

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NUMBER 2010 - 63

A BY-LAW TO PROVIDE FOR BUILDING STANDARDS IN THE TOWNSHIP OF BONNECHERE VALLEY

WHEREAS the Official Plan of the County of Renfrew and adopted by The Corporation of the Township of Bonnechere Valley includes provisions relating to property conditions;

AND WHEREAS Section 15.1-(3) of the Building Code Act, S.O. 1992, c.23, provides that a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions;

AND WHEREAS Section 15.6-(1) of the Building Code Act, requires that a Bylaw passed under Section 15.1-(3) of the Act shall provide for the establishment of a Property Standards Committee;

AND WHEREAS Section 15.4 of the Building Code Act, provides that the municipality may enter on property and perform such work as is necessary to comply with any order issued pursuant to this By-law and recover the costs of performing such work from the person directed or required to do it by adding the costs to the tax roll and collecting them in the same manner as property taxes.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY ENACTS AS FOLLOWS:

1.0 SHORT TITLE

1.1 This By-Law may be cited as the "Building Standards By-Law."

2.0 DEFINITIONS

2.1 In this By-Law:

- a) **"Accessory Building"** means a detached building, out building or structure, the use of which is incidental to the primary use of the property but not a residence including but not limited to garages, sheds and storage buildings..
- b) **"Barn"** means any structure other than a residence located on a property zoned for agriculture and used for the raising or storage of crops, the feeding, breeding, management and production of, livestock, poultry, fur-bearing animals or honeybees, for dairy use and the storage of dairy products or any other agricultural use, horticultural use, animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on such farm for human use or animal use.
- c) **"Building Code"** means Ontario Regulation 350/06, as amended from time to time;
- d) **"Council"** means the Council of the Corporation of the Township of Bonnechere Valley.
- e) **"Exempt Structure"** means any structure located on a property zoned other than residential that is used in accordance with the permitted use of that property for the storage, maintenance or repair of machinery, equipment other uses as permitted by the Township of Bonnechere Valley zoning bylaw.

An **Exempt structure may not:**

- (a) Be a dwelling;
- (b) Be open to or used by the general public for any reason or function
- f) **"Good Repair"** means maintaining a property in such condition so as to be:
 - (i) Free from health, fire or accident hazards;
 - (ii) Structurally sound, weather-proof and free of insect and rodent infestation; and
 - (iii) Not unsightly by reason of deterioration, damage or defacement.
- g) **"Maintain"** means the preservation or keeping in repair of a property, and "maintenance" has a similar meaning.

- h) **“Owner”** means the person who owns a property and includes the person who at any time manages or receives the rent of the property, 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.
- i) **“Person”** includes corporations and a public body.
- j) **“Property”** means a building or other structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, fences, barriers and retaining walls and erections of any type and includes vacant lands.
- k) **“Building Standards Committee”** means the committee appointed by Council to hear appeals to orders made under the Property Standards Bylaw.
- l) **“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.
- m) **“Residence”** means any building or portion of any building used as a habitable living space.
- n) **“Seasonal Residence”** means any structure used as a temporary residence for a portion of the year and includes but not limited to a cabana, cabin, caboose, cottage, hunt camp, carriage house, chalet, lodge, shack or shanty.
- o) **“Standards”** means the standards of physical condition prescribed for property by this By-Law.
- p) **“Township”** shall mean the Corporation of the Township of Bonnechere Valley.
- q) **“Unightly Condition”** means any Property that, in the opinion of the Chief Building Official, exhibits any one or more of the following conditions:
 1. broken, damaged or missing: windows, siding, shingles, shutters, eaves or other building components;
 2. faded, chipped, peeling or missing exterior cladding of any building or structure;
 3. structural deterioration or defacement that is offensive visually.
 4. Any condition out of character with the neighborhood
- 2.2 Terms not defined in this By-Law shall have the same meaning ascribed to them in the *Ontario Building Code Act* or the *Building Code*.

