

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO. 2006 - 29

**A BY-LAW TO PROVIDE FOR YARD MAINTENANCE IN THE TOWNSHIP
OF BONNECHERE VALLEY**

WHEREAS Section 127 of the *Municipal Act, 2001*, permits the Township to pass by-laws requiring owners and occupants of land to clean and clear the land of refuse and debris, to define the meaning of "refuse" for the purpose of the by-law, and to regulate when and how such matters are to be done;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, permits the Township to pass by-laws to prohibit and regulate public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 130 of the *Municipal Act, 2001*, permits the Township to pass by-laws to regulate matters for purposes related to the health, safety and well being of the inhabitants of the Township;

AND WHEREAS Section 131 of the *Municipal Act, 2001*, permits a Township to pass by-laws to prohibit and regulate the use of any land for the storage of used motor vehicles for the purposes of wrecking or dismantling them or salvaging parts from them, including the power to enter onto the land at any reasonable time to determine if the by-law has been complied with;

AND WHEREAS Section 427 of the *Municipal Act, 2001*, permits the Township to enter upon land at any reasonable time to do such matter or thing that the owner or occupant of the land has failed or refused to do as required by the by-law, and to recover the costs of doing such matter or thing together with interest at the rate of 15% per annum by adding them to the tax roll for the property and collecting them in the same manner as taxes.

NOW THEREFORE the Council of the Corporation of the TOWNSHIP OF BONNECHERE VALLEY hereby enacts the following:

1. 0 DEFINITIONS

In this by-law:

- (a) Accessory Building or Structure means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot and that is not used for human habitation.
- (b) "Bylaw Enforcement Officer" means the designated Bylaw Enforcement Officer of the Township of Bonnechere Valley.
- (c) "Chief Building Inspector" means the Designated chief building Inspector for the Township of Bonnechere Valley.
- (d) "Inoperative" means not in working condition;
- (e) "Occupant" means any person over the age of 18 years who is not an owner of the property and is in exclusive possession of all or part of the property;
- (f) "Owner" means any person who is the registered owner of a property according to the records for the property in the Land Registry Office or as shown on the last revised assessment roll of the Township;
- (g) "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 erected thereon and includes vacant property;
- (h) "Public nuisance" means any condition that exists on a property that, by reason of being unsafe or so unsightly that it is out of character with the surrounding environment, causes, or might reasonably be expected to cause, interference with or loss of the reasonable use and enjoyment of another property by the owner or occupant of that property;

- (i) "Refuse" means any discarded or unused material or items, including but not limited to;
 - (i) Lumber, plywood, drywall, shingles, insulation, flooring, carpeting, windows, glass, bricks, stone or any other construction material;
 - (ii) Household furniture, household waste, appliances, tools, bicycles, snow mobiles, equipment, firewood, machinery or any parts thereof; and inoperative vehicles or any parts thereof;
- (j) "Unlicensed" means, in the case of a vehicle, without current and valid plates;
- (k) "Unused" means stored or kept for the purpose of scrap or salvage;
- (l) "Township" Shall mean the **Corporation of the Township of Bonnechere Valley**.
- (m) "Vehicle" means any type of motor vehicle, recreational vehicle, snowmobile, trailer or other type of vehicle or equipment drawn, propelled or driven by any kind of power
- (n) "Yard" means the land other than publicly owned land, around and appurtenant to any property and used, intended to be used or capable of being used in connection with the property and which is visible from any public road, thoroughfare, right of way or abutting property.

2.0 GENERAL STANDARDS; ALL PROPERTY

- 2.1 Every yard shall, at all times, be kept in a reasonably neat, clean and tidy condition, free from any objects or conditions that might create a health, fire or accident hazard, or create a public nuisance.
- 2.2 If a building permit has been issued for the construction or renovation of a building or structure on a property, construction materials and equipment and other related items to be used in the construction or renovation may be stored in the yard for as long as the building permits remains in effect or 90 calendar days whichever occurs first.
- 2.3 Where no building permit is in effect a person may store a reasonable amount of construction material for personal use in their yard if it is;
 - a. In an area to the rear of the main structure and;
 - b. Piled in an organized manner and;
 - c. Stored under a lean to or covered structure or;
 - d. Covered with a tarpaulin or other suitable material;
- 2.4 No unlicensed vehicle that is in a wrecked, discarded, dismantled, inoperative, unused or abandoned condition shall be parked, stored, or left in a yard, except on a property that is zoned for use as a salvage yard and only then in such circumstances and in such a manner as to comply with any portion of the Municipal Zoning or any other applicable Bylaw related to such use.
- 2.5 Despite section 2.4 the owner or occupant of a property may park, place or store up to two (2) inoperative vehicle which are registered in their name on their property for the purpose of storing, repairing or restoring them for his or her own personal use, such vehicle(s) shall be stored or parked in such a fashion that;
 - a. Are parked in driveway or designated parking area and;
 - b. Does not have the appearance of being derelict or abandoned or;
 - c. Covered with a car cover or tarpaulin in good condition and;
 - d. Parked in a yard or area where it is not readily visible to the adjoining property owners or visible from the thoroughfare;

