



The Corporation of the Township of Nairn and Hyman

BY-LAW 2008-3

BEING A BY-LAW PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWNSHIP OF NAIRN AND HYMAN

Whereas Section 2.19 of the Official Plan for the Corporation of the Township of Nairn and Hyman authorizes Council to adopt a Property Standards By-law;

AND WHEREAS the Council of the Corporation of the Township of Nairn and Hyman desires to enact a By-law pursuant to the provisions of Section 15 of the Building Code Act, S.O. 1992, c.23, as amended:

AND WHEREAS it is desirable for the protection of the safety, health and well being of the public and to prevent the lowering of property values of the citizens of the Corporation of the Township of Nairn and Hyman that this By-law be enacted;

AND WHEREAS the Council of the Corporation of the Township of Nairn and Hyman deems it desirable to pass a By-law for the prescribing of standards for the maintenance and occupancy of property within the Township of Nairn and Hyman, and prohibiting the occupancy or use of property not in conformance with the standards prescribed herein to be repaired and maintained to conform to the standards or the site thereof to be cleared of all buildings and structures, debris and refuse, and left in a graded and leveled condition;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Township of Nairn and Hyman adopt a Property Standards By-law and that the attached Schedule One becomes part of this By-law Number 2008-3.

Any and all By-laws inconsistent with this By-law be, and are hereby, repealed.

Read a first, second and third time
and finally passed in open council
this 14th day of January, 2008.

Reeve

CAO/Clerk



The Corporation of the Township of Nairn and Hyman

SCHEDULE "A" TO BY-LAW 2008-3

DEFINITIONS

- (a) **"Approved"** means,
 - (i) the approval of the Chief Official with respect to matters under the Ontario Building Code;
 - (ii) the approval of the Fire Chief with respect to matters under the Fire Code;
 - (iii) the approval of the Property Standards Officer with respect to matters regulated by this By-law.
- (b) **"Committee"** means the Property Standards Committee composed of all the members of the Council of the Corporation of the Township of Nairn and Hyman.
- (c) **"Corporation"** means the Corporation of the Township of Nairn and Hyman.
- (d) **"Derelict Motor Vehicle"** means motor vehicles that are abandoned, inoperable, dilapidated or dismantled that have no market value as a means of transportation or that the cost to repair as a means of operable transportation would be more than the market value.
- (e) **"Dwelling"** means a building, or structure, or part of a building or structure which is used, intended to be used, or capable of being used for the purpose of human habitation in whole or in part and includes a building that would be used, is intended to be used, or is capable of being used for such purpose, except for the state of disrepair.
- (f) **"Dwelling Unit"** means one or more habitable rooms arranged for the domestic use of one or more individuals living together which may be rented for occupancy with or without cooking and sanitary facilities.
- (g) **"Exterior Property Areas"** means the building lot excluding buildings.
- (h) **"Fence"** includes a privacy or other screen.
- (i) **"Ground Cover"** means organic or non organic materials applied to prevent erosion.
- (j) **"Townsite"** means the built up area north and south of the King's Highway # 17, bounded on the east by the Greater City of Sudbury boundary and bounded on the west by the intersection of Highway # 17 and Old Nairn Road.
- (k) **"Motor Vehicle"** includes any motor vehicle within the meaning of the Highway Traffic Act whether intended for use as a private passenger vehicle or not.

- (l) **“Non Habitable Space”** means a bathroom, water closet compartment, basement, cellar, corridor, stairway, storage or furnace room and accessory space used for the maintenance or access within a building or a room or space which does not comply with the minimum standards for human habitation specified in the By-law.
- (m) **“Occupant”** means any person or persons over the age of eighteen years in possession of property.
- (n) **“Officer”** means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
- (o) **“Owner”** includes the person for the time being managing or receiving the rent or paying the municipal taxes on the land or premises in question, whether on his/her own account or as an agent or trustee or any other person or who would so receive the rent if such land or premise were let, and also shall 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 maintenance and occupancy of property.
- (p) **“Person”** includes a person, firm, corporation, company, association, partnership or organization of any kind.
- (q) **“Property”** means a building or structure or part of a building or structure and includes the land 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.
- (r) **“Repair”** includes the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in the By-law.
- (s) **“Salvage Yard”** includes a scrap yard, junk yard and a wrecking yard whether or not an active business is carried on and whether or not the yard is used for storage or salvage.
- (t) **“Sign”** includes an advertising device or notice and means any medium, including its structure and other component parts which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information or advertising purposes.
- (u) **“Unsafe Condition”** means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the property.
- (v) **“Unsightly”** means not pleasant to look at.

