

CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER..... 37/89

Being a By-law to provide for the maintenance of the physical condition and occupancy of property in the Township of Puslinch.

WHEREAS the Council of the Corporation of the Township of Puslinch deems it necessary and expedient to enact a by-law pursuant to the provisions of Section 31 of the Planning Act, 1983, as amended, prescribes for the maintenance of property within the municipality,

AND WHEREAS it is desirable for the protection of the safety, health and well-being of the residents;

AND WHEREAS the Official Plan for the Township of Puslinch includes provisions related to the condition or maintenance and occupancy of property;

NOW THEREFORE the Council of the Corporation of the Township of Puslinch hereby ENACTS as follows:

SECTION 1 TITLE, APPLICATION AND SCOPE

(1) TITLE OF BY-LAW

This By-law may be cited as the "Property Maintenance By-law".

(2) APPLICATION

The provisions of the By-law shall apply to all property within the corporate limits of the Township of Puslinch.

(3) SCOPE OF BY-LAW

- 3.1 Where a provision of this by-law conflicts with a provision of another by-law, regulation or legislation in force in the Township of Puslinch, the provisions that establish the higher standards prevail.
- 3.2 If any provision of this by-law is declared invalid for any reason, the remaining provisions shall remain in effect.
- 3.3 This by-law shall apply to all property within the limits of the Corporation of the Township of Puslinch.
- 3.4 The headings and part numbers in this by-law are included for ease of reference only and shall be deemed not to form substantive provisions of the by-law.

SECTION 2 DEFINITIONS

- (1) APPROVED means, as applied to a grade, material, device or method of construction, approved by the By-law Enforcement Officer under the provisions of this By-law; approved by the Chief Building Official under the provisions of the Building Code; approved by the Fire Chief under the provisions of the Fire Code; or approved by other authority designated by by-law to give approval to the matter in question.

- (2) COMMITTEE means the Council or a Committee appointed by Council, established under Section 31 of the Planning Act.
- (3) CORPORATION means the Corporation of the Township of Puslinch.
- (4) EXTERIOR PROPERTY AREA means the building lot excluding buildings.
- (5) MUNICIPALITY means the Township of Puslinch.
- (6) NOTICE means a notice of violation served by an Officer pursuant to this By-law.
- (7) OFFICER means a By-law Enforcement Officer appointed by the Corporation to administer and enforce this By-law.
- (8) 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.
- (9) REPAIR means taking the necessary action to bring property to the standards prescribed by this By-law. All repairs shall be made in conformity with the Ontario Building Code, The Ontario Water Resources Act, Plumbing Regulations, the Regulations of the Hydro Electric Power Commission of Ontario, and Regulations made under the Public Health Act of Canada.
- (10) STANDARDS means the standards for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed in this By-law.
- (11) UNSAFE CONDITION means any condition that would cause undue or unexpected hazard to life, limb or health to any person authorized or expected to be on or about the premises.
- (12) ACCESSORY BUILDING means a detached, subordinate building not used for human habitation, located on the same property as the main building.
- (13) BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.
- (14) 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 and all accessory buildings and fences thereon or therein.
- (15) EXTERIOR PROPERTY AREA means the property excluding buildings.
- (16) MAINTENANCE means the preservation and keeping in good repair of a property or building.
- (17) NOXIOUS WEEDS means any weeds classed as noxious by the Weed Control Act, R.S.O. 1980, Chapter 530, and Regulation 944, R.R.O. 1980, as amended.
- (18) SEWAGE means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or runoff.
- (19) SEWERAGE SYSTEM means the municipal sanitary sewerage system or private sewerage system approved by the Medical Officer of Health.
- (20) YARD means any land appurtenant to a building or structure and used or intended to be used or capable of being used in connection therewith.

SECTION 3 MAINTENANCE OF YARD AND ACCESSORY BUILDINGS

(1) GARBAGE

- 1.1 Every dwelling shall be equipped with sufficient receptacles to contain all garbage, rubbish and ashes in a sanitary manner.
- 1.2 All garbage, refuse and ashes shall be disposed of in a manner acceptable to the municipality and to the local Medical Officer of Health.

(2) YARDS

- 2.1 All yards shall be kept free and clean from rubbish and other debris and from objects or conditions that might create a health, fire or accident hazard.
- 2.2 All yards shall be kept free from excessive growth of weeds or grasses. Plants designated as noxious weeds under the Weed Control Act shall be eliminated from all yards.
- 2.3 Any vehicle, boat, trailer, or part of any vehicle, boat or trailer, which is in a wrecked, discarded, dismantled, partly dismantled or abandoned condition shall not be stored or left in a yard, unless it is necessary for the operation of a business enterprise lawfully situated upon the property.

Further, any vehicle, boat, trailer, or part of any vehicle, boat or trailer which is being assembled or reassembled shall not be stored or left in a front or side yard beyond a reasonable period of time.

- 2.4 For the purpose of Section 2.3, a vehicle or trailer shall be deemed to be in a wrecked, discarded, dismantled or abandoned condition if it is not capable of being lawfully operated on a highway. This includes unlicensed vehicles and trailers.
- 2.5 Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

(3) FENCES AND ACCESSORY BUILDINGS

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

(4) DRAINAGE AND SEWAGE

- 4.1 Sewage or organic waste shall be discharged into a sewerage system where such a system exists; where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the local health authorities.
- 4.2 Storm water shall be drained from the property so as to prevent excessive ponding or the entrance of water into a basement or cellar.
- 4.3 Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition. Catchbasins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede natural flow of water.

