

# THE CORPORATION OF THE TOWNSHIP OF PERRY

## BY-LAW 2006-18

### Being a By-law to Establish Standards for the Maintenance of Property in a Clean, Clear and Safe Condition

**WHEREAS** under Section 8 of the Municipal Act, 2001, S.O. 2001 c. 25, a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act.

**AND WHEREAS** under Section 11 of the Municipal Act, 2001, S.O. 2001 c. 25, a single-tier municipality may pass by-laws respecting matters within spheres of jurisdiction including but not limited to waste management, drainage and flood control;

**AND WHEREAS** under Section 15.1(3) of the Building Code Act, R.S.O. 1992 c.23, a by-law may be passed by 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** under Section 130 of the Municipal Act, 2001 S.O. 2001, c. 25, a local municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety, and well-being of the inhabitants of the municipality;

**AND WHEREAS** under Section 427(1) of the Municipal Act, 2001 S.O. c. 25, a local municipality may pass by-laws directing or requiring that a matter or thing be done and that in default of being done by the person directed or requiring to do it, such matter or thing shall be done at the person's expense;

**AND WHEREAS** under Section 427(3) of the Municipal Act, 2001, S.O. 2001, c. 25 a local municipality may recover the costs of doing a thing or matter under Section 427(1) from the person directed or required to do it and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

**NOW THEREFORE** the Council of the Corporation of the Township of Perry enacts as follows:

**THAT** Schedule 'A', Schedule 'B', Schedule 'C' and Schedule 'D' of By-law #2006-18 , which form part of this by-law, are hereby accepted and passed by Council upon third and final reading.

1.0 DEFINITIONS:

- 1.1 'Accessory Building' means a detached building subordinate and related to the primary use on the property, not used for human habitation, and located on the same property as the main building.
- 1.2 'Approved System' means the municipal sanitary sewage system or private sewage system approved by the local health authorities and/or the Ministry of the Environment.
- 1.3 'Corporation' means the Corporation of the Township of Perry.
- 1.4 'Garbage' means animal or vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food and drinks as well as other soiled waste materials and goods resulting from residential, commercial, institutional and industrial operations. It is not the intent of this by-law to discourage composting.
- 1.5 'MLEO' means the Municipal Law Enforcement Officer of the Corporation of the Township of Perry.
- 1.6 'Officer' means a person appointed by by-law as 'Municipal Law Enforcement Officer' (MLEO).
- 1.7 'Organic' means compounds formed from carbon grown with fertilizers derived from animal or vegetable products.
- 1.8 'Owner' includes the registered owner, occupant, tenant, person for the time being, managing or receiving the rent of the land or premises in connection with which the word is used, whether on their own account or as agent or trustee of any other person who would so receive the rent if such land and premises were let, person in control of the premises or any of the aforesaid.
- 1.9 'Person' means an individual, firm, proprietorship, associates, syndicate, trust, corporation, department, bureau, agency or any of the aforesaid.
- 1.10 'Property' means all property registered to the owner within the Township of Perry, excluding dwellings, and must be visible from roads or adjoining properties.
- 1.11 'Sewage' means any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof/rain water or run-off.
- 1.12 'Township' means the geographic entity of the Corporation of the Township of Perry.

1.13 'Township property' means any lands situated within the Township of Perry which are owned or controlled by the Corporation by lease or otherwise.

1.14 'Waste Material' means material or effluent that:

- 1) appears to have been cast aside or discarded or abandoned, or
- 2) appears to be worthless or useless or of no practical value, or
- 3) appears to be used up, in whole or in part, or expended or worn out in whole or in part.

## 2.0 GARBAGE AND WASTE MATERIAL:

2.1 Every property shall be equipped with sufficient closed containers to store all garbage, waste material and ashes in a sanitary manner.

2.2 All garbage, waste material and ashes shall be disposed of in a manner acceptable to the local Medical of Health Officer or the Ministry of the Environment.

2.3 Plants designated as noxious weeds and grasses must be controlled as specified by the Ontario Weed Control Act.

## 3.0 PROPERTY:

3.1 All property shall be kept free and clear of garbage, waste material, rubbish, and other debris, objects and conditions that might create a health, fire or safety hazard.

3.2 No vehicle including a trailer or any part of such vehicle, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left outdoors on any property in the Township of Perry, with the following exceptions:

(a) Where a vehicle or trailer is being repaired by the owner for his or her own use;

(b) Where a vehicle or trailer is operable and designated for off-road use only by the manufacturer or MTO. This includes farm and industrial equipment;

(c) Where a vehicle or trailer is normally licensed for only part of the year;

- (d) Additional vehicles or trailers not licensed or approved by MTO for off-road use must be stored in a safe, neat and orderly manner, not visible from the road or adjacent property owners, subject to the Corporation's Zoning and Wrecking Yard by-laws.

