

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 46-2001

Being a by-law prescribing standards for the maintenance and occupancy of property within the Township of Melancthon, prohibiting the occupancy and use of any property that does not conform to the prescribed standards, and requiring property that does not conform to the standards to be repaired and maintained to conform or the property to be cleared of all buildings, structures, debris or refuse and the land to be left graded and level.

WHEREAS under Section 15.1(3) of the Building Code Act, S. O 1992, c. 23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Township of Melancthon includes provisions relating to property conditions;

AND WHEREAS the Council of the Township of Melancthon deems it appropriate and expedient to pass a by-law under the said statute;

AND WHEREAS Council and municipal staff will act on only signed written complaints submitted to the municipal office or to the office of the Property Standards Officer, if different from the municipal office;

AND WHEREAS Section 15.6(1) of the Building Code Act, S. O. 1992, c. 23, requires that such a by-law shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon hereby enacts as follows:

1.0 TITLE AND SCOPE

1.1 This By-law may be referred to as "The Property Standards By-law".

1.2 For the purposes of this by-law property shall mean a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto, mobile buildings or structures, accessory buildings, outbuildings and vacant lots.

1.3 The provisions of this by-law and the standards for the maintenance and occupancy of property established herein shall apply to all property within the Township of Melancthon.

1.4 No person shall use or occupy, or permit the use or occupancy of any property that does not conform to the standards established in this by-law.

1.5 The owner of any property which does not conform to the standards established in this by-law shall repair and maintain such property to conform to these standards, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and leveled condition.

2.0 YARDS

2.1 Every yard and every vacant lot shall be kept clean and free from:

- a. Rubbish, garbage or debris and objects or conditions that might create a health, fire or accident hazard;
- b. Wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise, farm or land use permitted and lawfully situated on the property;
- c. Stored materials such as tires, lumber or pesticides unless it is necessary for the operation of a business enterprise, farm or land use permitted and lawfully situated on the property;
- d. Dilapidated or collapsed structures or partially constructed structures which are not currently under construction; and,
- e. Injurious insects, termites, rodents, vermin or other pests.

3.0 YARD DRAINAGE AND SURFACE CONDITIONS

3.1 Surface conditions of yards shall be maintained so as:

- a. To prevent ponding of storm water other than in an approved stormwater detention or retention pond;
- b. To prevent instability or erosion of soil;
- c. To prevent surface water run-off from entering buildings;
- d. To prevent roof drainage from being directed to stairs, walkways or other properties;
- e. To prevent sewage of any kind from being discharged onto the surface of the ground including into a natural or artificial surface drainage system;
- f. To provide for safe passage under normal use and weather conditions, day or night; and,
- g. To be kept free of rodents, vermin or other pests.

4.1 GARBAGE DISPOSAL

4.1 Every building or property that involves uses or activities which generate garbage shall provide a sufficient number of suitable receptacles to contain all garbage and refuse. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition.

