

**CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

BY-LAW No. 2002 - 18

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 Town of Thornbury Official Plan includes provisions relating to property conditions;

AND WHEREAS Amendment No. 12 (Craigleith/Camperdown Secondary Plan) to the Official Plan of the Beaver Valley Planning Area includes provisions relating to property conditions;

AND WHEREAS Amendment No. 27 (North Collingwood Township Secondary Plan) to the Official Plan of the Beaver Valley Planning Area includes provisions relating to property conditions;

AND WHEREAS the Council of The Town of The Blue Mountains 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 Town of The Blue Mountains hereby enacts the following:

PART I

DEFINITIONS

In this by-law:

1.01 "Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.

1.02 "Approved" means acceptance by the Property Standards Officer.

1.03 "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 purpose of human habitation.

1.04 "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.

1.05 "Guard" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

1.06 "Long Grass" means grass that exceeds a length, on average, of 180 mm (7").

1.08 "Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.

1.09 "Normal Farm Practice" means a normal farm practice as defined by the *Farming and Food Production and Protection Act*, 1998.

1.10 "Owner" means the registered owner of a property.

1.11 "Person" means an individual, firm, corporation, association or partnership.

1.12 "Residential Property" means 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 lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

1.13 "Standards" means the standards of the physical condition prescribed for property by this By-Law.

1.14 "Unsightly Appearance" means something that is displeasing to the eye.

1.15 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

PART II

COMPLIANCE

2.01 Except as explicitly provided for in Section 4.01 of this By-law, all owners of property shall repair and maintain such property to comply with the standards prescribed by this By-law.

2.02 The provisions of this By-law do not apply to normal farm practices.

PART III

GENERAL STANDARDS FOR ALL PROPERTY

3.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.

YARDS

3.02 Every yard, including vacant lots, shall be kept clean and free from:

- (1) rubbish or debris and objects or conditions that may create a health, fire or accident hazard;
- (2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats, unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (3) long grass, brush, undergrowth, and noxious weeds as defined by the *Weed Control Act*;
- (4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (5) injurious insects, termites, rodents, vermin or other pests; and
- (6) dead, decayed or damaged trees.

SURFACE CONDITIONS

3.03 Surface conditions of yards shall be maintained so as to:

- (1) prevent ponding of storm water;
- (2) prevent instability or erosion of soil;
- (3) not exhibit an unsightly appearance;
- (4) be kept free of garbage and refuse;
- (5) be kept free of deep ruts and holes; and,
- (6) provide for safe passage under normal use and weather conditions, day or night.

3.04 Section 3.03 (1) shall not apply to naturally occurring ponds, approved storm water management ponds, ponds forming part of an irrigation or snow making system or other approved ponds.

SEWAGE AND DRAINAGE

3.05 Sewage shall be discharged into a municipal sewage system or an approved private sewage system.

3.06 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

3.07 Roof or foundation drainage shall not be discharged onto adjacent private property or, onto public property unless such drainage has been authorized by the authority having jurisdiction.

PARKING AREAS, WALKS AND DRIVEWAYS

3.08 All areas regularly used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair, free of dirt and litter.

3.09 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and normal weather conditions, day or night.

ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES

3.10 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

GARBAGE DISPOSAL

3.11 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes 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 and odour free condition at all times.

3.12 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable.

3.13 Garbage storage areas shall be screened from public right-of-ways.

COMPOST HEAPS

3.14 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than two square metres and 2.0 metres (6'-7") in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting, or other approved container. Any such building or structure used to enclose the compost heap shall be situated in accordance with the provisions of the applicable zoning by-law.

PART IV

RESIDENTIAL STANDARDS

GENERAL CONDITIONS

4.01 Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.

PEST PREVENTION

4.02 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

STRUCTURAL SOUNDNESS

4.03 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.

4.04 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

EXTERIOR WALLS

4.05 Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

4.06 Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

WINDOWS AND DOORS

4.07 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair. Where screening is provided on windows and doors it shall also be maintained in good repair.

ROOFS

4.08 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

4.09 Where eavestroughing, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

EXTERIOR STAIRS, PORCHES AND BALCONIES

4.10 Exterior stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

EXTERIOR GUARDRAILS

4.11 An exterior guard shall be installed and maintained in good repair on the open side of any exterior stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. Guardrails shall be installed and maintained in good repair around all landings, porches, decks and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

PART V

VACANT LANDS AND BUILDINGS

5.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

VACANT LANDS

5.02 Vacant land shall be maintained to the standards as described in Part III, Articles 3.02 and 3.03, of this By-Law.

5.03 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

VACANT BUILDINGS

5.04 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and 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.

5.05 The owner or agent of a vacant building shall protect the building against the risk of fire, accident, damage or other danger thereto or to adjoining premises by effectively preventing the entry thereto by all unauthorized persons.

5.06 Without restricting the generality of Section 5.05, protection may include the boarding up of all openings to the building with at least 12.7 mm (½") weatherproof sheet plywood, composite panels or sheathing boards securely fastened to the building and painted a colour compatible with the surrounding walls.

PART VI

NON-RESIDENTIAL PROPERTY STANDARDS

6.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

YARDS

6.02 The yards of non-residential property shall be maintained to the standards as described in Part III, Articles 3.02 and 3.03 of this By-Law.

6.03 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6') in height and maintained in good repair.

PARKING AREAS, AND DRIVEWAYS

6.04 All areas regularly used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

6.05 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

STRUCTURAL SOUNDNESS

6.06 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

6.07 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

EXTERIOR WALLS

6.08 Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

6.09 Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

EXTERIOR GUARDRAILS

6.10 Exterior guards shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. Guardrails shall be installed and maintained in good repair around all landings, porches, decks and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

PART VII

ADMINISTRATION AND ENFORCEMENT

7.01 This By-Law shall apply to all property located within the area indicated on Schedule "A" to this By-law.

7.02 The imperial measurements contained in this By-Law are given for reference only.

OFFICERS

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

PROPERTY STANDARDS COMMITTEE

7.04 Council shall appoint by Resolution of Council no fewer than three (3) persons to the Property Standards Committee.

7.05 Every person who initiates an appeal of an Order made under Section 15.2 (2) of the *Ontario Building Code Act*, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the *Act*.

PENALTY

7.06 An owner who fails to comply with an order that is final and binding under this By-law 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.

VALIDITY

7.07 If an article of this By-Law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

7.08 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.

TRANSITIONAL RULES

7.09 After the date of the passing of this By-law, By-Law No. 93-3, as amended, of the former Township of Collingwood and By-law No. 10/95, as amended, of the former Town of Thornbury shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

REPEAL


7.10 By-Law No. 93-3, as amended, of the former Township of Collingwood and By-law No. 10/95, as amended, of the former Town of Thornbury, are hereby repealed.


TITLE

7.11 This By-Law may be referred to as "The Property Standards By-Law".

Read a first and second time this 3rd day of April, 2002.

Read a third time and passed this 3rd day of April, 2002.


Ross Arthur
Mayor


Stephen Keast
Town Clerk

KEY MAP – SCHEDULE 'A1'
BY-LAW No. 2002-18
TOWN OF THE BLUE MOUNTAINS



AREA AFFECTED BY THIS BY-LAW