(5) STRUCTURAL STANDARDS

- 5.1 The foundation walls, and basement, cellar or crawl space floors shall be maintained in good repair, structurally sound and waterproof.

(6) STRUCTURAL CAPABILITY

- 6.1 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. Material which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 6.2 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 building or to the public.
- 6.3 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.
- 6.4 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 a building.
- 6.5 The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and shall be so maintained by the painting, restoring or repairing of the walls.

(7) FIRE AND ACCIDENT PREVENTION

- 7.1 When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or about the exterior property areas of a premise, measures shall be taken to the extent necessary to abate the unsafe condition.
- 7.2 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure safe by the removal of dangerous structural material. The direction of the Fire Marshall shall be sought and followed on such matters.
- 7.3 In the event the building or accessory structure is beyond repair, the land shall be cleared of all remains and left in a graded, level and tidy condition within a reasonable period after a fire.

SECTION 4 ADMINISTRATION AND ENFORCEMENT

(1) PROPERTY STANDARDS OFFICER

- 1.1 The Office of By-law Enforcement Officer is hereby created and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this By-law.
- 1.2 (i) The By-law Enforcement Officer and any person acting under this instruction may, at all reasonable times and upon producing proper identification, enter and inspect any property.

(ii) Except under the authority of a search warrant issued under Section 142 of the Provincial Offences Act, and Officer or any persons acting under his instructions shall not enter any room or place actually used as a dwelling until without requesting and obtaining the 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.
- 1.3 If, after inspection, the officer is satisfied that in some respect the property does not conform to the standards prescribed in this By-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the Land Registry Office and the Sheriff's Office, to have an interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.

- 1.4 The notice outlined in Subsection (1.3) above shall also set forth the date, time and place of a hearing to be held by the By-law Enforcement Officer to determine what action must be taken, and informing the owner that he or his representative is entitled to appear at the said hearing and make such representations; in the event that he does not appear at the said hearing, a decision may be made by the By-law Enforcement Officer in his absence.
- 1.5 After affording any person served with a notice an opportunity to appear before the officer and to make representation in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person, an order containing:
 - (i) the municipal address or legal description of the property;
 - (ii) reasonable particulars of the repairs to be effected 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 and the period in which there must be a compliance with the terms and conditions of the order and notice that if such repairs or clearance is not so done, within the time specified in that order, the municipality may carry out the repairs or clearance at the expense of the owner; and,
 - (iii) the final date for giving notice of appeal from that order.
- 1.6 A notice or an order when sent by registered mail shall be sent to the last known address of the person to whom it is sent.
- 1.7 If an officer is unable to effect service of a notice or of an order he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.
- 1.8 An order may be registered in the proper Land Registry Office and, upon 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 date on which the order was served and when requirements of the order have been satisfied, the Clerk of the municipality shall forthwith register in the proper Land Registry Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.
- 1.9 The By-law Enforcement Officer shall have the right to determine a time frame for the correction of the infraction up to a maximum of sixty (60) days.

(2) APPEAL

- 2.1 When an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of that order, he may appeal to the Council by sending notice of appeal by registered mail to the Clerk of the municipality within fourteen (14) days after service of that order, and in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- 2.2 Where an appeal has been taken, the Council shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of Council, the general intent and purpose of the By-law and of the Official Plan or policy statement are maintained.

- 2.3 The municipality or any owner or any occupant or any person affected by a decision may appeal to a Judge of the County or District Court of the judicial district in which the property is located by so notifying the Clerk of the Corporation in writing and by applying for an appointment within fourteen (14) days after the sending of a copy of the decision, and,
- (i) the Judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such person and in such manner as he prescribes;
 - (ii) the appointment shall be served in the manner prescribed;
 - (iii) the Judge on such appeal has the same power and functions as the Committee.

(3) POWER OF THE CORPORATION TO DEMOLISH OR REPAIR

- 3.1 The order, as deemed to have been confirmed by the officer, or as confirmed or modified by the Committee, or, in the event of an appeal to the Judge as confirmed or modified by the Judge, 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.
- 3.2 If the owner or occupant of the property fails to demolish the property or to repair in accordance with an order as confirmed or modified, in addition to all other remedies:
- (i) the Corporation shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property;
 - (ii) the Corporation shall not demolish any dwelling without first obtaining approval of Council;
 - (iii) the Corporation shall apply the cost of the repairs or demolition, if not so paid, to the Collector's Roll of Taxes for the current year and shall be collected as taxes;
 - (iv) the Corporation shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under the provision of this By-law.

(4) LETTER OF COMPLIANCE

- 4.1 Following the correction of the infraction and a further inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a letter of compliance if, in his opinion, the property is in compliance with the standards so established in the By-law.

(5) PENALTIES

- 5.1 Any person who fails to comply with an order that is final and binding under this by-law, is guilty of an offence and upon conviction thereof, is liable to a penalty of not more than Five Hundred Dollars (\$500.00) per day for each day that the contravention has continued.
- 5.2 Any person who obstructs or interferes with an inspector in the performance of his duties under this By-law is guilty of an offence and upon conviction thereof, is liable to a fine not exceeding Five Hundred Dollars (\$500.00), exclusive of costs.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT ON THE DAY ON WHICH IT IS PASSED.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 2nd

DAY OF August, 1989.

SIGNED:

A. Mac Kellie

REEVE

(S E A L)

Brenda Beatson

CLERK

