



## **TOWNSHIP OF MELANCTHON**

### **COMMITTEE OF THE WHOLE - AGENDA**

**THURSDAY, APRIL 19, 2018 - 6:00 P.M.**

- 1. Call to Order**
- 2. Adoption of Draft Minutes - COW Meeting on March 1, 2018**
- 3. Business Arising from the Minutes**
- 4. General Business**
  1. Draft Property Standards By-law prepared by Vanessa Albanese, By-law Enforcement Officer
  2. Public Works
    1. Parking By-law - Amendments
    2. Other
  3. Other
- 5. Delegations**
- 6. Adjournment and Date of Next Meeting**



**THE CORPORATION OF THE TOWNSHIP OF MELANCTHON**

**BY-LAW NUMBER \*\*-2018**

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWNSHIP OF MELANCTHON, FOR PROHIBITING THE OCCUPANCY OR USE OF SUCH PROPERTY THAT DOES NOT CONFORM TO THE STANDARDS, AND FOR REQUIRING PROPERTY BELOW THE STANDARDS PRESCRIBED HEREIN TO BE REPAIRED AND MAINTAINED TO COMPLY WITH THE STANDARDS OR THE LAND THEREOF TO BE CLEARED OF ALL BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AND LEFT IN A GRADED AND LEVEL CONDITION.

**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 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 Corporation of the Township of Melancthon includes provisions relating to property conditions as required by section 15.1(3) of the Building Code Act, 1992, S.O. 1992,c. 23, as amended;

**AND WHEREAS** it is deemed expedient to establish standards for the maintenance and occupancy of property in the Township of Melancthon

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

**Section 1 Title**

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

**Section 2 Definitions**

In this By-Law:

**“Accessory Building”** means a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, except in the case of a guest cabin.

**“Accessory Use”** means a use of lands or buildings which is incidental and subordinate to the principal use of lands and buildings.

**“Basement”** means that portion of a building between two floor levels which is partly underground, but which at least 0.5 metres of its height, from finished floor to finished ceiling, is above the adjacent finished grade.

**“Building”** means any structure as defined by the Ontario Building Code Act, used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a fence or wall.

**“Cellar”** means the portion of a building between two floor levels which is partly or wholly underground and which has less than 0.5 metres of its height, from finished floor to finished ceiling, above adjacent finished grade.

**“Commercial Property”** means any property that is used, has been used or is designed for use, either in whole or in part, as a commercial, industrial or home occupation establishment and includes any land, buildings, mobile buildings or structures, construction equipment or supplies, trucks, cars, vans or buses whether operable or not, and all steps, walks, driveways, parking spaces, fences or signs associated with the premises or its yards.

**“Committee”** means the Property Standards Committee established under this By-Law.

**“Corporation”** means the Corporation of the Municipality of the Township of Melancthon.

**“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, all outbuildings, fences and structures appurtenant thereto.

**“Dwelling Unit”** means one or more habitable rooms designed for use by and occupied by not more than one family in which sanitary facilities and only one separate kitchen are provided for the exclusive use of such a family, with dual entrances from outside the building or from a common hallway or stairway inside the building.

**“Maintenance”** means the preservation and keeping in repair of a property.

**“Means of Egress”** means 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 from any point within a building, floor area, room or contained open space used as a dwelling unit to a public thoroughfare or approved open space.

**“Occupant”** means any person(s) over the age of eighteen years in possession of the property.

**“Officer or Property Standards Officer”** means a person who has been so appointed or designated by the Corporation.

**“Owner”** includes the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would receive the rent if such land and premises were let, and shall also include 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 of property.

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

**“Repair”** includes the provision of such facilities and the making or additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established by this By-law.

**“Residential property”** means any property that is used, has been used or is designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land, buildings, mobile homes, trailers, van or buses that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yards.

**“Rubbish”** means any waste material, refuse, broken matter, trash or litter.

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

**“Sewage System”** means a private sewage disposal system approved by the Ministry of the Environment and/or the County of Dufferin Building Department.

**“Standards”** means the standards of physical condition prescribed for property by this By-Law.

**“Structure”** means anything constructed, placed or erected other than a building, the use of which requires location on the ground, or attached to something having location on the ground, and for the purpose of this By-law, shall include a sign and a vehicle as defined in The Highway Traffic Act, whether or not the wheels have been removed or is operable.

**“Yard”** means an open, uncovered and unoccupied space appurtenant to a building and, for the purpose of this by-law, it shall include the entire area of any lot in a built-up area, regardless of whether there is a building located thereon.

References to the Building Code Act are to the Building Code Act, S.O. 1992, c. 23 as amended from time to time and to the regulations passed under it, as amended from time to time.