4.2 All garbage shall be promptly placed in said container for storage until removed from the property.

4.3 All storage areas for said garbage containers shall be screened from public view.

5.0 BUILDING STANDARDS AND MAINTENANCE

- 5.1 Every part of any building shall be maintained in a safe and structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight as may be put on it through normal use. Building materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 5.2 Exterior building walls and components shall be maintained in good repair free from cracked, broken, rotten, loose or warped masonry, stucco and other defective cladding or trim.
- 5.3 All exterior surfaces shall be composed of materials which provide adequate protection from the weather.
- 5.4 The exterior of the foundation walls of buildings shall be maintained in structurally sound condition.
- 5.5 Buildings shall be kept free of rodents, vermin and other pests at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act and the associated regulations.
- 5.6 Openings, including windows, that might permit the entry of rodents, vermin or other pests shall be appropriately screened or sealed.
- 5.7 Roofs of buildings and their components shall be maintained in a weathertight condition so as to prevent the leakage of water into the building and shall be free from loose or unsecured objects or materials.
- 5.8 Outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects which may constitute accident hazards. Stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 6.0 ADMINISTRATION AND ENFORCEMENT
- 6.1 Council shall appoint a Property Standards Officer to be responsible for the administration and enforcement of this by-law.
- 6.2 The Property Standards Officer will act on only signed written complaints submitted to the municipal office or to the office of the Property Standards Officer, if different from the municipal office.
- 6.3 The Property Standards Officer may, upon producing proper identification, enter upon any property at any reasonable time for the purpose of inspecting the property to determine:
 - (a) whether the property conforms to the standards prescribed in this by-law; or
 - (b) whether there is compliance with an order made under this by-law and the provisions of the Building Code Act, S.O. 1992, c.23, as amended.
- 6.3 If the Property Standards Officer finds that a property does not conform with any of the standards prescribed in this by-law, the Officer may make an order,
 - (a) stating the municipal address or the legal description of such property;

- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
 - (c) indicating the time for complying with the terms and conditions of the order and giving 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 expense; and,
 - (d) indicating the final date for giving notice of appeal from the order.
- 6.4 Council shall establish a Property Standards Committee consisting of such persons, not fewer than three, as Council considers advisable, to hold office for a term of office concurrent with that of Council.
- 6.5 Each member of the Property Standards Committee shall receive an honorarium of \$15. for attendance at Property Standards Committee meetings.
- 6.6 An owner or occupant of property who has been served with an order made under the provisions of subsection 6.3 of this by-law or subsection 15.2(2) of the Building Code Act, S.O. 1992, c.23, as amended, and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of said committee within 14 days after being served the order.
- 6.7 If an appeal is taken, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the Property Standards Officer and may,
 - (a) confirm, modify or rescind the order to demolish or repair;
 - (b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan are maintained.
- 6.8 The Township or any owner or occupant or person affected by a decision of the Property Standards Committee may appeal to a judge of the Ontario Court (General Division) by notifying the clerk of the Township in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision.
- 6.9 In accordance with the provisions of the Building Code Act, S.O. 1992, c.23, as amended, on an appeal of a Property Standards Committee decision, the judge of the Ontario Court (General Division) has the same powers and functions as the Property Standards Committee.
- 6.10 When no appeal is taken within the time prescribed or after an appeal pursuant to subsections 6.6 or 6.8 is completed, the order shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.
- 6.11 A Property Standards Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in this by-law may issue a certificate of compliance to the owner.

- 6.12 If an order is not complied with the Township may cause the property and buildings to be repaired or demolished accordingly.
- 6.13 For the purposes of subsection 6.12, employees or agents of the Township may enter the property without a warrant in order to repair or demolish the property.
- 6.14 The Township or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers under subsection 6.12.
- 6.15 The Township shall have a lien on the subject property for the cost of the repair or demolition under subsection 6.12 and the amount shall be deemed to be municipal real property taxes and may be added by the Township clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
- 6.16 If, upon inspection of a property or building, the Property Standards Officer is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any person, the Property Standards Officer may make an order containing particulars of the order and requiring remedial repairs or other work to be carried out immediately to terminate the danger. The provisions of section 15.7 of the Building Code Act, S.O. 1992, c.23, as amended, shall apply with regard to such an order.

7.0 PENALTIES

7.1 Any person or corporation who fails to comply with an order made under subsection 6.3 or otherwise contravenes this By-law shall be guilty of an offence and is liable upon conviction to a maximum fine of \$5,000 for a first offence and to a maximum fine of \$10,000 for a subsequent offence.

8.0 VALIDITY

8.1 If part of this by-law is for any reason held to be invalid, the remainder of the by-law shall remain in effect until repealed.

8.2 Where a provision of this by-law conflicts with the provisions of another by-law in force within the Township, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

READ A FIRST AND SECOND TIME THIS 6th DAY OF December, 2001.

Gary Maill
REEVE

Denise B. Palmer
CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 6th DAY OF December, 2001.

Gary Maill
REEVE

Denise B. Palmer
CLERK