

CORPORATION OF THE TOWNSHIP OF OTONABEE-SOUTH MONAGHAN

BY-LAW NO. 2000-54

BEING A BY-LAW TO ESTABLISH PROPERTY STANDARDS

WHEREAS Section 15.1.(3) of the *Building Code Act, 1992*, S.O. 1992, Chapter 23, as amended, provides that the council of a municipality may pass a by-law to establish standards for maintenance and occupancy of buildings and structures;

AND WHEREAS such a by-law is to prescribe standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards;

AND WHEREAS such a by-law is to require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

NOW THEREFORE the Council of the Township of Otonabee-South Monaghan enacts as follows:

1. **SHORT TITLE** - this by-law may be cited as the “Property Standards By-law”.
2. **DEFINITIONS** - in this by-law:

“*Accessory building*” means a detached, subordinate building not used for human habitation, located on the same property as the main building.

“*Boat*” means small open waterborne vessel.

“*Building*” means an structure used or intended for supporting or sheltering any use or occupancy.

“*Committee*” means the Property Standards Committee of the Township of Otonabee-South Monaghan established under Section 15.6 of the *Building Code Act, 1992*.

“*Council*” means the Council of the Corporation of the Township of Otonabee-South Monaghan.

“*Dwelling*” means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto or therein.

“*Equipment*” means any type of farm or construction apparatus.

“*Exterior property area*” means the property excluding buildings.

“*Maintenance*” means the preservation and keeping in good order of a property and building.

“*Medical Officer of Health*” means the Medical Officer of Health appointed by the Peterborough County/City Health Unit.

“*Noxious weed*” means a plant that is deemed to be a noxious weed under subsection 10(2) of the *Weed Control Act, R.S.O. 1990, Chapter W.5*, as amended, or designated as a noxious weed under clause 24(a) of the said *Weed Control Act*.

“*Occupant*” means any person or persons over the age of 18 years in possession of the property.

“**Owner**” includes,

- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is use, whether on the person’s own account or as agent or trustee of any other person, who would so receive the rent if such land and premises were let, and
- (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

“**Property**” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

“**Repair**” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section.

“**Sewage**” means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or runoff.

“**Sewage system**” means a private sewage system approved by the Medical Officer of Health.

“**Trailer**” means vehicle pulled by car, tractor, truck, house trailer

“**Vehicle**” means device for carrying, transporting

“**Yard**” means any land appurtenant to a building or structure and used or intended to be capable of being used in connection therewith.

3. **GENERAL PROVISIONS**

- (a) Where a provision of this by-law conflicts with a provision of another by-law in force in the Township of Otonabee-South Monaghan, the provisions that establish the higher standards shall prevail.
- (b) If any section of this by-law is declared invalid for any reason, the remaining provisions shall remain in effect.
- (c) The provisions of this by-law shall apply to all property within the limits of the Corporation of the Township of Otonabee-South Monaghan.

4. **EXTERIOR PROPERTY AREAS**

(a) **GARBAGE**

- (1) Every dwelling shall be equipped with sufficient receptacles to contain all garbage, rubbish and ashes in a sanitary manner.
- (2) All garbage, refuse and ashes shall be disposed of in a manner acceptable to the Medical Officer of Health.

(b) **YARDS**

- (1) All yards shall be kept free and clear of rubbish and other debris and from objects or conditions that may create a health, fire or accident hazard.
- (2) All yards shall be kept free and clear of accumulations of automotive and equipment tires.

4. (b) (3) All yards shall be kept free from excessive growth of weeds and grasses. Noxious weeds shall be eliminated from all yards.
- (4) Any vehicle, boat, trailer, or equipment or part of any vehicle, boat, trailer, or equipment which is in a wrecked, discarded, dismantled, partly dismantled or abandoned condition shall not be stored or left in a yard. This shall not prevent the occupant of any premises from repairing a vehicle for his own use and not for commercial purposes while such repair is being *actively* carried on.
- (5) Steps, walks, driveways, parking spaces, and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.

(c) **FENCES AND ACCESSORY BUILDINGS**

Accessory buildings and all fences shall be kept in good repair and free from fire, health or accident hazards.

(d) **DRAINAGE AND SEWAGE**

- (1) Sewage or organic waste shall be disposed of in a manner acceptable to the Peterborough County-City Health Unit.
- (2) Storm water shall be drained from the property so as to prevent excessive ponding or the entrance of water into the basement or cellar.
- (3) Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede natural flow of water.