**NOTE:**

Section 2.0 and 3.0 of this by-law do not apply to:

- (a) Property or structures used by the Corporation for the purpose of dumping or disposing of garbage, refuse, debris or domestic or industrial waste;
- (b) Property designated by a by-law of the Township of Perry for the purpose of dumping or disposing of garbage, refuse, debris or domestic or industrial waste;

4.0 ACCESSORY BUILDINGS:

- 4.1 Accessory buildings shall be kept in good repair, free from health, fire and safety hazards.

5.0 DRAINAGE AND SEWAGE:

- 5.1 Sewage or organic waste shall be discharged into an approved system. If an approved system does not exist, sewage or organic waste must be disposed of in an acceptable manner as required by the local health authorities and/or the Ministry of Environment.
- 5.2 Storm water shall be drained from all property to prevent excessive ponding or run-off to adjacent properties.
- 5.3 Every owner shall keep his or her private drain in repair.

6.0 PROPERTY STANDARDS COMMITTEE:

- 6.1 The Property Standards Committee shall be comprised of five (5) people from the Township (3 ratepayers and 2 councillors), appointed by Council. The term for Committee members shall run concurrent with the term of Township Council. Any review, appeal or decision will require a minimum quorum of three (3), consisting of two (2) ratepayers and one (1) councillor.

## 7.0 COMPLAINT PROCESS:

- 7.1 Complaints regarding a particular property must come from an immediate neighbour with a direct view of the property in question, or from an adjoining property owner.
- 7.2 All complaints submitted to the Township must be accompanied with a \$25.00 cheque, which will be returned to the complainant if the complaint is deemed to be valid by the Officer.
- 7.3 Complaints must be submitted on the Property Standards Form available from the Township office, a copy of which is attached to this by-law as "Schedule 'A'".
- 7.4 The Officer will review all complaints within 10 business days. The Officer will review the complaint in person with the person who filed the complaint.

## 8.0 NOTICE OF VIOLATION:

- 8.1 If a complaint is deemed valid by the Officer, a notice of violation shall be sent to the registered property owner. A copy of the notice of violation form letter is attached to this by-law as "Schedule 'B'".
- 8.2 The notice shall state that the property does not comply with the standards prescribed by this by-law, and shall specify the standards to which the property does not comply. It shall also state the action required to bring it into compliance and that there may be costs incurred that the owner may be responsible for.
- 8.3 After 30 days from notification of non-compliance by the Officer, the property will be subject to a re-inspection by the Officer, at which time the Officer may issue an order to comply. A copy of the order to comply form letter is attached to this by-law as "Schedule 'C'".
- 8.4 The Officer may be contacted by the owner for the purpose of requesting information relating to remedying his/her property or reporting what action is being or will be taken to attain compliance with the by-law.

## 9.0 NOTICE OF APPEAL:

- 9.1 When a registered property owner upon whom an order to comply has been served in accordance with this by-law is not satisfied with the terms or conditions of the order, the property owner may, in writing by registered mail or by direct

delivery, forward their Notice of Appeal to the Township of Perry office within 14 days of receiving the order to comply. A copy of the mandatory notice of appeal form letter is attached to this by-law as "Schedule 'D'".

9.2 In the event that no Appeal is taken, the order to comply shall be deemed to have been confirmed by the registered property owner.

9.3 The Property Standards Committee in receipt of the Notice of Appeal shall:

(a) determine the date, place and time of a 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 order to comply.

(b) give notice in writing of the date, place and time of the hearing to both the appellant and the Officer who issued the order to comply.

(c) hold the hearing at the date, place and time set out in the notice, and have all the powers and functions of an Officer to:

i) Confirm the order;

ii) Modify or quash the order;

iii) Extend the time for complying with the order provided that the general intent and purpose of the order is maintained.

(d) The Property Standards Committee shall give its decision in writing within 30 days of the hearing.

## 10.0 ENFORCEMENT:

10.1 This by-law shall be enforced pursuant to the provisions of Section 15 of the Ontario Building Code Act R.S.O.1992, c.23, as amended.

## 11.0 EXPENSES TO BE RECOVERED:

11.1 In addition to any other remedy and to any other penalty imposed under this by-law or under the Ontario Building Code Act R.S.O. 1992 c.23, as amended, or where any person is in default in doing any matter or thing directed or ordered to be done pursuant to this by-law, such matter or thing may be done by the Corporation at the expense of such person and the Corporation may recover the expense incurred in doing it by action, or the same may be recovered in the manner of municipal taxes.