3.0 GENERAL DUTIES AND OBLIGATIONS - ALL PROPERTIES

- 3.1 All properties shall be maintained in accordance with the following standards, and in addition to the requirements of the *Building Code*:
 - a) All properties shall be kept in a state of good repair;
 - b) All work, repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship and shall conform to all other by-laws of the Township, Codes and statutes as applicable; and
 - c) All properties shall be kept free of any unsightly condition.
 - (a) Any structure located on a property zoned other than residential and that is used in accordance with the permitted use of that property or operation shall be an exempted structure as it pertains to this bylaw.
 - (b) Any barn or similar structure located on any property zoned other than residential whether in use or empty shall be an exempted structure as it pertains to this bylaw
 - (c) Any structure defined as a “seasonal residence” shall be exempt from section 4.0 of this bylaw

- 3.2 Without limiting the generality of sub-section 3.1, and in addition to any provision of the *Building Code*, all properties shall conform to the following standards:
- a) All canopies, awnings or similar overhanging extensions shall be maintained in a state of good repair, properly anchored and protected from the elements by the application of paint or other protective coatings;
 - b) All stairways, decks or building accesses shall be maintained in a state of good repair, properly anchored and protected from the elements by the application of paint or other protective coatings;
 - c) All standpipes, exhaust ducts or similar extruding extensions shall be maintained in a state of good repair, properly anchored and protected from the elements by the application of paint or other protective coatings;
 - d) All rain water gutters or other waste water collection or dispersion systems shall be maintained in a state of good repair, properly anchored and placed in such a fashion that they do not allow or cause runoff to exit directly onto a sidewalk, parking area or roadway;
 - e) All air conditioners which are installed or operated directly over a public sidewalk or area accessible to the general public shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk or area accessible to the public and shall be maintained in a safe mechanical and electrical condition;
 - f) All properties shall be kept free from unsightly marks, graffiti or similar marks or defacements and shall be resurfaced as necessary;

All marquees and signs, whether attached to a building or free standing, shall be maintained in a state of good repair, properly anchored and protected from the elements by the application of paint or other protective coatings.

4.0 VACANT BUILDINGS

- 4.1 Every owner of a building remaining vacant or expected to remain vacant for a continuous period of 90 days or more shall:
- (a) Board up the building to the satisfaction of the Inspector by covering all openings through which entry may be obtained with half-inch or thicker weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws;
 - (b) Ensure that all utilities serving the building, which are not required for the safety or security of the building, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property; and
 - (c) Maintain the exterior facade of the building so that an unsightly condition is not created or it does not look abandoned.

5.0 DAMAGED BUILDINGS

- 5.1 Where a building is damaged by accident, fire, storm, neglect, intentional damage or other causes the owner shall:
- (d) Board up the building to the satisfaction of the Township by covering all openings through which entry may be obtained with half-inch or thicker weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws;
 - (e) Where the building cannot be secured as detailed in (a), erect a security fence around the perimeter of the building within two days of the building becoming damaged and maintain such a fence until such time as the building can be repaired or demolished;
 - (f) Have repairs or demolition started within 30 days following it's release to the owner by the Fire department, Police department or other legal organization having authority over the release of the building; and
 - (g) Complete all repairs or demolition, as the case may be, within 120 days following it's release to the owner by the Fire department, Police department or other legal organization having authority over the release of the building.

- 6.2 Any person requiring an extension to the times as detailed in 6.1 (c) or (d) may apply in writing to the Council of the Township prior to the expiry of the deadline to complete repairs or demolition, as the case may be. The application must state the reasons for being unable to meet the deadlines. Council may at its discretion grant an extension to the deadline or cause the demolition or repairs to be completed at the owner's expense.

6.0 VILLAGE OF EGANVILLE & HAMLET OF FOYMOUNT

- 6.1 In addition to the duties and obligations contained in sections 3.0, 4.0 and 5.0 all properties including parking lots, regardless of zoning located within the geographical confines of the Village of Eganville and the geographical confines of the Hamlet of Foymount, shall be maintained in accordance with the following standards:
- (a) All accessory buildings and structures 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; and
 - (b) All areas used for vehicular traffic or parking shall have a surface covering of asphalt, concrete, compacted stone, gravel or other suitable material and shall be kept in a state of good repair and free of refuse.