2.6 In addition to any provisions of the Ontario Building Code all Canopies, awnings or similar overhanging extensions shall be:

- a. Maintained in a good state of repair
- b. Properly anchored, and
- c. Protected from the elements by the periodic application of paint or other protective coverings

2.7 In addition to any provisions of the Ontario Building Code all stairways, decks or building fixed access shall be:

- a. Maintained in a good state of repair
- b. Properly anchored, and
- c. Protected from the elements by the periodic application of paint or other protective coverings

2.8 In addition to any provisions of the Ontario Building Code all standpipes exhaust ducts or similar extruding extensions shall be:

- a. Maintained in a good state of repair
- b. Properly anchored, and
- c. Protected from the elements by the periodic application of paint or other protective coverings

2.9 In addition to any provisions of the Ontario Building Code All rain water gutters or other wastewater collection or dispersion systems shall be:

- a. Maintained in a good state of repair, and
- c. Properly anchored, and
- d. Placed in such a fashion that they do not allow or cause runoff to exit directly onto the sidewalk, parking area or roadway.

2.10 In addition to any provisions of the Ontario Building Code 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 common area and shall be maintained in a safe mechanical and electrical condition.

2.11 All Fences, barriers or retaining walls shall be kept in good repair, free from accident hazards, unsightly marks, graffiti or similar marks or defacements and shall be resurfaced when necessary.

2.12 Every accessory building, structure or fence shall be kept in good condition and repair and 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.

2.13 Conditions of use

2.13.1 No person who is an owner or occupant of a property shall use, or permit the property to be used, or permit the property to continue to be used in a manner that does not conform to standards set out in this Bylaw.

2.13.2 No person who is an owner or occupant of a property shall use, or permit the property to be used, or permit the property to continue to be used in a manner contrary to any municipal zoning bylaw.

3.0 SPECIFIC STANDARDS NON-RESIDENTIAL PROPERTY

In addition to the general standards set forth in this Bylaw any property or part of any part of any property used for business shall:

3.1 Marquees and signs

All marquees or signs whether attached to a building or free standing shall be;

- a. Maintained in good repair,
- b. Properly anchored, and
- c. Protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

3.2 Storage of motorized vehicles

3.2.1 Establishments that are licensed through the Ontario Motor Vehicle Industry Council to sell new or used motor vehicles may have unlicensed vehicles stored in the yard, provided they are for sale according with the Motor Vehicle Dealers Act and are not in a in wrecked, discarded, dismantled, inoperative or abandoned condition.

3.2.2 Establishments licensed and operating as a Vehicle Repair Facility shall be allowed the storage of unlicensed motor vehicles on properties where such storage form an integral part of the use permitted. In such cases, the unlicensed motor vehicles must be stored in accordance with the provisions of this bylaw.

3.2.3 The storage of wrecked, dismantled or inoperative motor vehicles is only permitted on properties that the Zoning By-law has zoned as a motor vehicle wrecking yard or salvage yard.

3.2.4 Establishments licensed and operating as a vehicle repair facility may store up to 100 used tires on that property at any given time and shall be stored in such a fashion as to not be visible from any public road or thoroughfare.

3.2.5 The warehousing or storage of material or operative equipment that is required for the continuing operation of the permitted use of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or an unsightly condition and shall provide unobstructed access for emergency vehicles.
Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 meters in height and maintained in good repair.

3.3 Parking areas

3.3.1 All areas commonly used for vehicular traffic or parking in ward 1 (Village of Eganville) shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair and free of litter or waste.

3.4 Fences

3.4.1 Fences, barriers or retaining walls shall be kept in good repair, free from accident hazards, protected by paint preservative or other weather resistant material and so as not to present an unsightly appearance.

