

CORPORATION OF THE TOWNSHIP OF ST. JOSEPH

BY-LAW NO. 1262

Being a by-law to prescribe standards for the maintenance and occupancy of property

WHEREAS the Corporation of the Township of St. Joseph deems it desirable to enact a by-law pursuant to the provisions of section 31 of the Planning Act, R.S.O. 1983;

AND WHEREAS there is an Official Plan in effect in the Township of St. Joseph which includes provisions relating to property conditions;

NOW THEREFORE the Council of the Corporation of the Township of St. Joseph HEREBY ENACTS as follows:

1. SHORT TITLE:

1.1 This by-law may be cited as the "Property Standards By-law."

2. DEFINITIONS:

2.1 In this By-law:

- (a) "Accessory Building" means a detached, subordinate building not used for human habitation, located on the same property as a main building;
- (b) "Building" includes any structure used or intended for supporting or sheltering any use or occupancy;
- (c) "Committee" means a Property Standards Committee established under this by-law;
- (d) "Corporation" means the Corporation of the Township of St. Joseph ;
- (e) " Dwelling" means a building or part of a building occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all accessory buildings and fences thereon or therein;
- (f) "Maintain" means preserve and keep in good repair;
- (g) "Noxious Weeds" includes any and all weeds classed as noxious by the Weed Control Act, R.S.O. 1980, Chapter 530 and Regulation 944, R.S.O. 1980;
- (h) "Occupant" means any person or persons over the age of eighteen years in possession of the property;
- (i) "Officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing the standards established by this by-law; and includes a person appointed to act in that capacity from time to time.

- (j) "Owner" includes the registered owner of the land and the person for the time being managing or receiving the rent from the land or premises 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 such land or premises were let, and shall also 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 the maintenance and occupancy of the property;
- (k) "Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and mobile homes, mobile buildings and structures, accessory buildings, fences and vacant property;
- (l) "Repair" means the making of alterations or additions or the taking of such action as may be required so that the property shall conform to the standards established by this by-law and all other pertinent legislation;
- (m) "Sewage" includes all liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or runoff;
- (n) "Sewerage System" means a Municipal sanitary sewerage system or a private sewerage system approved by the Medical Officer of Health;
- (o) "Yard" means any land, other than publicly owned land, appurtenant to a building and used or intended to be used or capable of being used in connection therewith.

3. INTERPRETATION:

- 3.1 This by-law prescribes standards for the maintenance and occupancy of property and shall apply to all property situated in the Township of St. Joseph.
- 3.2 Where a provision of this by-law conflicts with a provision of another by-law in force in the Township of St. Joseph, the provisions that establish the higher standards shall prevail.
- 3.3 If any provision of this by-law is declared invalid for any reason, the remaining provisions hereof shall remain in effect.

4. PROPERTY STANDARDS

4.1 YARDS

- (a) All Yards shall be kept clean and free from rubbish and other debris and from objects or conditions which might create a health, fire or accident hazard.
- (b) All yards shall be kept free from heavy undergrowth and noxious weeds, such as ragwood, poison oak, poison ivy, and poison sumac.

4.1 YARDS

- (c) Any vehicle, boat, trailer or part of any vehicle, boat or trailer, which is in a wrecked, discarded, dismantled, partly dismantled, or abandoned condition shall not be stored or left in a yard, but this shall not prevent the occupant of any premises from repairing a vehicle for his own use and not for commercial purposes while such repair is actively carried on.
- (d) Notwithstanding, the provisions of section 4.1(c), properties used for commercial purposes shall be required to provide fencing or buffer zones to obstruct the view of wrecked, discarded, dismantled or abandoned vehicles, implements or unsightly surplus occupational material from neighbouring properties and from roadways.
- (e) All reasonable means shall be employed to prevent erosion of soil in the yard.

4.2 FENCES AND ACCESSORY BUILDINGS

- (a) All fences and accessory buildings shall be kept in good repair and free from fire, health and accident hazards.

4.3 GARBAGE

- (a) Every building shall be equipped with sufficient receptacles to contain in a sanitary manner all garbage, refuse and ashes that accumulate in the building and/or yard.
- (b) All garbage, refuse and ashes should be disposed of in a manner acceptable to the Medical Officer of Health.

4.4 DRAINAGE AND SEWAGE

- (a) Storm water shall be drained from the property so as to prevent excessive ponding creating an unsafe condition and/or the entrance of water into a building.
- (b) 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.

4.5 STRUCTURES

- (a) 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 have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

4.5 STRUCTURES continued

- (b) 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 to the public.
- (c) 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.
- (d) 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.
- (e) The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather.

5. ADMINISTRATION AND ENFORCEMENT

5.1 PROPERTY STANDARDS OFFICER

- (a) Council shall appoint a Property Standards Officer who shall be responsible for the administration and enforcement of this by-law.
- (b) Any building, housing, plumbing, public health, or fire prevention inspector of the Township or other appropriate government agency is hereby authorized and directed to act as an assistant to the Property Standards Officer as required from time to time.

