

THE CORPORATION OF THE TOWNSHIP OF BALDWIN
By-law No. 737

BEING a By-law amending By-law 648, prescribing standards for the maintenance and occupancy of property and prohibiting the occupancy or use of such property that does not conform to the standards prescribed herein to be repaired and maintained to conform to the standards or the site thereof to be cleared of all buildings and structures and left in a graded and leveled condition as per attached schedule.

WHEREAS Section E.14 of the Official Plan for the Corporation of the Township of Baldwin authorizes Council to adopt a Property Standards By-law;

AND WHEREAS the Council of the Corporation of the Township of Baldwin desires to enact a by-law pursuant to the provisions of Section 15 of the Building Code Act, S.O. 1992, c.23 as amended.

AND WHEREAS it is desirable for the protection of the safety, health and well-being of the public and to prevent the lowering of property values of the citizens of the Corporation of the Township of Baldwin that this By-law be enacted;

AND WHEREAS the Council of the Township of Baldwin deems it desirable to pass a By-law for the prescribing of standards for the maintenance and occupancy of property in the Township of Baldwin, and prohibiting the occupancy or use of property not in conformance with the standards prescribed herein to be repaired and maintained to conform to the standards or the site thereof to be cleared of all buildings and structures, debris, and refuse, and left in a graded and leveled condition;

NOW THEREFORE BE IT RESOLVED: That the Council of the Corporation of the Township of Baldwin adopt a Property Standards By-law and that the attached Schedules becomes part of this By-law No.737.

Any and all By-laws inconsistent with this By-law be and are hereby repealed.

Read a First and Second time and deemed to be read a Third time and passed in Open Council this 14th day of February, 2011.

REEVE

CLERK-TREASURER

1. **DEFINITIONS**

- (a) **“APPROVED”** means
 - (i) the approval of the Chief Official with respect to matters under the Ontario Building Code;
 - (ii) the approval of the Fire Chief with respect to matters under the Fire Code;
 - (iii) the approval of the Property Standards Officer in respect to other matters regulated by the By-law.
- (b) **“COMMITTEE”** means Property Standards Committee composed of one member of Council and four members at large.
- (c) **“CORPORATION”** means the Corporation of the Township of Baldwin.
- (d) **“DERELICT MOTOR VEHICLE”** means motor vehicles that are abandoned, inoperable, dilapidated or dismantled that have no market value as a means of transportation or that the cost to repair as a means of operable transportation would be more than the market value.
- (e) **“DWELLING”** means a building or structure, or part of a building or structure which is used, intended to be used, or capable of being used for the purpose of human habitation in whole or in part and includes a building that would be used, is intended to be used, or is capable of being used for such purpose, except for the state of disrepair.
- (f) **“DWELLING UNIT”** means one or more habitable rooms arranged for the domestic use of one or more individuals living together which may be rented for occupancy with or without cooking and sanitary facilities.
- (g) **“EXTERIOR PROPERTY AREAS”** means the building lot excluding buildings.
- (h) **“FENCE”** includes a privacy or other screen.
- (i) **“GROUND COVER”** means organic or non-organic materials applied to prevent erosion.
- (j) **“HAMLET”** : the South Boundary being Highway 17- East Boundary being the west half of lot 6, Concession 1- West Boundary being the west half of Lot 7, Concession 1- North Boundary being the Hydro Electric Pole line being easement SR 2099 part 4.
- (k) **“MOTOR VEHICLE”** includes any motor vehicle within the meaning of the Highway Traffic Act whether intended for use as a private passenger motor vehicle or not.
- (l) **“NON-HABITABLE SPACE”** means a bathroom, water closet compartment, basement, cellar, corridor, stairway, storage or furnace room and accessory space used for the maintenance or access within a building or a room or space which does not comply with the minimum standards for human habitation specified in the By-law.
- (m) **“OCCUPANT”** means any person or persons over the age of

eighteen years in possession of the property.