### **Section 3 Application of By-Law**

3.1 This By-law applies to all lands within the Township of Melancthon

### **Section 4 General Obligations**

- 4.1 No person shall use, permit the use of, rent or offer to rent any property that does not conform to the standards of this By-law.
- 4.2 Where a Property Standards Officer has placed or caused the placing of a placard containing the terms of a notice or order upon the premises under the authority of the Building Code Act, no one shall remove the said placard except with the consent of a Property Standards Officer.
- 4.3 The obligations created by this by-law on the owner or occupant shall be joint and several.
- 4.4 Where a notice or order has been issued by the Property Standards Officer pursuant to this By-law, the owner and occupant thereof shall:
- a. repair and maintain the property in accordance with the standards or,
  - b. remove or, demolish and remove, the whole or the offending part of the property that is not in accordance with the standards, or
  - c. in the event that the property is to be cleared of all buildings, structures, debris or refuse, the owner or occupant shall complete such work and shall leave the property in a graded and leveled condition.

## **Section 5**

### **Yards**

- 5.1 Yards shall be kept clean and free from rubbish and other debris and from objects or conditions that might create a health, fire or accident hazard to any occupants, or a hazard or detriment to the environment, or surface or ground water. Open, non-forested areas of all yards shall be graded so that a permanent grass cover can be established and maintained, and a permanent grass cover shall be established and, subject to the following limitations, maintained to prevent erosion and sedimentation, control weeds and present an orderly and well-kept appearance.
- 5.2 Abandoned wells shall be decommissioned in accordance with the requirements of the Ministry of the Environment, or fully protected against accidental opening.
- 5.3 Noxious weeds, as defined by the Weed Control Act, R.S.O. 1990, c.W.5, as amended, and regulations passed under the Act, such as ragweed, poison ivy and thistles, among others, shall be eliminated from the yard.
- 5.4 Wrecked, discarded, dismantled, unlicensed, unlicensed, unlicensed, derelict and abandoned vehicles, machinery, campers, trucks, tractors, construction equipment, buses, streetcars, trailers, boats and any other similar types of items shall not be parked, stored or left in a yard or on any lot that is not otherwise exempt from the requirements of this by-law, unless it is necessary for and ancillary to the operation of a business enterprise or farm use lawfully established on the property.

## **Section 6**

### **Sewage and Drainage**

- 6.1 Sewage or organic waste shall be discharged into a system approved by the Ministry of the Environment and/or the Dufferin County Building Department and no sewage or waste water of any kind shall be discharged onto the surface of the ground, whether onto a natural or artificial surface, drainage system or into any lake, stream, ditch or watercourse.
- 6.2 No roof drainage or waste water of any kind shall be discharged on public sidewalks or neighbouring property.
- 6.3 No natural soil, topsoil, road gravel or other fill material shall be permitted to erode by the action of wind or storm-water runoff if such material is being carried onto adjacent property or into lakes, streams, ditches or watercourses.
- 6.4 Storm water shall be drained from yards in a manner designed to prevent excessive ponding or the entrance of water into a basement or cellar of other property owners.

## **Section 7**

### **Safe Passage**

- 7.1 Steps, walks and driveways shall be maintained so as to afford safe passage under customary use and weather conditions.



- 14.1 For the protection of the public, passersby and visitors, the exterior walls, roof, chimneys, eaves, foundations, doors, shutters, balconies, porches, exterior steps or stairs, ramps and signs appurtenant to or attached to any building or structure shall be maintained so as to be free of defects which may constitute possible accident hazards.
- 14.2 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.
- 14.3 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.
- 14.4 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.
- 14.5 The exterior of the foundation walls of buildings shall be maintained in structurally sound condition.
- 14.6 All other exterior surfaces shall be composed of materials which provide adequate protection from the weather.

**Section 15 Egress**

- 15.1 Every building shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- 15.2 A secondary means of egress, as required by the Building Code Act, shall be provided from every separate dwelling unit located on a floor above the main or first floor, so as to provide a safe and convenient means of egress in case of an emergency.
- 15.3 The means of egress and fire warning devices in all buildings shall be to the satisfaction of the applicable Fire Department serving that area of the Township.

**Section 16 Roofs**

- 16.1 Every roof shall be watertight.
- 16.2 The roof and any cornice flashing, fascia, soffit, coping, gutter, rainwater leader, vent or other roof structure,
- 16.3 shall be maintained to properly perform their intended function; and
- 16.4 shall be kept clear of obstructions, hazards and dangerous accumulations of snow and ice.