5.2 PROPERTY STANDARDS COMMITTEE

- (a) Council shall appoint a Property Standards Committee composed of not fewer than three persons to hear appeals from the order of a Property Standards Officer.
- (b) Members of the Committee shall hold office for the term of the Council that appointed them or until their successors are appointed, and are eligible for re-appointment. When a member ceases to be a member before the expiration of his term, the Council shall appoint another person for the unexpired portion of his term.
- (c) A member of Council or an employee of the municipality or of a local board thereof is not eligible to be a member of the Committee but a teacher employed by a Board of Education or School Board is not deemed to be an "employee" for the purpose of this section.
- (d) The secretary of the Committee shall be such employee of the Corporation as from time to time designated by Council.

5.3 ENFORCEMENT PROCEDURES

- (a) Action to remedy an infraction, described in this by-law shall be commenced by the officer only after a signed written complaint, requesting an investigation has been received by the committee and the committee has instructed the officer to conduct an investigation.
- (b) Upon instruction from the committee, the officer shall inform the owner of the complaint, and arrange for an inspection of the infraction outlined in the written complaint.
- (c) Following the inspection, if the officer is satisfied that in some respect the property or structure does not comply with the standards prescribed herein, he shall:
 - i) Provide a copy of the Property Standards By-Law to the owner.
 - ii) Make an order to remedy the infraction within a 60-day time limit.
- (d) If no progress has been made to resolve the infraction, the committee shall, after the allotted time has elapsed, cause to be served upon, or send by prepaid registered mail to such owner of the property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have any interest therein, an order containing:
 - (1) date of first inspection
 - (2) date of second inspection
 - (3) Municipal address and legal description of the property.
 - (4) a list of all infractions noted against the structure and building.
 - (5) final date for giving notice of appeal from the order of the committee.
 - (6) order that all the infractions listed shall be corrected.
- (e) When an owner or occupant upon whom an order has been served in accordance with this by-law is not satisfied with the terms or conditions of the order stipulated in 5.3(d) above, he may appeal by registered mail to the Secretary of the committee 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.
- (f) The Secretary of the committee in receipt of the notice of appeal referred to in 5.3(e) above shall:
 - (1) determine the date, place and time of the Hearing of Appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and

5.3 ENFORCEMENT PROCEDURES continued

- (f) (2) give notice in writing of the date, place and time of the hearing referred to in paragraph (1) to:
- i) the appellant
 - ii) the officer who issued the order, and
 - iii) any other interested persons who appeared at the appearance held pursuant to 5.3 (d) above, the said notice to be served personally or by registered mail.
- (g) The committee shall:
- Hold the hearing referred to in subsection 5.3 (f) at the date, place and time set out in the notice.
- (h) The committee may adopt its own rules of procedure pertaining to meetings.
- (i) The applicant may appear with or without Counsel at the hearing, to present his appeal.
- (j) The Corporation may be represented at the hearing by an appointed representative of the Township.
- (k) The committee may extend the time for complying with the order provided that, in the opinion of the committee:
- (1) The owner has begun to correct the infractions.
 - (2) Weather conditions have affected the work.
 - (3) Other justifiable problems resulting in a delay.
- (l) The committee shall give its decision in writing.
- (m) The secretary of the committee shall notify:
- (1) the appellant
 - (2) the officer who issued the order and
 - (3) any other person who appeared at the hearing of the appeal, of the decision by causing a copy to be served personally or by registered mail.
- (n) PENALTIES:
- A penalty up to but not exceeding five hundred dollars (\$500.00) shall be levied upon 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.
- (o) APPEAL TO JUDGE:
- The Municipality in which the property is situated or any owner or occupant or person affected by a decision under section 5.3 (d) may appeal to a judge of the County or District Court of the Judicial District in which the property is located pursuant to Section 31(19) of the Planning Act, R.S.O. 1983, Chapter 1 as amended.

5.4 RECOVERY OF EXPENSE

Where the owner or occupant fails to repair or demolish a property in accordance with an Order that is final and binding, the Corporation in addition to all other remedies may repair or demolish the property at the expense of the Owner and the Corporation may recover the expense incurred in doing it by action or in like manner as municipal taxes.


5.5 CERTIFICATE OF COMPLIANCE

Following the inspection of a property, the Officer may, or on the request of an Owner shall, issue to the owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards of this by-law. A fee of \$10.00 shall be payable to the Corporation for such a certificate where it is issued at the request of the Owner.

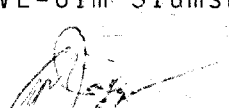
6.0 EFFECTIVE DATE

No part of this by-law comes into force without the approval of Amendment No. 20 to the Official Plan for the St. Joseph Island Planning Area by the Ministry of Municipal Affairs, but subject to such approval, takes effect on the date of the final passing thereof.

READ a First and Second time this 2nd day of February, 1988.

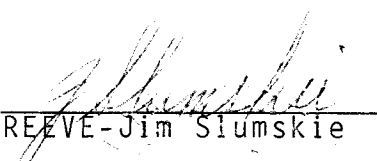


REEVE-Jim Slumskie

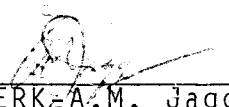


CLERK-A.M. Jagger

READ a Third time and FINALLY PASSED this 2nd day of February, 1988.



REEVE-Jim Slumskie



CLERK-A.M. Jagger