THE CORPORATION OF THE MUNICIPALITY OF GREY HIGHLANDS

BY -LAW No. 2002-65

Being a by-law prescribing standards for the maintenance and occupancy of property within the Municipality of Grey Highlands, 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 Municipality of Grey Highlands includes provisions relating to property conditions;

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

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;

AND WHEREAS Section 220.1 of the Municipal Act R.S.O. 1990. c.m. 45. as amended by Section 10 of Schedule M of the Savings Restructuring Act, 1990, provides that Council may by By-Law impose fees for services and activities provided or done by or on behalf of the Municipality of Grey Highlands.

NOW THEREFORE the Council of the Municipality of Grey Highlands hereby enacts as follows:

DEFINITIONS

ABANDONMENT: the giving up of an interest.

ACCEPTABLE: means

(a) accepted by the Chief Building Official of the Municipality with respect to matters under the Building Code;

(b) accepted by the Chief Fire Official of the Municipality with respect to matters under the Fire Code:

(c) accepted by the Property Standards Officer with respect to the standards set out in this by-law.

ACCESSORY BUILDING: shall mean the building not used for human habitation customarily incidental and subordinate to the principle use of building and located on the same lot with such principle use or building and shall include a boat house.

ACT: means the Building Code Act, S.O. 1992 as amended

BARRIER: an obstacle barring advance or access.

BUILDING: means a structure occupying an area greater than ten (10) square metres, consisting of a wall., roof, floor, or any one or more of them or a structural system serving the function thereof, including all the works, fixtures, and service systems appurtenant thereto, and includes such other structures as are designated in the regulations made under the Building Code Act, R.S.O. 1980 Chapter 51 as amended.

BUILDING CODE: means the regulations made under the Act.

CISTERN: a tank for storing water/ a reservoir for storing rainwater.

DISMANTLE: to take to pieces or disassemble.

FENCE: means a structure, at grade, erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting ingress or egress to an open space, or for the purpose of denoting a property line.

GARBAGE: means the animal and vegetable waste (other than compost pile or bin) and related waste products resulting from the handling, preparation, cooking and consumption of food and drink, as well as other solid waste materials and goods resulting from residential, commercial, institutional and industrial operations.

HABITABLE ROOM: means any room in a dwelling or dwelling unit used or capable of being used for living, sleeping, cooking or eating purposes.

MAINTENANCE: means the preservation and keeping in repair of property.

MULTIPLE USE BUILDING: shall mean a building containing both a dwelling unit or units and a non-residential area or areas.

NOXIOUS WEED: means any weed designated as noxious by the Weed Control Act, R.S.O. 1990, Chapter W.5, as amended.

OCCUPANCY: means the use or intended use of buildings or part thereof for the shelter or support of persons, animals or property once an occupancy permit has been issued.

OFFICER: means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law and related By-laws.

POTABLE WATER: means water fit for consumption by humans, and fit for normal household purposes and where potable water is referred to in the By-Law, it shall be available in quantities sufficient for normal household purposes.

PRINCIPLE BUILDING: shall mean the building or structure in which is carried on the principle use which the building lot is used. In a residential zone, the dwelling is the principle building.

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 a vacant property.

RETAINING WALL: a wall built to hold back water or the earth of an embankment.

RUBBISH: means any combustible or non combustible discarded or waste materials except garbage.

SALVAGE YARD: includes a scrap yard, junk yard and wrecking yard, whether or not an active business is carried on therein.

SEWAGE: means any liquid waste containing animal, vegetable or mineral matter in suspension or a solution, but does not include roof drainage or storm water runoff.

SEWAGE SYSTEM: means a municipal sanitary sewage system or a private sewage disposal system approved by the designated Municipal Official.

STORED: to accumulate and keep for future use/to put into storage/to provide storage room for.

STRUCTURE: something made of parts fitted or joined together/the way in which constituent parts are fitted or joined together, or arranged to give something its specific nature or character.

