

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW NUMBER 2016-15

A By-Law for prescribing standards for the Maintenance and Occupancy of Property within the Corporation of the Township of McGarry

WHEREAS the corporation of the Township of McGarry is empowered to enact a By-Law pursuant to the provisions of sections 15.1 of The Building Code Act, S.O., 1992, Chapter 23 and amendments thereto;

AND WHEREAS there is in effect in the Corporation of the Township of McGarry, Official Plans, which includes provisions relating to property conditions;

AND WHEREAS the Corporation of the Township of McGarry deems it expedient to enact a By-Law for prescribing standards for the maintenance and occupancy of property within the Corporation of the Township of McGarry, 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 and left in a graded and level condition;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MCGARRY HEREBY ENACTS AS FOLLOWS:

That the Clerk of the Township of McGarry is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-Law and schedule as may be deemed necessary after the passage of this By-Law.

1.0 General Provision

- a. This By-Law may be cited as the "Property Standards By-Law."
- b. The provisions of this By-Law shall apply to all property within the geographic limits of the Township of McGarry except where otherwise provided.
- c. Conflicts with other By-Law

Where a provision of this By-Law conflicts with a provision of another By-Law in force in the Township of McGarry, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

2.0 Definitions

In this By-Law:

- a. "**Accessory Building**" means a subordinate, detached building not used for human habitation, designed or intended for the better or more convenient enjoyment of the main building to which it is accessory and is located upon the lot which the main building is or is intended to be erected and shall include a private garage where such garage does not form part of the main building.

- b. **“Alteration”** means a change from one major occupancy class or division to another, or a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change of the fixtures and equipment.
- c. **“Basement”** means a storey or any room in a storey having its floor level more than four feet below the average grade.
- d. **“Act”** means Building Code Act, S.O, 1992, c. 23 as it may from time to time be amended or repealed.
- e. **“Building Code”** means the code made by regulation pursuant to the Building Code Act.
- f. **“Council”** means the Council of the Corporation of the Township of McGarry.
- g. **“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 and includes the land and premises appurtenant thereto and all accessory buildings thereon or therein.
- h. **“Good repair”** means that a building, structure or appurtenances thereto, including mechanical equipment, shall be maintained in such condition so as to be:
1. Free from accident or fire hazard
 2. Structurally sound
 3. In good working order
 4. Not unsightly by reason of deterioration, damage or defacement
- i. **“Habitable Room”** means any room in a dwelling used or intended to be used for living, sleeping, cooking, or eating purposes.
- j. **“Maintain”** means the preservation or keeping in repair of a property as required by this By-Law and any applicable regulations.
- k. **“Multiple Dwelling”** means a building containing three or more dwelling units.
- l. **“Non-habitable Room”** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement. Boiler room or other space from service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- m. **“Non-Residential Property”** means a building or structure not occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the lands and premises appurtenant thereto.
- n. **“Officer”** means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-Law.

- o. **“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 land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces, and fences associated with the dwelling or its yard.
- p. **“Standards”** means the standards of physical condition and of occupancy prescribed for property by this By-Law.
- q. **“Yard”** means the land other than publicly owned land around and appurtenant to the whole or any part of a dwelling and used or intended to be used or capable of being used in connection with the dwelling.

2.1 Terms not defined in this By-Law shall have the same meaning ascribed to them in the Building Code Act or the Building Code.

3.0 GENERAL DUTIES AND OBLIGATIONS

- a. No person shall, occupy, use, permit the use of, rent, or offer to rent any property that does not conform to the standards.
- b. The owner of any property shall either:
 - I) Repair and maintain the property in accordance with the standards, or
 - II) Remove or demolish the whole or the offending part of any property that is not in accordance with the standards.

4.0 PROPERTY STANDARDS- PART 1- EXTERIOR STRUCTURE

- a. The exterior walls of every building shall be sound, plumb, tight, free from loose or unsecure objects and maintained in good repair.
- b. Every part 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.
- c. Every building shall have a sound and tight roof, adequate to carry the loads imposed thereon.
- d. The roof of every building, including the fascia board, soffit, cornice, flashing and eavestrough shall be maintained in good repair and in watertight condition so as to prevent leakage of water into the building.
- e. Every chimney, smoke pipe and flue of a building shall be maintained so as to prevent any gases from leaking into the building, to prevent any build-up of creosote, free of loose bricks, mortar broken capping and unsightly objects and conditions detrimental to the appearance of the building.
- f. All exterior exposed surfaces of a building shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration and improve the appearance of a building.

- g. Exterior door, windows and cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the building. Every window and door shall open and close freely if same is required for ventilation or as an exit. Rotted or damaged doors, windows, frames, sashes and casings, hardware and broken glass shall be repaired or replaced.

4.1 STAIRS AND RAMPS

- a. Every stairway containing three (3) risers or more and every ramp rising over two (2) feet in height shall be equipped with a safe, sturdy handrail and the open side of every stairway or set of stairs containing three (3) rises or more and the open side of the every ramp, balcony, platform, verandah or landing over two (2) feet above the level of the adjacent ground shall be equipped with a safe, sturdy handrail or balustrade.
- b) An inside or outside stair or any porch, balcony, platform, verandah or landing appurtenant to it, any ramp shall be maintained so as to be free from holes, cracks and other defects which may constitute possible accident hazards and all treads, risers or decking that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated, shall be repaired or replaced.

