;
  - (c) 80 dB(A) lasting a total period of time not exceeding thirty (30) minutes in any one day; or
  - (d) 85 dB(A) lasting a total period of time not exceeding fifteen (15) minutes in any one day.
- (2) on a property zoned for commercial or industrial use up to:
- (a) 80 dB(A) lasting a total period of time not exceeding two (2) hours in any one day; or
  - (b) 85 dB(A) lasting a total period of time not exceeding one (1) hour in any one day.

#### Motor Vehicle Noise

- 65 No person shall create loud unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane or thoroughfare within the Town whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
- 66 No person shall emit or cause the emission of any loud, unusual or unnecessary noise, or noises which annoy, disturb, injure, endanger, or detracts from the comfort, repose, health, peace or safety of others within the Town resulting from the sounding of a motor vehicle signalling device or warning device, or siren, except where required or authorized by this Bylaw.

#### Exceptions

- 67 Nothing in this part prohibits:
- (1) the ringing of bells in churches, religious establishments and schools;
  - (2) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking;
  - (3) the playing of a band, the sounding of a steam whistle, the sounding of motor vehicles' horns or the use of sound amplification equipment used in connection with any parade;
  - (4) the moderate playing of musical instruments appropriate to any religious street service;
  - (5) the sounding of factory whistles and similar devices at appropriate times;
  - (6) the sounding of a general or particular alarm or warning to announce a fire or either emergency or disaster;
  - (7) the sounding of sirens on any motor vehicle used by the police, fire department to ambulance;

- (8) any use of sound amplification used by the police, fire department or ambulance service or public service including any department of the Town;
- (9) the use in a reasonable manner of any apparatus or mechanism for the amplification of human voice or of music in a public park or any other commodious space in connect with any public election, meeting, celebration or other reasonable gathering;
- (10) transit vehicles engaged in normal transit operations;
- (11) the use of any tractors, trucks or other equipment for snow removal, snow clearing, sanding, street sweeping, line painting, repair of streets or the repair of and maintenance of any municipal works or utilities;
- (12) the use of any equipment for the repair or maintenance of any public utilities including the utilities operated by SaskPower, SaskEnergy, SaskTel and the Town; and/or
- (13) situations where Council, upon receipt of written application, grants an exemption to any person from any of the provisions of this part with respect to any source of sound.

#### Part VII

##### ENCUMBRANCE

- 68 No person shall encumber any road, road allowance, street, lane, buffer strip or public reserve in the Town by vehicles or other articles.
- 69 No person shall encumber any sidewalk, boulevard, pathway or multi-use pathway in the Town by vehicles or other articles including, but not limited to:
  - (1) chains, cords, hoses or ropes;
  - (2) planters, pots, or other landscaping items; and
  - (3) holiday decorations.

- 70 No road, road allowance, street, lane, sidewalk, boulevard, pathway, multi-use pathway, buffer strip or public reserve shall be used for the exhibition or storage of any vehicle, machinery or other equipment or other articles.

- 71 No person shall place or store any goods, wares, merchandise, materials or article of any kind upon any road, road allowance, street, lane, sidewalk, boulevard, pathway, multi-use pathway, buffer strip or public reserve.

#### Part VIII

##### ENFORCEMENT, OFFENCES & PENALTIES

- 72 A person who contravenes this Bylaw is guilty of an offence.
- 73 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilt of such an offence is liable to a fine in an amount not less than established by this Bylaw for each such day.

- 74 The Town has the discretion to enforce this bylaw and is not liable for any outcomes should a designated officer or other municipal authority decide not to enforce this Bylaw, if acting in good faith.

#### Inspections

- 75 The inspection of a property by a designated officer to determine if the Bylaw is being complied with is hereby authorized.
- 76 Inspections under this Bylaw shall be carried out in accordance with *The Municipalities Act*.

#### Order to Remedy Contravention

- 77 If a designated officer finds that a property, or any part thereof, is in contravention of the Bylaw, the designated officer may, by written order, require the owner of the property to remedy the contravention.
- (1) An order shall be served on the owner of the land in accordance with the requirements of section 364 of *The Municipalities Act*.
- 78 Prior to performing any work to comply with an order, the owner shall apply for, and obtain, all permits and approvals required by law for the work.
- 79 All work necessary to comply with an order shall be carried out in good and workmanlike manner in accordance with industry standard and good construction practices.

#### Right of Appeal

- 80 A person may appeal an order to remedy in accordance with section 365 of *The Municipalities Act*.
- 81 Where an order to remedy is issued, a designated officer may decide the Town shall remedy the contravention without providing the property owner with a right of appeal where there is a high risk of any one or more of the following occurring:
- (1) unauthorized entry into a building or structure;
- (2) harm to the safety, health or welfare of people;
- (3) damage to the property or surrounding properties; or
- (4) the property owner not complying with the order.
- 82 The right of appeal under this bylaw may be waived in accordance with section 366 of *The Municipalities Act*.

