

VILLAGE OF THORSBY
BYLAW 2002-08

MINIMUM MAINTENANCE STANDARDS BYLAW

Whereas, pursuant to section 66(2) of the *Safety Codes Act*, a municipality may make bylaws respecting minimum maintenance standards for buildings and structures; and

Whereas, pursuant to section 7 of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting:

- a) the protection of people and property; and
- b) the enforcement of bylaws including the creation of offences

The Village of Thorsby Council enacts:

PART I - PURPOSE, DEFINITIONS and INTERPRETATION

PURPOSE

The purpose of this bylaw is to establish minimum maintenance standards for buildings and other structures in order to promote the conservation of existing properties and communities.

DEFINITIONS

In this bylaw, unless the context otherwise requires:

- (a) “**Village**” means the Village of Thorsby;
- (b) “**Chief Administrative Officer**” means the chief administrative officer of the Village or his delegate;
- (c) “**Good Repair**” means a condition where something is free from:
 - (i) damage;
 - (ii) rot or other deterioration; and
 - (iii) inappropriate infiltration of air, moisture or water;
- (d) “**Municipal Tag**” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Village;
- (e) “**Owner**” means:
 - (i) any person registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land;
 - (ii) any agent of the person so registered; or
 - (iii) any person in actual or apparent possession or control of Property;
- (f) “**Property**” means a parcel of land and includes any buildings, whether occupied or not, and other Structures on the land;
- (g) “**Subsequent Offence**” means any offence committed by a person after that person has already been convicted of an offence;
- (h) “**Structure**” means any thing erected or placed in, on or over land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land;
- (i) “**Violation Ticket**” means a violation ticket as defined in the *Provincial Offences Procedure Act*.

RULES FOR INTERPRETATION

The marginal notes and headings in this bylaw are for reference purposes only.

PART II - MAINTENANCE STANDARDS

Buildings

All buildings shall be maintained so the:

- (a) foundation and foundation walls;
- (b) exterior walls;
- (c) roof;
- (d) windows, including casings; and
- (e) doors, including frames; of each building are in Good Repair.

Materials

All materials used in the construction of, or attached to, any building shall be maintained in Good Repair.

Exterior surfaces

The protective or decorative finishes of all exterior surfaces of a building or structure shall be maintained in Good Repair.

Exterior attachments

All exterior stairs, landings, porches, balconies and decks shall be maintained in Good Repair.

Other structures

All Structures not otherwise referred to in this bylaw shall be maintained in Good Repair.

PART III - OFFENCES AND PENALTIES

Owner responsible

Every Owner of Property is responsible for the maintenance of buildings and structures on that Property in accordance with the standards contained in Part II.

Contravention

A person who contravenes a provision of this bylaw is guilty of an offence.

Minimum and maximum fines

A person who is found guilty of an offence is liable to a fine in an amount not less than that established by this bylaw, and not exceeding \$5,000.00, and to imprisonment for not more than 90 days for non-payment of the fine.

Municipal tag

If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.

Voluntary tag payment

A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date the person will not be prosecuted for the offence.

Violation ticket

If a Violation Ticket is issued in respect of an offence the Violation Ticket may:

- (a) specify the fine amount established by this bylaw for the offence; or
- (b) require a person to appear in court without the alternative of making a voluntary payment.

Voluntary ticket payment

A person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence; make a voluntary payment equal to the specified fine.

Specified fine

The specified fine for an offence committed pursuant to this bylaw is established at:

- (a) \$300.00; or
- (b) \$600.00 for a Subsequent Offence.

PART IV - GENERAL

Continuing offence

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.

Inspections

The Chief Administrative Officer may carry out whatever inspections are reasonably required to determine compliance with this bylaw.

Delegation

The Chief Administrative Officer may delegate any of his powers, duties or functions under this bylaw to an employee of the Village.

Commencement

This bylaw comes into force on July 8th, 2002.

READ A FIRST TIME THIS 8TH DAY OF JULY, 2002.

READ A SECOND TIME THIS 8TH DAY OF JULY, 2002.

UNANIMOUSLY CONSENTED TO THIRD READING THIS 8TH DAY OF JULY, 2002.

READ A THIRD TIME THIS 8TH DAY OF JULY, 2002.

VILLAGE OF THORSBY



MAYOR



CHIEF ADMINISTRATIVE OFFICER