3.4.2 Unsightly chalk marks and similar markings or defacements on the exterior surfaces of walls and fences shall be removed and the fences refinished when necessary.

3.5 Conditions of use

3.5.1 No person who is an owner or occupant of a property shall use, or permit the property to be used, or permit the property to continue to be used in a manner that does not conform to standards set out in this Bylaw.

3.5.2 No person who is an owner or occupant of a property shall use, or permit the property to be used, or permit the property to continue to be used in a manner contrary to any municipal zoning bylaw.

4.0 ENFORCEMENT

- 4.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to the penalties as provided for in the Provincial Offences Act.
- 4.2 The enforcement of this bylaw shall be the responsibility of the Bylaw Enforcement Officer.
- 4.3 The Bylaw Enforcement Officer may enter onto and inspect any property in the Township of Bonnechere Valley without a warrant in accordance with Section 427 of the Municipal Act, 2001.
- 4.4 If an inspection of the property by the Township reveals that the property does not conform to the standards prescribed by this by-law, the Township shall give written notice to any owner and occupant of the property containing:
 - a. The municipal address or legal description of the property; and
 - b. Reasonable particulars of the condition of the property that does not conform with the standards as set out in this bylaw; and
 - c. An explanation of the work that must be performed in order to bring the property into conformity with the standards prescribed by this by-law; and
 - d. The time for complying with the requirements contained in the notice; and
 - e. A statement indicating that, if the work necessary to bring the property into conformity with the by-law is not carried out within the prescribed time, the Township may, without further notice, enter onto the property and do such work as necessary to bring the property into conformity with the by-law; and
 - f. A statement indicating that every owner and occupant of the property will be liable for all costs incurred by the Township to bring the property into conformity with the by-law and that the Township may recover such costs together with interest at the rate of 15% per annum by action or by adding the amount owing to the tax roll for the property and collecting it in the same manner as municipal taxes; and
 - g. Such other information as the Township deems necessary.
- 4.5 Any Notice 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 notice is to be given in which event the service shall be deemed to have been made on the third day after mailing.
- 4.6 If the owner or occupant of a property to whom notice has been given in accordance with this by-law does not comply with the notice 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 and, for this purpose, its 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.
- 4.7 Having removed items 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 storage shall form a lien on the items in accordance with the *Repair and Storage Liens Act*.
- 4.8 Despite any actions taken in respect to this bylaw, 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.

- 4.9 If an order of an Officer under subsection 15.2(2) is not complied with resulting in assessment and repair costs paid out by the municipality, the municipality shall have a priority lien on the land and the amount shall be added to the tax roll against the property and collected in the same manner as property taxes in accordance with 15.4(4) of the Building Code Act, S.O. 1992, c.23 and the Municipal Act, 2001, 2002, c. 17
- 4.10 If in the opinion of the Bylaw Enforcement Officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may request that such building or structure or parts thereof be examined by the Chief Building Inspector of the Township.

5.0 APPEALS

- 5.1 Any person wishing to appeal any notification or order shall have the right to appeal such notification or order to the Council of the Township of Bonnechere Valley. Such appeal to be heard at the next regularly scheduled Council meeting or at a date set by the Council of the Township of Bonnechere Valley for the hearing of such appeal.
- 5.2 Any appeal made to the council of the Township of Bonnechere Valley shall be heard within 45 calendar days of the receipt of such appeal.
- 5.3 Such notice of appeal shall be shall include:
- a. A copy of the original notification or order; and
 - b. A letter signed and dated requesting a hearing by the Council of the Township of Bonnechere Valley in relation to the notification or order stating in general terms the reasons for requesting such a hearing.

6.0 ADMINISTRATION

The Chief Building Inspector and Bylaw Enforcement Officer of the Township shall be equally responsible for the administration and enforcement of this by-law.

7.0 SEVERABILITY

Each clause of this by-law is an independent clause and the holding of any clause or part of any clause to be void or ineffective for any cause shall not be deemed to affect the validity of any other clause of parts of any clause.

8.0 REPEALS

Village of Eganville bylaw 87-18 is hereby repeal

9.0 COMING INTO FORCE

This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Bonnechere Valley.

READ A FIRST AND SECOND TIME this 24th day of April 2006.

FINALLY PASSED on this 24th day of April 2006.

Zig Mintha, Mayor

Bryan Martin, CAO