

THE CORPORATION OF THE TOWNSHIP OF RED ROCK

BY-LAW 2007-952

Being a By-law to prescribe standards for the maintenance and occupancy of buildings and property and to require properties to conform with the standards prescribed herein.

WHEREAS the Corporation of the Township of Red Rock desires to enact a by-law pursuant to the provisions of Section 15.1 of the Building Code Act, 1992, as amended by Bill 96;

AND WHEREAS there is an Official Plan in effect which includes provisions relating to maintenance and occupancy standards;

THEREFORE the Council of the Corporation of the Township of Red Rock HEREBY ENACTS AS FOLLOWS:

PART I TITLE, INTERPRETATION AND GENERAL

1. This by-law may be cited as the “Property Standards By-law”.

2. (1) In this By-law

“accessory building” means a detached, subordinate building not used for human habitation, located on the same property as the main building.

“appliance” includes any household appliance of any kind and, without limiting the generality of the foregoing, includes:

- (a) refrigerators
- (b) stoves/ovens
- (c) freezers
- (d) air conditioners
- (e) microwaves
- (f) washers/dryers

“building” means any structure used or intended for supporting or sheltering any use or occupancy.

“dwelling” means any building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation.

“exterior property area” means the property excluding buildings.

“inoperative motor vehicle” includes a motor vehicle which:

- a) may not be lawfully operated upon a highway pursuant to the Highway Traffic Act, R.S.O. 1990, c.H.8., amendments thereto or revisions thereof for any of the following reasons:
 - (i) there is not in existence a currently validated permit for the vehicle; or
 - (ii) there are not displayed on the vehicle, in the prescribed manner, number plates issued in accordance with the said Act showing the number of the permit issued for the vehicle; or
 - (iii) there is not affixed to a number plate displayed on the vehicle evidence of the current validation of the permit;

b) is in a wrecked or dismantled condition or is inoperable because of the removal or absence of any part.

“maintenance” means the preservation and keeping in good repair of a property and building.

“motor vehicle” includes an automobile, motorcycle, motor assisted bicycle, motor vehicle designed to run upon rails, motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry, construction equipment, road building machine and any other vehicle propelled or driven otherwise than by muscular power.

“noxious weeds” means any weeds classed as noxious by the Weed Control Act, R.S.O. 1990, c.W5 and Regulations thereunder.

“officer” means the Property Standards Officer of The Corporation of the Township of Red Rock and includes a person appointed to act in that capacity from time to time.

“property” means a building or structure or part of a building or structure including the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, accessory buildings, fences and includes vacant property.

“rear yard” has the same meaning as in applicable provisions of the Zoning By-law passed pursuant to the Planning Act which governs the lands.

“repair” means 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 this by-law and in conformity with all other legislation.

“sewage” means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or runoff.

“sewerage system” means the Municipal sanitary sewerage system or private sewerage system approved by the Medical Office of Health.

“side yard” has the same meaning as in the applicable provisions of the Zoning By-law passed pursuant to the Planning Act which governs the lands.

“waste” includes refuse or garbage of any kind whatsoever and without limiting the generality of the foregoing includes:

- a) accumulations, litter, remains, rubbish, trash;
- b) discarding furnaces, furnace parts, pipes, pipe fittings, water or fuel tanks;
- c) paper, cartons;
- d) discarded furniture;
- e) crockery, glass, cans, containers;
- f) garden refuse and trimmings;
- g) material from construction and demolition projects;
- h) domestic and industrial waste.

“yard” means any land appurtenant to a building or structure and used or intended to be used or capable of being used in connection therewith.

3. Where a provision of this by-law conflicts with a provision of another by-law, regulation or legislation in force in the Township of Red Rock, the provisions that establish the higher standard prevail.
4. If any provision of this By-law is declared invalid for any reason, the remaining

provision shall remain in effect.