- (n) **“OFFICER”** means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
- (o) **“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 question, whether on his own account or as agent or trustee or any other person or who would so receive the rent if such land or premises were let, and also shall 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 maintenance and occupancy of property.
- (p) **“PERSON”** includes a person, firm, corporation, company, association, partnership or organization of any kind.
- (q) **“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.
- (r) **“REPAIR”** includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in the By-law.
- (s) **“SALVAGE YARD”** includes a scrap yard, junk yard, and a wrecking yard whether or not an active business is carried on and whether or not the yard is used for storage of salvage.
- (t) **“SIGN”** includes an advertising devise or notice and means any medium, including its structure and other component parts which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information or advertising purposes.
- (u) **“UNSAFE CONDITION”** means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the property.
- (v) **“UNSIGHTLY”** means not pleasant to look at.

EXTERIOR PROPERTY AREAS WITHIN THE HAMLET

- 2. (1) Exterior property areas shall be maintained in a neat and tidy condition so as not to detract from the neighbouring environment or present a hazard to any person.
- (2) Without restricting the generality to subsection (1) above, maintaining property in a neat and tidy condition includes removal of:
 - a) rubbish, garbage, waste, litter and debris.
 - b) noxious weeds and excessive growth of other weeds;
 - c) ground cover, hedges and bushes which are unsightly or unreasonably overgrown in relation to the neighbouring environment;

- d) dead, decayed or damaged trees or other growth and the branches and limbs of thereof which create an unsafe or unsightly condition;
 - e) wrecked, dismantled, inoperative, discarded, or unused vehicles or trailers, except in an establishment licensed or authorized to conduct or operate a wrecking business, car dealership or garage, and then only if the articles are kept in a manner to avoid unsafe or unsightly condition not detracting from the neighbouring environment and enclosed with an approved fence not less than five (5) feet in height, only if an unsightly condition is created. No land in the Township shall be used for the purpose of storing or processing derelict motor vehicles except land which is:
 - (i) licensed as an automobile wrecking yard,
 - (ii) a waste disposal site which has a certificate of approval for such purposes under the Environmental Protection Act, 1990.
 - (iii) enclosed in a building, or
 - (iv) on which such use is not otherwise prohibited by this By-law.
 - f) A derelict vehicle with no commercial value must be removed within sixty (60) days after being placed on a property unless it is a property listed in (i), (ii), (iii) or (iv).
 - g) derelict machinery or parts thereof or other objects or accumulation of material that creates an unsafe condition which is unsightly or not in keeping with neighbouring properties.
 - h) dilapidated or collapsed structures or erections, and the filling or protecting of any unprotected well.
- (3) In the above section 2, items (a), (b), (c) and (d) shall apply to the hamlet portion of the township only. The hamlet is described in section 1 (definitions) part j.

FENCES WITHIN THE HAMLET

3. Fences shall be kept:
- a) in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
 - b) in good repair and free of accident hazards;
 - c) so as not to present an unsightly appearance;
 - d) barbed wire shall not be permitted within the hamlet;
 - e) all fences enclosing a licensed or authorized wrecking/ salvage establishment shall be not less than five (5) feet high, when required to be constructed.

SIGNS WITHIN THE HAMLET

4. 1) signs shall be maintained;

- a) so as not to cause an unsafe condition;
 - b) in a vertical plane unless otherwise erected and approved.
- 2) Signs that are unused or not cared for or discarded shall be removed from the property or shall be stored within a building.

RETAINING WALLS

5. Retaining walls shall be maintained in good repair and free from accident hazards.

BUFFERING

6. 1) Property that becomes a nuisance to;
- a) the occupants or users of nearby property;
 - b) the residents of the neighbourhood or;
 - c) users of streets and roadways;
- shall be buffered to minimize the effect of the nuisance and in a manner approved of in writing by the Property Standards Officer.
- 2) Without limiting the generality of subsection 1., the buffer shall include, where appropriate:
- a) the provision and maintenance of an approved barrier to prevent material from being blown onto adjacent property.
 - b) the provision and maintenance of an approved visual screen or site facilities to minimize nuisances which are not in keeping with the neighbouring environment.

STRUCTURAL CAPABILITY

7. 1) Every building and every structural member of a building should 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. Materials which may have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 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 dwelling or the public.
- 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.
- 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 the dwelling.
- 5) The exterior walls and their components shall be maintained so as to prevent deterioration due to weather and an unsightly appearance.