#### Remedying Contraventions

- 83 Any unpaid costs and expenses incurred by the Town in remedying a contravention of this Bylaw may be recovered by:
- (1) civic action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*; or
- (2) adding the amount to the taxes on the property on which the work is done in accordance with clause 396(1)(c) of *The Municipalities Act*.

## Offenses

- 84 A person who contravenes any provision of this Bylaw, or obstructs, interferes with or hinders a Designated Officer in the performance of their duties is guilty of an offence pursuant to this bylaw.
- 85 A person who is guilty of an offence is liable to a fine not less than that established in Schedule “B”.
- (1) At the discretion of the Designated Officer, the fine may include an early voluntary payment amount in the sum of 50% of the original fine if paid within fourteen (14) days of the initial date of issuance.
- 86 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw and not more than \$2,500.00 for each such day.
- 87 The Town is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Town may take into account any practical concerns including available municipal budget and personnel resources.
- 88 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Notice of Violation to any person whom the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 89 The Notice of Violation may be served:
- (1) in the case of an individual,
- (a) personally to the individual;
  - (b) by registered mail to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Town or Land Titles record; or
  - (c) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age.
- (2) in the case of a corporate entity,
- (a) personally to any director or officer of the corporate entity;
  - (b) personally to a person apparently in charge of an office of the corporate entity at an address held out by the corporate entity to be its address; or
  - (c) by registered mail addressed to the registered office of the corporate entity.
- 90 The Notice of Violation shall be in a form approved by the Town Manager and shall state at minimum:
- (1) the name of the person to whom the Notice of Violation is issued;
  - (2) the particulars of the contravention under this Bylaw;

- (3) a penalty imposed for the offense as specified in Schedule “B” of this bylaw;
  - (4) that the penalty must be paid within thirty clear days of the issuance of the Notice of Violation in order to avoid prosecution; and
  - (5) any other information as may be required by the Town Manager.
- 91 Where a Notice of Violation has been issued pursuant to this Bylaw, the person to whom the Notice of Violation has been issued may, in lieu of being prosecuted for the offence, pay to the Town the monetary penalty specified on the Notice of Violation.
- 92 If a Notice of Violation has been issued and the penalty not paid within the prescribed time, a Bylaw Enforcement Officer may issue a summons ticket under The Summary Offences Procedures Act to the person to whom the Notice of Violation was issued.
- 93 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a summons ticket under The Summary Offences Procedures Act to any person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 94 If a summons ticket under The Summary Offences Procedures Act is issued in respect of an offence, the ticket may:
- (1) specify the fine amount established by this Bylaw for the offence plus the applicable victims surcharge fee; or
  - (2) require a person to appear in court without the alternative of making a voluntary payment.
- 95 A person who commits an offence may:
- (1) if a summons ticket under The Summary Offences Procedures Act is issued in respect of the offence; and
  - (2) if the summons ticket under The Summary Offences Procedures Act specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to the Town, on or before the initial appearance date indicated on the summons ticket under The Summary Offences Procedures Act, the specified penalty set out on the ticket.

#### Severability

- 96 Any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the bylaw.

Repeal and Coming into Force

- 97 Bylaw No. 224-96, Bylaw No. 447-05 and Bylaw No. 454-06 and any subsequent amendments are hereby repealed.
- 98 This Bylaw shall come into force on the day of adoption by the Town of White City Council.

SEAL

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

## SCHEDULE A Minimum Standards

### Part I General

#### 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

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

- 4 All exterior doors, windows and storm or screen windows in or on a building shall meet the following minimum standards:
  - (1) shall not be broken, cracked or missing and shall completely fill the opening in which they are installed;
  - (2) doors, storm doors, windows, and storm windows, frames, sashes, casings and screens must be maintained free from damage, decay or deterioration;
  - (3) have storm sash or double-glazed windows;
  - (4) for windows that are designed to be opened, have a screen;
  - (5) be capable of being locked;
  - (6) have weather-stripping; and
  - (7) be painted or be treated with a similarly effective preservative
- 5 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.

#### EXTERIOR WALLS

- 6 All exterior building walls shall be completely covered with paint, stain, siding, brick, stucco or other weatherproof cladding material.
- 7 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.
- 8 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.
- 9 All exterior surfaces on buildings or structures shall be free of graffiti.

### Roofs, Roof-Mounted Structures and Eavestroughs

- 10 Every roof shall be covered with shingles or other water repellent roofing material.
- 11 Fascia boards, soffits, cornices and flashings, shall be maintained in a watertight condition and shall be neatly finished.
- 12 Every eaves trough, roof gutter and downpipe shall be kept in good repair in good working order and positioned so as:
  - (1) to be watertight and free from leaks; and
  - (2) to avoid accident hazards.
- 13 Loose materials, including accumulations of snow and ice, shall be removed from the roof of a building or structure as soon as reasonably possible.

