

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW NO. 2012-07

BEING A BY-LAW FOR THE PRESCRIBING OF STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF GORE BAY

WHEREAS the Corporation of the Town of Gore Bay deems it desirable to enact the following by-law for prescribing standards for the maintenance and occupancy of all property within the municipality and prohibiting the use of such property that does not conform to the standards as described herein or to be cleared of all buildings and structures, rubbish, debris, and the lands left in a graded and level condition;

AND WHEREAS the Town of Gore Bay has in effect an Official Plan that includes provisions relating to property standards as provided in the Building Code Act, S.O 1992, c.23;

NOW THEREFORE PURSUANT to the Building Code Act 1992, Sections 15.1 to 15.8 inclusive, Council of The Corporation of the Town of Gore Bay ENACTS AS FOLLOWS:

1. DEFINITIONS:

- .1 “ACCESSORY BUILDING” means a detached building or structure, the use of which is customarily incidental and subordinate to a principal use, building, or structure and located on the same property herewith.
- .2 “APPROVED” means, as applied to grade, material, device, or method of construction, approved by the Property Standards Officer under the provisions of this By-law; approved by the Building Inspector under the provisions of the Fire Code, or approved by other authority designated by law to give approval to the matter in question
- .3 “BASEMENT” means a storey or storeys of a building located below the first storey.
- .4 “CAO” means Chief Administrative Officer for The Corporation of the Town of Gore Bay

- .5 “STOREY” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- .6 “FIRST STOREY” means the storey with its floor closest to grade and having its ceiling more than 1.8 m (5 ft. 11 in) above grade.
- .7 “BUILDING” means a structure having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals, or goods.
- .8 “CELLAR” means that portion of a building between the two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to ceiling, below the adjacent finished grade.
- .9 “CHIEF PROPERTY STANDARDS OFFICER” means the officer appointed by the Council to be the Chief Property Standards Officer responsible for the administration and enforcement of this by-law.
- .10 “COMPOST” means a mixture of decaying organic matter used or intended to be used as fertilizer.
- .11 “COMMITTEE” means a Property Standards Committee, established under Section 15.6 of the Building Code Act, S.O 1992, as set out in this by-law.
- .12 “CORPORATION” means The Corporation of the Town of Gore Bay.
- .13 “DWELLING” means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation , and includes a building that would be or could be intended to be used for such purposes except for its state of disrepair and shall include any mobile dwelling unit.
- .14 “GRAFFITI” means one or more letters, symbols, or marks, howsoever made, that disfigures or deface a property or object, but does not include a sign pursuant to the Town’s sign by-laws or a mural which has been authorized by the Town.

- .15 “DWELLING UNIT” means a suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided, in which facilities are provided for cooking, or the installation of cooking equipment, in which a heating system is provided and containing a private entrance from outside the building or from a common hall or stairway inside.
- .16 “FIRE RESISTANCE BUILDING” means time in hours or parts thereof that a material construction or assembly will withstand fire exposure , as determined in a fire test made in conformity with generally accepted standards, or as determined by extension or interpretation of information derived therefrom.
- .17 “GUARD” means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzazine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another; such barrier may or may not have openings.
- .18 “GROUND COVER” means organic or non-organic materials applied to prevent the erosion of the soil, eg. concrete, flagstone, gravel, asphalt, grass, or other forms of landscaping.
- .19 “HABITABLE ROOM” means a room designed for living, sleeping, eating or food preparation including but not only a den, library, sewing room, or enclosed sun room.
- .20 “MAINTENANCE” means the preservation and keeping in good repair of a property.
- .21 “MUNICIPALITY” means The Corporation of the Town of Gore Bay.
- .22 “NON RESIDENTIAL PROPERTY” means a building or structure or part of a building or structure not occupied in whole or in part for the purposes of human habitation, with the lands and premises appurtenant thereto, and all outbuildings, fences, or erection thereon or therein.
- .23 “NOXIOUS” means when used with reference to any land , building, or structure, a use which , from its nature, or from the manner of carrying on the same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odours, noise or vibration or unsightly storage of goods, wares, merchandise , salvage, junk, waste or other material, a condition which may become hazardous or injurious as regards health and

safety or which prejudices the character of the surrounding area or interferes with the normal enjoyment of any use of land, building, or structure.