UNSAFE CONDITIONS

8. 1) Unsafe conditions on a property shall be abated forthwith to the satisfaction of the Property Standards Committee.
- 2) Where this is a condition on the property which is unsafe, the Ontario Building Code and the Fire Code shall apply to the extent necessary to abate the unsafe condition.
- 3) Without limiting the generality of subsections 1) and 2), abating of an unsafe condition include;
 - a) the provisions and repair of appropriate fire and gas separations and fire protection;
 - b) the provision, repair and maintenance of adequate and appropriate early warning, fire extinguishment, and fire fighting equipment and devices;
 - c) the provision of smoke control measures appropriate to use and occupancy of the building, floor area, suite of rooms, room or space, and to the existing construction and building services;
 - d) the provision or repair of exit and emergency lighting;
 - e) the provision or repair of stairs, railings, guards so as to minimize the risk of accidents;
 - f) the provision, repair and maintenance of exits and means of egress to permit clear passage and safe egress from anywhere within a building to a location of safety;
 - g) the proper handling, storage, and discharge of flammable liquids;
 - h) the proper handling, storage and discharge of dangerous materials and chemicals;
 - i) the storage of combustible materials so as to minimize fire spread and permit effective fire control;
 - j) the control of hazardous industrial processes and operations and the prevention of explosion;
 - k) the proper maintenance of fire extinguishers and all other provided early warning fire extinguishment and fire control equipment and devices;
 - l) the elimination of fire hazards or other conditions which may be hazardous to life or which risk serious injury to persons normally in or about the subject buildings, floor area, suite of rooms, room space or property.

EXTERIOR SURFACES

9. 1) All exterior surfaces on a building shall be maintained.
- 2) All doors, windows and transparent surfaces shall be maintained.
- 3) A building damaged by fire or other causes shall be repaired as may otherwise be required by the By-law, or the building shall be

demolished or the damaged portion removed and the property left in a graded, leveled condition.

DOOR, WINDOWS, SHUTTERS AND HATCHWAYS

10. All doors, windows, shutters and hatchways shall be maintained so as to perform their intended function.

FOUNDATIONS, WALLS, COLUMNS, AND BEAMS

11. The foundations, walls, columns, and beams of a building shall be maintained in good repair and conform to the Ontario Building Code.

FLOOR, STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS AND BALCONIES.

12. Every floor, stair, veranda, porch, deck loading dock, balcony and every appurtenance attached thereto shall be maintained, reconstructed, or repaired so as to be of good appearance, safe to use and capable of supporting loads to which it may be subject as specified in the Ontario Building Code.

ROOFS AND ROOF STRUCTURES

13. Every roof including related roof structures shall be maintained and repaired so as to properly perform its intended function, and so as to be capable of supporting the loads to which it may be subjected as specified in the Ontario Building Code.

GANTRIES ANTENNAS

14. Gantries, antennas and structures of similar character shall be maintained plumb, in good repair and free of fire and accident hazards.

VENTILATION SYSTEMS

15. Ventilation systems as required by the Ontario Building Code shall be maintained in good repair so as to perform their intended functions.

HEATING AND MECHANICAL SYSTEMS

16. All heating and mechanical systems shall be maintained and operated in good repair so as not to cause hazard to any person.

ELECTRICAL SYSTEM

17. All electrical systems shall be installed and maintained in good repair and conform to the Ontario Building Code or Electrical Code.

DRAINAGE AND PLUMBING SYSTEMS

18. Drainage and plumbing systems on the property shall be provided, installed and maintained in good working order and in compliance with requirements of the Building Code, the Ontario Water Resources Act, Environmental Protection Act of Ontario and their regulations.

SEWAGE DISPOSAL

19. All sewage disposal systems shall be approved by and maintained to the

satisfaction of the Medical Officer of Health.

HUMAN HABITATION

- 20. 1) Non-habitable space shall not be used for human habitation.
- 2) No dwelling unit shall be occupied or permitted to be occupied in sufficient numbers to constitute, in the opinion of the Medical Officer of Health, a physical or medical health hazard.
- 3) Buildings used or to be used for human habitation shall conform to the Ontario Building Code.