EXTERIOR PROPERTY AREAS

- 2. (1) Exterior property areas shall be maintained in a neat and tidy condition so as not to detract from the neighbouring environment or present a hazard

to any person.

- (2) Without restricting the generality to subsection (1) above, maintaining property in a neat and tidy condition includes removal of:
- a) rubbish, garbage, waste, litter and debris,
 - b) noxious weeds and excessive growth of other weeds,
 - c) ground cover, hedges and bushes which are unsightly or unreasonably overgrown in relation to the neighbouring environment,
 - d) dead, decayed or damaged trees or other growth and the limbs of thereof which create an unsafe or unsightly condition,
 - e) wrecked, dismantled, inoperative or unused vehicles or trailers, except in an establishment licenced or authorized to conduct or operate a wrecking business, car dealership or garage, and then only if the articles are kept in a manner to avoid unsafe or unsightly conditions not detracting from the neighbouring environment and enclosed with an approved fence not less than five (5) feet in height, only if an unsightly condition is create. No land in the Township shall be used for the purpose of storing or processing derelict motor vehicles except land which is:
 - (i) licences as an automobile wrecking yard,
 - (ii) a waste disposal site which has a certificate of approval for such purposes under the Environmental Protection Act, 1990,
 - (iii) enclosed in a building,
 - (iv) on which such use is not otherwise prohibited by this By-law.
 - f) A derelict vehicle with no commercial value must be removed within sixty (60) days after being placed on a property unless it is a property listed in Section (2) e), (i), (ii), (iii) or (iv).
 - g) Derelict machinery or parts thereof or other objects or accumulation of material that creates an unsafe condition which is unsightly or not in keeping with neighbouring properties.
 - h) Dilapidated or collapsed structures, or erections, and the filling or protecting of any unprotected well.
- (3) In the above section 2, items (a), (b), © and (d) shall apply to the Townsite portion of the Township only. The Townsite is described in Section 1 (Definitions), part (j).

FENCES

3. Fences shall be kept:
- a) in a structurally sound condition and plumb, unless specifically designed to be other than vertical,
 - b) in good repair and free of accident hazards,
 - c) so as not to present an unsightly appearance,
 - d) barbed wire shall not be permitted within the Township,
 - e) all fences enclosing a licensed or authorized wrecking/salvage establishment shall be not less than five (5) feet high, when required to be constructed.

SIGNS

4. (1) Signs shall be maintained:

- a) so as not to cause an unsafe condition,
 - b) in a vertical plane unless otherwise erected and approved.
- (2) Signs which are unused or not cared for or discarded shall be removed from the property or shall be stored within a building.

RETAINING WALLS

5. Retaining walls shall be maintained in good repair and free from accident hazards.

BUFFERING

6. (1) Property that has become a nuisance to:
- a) the occupants or users of nearby property,
 - b) the residents of the neighbourhood,
 - c) users of streets and roadways,
- shall be buffered to minimize the effect of the nuisance and in a manner approved in writing by the Property Standards Officer.
- (2) Without limiting the generality of section 6, subsection 1, the buffer shall include , where appropriate:
- a) the provisions and maintenance of an approved barrier to prevent material from being blown onto adjacent property,
 - b) the provision and maintenance of an approved visual screen or site facilities to minimize nuisances which are not in keeping with the neighbouring environment.

STRUCTURAL CAPABILITY

7. (1) 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 may have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (2) 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 the public.
- (3) 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.
- (4) 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.
- (5) The exterior walls and their components shall be maintained so as to prevent deterioration due to weather and an unsightly appearance.

UNSAFE CONDITIONS

8. (1) Unsafe conditions on a property shall be abated forthwith to the satisfaction of the Property Standards Committee.