TRAILER: a wheeled vehicle designed to be towed.

UNSAFE: when used in respect of a building means:

i) Structurally inadequate or faulty for the purposes for which it is used, or

ii) In a condition that could be hazardous to persons in the normal use of the building.

VACANT LAND: shall include lands which contain no buildings or structures.

VEHICLE: any kind of contrivance, on wheels or runners, used to carry people or goods from one place to another, including boats.

WELL: a deep hole, drilled or dug, usually cylindrical in shape and lined with bricks, stone etc. dug into the earth to such a depth as to reach a supply of water/shaft sunk into the earth to obtain water, oil, gas etc.

WRECK: the destruction or disablement/what is left of a building, vehicle etc. after destruction.

WRECKAGE: the remains of a wrecked vehicle, building etc. or fragments of any wrecked structure.

YARD: shall mean the land other than publicly owned land, around and appurtenant to and adjacent to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with the said property.

WORDS OR TERMS NOT DEFINED: Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the Building Code, as amended.

1.01 TITLE AND SCOPE AND GENERAL REQUIREMENT TO COMPLY WITH BY-LAW

1.1 This by-law may be referred to as "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 structure, 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 Municipality of Grey Highlands.

1.4 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.

1.5 All repairs to comply with this by-law shall be carried out with suitable and sufficient materials in a manner acceptable to the Officer as good and workmanlike for the trades concerned.

1.6 Nothing in this by-law shall require repairs to be completed inside or outside of an unused building or in an unused portion thereof, except as necessary to remedy any unsafe condition to persons outside of the building or to remedy any unsafe condition to a person in an occupied portion of the building

1.7 Notwithstanding section 1.6 all repairs to be carried out inside an unused building or inside an unused part thereof shall be carried out before the unused building or unused part is used or occupied.

1.8 This by-law is applicable to repairs under section 15.1 of the Act, but not any other section of the Act, the Fire Code or any other Provincial Act or Regulation.

2.0 **YARDS**

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

a. rubbish, garbage, brush, tree stumps, discarded materials and other debris. Discarded and unused furniture, appliances, cartons and paper products may not be left in any yard. Objects such as surplus building materials, masonry, glass, plumbing and electrical supplies not intended for immediate use may not be stored or allowed to remain in any yard. All yards must be maintained in a manner that does not create a negative impact on adjacent properties;

b. wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers, or boats or parts thereof, except machinery, vehicles, or trailers required for the operation of a business or farm which is lawfully permitted and lawfully stored on the property, provided these items are stored in a manner that does not create a negative impact on adjacent properties;

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, provided these items are stored in a manner that does not create a negative impact on adjacent properties;

d. dilapidated or collapsed structures or partially constructed or dilapidated structures which are not currently under construction;

e. rodents, vermin and other pests and animal carcasses where it causes a public nuisance or health hazard;

2.2 Yards shall be kept and maintained free from excessive growth of weeds and grasses. All sodded and grass covered areas shall be kept in a good condition, including adequate cutting so as not to present an unsightly appearance.

2.3 All wells and cisterns shall be capped with an environmentally secure material such as concrete and shall be kept and maintained in good repair.

2.4 The burning of garbage, debris, rubbish, tires, or plastics is not permitted unless authorized by Federal or Provincial law or explicitly authorized by another municipal by-law.

3.0 **YARD DRAINAGE AND SURFACE CONDITIONS**

3.1 Surface conditions of yards shall be maintained so as:

a. to prevent instability or erosion of soil;

b. to prevent roof drainage from being directed to other properties;

c. to provide for safe passage under normal use and weather conditions, day or night.

3.2 Site alterations by a landowner is prohibited where it creates ponding or runoff of storm water which negatively impacts an adjacent property of use.

4.0 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 suitable material, provided with a tight fitting cover, and shall be maintained.

4.2 All garbage shall be 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, where necessary.

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 , replaced or removed.

5.2 Buildings shall be kept free of animal carcasses, rodents, vermin and other pests where it considered a public nuisance or health hazard.

