

**THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH**

BY-LAW NUMBER 086-16

**BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF PROPERTY**

WHEREAS Section 15.1 (3) of the Building Code Act, 1992, as amended (hereinafter called the "Act") provides that where an official plan that includes provisions relating to property conditions is in effect in a municipality, the council of the municipality may pass by-laws prescribing standards for the maintenance and occupancy of property within the municipality and this condition is satisfied in the Township of Wellington North.

NOW THEREFORE the council of The Corporation of the Township of Wellington North (hereinafter called the "township") enacts as follows:

PART I - GENERAL PROVISIONS

1. DEFINITIONS

1.1 For the purpose of this by-law:

Accessory Building – A detached subordinate building not used for human habitation, located on the same property as the main building;

Building – Means any structure temporary or permanent, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, but does not include a lawful boundary wall or fence;

Committee – Means a Property Standards Committee established under Section 15.6 of the Act;

Derelict Motor Vehicle - Means a vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevents its mechanical function, and includes a motor vehicle that is not licensed for the current year;

Exterior Property Area – Means the property excluding buildings;

Maintenance – The preservation and keeping in good repair of a property or building;

Officer – Means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law;

Occupant – Means any person or persons over the age of 18 years in possession of the property;

Owner – includes:

- a) The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the 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;

Property – A building or structure or part of a building or structure, and includes that 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.

Person – Means an individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representative of a person to whom the context applies according to law;

Refuse – Means any article or thing that:

- a) Has been cast aside, discarded or abandoned, whether of any value or not;
- b) Has been used up, in whole or in part, whether of any value or not;
or
- c) Has been expended or worn out, in whole or in part, whether of any value or not;

Repair – Includes the provision 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 a by-law passed under this section.

Sewage – Any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or runoff.

Sewage System – The municipal sanitary sewage system or private sewage system approved under the applicable laws.

Structure – Means anything constructed either permanent or temporary, the use of which requires location on or an attachment to something having location on the ground.

Standards – Means the standards of the physical condition and of occupancy prescribed for property by this by-law;

Waste – Means garbage, special collection materials, recyclable materials, organic materials, yard waste;

Weeds – Means all noxious and local weeds designated as such under the *Weed Control Act* R.S.O. 1990, C.W.5.

Yard – Means a space appurtenant/adjacent to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky and includes vacant land.

2. SCOPE

- 2.1 The standards for maintenance and occupancy of property set out in this by-law are hereby adopted as the minimum standards for all properties in the township.
- 2.2 No person shall use, occupy or allow, permit, rent or let acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this by-law.
- 2.3 This by-law does not apply so as to prevent the carrying out of normal farm practices in conjunction with an agricultural operation as defined under the Farming and Food Production Act 1998, S.O. 1998 c1, wherever such a use is permitted by a by-law passed under Section 34 of the Planning Act, RSO

PART II - GENERAL STANDARDS FOR ALL PROPERTIES

3. WORK

- 3.1 All construction, repairs, and maintenance of property required to comply with this by-law shall be carried out using suitable and sufficient materials and in a good and workmanlike manner.
- 3.2 All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable, and it shall be carried out in accordance with all other applicable law as defined in the Ontario Building Code Act.

4. **GARBAGE**

- 4.1 Every dwelling shall be equipped with sufficient receptacles to contain all garbage, rubbish and ashes in a sanitary manner.
- 4.2 All garbage, refuse and ashes on a property shall be disposed of regularly in a manner which complies with the laws of Ontario and the County of Wellington and their agencies.

5. **PROPERTY**

- 5.1 Every property shall be kept free and clean from:
 - a) rubbish, debris and junk, and also from any objects or conditions that create or may create a health, fire or accident hazard;
 - b) collections or accumulations of used appliances, scrap metals, scrap building materials, salvage items and materials, used tires, used receptacles and containers, non-operational equipment and machinery, unless such collection or accumulation is an integral part of a business, industrial or agricultural operation, or a bona fide and necessary accessory function of a business, industrial or agricultural operation, legally carried on upon the property within the laws of Ontario and Canada and the Township of Wellington North.
 - c) from excessive growth of weeds and grasses.
 - d) any derelict, wrecked, discarded, dismantled, partly dismantled or abandoned vehicle, boat or trailer, or any part of a vehicle, boat or trailer. This shall not prevent the occupant of any premises from repairing a vehicle, boat or trailer for his own use and not for commercial purposes while such repair is actively and expeditiously carried on.

- 5.2 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.