(e) **FOUNDATIONS**

Foundation walls, and floors of basement, cellar or crawl space shall be maintained in good repair, structurally sound and waterproof.

(f) **STRUCTURAL CAPABILITY**

- (1) Every building and every structural member of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (2) Every exterior wall, roof, porch, chimney or appurtenance of a building shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the dwelling, or to the public.
- (3) Every outside stair, porch, balcony or landing actually in use or available for use shall be maintained in good repair so as to be free of holes, cracks or other defects which may constitute possible accident hazards.
- (4) Windows, roofs, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling.

5. ADMINISTRATION AND ENFORCEMENT

- (a) If, after inspection, the officer determines that, in some respect, the property does not conform to the standards prescribed in this by-law, he/she shall serve an order on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- (b) An order served in accordance with paragraph 5(a) shall give:
 - (1) the municipal (911) address or the legal description of such property;
 - (2) reasonable particulars of the repairs to be made or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.
 - (3) the time for complying with the terms and conditions of the order and including notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expenses.
 - (4) the final date for giving notice of appeal from the order.
- (c) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under paragraph 5(a) above and when the requirements of the order have been satisfied, the Clerk of the Township of Otonabee-South Monaghan shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.
- (d) An owner or occupant who has been served with an order made under paragraph 5(a) above and who is not satisfied with the terms or conditions of the order may appeal to the committee as indicated on Schedule "A" attached hereto and forming part of this by-law.

6. PROPERTY STANDARDS COMMITTEE

- (a) There shall be and is hereby established a Property Standards Committee.
- (b) The Property Standards Committee shall consist of the five members of Council and they shall hold office for the three (3) year term for which they have been elected.
- (c) The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair.
- (d) A majority of the members constitutes a quorum for transacting the committee's business.
- (e) The members shall provide for a secretary for the committee, who shall be an employee of the Corporation.
- (f) The secretary shall keep on the file records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and section 74 of the *Municipal Act* applies with necessary modifications to the minutes and records.

- 7. That Township of Otonabee-South Monaghan By-law No. 1999-47 is hereby repealed
- 8. That Township of Otonabee-South Monaghan By-law No. 2000-23 is hereby repealed.

9. This by-law shall come into force and effect upon the third and final reading thereof.

Read a first time this 4th day of December, 2000.

Read a second time this 4th day of December, 2000.

Read a third and final time and finally passed this 4th day of December, 2000 A.D..

REEVE

CLERK

SCHEDULE "A" TO BY-LAW 2000-54

**IN THE MATTER OF A
MINIMUM PROPERTY STANDARDS ORDER
MADE PURSUANT TO PROPERTY STANDARDS BY-LAW
TOWNSHIP OF OTONABEE-SOUTH MONAGHAN BY-LAW NO.**

BETWEEN:

**THE CORPORATION OF THE TOWNSHIP
OF OTONABEE-SOUTH MONAGHAN**

Applicant

- and -

Respondent(s)

MINIMUM PROPERTY STANDARDS ORDER

WHEREAS it has been established that the property municipally known as _____
_____ does not conform to the standards set out in the Property Standards By-law.

IT IS HEREBY ORDERED THAT YOU CAN CARRY OUT REPAIRS TO THE ABOVE NOTED PROPERTY, AS SET OUT IN THE ATTACHED SCHEDULE.

YOU ARE HEREBY NOTIFIED THAT, IF THE NECESSARY REPAIRS ARE NOT COMPLETED WITHIN 30 DAYS OF SERVICE OF THIS ORDER, THE CORPORATION MAY CARRY OUT THE REPAIRS AT THE EXPENSE OF THE OWNER, OR MAY LAY CHARGES UNDER THE *PROVINCIAL OFFENCES ACT*. THE COST OF ANY WORK PERFORMED BY THE CORPORATION WILL BE ADDED TO THE TAX ROLL OF THE PROPERTY.

YOU ARE HEREBY ADVISED THAT, if you are not satisfied with the terms or conditions of this Order, you may appeal to the Property Standards Committee by sending a Notice of Appeal by registered mail to:

*The Secretary
Property Standards Committee
The Corporation of the Township of
Otonabee-South Monaghan
P.O. Box 70
Keene, Ontario
K0L 2G0*

The final date for giving Notice of Appeal is _____, 200_. In the event no appeal is made, the Order shall be deemed to have been confirmed.

Dated at the Township of Otonabee-South Monaghan, this _____ day of _____, 200_.

Property Standards Officer for
The Corporation of the Township
of Otonabee-South Monaghan