SECURITY

- 21. All doors which allow access to or egress from a building shall conform to the Ontario Building Code.

WRECKING BUSINESS/ SALVAGE YARDS

- 22. 1) Licensed establishments conducting or operating a wrecking business, and/or, a salvage yard will remove all flammable, corrosive and hazardous materials from the derelict vehicles, so as to minimize unsafe conditions that would cause undo hazards to the environment, life, limb, or health of any persons authorized or expected to be on or about the property. An approved area within this property shall be used for the safe storage and handling of these materials so as to maximize better control in case of fires or any other unsafe conditions and easier access for disposal of these materials.
- 2) Without limiting the generality of subsection (1) flammable materials shall include gasoline and fuels; corrosive material shall include batteries, and hazardous material shall include radiators, radiator fluids and all oils.

VACANT LAND

- 23. Vacant land shall be kept clean and free of rubbish or other debris.
- 24. This By-law applies to all property in the Township of Baldwin.

PROPERTY STANDARD COMMITTEE

- 25. (i) There shall be a Property Standards Committee pursuant to Section 15(6) of The Building Code Act, 1992 as amended. This Committee shall be comprised of one (1) member of Council and three (3) members at large. All members shall hold office for a period of four (4) years concurrent with the term of Council from the first day of January of the year of such appointment. The Committee shall meet quarterly (March, June, September, December) if there are complaints to be dealt with, or, as needed.
- (ii) The Council member shall chair the meeting and shall make provisions for a Secretary of the Committee.
- (iii) When the Chairperson is absent, the Committee may appoint another member to act as Chairperson pro tempore. In the event of a vacancy, Council shall appoint a new member.

ENFORCEMENT PROCEDURES

26. Within 48 hours of the Property Standards officer receiving a verbal complaint or request to investigate a property, the property standards officer shall inspect the property and take photos of the site.
27. The Property Standards Officer shall keep a record of site visits, conversations with complainant and property owner. In addition, PS Form 1, be completed and mailed to the property owner. A copy shall be kept in the property owner's property standards folder.
28. Should the Property Standards Officer deem the situation to be an emergency as per section 15.7 of the Ontario Building Code an Emergency Order shall be issued using PS Form 2, and under this authority emergency measures shall be taken.
29. Prior to mailing of an order to remedy, a property search shall be conducted to verify ownership and legal description of property in question.
30. A supply of an updated form "order to remedy non-conformity with standards for maintenance and occupancy " shall be kept and utilized as the first step.
31. The time for complying with the terms and conditions of the order shall be described on the order to remedy as "forthwith".
32. The order to remedy shall be forwarded to the registered owner and such other persons affected by it, by priority courier, as well as posted on site. A record of the mailing shall be kept, and a photo of the site with the order posted shall be taken. If correspondence is returned as unclaimed by Canada Post, the correspondence is to be served via a Process Server. If this individual is unable to locate the property owner, an affidavit of non-service must be obtained for our records and kept in the property owner's property standards folder.
33. Staff at any time during the process may seek legal advice.
34. The order to remedy may be filed at the Land Registry Office.
35. Following no response or no action to the Order to remedy non conformity with standards for maintenance and occupancy, it shall be at the discretion of the Property Standards Officer to proceed as follows;
 - a) deem it necessary to clean up the site immediately and the costs be deemed as taxes, all property clean up ie. grass cutting, vehicle removal, boarding up etc. is to be completed by a third party; or
 - b) issue a ticket under the Provincial Offences Act using the appropriate Short Form Wording and Set Fines as approved by the Ontario Court of Justice; or
 - c) forward the matter to Provincial Offences Court
36. In the matter of record keeping;
 - a) a separate file for each property standards matter shall be maintained
 - b) a checklist (Schedule A) shall be attached to each file and maintained

PENALTIES

37. Every person who contravenes any provision of this by-law is guilty of an offence; and

A penalty up to but not exceeding five hundred (\$500.00) dollars shall be levied an owner for each day that he is in contravention of

an order that is final and binding, such penalty to be recoverable under the Provincial Offences Act.

- 38.** See attached Schedule B, Property Standards Fine Schedule, for the penalty for each offence.