- .24 “NOTICE” means a Notice of Violation and Order to demolish or repair property served by an officer pursuant to this by-law.
- .25 “OCCUPANCY” means the use or intended use of building or part thereof for the shelter or support of person, animals, or property.
- .26 “OCCUPANT” means any person or persons over the age of eighteen years in possession of the property.
- .27 “OFFICER” means a Property Standards Officer appointed by The Corporation of the Town of Gore Bay.
- .28 “OWNER” includes:
- i) the person who, for the time being, receives the rent or manages, or pays the municipal taxes on residential property 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 so receive the rent if the residential property were let; or
 - ii) 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.
- .29 “PERSON” means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or legal representatives of a person to whom the context can apply according to law.
- .30 “PLUMBING AND PLUMBING FIXTURES” means water heating, facilities, water pipes, gas pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment; catch basins, drains, vents, traps, together with all connection to water, gas sewerage, or vent pipes.
- .31 “PREMISES” means that portion of real property which is owned by a specific person and includes all buildings and structures thereon.

- .32 “PROPERTY” means a building or structure or part of a building or structure and may include 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.
- .33 “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 this by-law.
- .34 “SEWAGE” means any liquid waste containing animal, vegetable, or mineral matter in suspension or solution but does not include roof water or runoff.
- .35 “SEWAGE SYSTEM” means the municipal sanitary sewage system when it becomes available, until then, a private sewage disposal system approved by the Medical Officer of Health.
- .36 “STANDARDS” means the standard for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed in this by-law.
- .37 “SUB-STANDARD” means a quality less than that required by the by-law.
- .38 “UNSAFE CONDITION” means any condition that could be hazardous to the normal use of the premises or persons whose access to the premises has not been reasonably prevented.
- .39 “YARD” means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered, and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted.

2. SCOPE

This By-law shall apply to all property in the Town of Gore Bay.

3. MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

3.1 Yards

3.1.1. Every yards, including vacant lots, shall be kept clean and free from:

3.1.1.1 heavy undergrowth and excessive growth of grass and weeds;

3.1.1.2 noxious plants, such as ragweed, poison ivy, poison oak, hogweed, etc

3.1.1.3 dead, decaying, or damaged trees or other natural growth, and the branches and limbs which create an unsafe condition;

3.1.1.4 garbage, rubble, waste, construction material or other debris that constitutes an unsafe condition;

3.1.1.5 holes, pits, excavations, or trenches constituting an unsafe condition.

3.1.1.6 wrecked, dismantled, inoperative, or unused vehicles, trailers, boats, snowmobiles or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licenced or authorized to conduct such a business;

3.1.1.7 dilapidated, collapsed, or partially constructed structures; and

3.1.1.8 injurious insects, termites, rodents, vermin, or other pests.

.2 Exemptions

3.2.1 Vacant property is exempt from 3.1.1.1

.3 Sewage and Drainage

3.3.1. Sewage and organic waste shall be discharged into the municipal sanitary sewage system where such a system exists, or shall be disposed of in a manner acceptable to the local health authorities.

.2 All yards and exterior property area shall be cultivated or protected with suitable ground cover to allow for safe passage of pedestrians.

.3 No roof drainage or sump pump shall be discharged on neighboring property or streets.

.4 No person shall maintain or change the grade of any property which causes excessive pooling or the entrance of water into a basement or cellar or causes an unsafe condition.

3.4 Parking Area, Walks, and Driveways

3.4.1 All areas used for vehicular parking spaces shall have a surface covering of asphalt, concrete, interlocking brick stone or gravel and shall be kept

in good repair.

2. Steps, walkways, driveways, parking spaces, and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- 3.5 Accessory Buildings, Fences, and Structures
 - .1 Accessory buildings, fences, and other structures appurtenant to the property shall be maintained in structurally sound condition and good repair.
- 3.6 Garbage Disposal
 - 3.6.1 All garbage and refuse shall be promptly placed and kept in a suitable container constructed of watertight material with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
 - 3.6.2 Every residential property shall be maintained in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.
 - 3.6.3 Accumulation of storage of garbage, refuse, appliances, furniture or any other obstruction in public hallways or stairways shall not be permitted.
- 3.7 Compost Heaps
 - 3.7.1 The occupant of a residential property may provide a compost pile provided it is no larger than one square metre and 1.89 metres in height and is enclosed on all sides. Compost heaps must be located in a rear yard within one metre of lot line.
- 4.0 Residential Standards
 - 4.1 Prohibition
 - 4.1.1 No person shall use or occupy, or permit the use or occupancy of any

4.3 and property that does not conform to the standards set out in section 4.4 of this by-law.

4.1.2 The owner of any property which does not conform to the standards or the property shall be cleared of all buildings, structures, debris, or refuse and left in a graded and leveled condition.

.2 Pest Prevention

4.2.1 Dwellings shall be kept free of rodents, vermin, and insects at all times.

4.3 Safety

4.3.1 Every part of a dwelling shall be maintained in a safe condition so as to prevent accident or injury to the general public.