### Projections And Attachments

- 14 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:
  - (1) floors, treads or risers shall not be excessively worn, broken, warped, loose or otherwise defective;
  - (2) structural members shall not be rotted, deteriorated or loose;
  - (3) balustrades, guardrails and railings shall be present and in good repair;
  - (4) in the case of wood constructions, will be coated with paint or other equivalent preservative;
  - (5) will be plumb, level and in alignment;
  - (6) in the case of metal constructions, will be coated with a rust-proofing and weather-proofing coating material;
  - (7) treads and risers will have equal rise and run.
- 15 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

### MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

#### Outdoor Storage of Materials

- 16 Any building materials, lumber, metal boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground.
- 17 Materials referred to in section 16 shall be elevated at least 15 cm off the ground and shall be stacked at least 1.0 metre from the property line.

#### Walkways, Driveways, and Parking Spaces

- 18 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.

## Fences

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

## Yards

- 20 The yard shall be maintained as to prevent erosion of soil.
- 21 The yard shall be maintained to allow for natural overland drainage and shall not impede or block drainage in any way.

SCHEDULE B

Fines

| General Fines      |                                                                                                                                                           |         |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|                    | Failure to comply with a provision of this Bylaw                                                                                                          | \$250   |
| Nuisance           |                                                                                                                                                           |         |
| s.7                | Allowing, causing or permitting a nuisance to exist                                                                                                       | \$100   |
| s.9                | Allowing accumulation of materials                                                                                                                        | \$100   |
| s.10               | Open or exposed storage of industrial fluids                                                                                                              | \$200   |
| s.23               | Improper outdoor storage of materials                                                                                                                     | \$100   |
| s.25               | Improper property markers                                                                                                                                 | \$50    |
| s.27               | Failure to properly maintain sidewalk                                                                                                                     | \$50    |
| s.28               | Parking a vehicle outside of a hard surface driveway or parking pad                                                                                       | \$50    |
| s.29               | Storing a junked vehicle on property                                                                                                                      | \$50    |
| s.30               | Recreational vehicle in front yard outside approved dates                                                                                                 | \$50    |
| ss.30(1)           | Recreational vehicle parked within 2.0 m of curb                                                                                                          | \$50    |
| ss.30(2)           | Recreational vehicle parked outside of approved dates                                                                                                     | \$50    |
| ss.30(3)           | Storing two or more recreational vehicles in front yard                                                                                                   | \$50    |
| s.31               | Vehicle idling for more than thirty (30) minutes in residential area                                                                                      | \$200   |
| s.33               | Improper disposal of litter, garbage, waste, refuse or other waste material                                                                               | \$1,000 |
| s.36               | Feeding, or leaving attractants, for wildlife on property                                                                                                 | \$100   |
| Vegetation         |                                                                                                                                                           |         |
| s.39               | Failure to maintain property                                                                                                                              | \$50    |
| ss.40(1)           | Trees interfering with utility                                                                                                                            | \$50    |
| ss.40(2)           | Overgrown grass or vegetation                                                                                                                             | \$50    |
| s. 42              | Plant trees, shrubs or any other vegetation that creates an accumulation of debris                                                                        | \$50    |
| s.43               | Remove or intentionally damage public tree                                                                                                                | \$1,000 |
| s.44               | Noxious weeds on property                                                                                                                                 | \$500   |
| s.46-s.51          | Failure to comply with provisions regarding elm trees                                                                                                     | \$500   |
| Odours & Emissions |                                                                                                                                                           |         |
| s.52               | Engage in any activity that creates odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another individual | \$200   |
| Noise              |                                                                                                                                                           |         |
| s.56               | Make, continue, cause or permit to be made or continued, any unreasonably loud or excessive noise likely to disturb any reasonable person within the Town | \$200   |
| s.58               | Failure to comply with provisions regarding advertising noise                                                                                             | \$500   |
| s.59               | Failure to comply with provisions regarding construction noise                                                                                            | \$500   |
| s.63               | Failure to comply with provisions regarding sound machines or devices to deter wildlife, animals or animal behaviours                                     | \$50    |
| s.65               | Failure to comply with provisions regarding motor vehicle noise                                                                                           | \$500   |
| Encumbrance        |                                                                                                                                                           |         |
| s.68               | Encumbrance of road, road allowance, street, lane, buffer strip or public reserve                                                                         | \$100   |
| s.69               | Encumbrance of sidewalk, boulevard, pathway or multi-use pathway                                                                                          | \$75    |

|       |                                                                                                                                                                                               |      |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| s. 70 | Exhibition or storage of any vehicle, machinery or other equipment on road, road allowance, street, lane, sidewalk, boulevard, pathway, multi-use pathway, buffer strip or public reserve     | \$50 |
| S.71  | Storage of goods, wares, merchandise, materials or article of any kind on road, road allowance, street, lane, sidewalk, boulevard, pathway, multi-use pathway, buffer strip or public reserve | \$50 |