4.2 WALKS AND DRIVEWAYS

- a. A walkway shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street.
- b. Every walk, driveway and parking space shall be surfaced with stone, asphalt, concrete or other material capable of providing a hazard free, hard surface and shall be maintained so as to afford safe passage under normal use and weather conditions.

4.3 GARBAGE

- a. Every property shall have sufficient receptacles to contain all garbage, rubbish and ashes. Receptacles shall be:
 - I) Of water resistant construction;
 - II) Capable of being tightly closed;
 - III) Maintained in a clean condition;
- b. Yards, parking lots, vacant property and buildings shall be kept clean and free of litter, rubbish, debris, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.
- c. Grass, plantings and hedges shall be trimmed and neat. Every yard and vacant property shall be kept free from heavy undergrowth, excessive growth of grass, weeds and noxious plants in accordance with the weed Control Act, 1990, Chapter W.5, and amendments thereto, and the regulations made hereunder.

- d. Machinery, appliances, furniture, plumbing fixtures, vehicles, trailers or parts thereof, which are in a wrecked discharged, dismantled, partially dismantled or abandoned condition, shall not be stored or allowed to remain in the yard, open area or on any vacant property.
- e. Storage, salvage and scrap yards whether licensed or not, shall be effectively screened from all other property or streets by a solid line fence and materials of any kind stored or located in such yards shall not be piled within (3) feet of such fence unless the fence is capable of sustaining any horizontal load which may be imposed upon it by the stored materials.
- f. The owner of any property used for multiple dwelling, commercial, institutional or industrial purposes shall install and maintain around such property, suitable fences, hedges or screening where such property is used for the parking of vehicles of tenants, employees or customers, when used in the operation or equipment when used for the storage of goods or when used for any purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.

4.4 ACCESSORY BUILDINGS, STRUCTURES AND FENCES. – PART II

- a. Every accessory building, structure or fence and every part thereof shall be constructed of material acceptable under the provisions of the Corporation of the Township of McGarry By-Laws.
- b. Every accessory building, structure or fence shall be kept in good condition and repair and shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject.
- c. All exterior exposed surfaces of accessory buildings and structures shall be treated and/or maintained with a protective coat of paint or other sealing or coating material.
- d. Every residential, commercial industrial and accessory building not in conformity with the standards set out in this By-Law and remaining vacant for a continuous period of three (3) months or more shall be sufficiently secured with all windows and doors boarded to prevent entry by unauthorized persons and such buildings may only be kept secured for a period of twelve (12) months after which time the building or buildings shall be either;

I) Restored to conform with the standards of this By-Law, or

II) Demolished, or

III) Where there is a written agreement with the Council of the Corporation of the Township of McGarry, the building or buildings will be exempt from this section.

5.0 APPLICATION- PART III

- a) "Part I" applies to all property in the Corporation of the Township of McGarry
- b) IN ADDITION to the provisions of "PART I", the provisions of "PART II" apply to RESIDENTIAL PROPERTY in the Corporation of the Township of McGarry.

6.0 PROPERTY STANDARDS COMMITTEE, MEMBERSHIP AND TERM OF OFFICE

Council shall establish a "Committee" composed of such persons, not fewer than three, as the Council considers advisable to hold office for such term and on such conditions as set out on the By-Law. Committee members shall be appointed by resolution of Council and shall hold office for such time as Council may determine.

6.1 FILLING OF VACANCIES

The Council of the municipality shall forthwith fill any vacancy that occurs in the membership of the Committee.

6.2 EXPENSES

The members of the committee shall be paid such compensation as the Council may provide.

6.3 CHAIR

The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair.

6.4 QUORUM

A majority of the members constitutes a quorum for transacting the committee's business.

6.5 SECRETARY

The members shall provide for a secretary for the committee.

6.6 DUTY OF SECRETARY

The secretary shall keep on file, records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 74 of the Municipal Act applies with necessary modifications to the minutes and records.

7.0 ADMINISTRATION, ENFORCEMENT AND APPEAL

This By-Law shall be administered by the Chief Building Official appointed by Council pursuant to the "Act", or by such inspector or other person as Council may designate from time to time for such purpose.

This By-Law shall be enforced pursuant to the provisions of the "Act".

7.1 An owner or occupant who has been served with an order made under subsection 15.2 – (2) of the Act and who is not satisfied with the terms or conditions of the order may appeal to the "Committee" by sending a notice of appeal to the secretary of the "Committee" within fourteen (14) days after being served the order.

8.0 OFFENCES

A person or corporation who commits an offence under this By -Law shall be subject to the penalty and enforcement provisions of the "Act" and in particular Section 36 thereof

9.0 EFFECTIVE DATE

This By-Law shall come into effect from the day of its passing by Council.

10.0 REPEAL OF EXISTING BY-LAWS

By-Law 2006-29 be and is hereby repealed.

11.0 VALIDITY

A decision of a competent court that one or more provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this By-Law.

READ A FIRST AND SECOND TIME THIS APRIL 12TH, 2016

READ A THIRD TIME AND PASSED THIS APRIL 12TH, 2016

THE CORPORATION OF THE TOWNSHIP OF MCGARRY


MAYOR


CLERK-TREASURER