5. This by-law shall apply to all property within the limits of the Township of Red Rock.

PART II

EXTERIOR PROPERTY AREAS

6. Every dwelling shall be equipped with sufficient receptacles to contain all garbage, rubbish and ashes in a sanitary manner.
The receptacle shall be:
 - made of metal or plastic
 - made of watertight construction
 - provided with a tight fitting cover
 - maintained in a clean state.
7. All garbage, refuse and ashes shall be disposed of in a manner acceptable to the local Medical Officer of Health.
8. All yards and vacant lots shall be kept free and clean from waste and from objects or condition that might create a health, fire or accident hazard.
9. All yards and vacant lots shall be kept free from excessive growth of weeds and grasses (20 cm). Plants designated as noxious weeds under the Weed Control Act shall be eliminated from all yards.
10. No:
 - (i) appliance;
 - (ii) boat;
 - (iii) trailer; or
 - (iv) vehicle not governed by Section 11which is in a wrecked, discarded, dismantled or abandoned condition, or which is being used for any purpose other than it was originally intended, shall be stored or left in a yard.
11. (1) No owner shall store or permit the storage of any inoperative motor vehicle or part thereof unless such vehicle or part is completely covered by a canvas or similar opaque, weather-resistant tarpaulin in good repair.
 - (2) Not more than one inoperative motor vehicle may be stored on any lot and not more than 500kg. of motor vehicle parts not actually attached to such vehicle may be stored on the lot.
 - (3) No inoperative motor vehicle or part thereof shall be stored on any lot except in the side yard or rear yard thereof.
 - (4) No inoperative motor vehicle or part thereof stored on any property as at any date may be stored on such property at any time after one (1) year from such date, whether or not such vehicle or part has been continuously inoperative or continuously stored on such property during the one (1) year period.
 - (5) Subsection 11 (1), (2), (3) and (4) do not apply to the storage of inoperative motor vehicles or parts thereof as part of the conduct of a bona fide business lawfully conducted on the property or where the storage is entirely within a fully enclosed building.
 - (6) No inoperative motor vehicle shall be stored on any vacant property.
12. Steps, walks, driveways, parking spaces, and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.

PART III

FENCES AND ACCESSORY BUILDINGS:

13. Accessory buildings and all fences shall be kept in good repair and free from fire, health or accident hazards.
14. All permanent signs and billboards shall be maintained in good repair and any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state of repair so as not to create an unsightly appearance.

PART IV

STANDARDS OR FITNESS FOR OCCUPANCY

15. Sewage or organic waste shall be discharged into a sewerage system where such a system exists; where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the local health authorities.
16. The heating system for every dwelling unit shall be maintained so as to be capable of providing a room temperature of twenty-one (21.0) degrees Celsius in all habitable rooms bathrooms and toilet rooms under all conditions.
17. Every heating system shall be maintained to comply with the requirements of all applicable governmental regulations to safely heat the building to the required standards while free from fire, health and accident hazards.
18. No fuel appliance or fuel supply shall be installed, maintained or permitted within any room used or intended to be used for sleeping purposes.
19. Where electrical power is available, every dwelling unit should be provided with an adequate supply of electric power.
20. Every dwelling unit shall be provided with at least a kitchen sink, a toilet, a wash basin and a bathtub or shower, located within the dwelling unit and all of which are served with hot and cold running water, except the toilet.
21. 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.
22. The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and shall be so maintained by the painting, restoring or repairing of the walls.
23. Where a building or structure is demolished, the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and level condition.
24. Where a condition exists on the property which attracts noxious insects, rodents or vermin, all necessary steps shall be taken to eliminate the insects, rodents or vermin and to eliminate the condition so as to prevent its recurrence.

PART V

ADMINISTRATION AND ENFORCEMENT

Administration and Enforcement shall be as provided in the Building Code Act.

Property Standards Committee

25. A property standards committee is hereby established consisting of not fewer than three (3) ratepayers of the Township appointed by Council. This Committee will hear appeals to this by-law.
26. Members of the Committee are eligible for re-appointment and shall hold office for a four (4) year term or until such time as their successor is appointed. When a member ceases to be a member during his or her term, the Council shall appoint another person for the unexpired portion of his or her term.
27. A member of Council of the Township or an employee of the Township or local board thereof is not eligible to be a member of the Committee. A teacher employed by a board of education or school board is not deemed to be an "employee" for the purposes of this section.
28. The Secretary of the Committee shall be an employee of the Township other than an officer.
29. The Secretary shall keep on file minutes and records of all applications and the decisions thereon and all other official business of the committee.
30. A majority of the committee constitutes a quorum.

Property Standards Officer

31. The office of Property Standards Officer is hereby created, and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this by-law, subject to the provisions of this By-law.

PART VI

OFFENCE AND PENALTY PROVISIONS

32. Any properties that do not meet the standards set out by this By-law shall be repaired and maintained to comply with the standards of this by-law.
33. An owner who fails to comply with an order issued by a Property Standards Officer is guilty of an offence and upon conviction is subject to a fine as provided by the Building Code Act S.O. 1992, C23.
34. The remedial work necessary to meet the requirements of this by-law may be undertaken by the Township and the owner will be responsible for the cost of this work, including an administrative fee, with the cost added to their municipal tax bill.

PART VII

REPEAL AND EFFECTIVE DATE

35. By-law 99-822 is hereby repealed.

36. This by-law shall come into force and take effect upon final passage thereof.

Read a first and second time

this 23rd day of May, 2007.

Read a third time and finally passed

this 23rd day of May, 2007.

Mayor

Chief Administrative Officer/Clerk