.4 Fire Damage

4.1 In the event of fire, measures shall be taken as soon as possible to repair the damage and restore the property in keeping with its intended use.

4.2 Without restricting the generality of 4.4.1 such measures shall include:

1. making the buildings and structures safe
2. cleaning any smoke or water damaged surfaces
3. refinishing damaged exposed surfaces as to be in harmony with the undamaged surfaces and general environment
4. repairing of fire damage

4.5 Exterior Walls

4.5.1 Exterior walls shall be finished and maintained in good repair free from damage.

4.5.2 Exterior walls shall be free of inappropriate signs, slogans, graffiti, and other defacements.

4.6 Roofs

4.6.1 Accumulations of excessive or dangerous ice and snow that could be dangerous to the general public shall be promptly removed.

5.0 Vacant Buildings

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

6.0 Non – Residential Property Standards

6.1 The yards of non-residential property shall be maintained to the standards as described in section 3.1 of this by-law.

6.1.1 The 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 unobstructed access of emergency vehicles.

6.1.2. When conditions are such that a neat and orderly fashion is achieved but still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a board or metal fence not less than 1.8 metres in height.

7.0 Administration and Enforcement

7.1 The Town council shall appoint a Chief Property Standards Officer responsible for the administration and enforcement of this by-law.

7.1.2 An officer or any person acting under their instructions may, at reasonable times and with sufficient notice enter and inspect any property.

.2 Notice of Non-compliance

1. If after inspection, the Officer is satisfied that the property does not conform to the standards prescribed in the By-law, he or she shall serve or cause to be served a Notice of Non-Compliance containing particulars of the non conformity to the owner of the property and may also provide a copy to the occupants of the property.

7.2.2 The notice shall state that after a certain date to be specified in the Notice of non-compliance, by the officer, the property will be subject to reinspection at which time the officer may issue an order under Section 7.3 of this By-law.

7.3 Order to Comply

7.3.1 On or after the date specified in the Notice of Non-compliance given under Section 7.2 where an officer finds that the property does not conform to the standards prescribed in this by-law, the officer may issue an order:

- a) stating the municipal address or the legal description of such property
- b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and levelled condition;
- c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repairs or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- d) indicating the final date for giving notice of appeal from the order.

2. An order issued in accordance with article 7.3.1 shall be served on the owner of the property and such other projects affected by it as the officer determines and it shall be served personally or by registered mail , sent to the last known address of the person to whom the order is being given.

.3 If the officer is unable to effect service under article 7.3.2, he or she shall place a placard containing the terms of the Order in a conspicuous place on the property and the placing of the placard shall be deemed as sufficient service of the notice or order on the owner or other persons.

7.3.4 An order may be registered in the proper land registry office and upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served the requirements of the order have been satisfied, which shall operate as a discharge of the order.

7.4 Property Standards Committee

7.4.1 A Property Standards Committee shall be established by the Town of Gore Bay consisting of two (2) members of Gore Bay Council and one (1) resident of the municipality.

7.5 Appeal of Order

7.5.1 When the owner or occupant upon whom an order has been served in accordance with article 7.3.1 is not satisfied with the terms or conditions of the order, he or she may appeal to the Committee by sending a Notice of Appeal by registered mail to the CAO of the Town within fourteen (14) days after service of the Order and in the event that no appeal is taken, the Order shall be deemed to have been confirmed.

.2 On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the Secondary plan or zoning by-law are maintained.

- a) Confirm, modify, or rescind the order to demolish or repair
- b) Extend the time for complying with the order.

7.5.3 The municipality in which the property is situated or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent.

7.6 Penalty

7.6.1 No person shall fail to comply with a Property Standards Order as confirmed or modified.

7.6.2 Should a person fail to demolish or repair the property in accordance with an order as confirmed or modified, the municipality, in addition to other remedies:

- a) without further notice to the owner or other affected parties, shall

have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time, to enter in and upon the property; and

- b) shall not be liable to compensate such owner, occupant, or another person having interest in the property by reason of anything done by or on behalf of the municipality under the provisions of this article.

7.6.3 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.

.4 Any person who fails to comply with any provision of this by-law shall be guilty of an offence and subject to the penalties provided under the Provincial Offences Act.

7.7 Validity

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

READ A FIRST TIME THIS DAY OF , 2012

READ A SECOND TIME THIS DAY OF , 2012

READ A THIRD TIME AND FINALLY PASSED THIS DAY OF
, 2012

.....
MAYOR

.....
CLERK