**Section 17 Retaining walls, guards and fences**





23.1 Heat shall be provided and maintained so that the room temperature at 1.5 metres above floor level and one metre from exterior walls in all habitable space and in any area intended for normal use of at least 20 degrees Celsius.

23.2 No unit shall be equipped with portable heating equipment as the primary source of heat.

**Section 24 Maintenance of heating systems**

24.1 Heating systems, including stoves, heating appliances, fireplaces intended for use, chimneys, fans, pumps and filtration equipment, shall be maintained in a good state of repair and in a safely operable condition.

**Section 25 Ventilation**

25.1 All habitable space shall be provided with natural or mechanical means of ventilation that is adequate for the use of the space.

**Section 26 Smoke, gases and toxic fumes**

26.1 Chimneys, smoke-pipes, flues and gas vents shall be kept clear of obstructions and maintained so as to prevent the escape of smoke and gases into a building.

**Section 27 Doors, windows and skylights**

27.1 Every existing opening in the exterior surface of a building designed for a door or window shall be equipped with a door or window capable of performing the intended function.

27.2 Doors, windows and skylights shall be maintained so that they are weathertight, and any damaged or missing parts are repaired or replaced.

**Section 28 Enforcement**

28.1 This By-law shall be administered by the Corporation's Municipal By-law Enforcement Officer and by such other persons as are designated from time to time by the Council as the Property Standards Officers.

28.2 Except where s/he is acting on her/his own initiative, the Property Standards Officer will act only on written and signed complaints submitted to the Corporation's municipal office.

**Section 29 Entry by Property Standards Officer**

29.1 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 Ontario Building Code Act.

**Section 30 Order by Property Standards Officer**



writing and by applying to the Ontario Court (General Division) for an appointment within fourteen days after the sending of a copy of the decision.

- 31.7 In accordance with the provisions of the Building Code Act, 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 (Council)
- 31.8 Where no appeal has been taken within the time prescribed or after an appeal pursuant to the provisions of this by-law and the Building Code Act is completed, the order shall be final and binding upon the owner or occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

### **Section 32 Conflicts with Other By-laws and Statutes**

- 32.1 Wherever a standard established by this By-law is different from a standard in relation to the same matter established by any other by-law in force in the Township of Melancthon or statute of the government of Canada or Ontario, the standard which provides the higher degree of protection for the health, safety and welfare of the occupants and of the general public shall prevail.

### **Section 33 Power of Corporation to Repair or Demolish**

- 33.1 If the owner or occupant of property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the Corporation in addition to all other remedies,
- 33.2 shall have the right to repair, clean-up or demolish the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property without a warrant.
- 33.3 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 in its reasonable exercise of its powers under the provisions of this by-law; and
- 33.4 shall have a lien for any amount expended by or on behalf of the Corporation under the authority of this by-law together with interest thereon, upon the property in respect of which such amount was expended, and the certificate of the Clerk of the Corporation as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the collectors roll to be collected in the same manner as municipal realty taxes, or by action in any competent court. The "amount expended" shall include materials, labour, equipment, administration, fees, charges and legal expenses.

### **Section 34 Immediate Danger to Health and Safety**

- 34.1 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 and safety of any person, the Property Standards Officer may make an order containing particulars of the order and requiring remedial repairs or other works to be carried out immediately to terminate the danger. The provisions of Section 15.7 of the Building Code Act, shall apply with regard to such an order and the proceedings arising from it.

**Section 35 Penalties**

- 35.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction therefore is liable to a penalty or penalties as provided in the Provincial Offences Act, R.S.O. 1990, c.P.33.
- 35.2 An owner who fails to comply with an Order that is final, and binding is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c. 23, and is liable to a penalty or penalties as set out in Section 36 of that Act, as may be amended from time to time.

**Section 36 Validity and Severability**

- 36.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law, and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.
- 36.2 Where a provision of this by-law conflicts with the provision of another bylaw 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.
- 36.3 Without limiting the generality of Section 1 1.2, notwithstanding that a property may be determined to be in compliance with the standards set out herein, such compliance shall not be construed, constructed or deemed to mean that there is compliance with other municipal by-laws, including but not limited to the Municipality's Comprehensive Zoning By-Law.

**Section 37 Repeal & Enactment**

- 37.1 By-law number 46-2001 are hereby repealed in their entirety and any other by-laws regarding property maintenance and standards are hereby repealed and replaced with By-law \*-2018.
- 37.2 This By-Law shall come into force and be in effect on the passing thereof.

**THIS BY-LAW READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

**READ A THIRD TIME AND ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018**

\_\_\_\_\_  
**Clerk**

\_\_\_\_\_  
**Mayor**