6. ACCESSORY BUILDINGS AND OTHER STRUCTURES

- 6.1 Accessory buildings and other structures shall be kept in good repair and free from health, fire or accident hazard.

7. DRAINAGE AND SEWAGE

- 7.1 Sewage or organic waste shall be discharged into a sewage system where such a system exists; where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner which complies with the applicable laws.

- 7.2 Storm water shall be drained from property so as to prevent excessive pounding or the entrance of water into a basement or cellar.

- 7.3 Catch-basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede natural flow of water.

8. FOUNDATIONS

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

9. STRUCTURAL CAPABILITY

- 9.1 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 has been damaged or shows evidence of rot or other deterioration shall be repaired or replaced.

- 9.2 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.

- 9.3 Where eaves troughing or roof gutters are provided they shall be maintained in good repair, free from obstructions and properly secured to the building.

- 9.4 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.
- 9.5 Every outside guard and handrail shall be maintained in good repair.
- 9.6 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 dwelling.
- 9.7 The exterior walls of a building and their components shall be maintained so as to prevent their deterioration due to weather and shall be so maintained by the restoring or repairing of the walls.
- 9.8 Every fire escape used as a secondary means of egress shall be in good repair and free from obstructions.

10. VACANT OR FIRE DAMAGED LANDS AND BUILDINGS

- 10.1 Every vacant or fire damaged building shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 10.2 Every fire damaged building shall be demolished or restored so that the building is structurally sound.
- 10.3 Every opening in a fire damaged building shall be boarded up to prevent unauthorized entry into the building until the necessary work is completed.

PART III - ADMINISTRATION AND ENFORCEMENT

11. PROPERTY STANDARDS OFFICERS

- 11.1 The Council of the Township may appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this by-law
- 11.2 Property standards officers shall have the powers and the responsibilities set out in Sections 15.1 to 15.8 of the Act.

12. PROPERTY STANDARDS COMMITTEE

- 12.1 A committee is hereby established pursuant to Section 15.6(1) of the Act to be known as the property standards committee.
- 12.2 The property standards committee shall be composed of five ratepayers of the township to be appointed by by-law for a term of three years, or such longer period of time until replaced by other members by by-law.
- 12.3 The members of the committee shall elect a chair from among themselves and when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair.
- 12.4 The majority of the members constitutes a quorum for transacting the committee's business under the Act.
- 12.5 Subject to compliance with Section 15.6(9) of the Act, the committee may adopt its own rules of procedure and any member may administer oaths.

13. COMPLAINTS

- 13.1 Every complaint regarding standards for the maintenance and occupancy of a property shall be in a form specified by the Chief Building Official (attached as Schedule 'A')

14. VALIDITY

- 14.1 Where a provision of this by-law conflicts with a provision of another by-law, regulation or legislation in force in the township, the provisions that establish the higher standards prevail.
- 14.2 If any provision of this by-law is declared invalid for any reason, the remaining provisions shall remain in effect.
- 14.3 This by-law shall apply to all property within the limits of the township.
- 14.4 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.

15. **PENALTY**

15.1 An owner who fails to comply with an order that is final and binding is guilty of an offence and is liable to a penalty or penalties as set out in Section 36 of the Building Code Act, S.O. 1992, c.23

16. **SHORT TITLE**

15.1 This by-law may be cited as the "Property Standards By-Law".

16. **REPEAL**

16.1 By-law Number 34-99 is hereby repealed

17. **ENACTMENT**

17.1 This by-law shall come into force and take effect immediately upon the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 21st DAY OF NOVEMBER, 2016.**



ANDREW LENNOX, MAYOR



KARREN WALLACE, CLERK

SCHEDULE 'A'
TO BY-LAW NUMBER 086-16

**COMPLAINT FORM RE: STANDARDS OF THE MAINTENANCE
AND OCCUPANCY OF A PROPERTY**

I, _____ hereby register a complaint
against the property at: _____

Nature of Complaint: _____

Name: _____
(please print)

Signature: _____

Date: _____

Address: _____

Phone No.: _____

Email: _____

I wish to keep my complaint confidential; however I understand that if this complaint leads to an appeal of an order that I may be called before the Property Standards Committee as a witness.

I do not wish to keep my complaint confidential. I understand that if this complaint leads to an appeal of an order that I may be called before the Property Standards Committee as a witness.

NOTE: Personal Information on this form is being collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act R.S.O. c.F.31, s. 39 (2). Questions about the collection of personal information may be directed to the Clerk, Township of Wellington North, 519-848-3620 ext27.