- (2) Where there is a condition on the property which is unsafe, the Ontario Building Code and the Fire Code shall apply to the extent necessary to abate the unsafe condition.
- (3) Without limited the generality of section 8, subsection (1) and (2), abating of an unsafe condition include:
 - a) the provision and repair of appropriate fire and gas separations and fire protection,
 - b) the provision, repair and maintenance of adequate and appropriate early warning, fire extinguishers and fire fighting equipment and devices,
 - c) the provision of smoke control measures appropriate to use and occupancy of the building, floor area, suite of rooms, room or space and to the existing construction and building services,
 - d) the provision or repair of exit and emergency lighting,
 - e) the provision and repair of stairs, railings and guards so as to minimize the risk of accidents,
 - f) the provision, repair and maintenance of exits and means of egress to permit clear passage and safe egress from anywhere within a building to a location of safety,
 - g) the proper handling, storage and discharge of flammable liquids,
 - h) the proper handling, storage and discharge of dangerous materials and chemicals,
 - i) the storage of combustible materials so as to minimize fire spread and permit fire control,
 - j) the control of hazardous industrial processes and operations and the prevention of explosion,
 - k) the proper maintenance of fire extinguishers and all other provided early warning fire extinguishing and fire control equipment and devices,
 - l) the elimination of fire hazards or other conditions which may be hazardous to life or which risk serious injury to persons normally in or about the subject buildings, floor area, suite of rooms, room space or property.

EXTERIOR SURFACES

9.
 - (1) All exterior surfaces on a building shall be maintained.
 - (2) All doors, windows and transparent surfaces shall be maintained.
 - (3) A building damaged by fire or other causes shall be repaired as may otherwise be required by the By-law, or the building shall be demolished or the damaged portion removed and the property left in a graded, leveled condition.

DOORS, WINDOWS, SHUTTERS AND HATCHWAYS

10. All doors, windows, shutters and hatchways shall be maintained so as to perform their intended function.

FOUNDATIONS, WALLS, COLUMNS AND BEAM

11. The foundation walls, columns and beams of a building shall be maintained in good repair and conform to the Ontario Building Code.

FLOORS, STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS AND BALCONIES

12. Every floor, stair, veranda, porch, deck, loading dock, balcony and every appurtenance attached thereto shall be maintained, reconstructed or repaired so

as to be of good appearance, safe to use and capable of supporting loads to which it may be subject as specified in the Ontario Building Code.

ROOF AND ROOF STRUCTURES

13. Every roof, including related roof structures, shall be maintained and repaired so as to properly perform its intended function and so as to be capable of supporting the loads to which it may be subjected as specified in the Ontario Building Code.

GANTRIES AND ANTENNAS

14. Gantries, antennas and structure of similar character shall be maintained plumb, in good repair and free of fire and accident hazards.

VENTILATION SYSTEMS

15. Ventilation systems as required by the Ontario Building Code shall be maintained in good repair so as to perform their intended function.

HEATING AND MECHANICAL SYSTEMS

16. All heating and mechanical systems shall be maintained and operated in good repair so as not to cause hazard to any person.

ELECTRICAL SYSTEM

17. All electrical systems shall be installed and maintained in good repair and conform to the Ontario Building Code and/or the Electrical Code.

DRAINAGE AND PLUMBING SYSTEMS

18. Drainage and plumbing systems on the property shall be provided, installed and maintained in good working order and in compliance with the requirements of the Ontario Building Code, the Ontario Water Resources Act, the Environmental Protection Act of Ontario and their regulations.

SEWAGE DISPOSAL

19. All sewage disposal systems shall be approved by and maintained to the satisfaction of the Medical Officer or Health.

HUMAN HABITATION

20.
 - (1) Non habitable space shall not be used for human habitation.
 - (2) No dwelling unit shall be occupied, or be permitted to be occupied, in sufficient numbers to constitute, in the opinion of the Medical Officer of Health, a physical or medical health hazard.
 - (3) Buildings used, or to be used, for human habitation shall conform to the Ontario Building Code.

SECURITY

21. All doors which allow access to or egress from a building shall conform to the Ontario Building Code.

WRECKING BUSINESS/SALVAGE YARD

22. (1) Licensed establishments conducting or operating a wrecking business, and/or a salvage yard will remove all flammable, corrosive and hazardous materials from the derelict vehicles forthwith, so as to minimize unsafe conditions that would cause undue hazards to the environment, life, limb or health of any person authorized, or expected to be, on or about the property. An approved area within the property shall be used for the safe storage and handling of those materials so as to maximize better control in case of fires or any other unsafe conditions and easier access for disposal of these materials.
- (2) Without limiting the generality of section 22, subsection (1), flammable materials shall include gasoline and fuels, corrosive material shall include batteries and hazardous material shall include radiators, radiator fluids and all oils.

