

TOWN OF LAURENTIAN HILLS

BY-LAW NO. 02 /02

Being a by-law for prescribing standards
for the maintenance and occupancy of property within
the Town of Laurentian Hills

WHEREAS under Section 15.1 (3) of the Building Code Act, 1992, 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 Town of Laurentian Hills includes provisions relating to property conditions;

AND WHEREAS the Council of the Town of Laurentian Hills is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of the Corporation of the Town of Laurentian Hills enacts the following:

Section 1 - DEFINITIONS

1. "Accessory Building" - means a detached building or structure not used for human habitation, the use of which is incidental or secondary to that of the main building and includes a private garage.
2. "Chief of Fire Department" - means Chief of the Volunteer Fire Department of the Corporation of the Town of Laurentian Hills.
3. "Committee" - means a Property Standards Committee established pursuant to Section 15.6 of the Building Code Act.
4. "Corporation" - means Corporation of the Town of Laurentian Hills.
5. "Council" - shall mean the Council of the Corporation of the Town of Laurentian Hills.
6. "Dwelling" - shall mean 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 and all outbuildings, fences, or erections thereon or therein.
7. "Dwelling Unit" - one or more rooms connected together as a separate unit in the same structure and constituting occupancy by humans for living and sleeping purposes.
8. "Discarded Motor Vehicle" means a vehicle which is unlicensed and/or a vehicle which is in disrepair, having missing parts, including tires, or damaged or missing glass, or deteriorated or removed metal adjunctions which make its normal use impossible, save and except for any vehicles actively being restored.

9. "Land" - shall mean the land around or appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.
10. "Maintenance" - the preservation and keeping in repair of property.
11. "Means of Egress" - a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons for any point within a building floor area, room or contained open space to a public thoroughfare or approved open space.
12. "Non-Residential Property" - a building or structure not occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes those lands and premises appurtenant thereto.
13. "Occupancy" - means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
14. "Occupant" - means any person or persons over the age of 16 years in possession of the property.
15. "Officer" - a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law.
16. "Outdoor Storage" - shall mean the land used for the purposes of storing builder's supplies or materials salvaged from any demolition of a building either for storage or salvage for reuse or sale or the storing of any other industrial commercial goods, wares or merchandise.
17. "Owner" includes,
 - (a) the person for the time being managing or receiving the rent of the land or premises whether on the person's own account or as agent or trustee of any other person, or 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.
1. "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 hereto or hereafter erected, and includes vacant property;
2. "Repair" - includes the provisions 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 this by-law.
3. "Residential Property" - any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenants to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard.
4. "Sewage" - any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

5. "Sewage System" -. means a private or municipal sewage system.
6. "Standards" - the standards of physical condition of occupancy prescribed for property in this by-law.
7. "Unlicensed" means the lack of a currently validated permit for the vehicle affixed to a number plate displayed on a motor vehicle within the meaning of the Highway Traffic Act, as amended.
8. "Waste Material" means any garbage, refuse, debris, litter, domestic waste and, for greater certainty but not so as to restrict the generality of the foregoing includes, whether of any value or not, the following:
 - (a) weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks;
 - (b) discarded motor vehicles, automotive parts, vehicle parts and accessories, mechanical equipment, mechanical parts, unmounted tires, tires mounted on rims and mechanical equipment;
 - (c) broken concrete, broken asphalt, patio/sidewalk slabs, bricks, interlocking bricks, unused building materials, pallets;
9. "Yard" - means the land, other than publicly owned land, immediately around and appurtenant to the whole or any part of a residential or non-residential property and lawfully used or intended to be used or capable of being used in connection with the property.

Section 2 - MAINTENANCE OF ACCESSORY BUILDINGS AND YARDS

1. Yards

- (a) Yards shall be kept clean and free from waste material or other debris and from objects or conditions that might create a health, fire or accident hazard.
- (b) All yards shall be kept reasonably free from weeds and heavy undergrowth shall be eliminated.
- (c) No discarded motor vehicle shall be parked, stored, kept or left in a yard, unless it is necessary for the operation of a business enterprise lawfully situated on the property.
- (d) The lawns, hedges and bushes shall be maintained and kept trimmed and from becoming overgrown or unsightly.
- (e) All outdoor storage shall be obscured from view from the surrounding property by the use of view obstructing materials or other suitable buffering. Such screening shall be maintained in good condition.

1. Sewage, Draining and Wells

- (a) Sewage shall be disposed of in a manner acceptable to the local health authorities in accordance with the provisions of the Environmental Protection Act and regulations thereunder.
- (b) Sewage of any kind shall not be discarded onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise. This does not include a properly installed pit privy or an approved surface disposal.
- (c) No roof drainage shall be discharged on sidewalks, stairs or neighbouring property.
- (d) Water shall be drained from the yard so as to prevent excessive ponding or the entrance of water into a basement or cellar.
- (e) All reasonable means shall be employed to prevent the erosion of soil in the yard.
- (f) All existing open wells shall be properly covered or filled.

1. Accessory Buildings

- (a) Accessory buildings and fences shall be kept in good repair and free from health, fire and accident hazards.

1. Fences

Fences, barriers and retaining walls shall be maintained in good condition and free from possible hazards.

2. Garbage Disposal

- (a) Every building, dwelling or dwelling unit shall be equipped with a sufficient number of suitable receptacles to contain all garbage, and refuse that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean odour free condition at all times.
- (b) All garbage and refuse shall be promptly placed in the suitable container and made available for removal in accordance with the municipal garbage collection by-law, where applicable.

1. Signs

All signs and billboards shall be maintained in good repair and any signs which are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state of repair.

1. Overall Structures

Every part of a residential or non-residential 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 removed, repaired or replaced.

2. Exterior Walls

(a) The exterior walls and their components shall be adequate to support the loads upon them and shall have an acceptable cladding or covering and a log structure shall be an approved covering.

(b) The exterior walls, roofs and other parts of a building shall be free from loose, rotten, warped and broken materials and objects; such materials and objects shall be removed, repaired or replaced.

Section 4 - ADMINISTRATION AND ENFORCEMENT

1. This By-Law shall apply to all property within the limits of the municipality.

2. The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this by-law.

3. The Property Standards Committee is hereby established which committee shall be composed of a total of five members, being four ratepayers, one from each ward of the Town of Laurentian Hills, and a member of Council.

4. The term of office of the ratepayers of the Committee shall be for the period of the term of Council. The term of office for the member of Council shall be one year.

5. Every person who initiates an appeal of an Order made under section 15.2(2) of the *Ontario Building Code Act, S.O. 1992, c.23*, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3(1) of the *Act*. All Notices of Appeal shall be accompanied by a non-refundable payment of \$125.00 (one hundred and twenty-five dollars).

Section 5 - POWER OF MUNICIPALITY

1. If an order of an officer is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or judge, the municipality may cause the property to be repaired or demolished accordingly.

2. For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

3. A municipal corporation 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 municipality in the reasonable exercise of its powers under subsection (1).

Section 6 - MUNICIPAL LIEN

1. The municipality shall have a lien on the land for the amount spent on the repair or demolition and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

Section 7 - VALIDITY

1. If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
2. Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

Section 8 - REPEALS

1. By-Law No. 47/00 is hereby rescinded.

READ a FIRST and SECOND time the 16th day of January, 2002.

READ a THIRD time and finally passed the 16th day of January, 2002.

Mary Mysyk
CAO/Clerk-Treasurer

Paul Curtis
Mayor