7.0 ADMINISTRATION, ENFORCEMENT AND APPEAL

- 7.1 This By-Law shall be administered by the Chief Building Official.
- 7.2 If an inspection of the property by the Chief Building Official reveals that the property does not conform to the standards prescribed by this by-law, the Township may give a written order to the owner or occupant of the property setting out:
- (a) The owner's name, address and location of the contravention;
 - (b) Sufficient particulars of the contravention to adequately identify the contravention and the location on the property of the contravention;
 - (c) An order to cease the contravention and a date by which the contravention must cease;
 - (d) An order to remedy the contravention, indicating the particulars of what must be remedied, which remedy may include clearing any structure and grading and leveling the property;
 - (e) The date by which the contravention must be remedied;
 - (f) A statement that if the contravention is not remedied within the period of time stipulated in the order, the Township may carry out the necessary work at the owner's expense; and
 - (g) A date by which any appeal of the order must be received by the Township.
- 7.3 Any order given by the Township in accordance with any section of this bylaw shall be served personally or by registered mail sent to the last known address of the person to whom the order is to be given, in which event the service shall be deemed to have been made on the third day after mailing.
- 7.4 If the owner of a property to whom an order has been given in accordance with this by-law does not comply with the order within the time prescribed, the Township may, in addition to all other remedies, cause the property to be brought into a condition that conforms to this by-law at the owners expense and, for this purpose, the Township's employees or agents may enter onto the property at any reasonable time without further notice to the owner or occupant in order to do such work and rectify any contravention of this by-law.
- 7.5 The Township may recover the costs of doing any work required to rectify non-compliance with any order issued under this By-law from the person directed to do the work.
- 7.6 The Township may collect any costs incurred by it to rectify non-compliance with this By-law by Action or by adding the costs to the tax roll of the property. Where costs are added to the tax roll, said costs shall form a priority lien on the property in accordance with the *Municipal Act*, 2001.

- 7.7 Costs may include interest calculated at a rate of 15 percent commencing on the day that the cost is incurred and ending on the day that the costs, including interest, are paid.
- 7.8 The Township may remove items from any property where the item is part of the contravention of this By-law. Where any item is removed from a property in accordance with this By-law, the Township may, in its absolute discretion, elect to store, or cause to be stored, any or all such items for a maximum of 30 days in order to permit the owner of such items to recover and personally dispose of them and the costs of such removal and storage shall be the responsibility of the owner of such items.
- 7.9 Despite any actions taken in respect to this By-law, the Township shall not be liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers under this by-law.
- 7.10 Any person wishing to appeal any order issued under this By-law shall:
- (a) Within 14 days of receipt of the order file an appeal in writing to the Property Standards Committee, who shall convene a meeting of the committee to hear such a matter.
 - (b) The notice of appeal shall contain:
 - i. A copy of the order that was issued; and
 - ii. A brief statement of the grounds for appeal.
 - (c) The committee on receiving the request for an appeal shall within 7 days of receipt of the appeal contact the appellant to schedule a hearing.
 - (d) The committee shall hold a hearing at which the appellant and the Township shall be given an opportunity to present evidence and make submissions.
 - (e) Upon hearing the evidence and submissions at the hearing, the committee may:
 - i. Uphold the order;
 - ii. Modify the order;
 - iii. Extend the time for compliance; or
 - iv. Revoke the order.

8.0 PROPERTY STANDARDS COMMITTEE

- 8.1 There shall be and is hereby established a Property Standards Committee of no less than three (3) members, in accordance with the Building Code Act, as amended, who shall be appointed by by-law to hear appeals of this By-law.

9.0 OFFENCES

- 9.1 Any person who fails to comply with an order issued under this By-Law is guilty of an offence.
- 9.2 Upon conviction, the maximum fine shall be five thousand dollars (\$5,000) on a first offence and a maximum of ten thousand dollars (\$10,000) on each subsequent offence.
- 9.3 If this By-law is contravened and a conviction is entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any other penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

10.0 VALIDITY

- 10.1 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 enforceability of the other provisions or part of provisions of this By-Law.

11.0 APPLICABILITY

- 11.1 This by-law shall apply to all property within the limits of the Township of Bonnechere Valley.

12.0 REPEAL OF EXISTING BY-LAWS

12.1 After the date of passing of this By-law, By-law 2006-29 shall continue to apply only to properties in respect of which an order or enforcement proceedings was issued or commenced under By-law 2006-29 prior to the effective date of this By-law. By-law 2006-29 shall only apply until such time as the work ordered has been completed and any enforcement proceedings are concluded, after which time, By-law 2006-29 shall be of no further force or effect.

13.0 EFFECTIVE DATE

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

READ A FIRST AND SECOND TIME this 5TH DAY OF OCTOBER 2010

FINALLY PASSED on this 5TH DAY OF OCTOBER 2010

Zig Mintha, Mayor

Bryan Martin, CAO