VACANT LAND

23. Vacant land shall be kept clean and free of rubbish or other debris.
24. This By-law applies to all property within the Township of Nairn and Hyman

PROPERTY STANDARDS COMMITTEE

25. (i) There shall be a Property Standards Committee, pursuant to Section 15(6) of the Building Code Act, 1992, as amended. This Committee shall be comprised of one (1) member of Council and four (4) members at large. All members shall hold office for a period of four (4) years, concurrent with the term of Council from the first day of January of the year of such appointment. The Committee shall meet, at a minimum, quarterly (March, June, September, December) if there are complaints to deal with, or as needed.
- (ii) The Council member shall chair the meeting and shall make provisions for a Secretary of the Committee.
- (iii) When the Chairman is absent, the Committee may appoint another member to act as Chairperson pro tempore. In the event of a vacancy, Council shall appoint a new member.
- (iv) The Committee shall act upon a complaint after it has been brought to the Committee in writing and has been signed and dated by the complainant.

ENFORCEMENT PROCEDURES

26. 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.
27. Upon instruction by the Committee, the Officer shall inform the owner of the complaint and arrange for an inspection of the infraction outlined in the written complaint.
28. 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/she shall:
- a) provide a copy of the Property Standards By-law to the owner,

- b) make an order to remedy the infraction within a 30 day period.
29. If no progress, or insufficient progress has been made after the allotted time has elapsed to resolve the infraction, the Committee shall cause to be served upon, or sent by prepaid Registered Mail to such owner of the property and all persons shown by the records of the Registry Officer, the Land Titles Office and the Sheriff's Office to have an interest therein, an order containing:
- a) date of first inspection,
 - b) date of second inspection,
 - c) municipal address and legal description of the property,
 - d) a list of all the infractions,
 - e) final date for giving notice of appeal from the order of the committee,
 - f) order that all infractions listed shall be corrected.
30. 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 the above, he/she may appeal by Registered Mail to the Secretary of the Committee within fourteen (14) days after service of the order and, in the event no appeal is taken, the order shall be deemed to have been confirmed.
31. The Secretary of the Committee, upon receipt of the notice of appeal referred to in the above shall:
- a) 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 fourteen (14) days from the date of receipt of the aforesaid notice, and
 - b) give notice at least five (5) days before the scheduled hearing date in writing, of the date, place and time of the hearing referred to in paragraph a) above to:
 - (i) the appellant,
 - (ii) the Officer who issued the order
 - (iii) any other interested persons who appear to hold an interest pursuant to the above, the said notice to be served personally or by Registered Mail.
32. The Committee shall hold the hearing referred to in the above at that date, place and time set out in the notice, or any adjournment thereof.
33. The Committee may adopt its own Rules of Procedure.
34. The Applicant may appear with or without counsel or agent at the hearing or to present his/her appeal.
35. The Municipality may be represented at the hearing by the By-law or Property Standards Officer or an appointed representative of the Municipality.
36. The Committee may extend the time for complying with the order provided that in the opinion of the Committee:
- a) the owner has begun to correct the infractions,
 - b) weather conditions have affected the work,
 - c) other justifiable problems resulting in a delay.
37. The Committee shall in all other cases confirm the said order.
38. The Municipality may undertake all work for which an order has been confirmed or deemed confirmed and all costs relating to the correction of the default, including without limiting the generality of the foregoing, all administrative and

procedural costs, together with direct costs, shall be recoverable in the same manner as real property taxes in arrears, including all penalties and interest for late payment accruing thereon after notice is given to the property owner in the same manner as required for the giving of notice of taxes due.

39. The Committee shall give its decision in writing.
40. The Secretary of the Committee shall notify:
 - a) the applicant,
 - b) the officer who issued the order,
 - c) 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.
41. Honoraria may be paid to members of the Committee in an amount or amounts determined by Council for each meeting attended.

PENALTIES

42. Every person who contravenes any provisions of this By-law is guilty of an offence and a penalty up to, but not exceeding five hundred dollars (\$500.00) shall be levied upon an owner for each day that he/she is in contravention of an order that is final and binding, such penalty to be recoverable under the Provincial Offences Act.

APPEAL TO JUDGE

43. The Township of Nairn and Hyman or any owner or person affected by a decision under Section 15.3 (3) of the Building Code Act, may appeal to a judge of the Ontario Court pursuant to Section 15.3 (4) of the Building Code Act, S.O. 1990, as amended.