5.3 Unused buildings shall be protected against risk of fire, accident or other danger, and entrance to unused buildings by all unauthorized persons shall be effectively prevented.

5.4 Radio antennas, satellite dishes, television antennas, lightning arresters and structures of a similar character, shall be maintained in safe repair.

5.5 Sign structures shall be maintained so as not to cause any unsafe or unsightly conditions in accordance with any sign by-law that may be passed by the Municipality from time to time.

5.6 Fences, barriers and retaining walls shall be kept in good repair so as to prevent an unsafe condition and any adverse impact on adjacent land owners. Fences shall be constructed of appropriate building materials. Fences shall not be constructed of the following:

old equipment
machinery
furniture
vehicles
appliances
tires

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 Upon the receipt of written and signed complaints, the Property Standards Officer will conduct an inspection of the alleged offending property.

6.3 The Property Standards Officer may be accompanied by any person acting under his instruction such as, the building inspector, but not limited to, a fire inspector, electrical inspector, gas inspector, heating inspector, and a structural engineer 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.

6.4 The Property Standards Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

6.5 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 by personal registered mail to the owner;

(a) stating the municipal address and the legal description of such property ; and,

(b) stating the sections of this by-law that are violated and/or 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; and,

(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.

(e) register the order on title.

6.6 The Property Standards Committee shall be a Committee of Council as a whole . The Property Standards Committee may adopt its own rules and procedures subject to the following conditions:

i) The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

6.7 An owner or their agent of property who has been served with an order made under the provisions of subsection 6.5 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 or personally delivered to the secretary of said committee within 14 days after being served the order. An owner who appeals an order made under section 6.5 of this by-law or subsection 15.2(2) of the Building Code Act, shall pay the fee for the appeal as set out in schedule A at the time the appeal is filed.

6.8 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,

(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.

6.9 The Municipality or any owner or agent of the owner 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 Municipality 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.

6.10 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.

6.11 When no appeal is taken within the time prescribed or if after an appeal pursuant to subsections 6.7 or 6.9 is modified or overturned, the order shall be final and binding upon the owner who shall make the repair or effect the demolition within the time and in the manner specified in the order.

6.12 If an order is not complied with, the Municipality may cause the property and buildings to be repaired or demolished accordingly.

6.13 For the purposes of subsection 6.3, employees or agents of the Municipality may enter the property without a warrant in order to repair or demolish the property.

6.14 The Municipality 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 6.12 .

6.15 The Municipality shall have a lien on the subject property for the cost of the repair or demolition under subsection 6.5 and the amount shall be deemed to be municipal real property taxes and may be added by the municipal 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 CERTIFICATE OF COMPLIANCE

7.1 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.

7.2 A fee shall be payable to the Municipality prior to the issuance of a Certificate of Compliance where it is issued at the request of an owner in the amount prescribed in Schedule A to this by-law.

8.0 PENALTIES

8.1 Any person or corporation who fails to comply with an order made under subsection 6.5 or otherwise contravenes this by-law shall be guilty of an offence and is liable upon conviction to a maximum fine of $5,000.00 for a first offence and to a maximum fine of $10,000.00 for a subsequent offence.

9.0 VALIDITY

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

9.2 Where a provision of this by-law conflicts with the provisions 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.

9.3 If terms not defined, the general accepted term will be as defined in the dictionary.

9.4 That this by-law shall be effective June 1, 2003.

READ A FIRST AND SECOND TIME THIS 25th. DAY OF November, 2002

READ A THIRD TIME AND FINALLY PASSED THIS 30th DAY OF December,2002

Don McCausland

Mayor-Don McCausland

Clerk-Administrator-Debbie Robertson

Schedule "A"
By-law No. 2002 - 65
Fee Schedule

1. Fee for the Appeal of an Order issued pursuant to this by-law shall be $150.00.

2. Fee for issuance of a Certificate of Compliance pursuant to this by-law shall be $200.00.