11.2 This by-law shall be administered and enforced by the Officer, based on the decisions made by the Property Standards Committee.

12.0 PENALTIES:

12.1 Any person who contravenes any provision of this by-law or any part thereof shall be guilty of an offence and upon conviction be liable to a penalty recoverable under the Provincial Offence Act.

13.0 SHORT TITLE:

13.1 The short title of this by-law is *The Property Standards By-law*.

14.0 SEVERABILITY:

14.1 A decision of a competent court that one or more of the provisions of this by-law are invalid in whole or in part does not affect the validity, effectiveness or enforcement ability of the other provisions or part of the provisions of this by-law.


15.0 ENACTMENT:

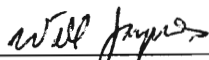
15.1 This by-law shall take effect upon third and final reading and enactment thereof

READ A FIRST TIME THIS 16 DAY OF August, 2006.

READ A SECOND TIME THIS 6 DAY OF September, 2006.

READ A THIRD AND FINALLY PASSED THIS 20 DAY OF September, 2006.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk-Administrator

The Corporation of the Township of Perry

By-law #2006-18

**SCHEDULE 'A'**

**Property Standards Complaint Form**

I, \_\_\_\_\_, am an adjoining property owner and/or own or live on property in direct view of the property located at \_\_\_\_\_, Township of Perry. After having read By-law #2006-18 (The Property Standards By-law) in its entirety, and understanding all of its clauses, I feel that the owner of the property located at \_\_\_\_\_, Township of Perry, is in direct violation of Section # \_\_\_\_\_ of By-law #2006-18 as: (describe the matter) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am willing to attend any and all hearings held by the Perry Township Property Standards Committee on this matter, and if required, I am willing to testify on this matter in a court of law.

I have enclosed a cheque in the amount of \$25.00 with this complaint form, which shall be returned to me if my complaint is deemed to be valid by the Property Standards Committee. If my complaint is deemed to be invalid by the Property Standards Committee, my \$25.00 cheque will not be returned to me.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness (Signature)

\_\_\_\_\_  
Date

The Corporation of the Township of Perry

By-law #2006-18

**SCHEDULE 'B'**

**Property Standards Notice of Violation Form**

(Owner's Address)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Date)

Re: (Description and Location of Property in Violation)

Dear Mr./ Mrs. (Owner)

Be advised that on (Date of Inspection), an inspection of your property, as noted above, revealed certain violations of the Township of Perry's Property Standards By-law #2006-18.

Appendix 'A', attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the By-law.

Be advised that By-law #2006-18 gives the Township of Perry the authority to issue an **Order to Comply** pursuant to Section 15 of the Ontario Building Code Act, RSO 1992, c.23. It is desired that you will comply with this notice of violation and that the aforementioned procedural step will not be necessary.

A re-inspection of this property will take place on or about (Date, within 30 days of Notice of Violation issuance) to ascertain compliance.

Should you require further information pertaining to this matter, please do not hesitate to contact the undersigned during normal business hours.

\_\_\_\_\_

Municipal Law Enforcement Officer

(705) 636-5941

The Corporation of the Township of Perry

By-law #2006-18

SCHEDULE 'C'

Property Standards Order to Comply Form

(Owner's Address)

(Date)

Re: (Description and Location of the Property in Violation)

Dear Mr./Mrs. (Owner)

WHEREAS on (Date) you were served with a Notice of Violation that required you to remedy certain violations of standards of maintenance at your property, described above.

AND WHEREAS you have failed to remedy the noted violations as set out in Appendix 'A', attached hereto and which forms part of this Order to Comply.

THEREFORE, IT IS HEREBY CHARGED THAT the violation(s) as set out in Appendix 'A' be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law #2006-18 on or before:

\_\_\_\_\_  
DATE

TAKE NOTICE THAT if such violations are not remedied within the time frame specified in this order, the Township of Perry may correct such violations at the **expense** of the owner.

Appeal to Property Standards Committee

If an owner upon whom an order has been served is not satisfied with the terms and conditions of the order, they may appeal to the Perry Township Property Standards Committee by sending their NOTICE OF APPEAL, by registered mail or direct delivery, to the Property Standards Committee within 14 days after service of the order to comply, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

FINAL DATE FOR APPEAL: \_\_\_\_\_

\_\_\_\_\_  
Municipal Law Enforcement Officer

(705) 636-5941

The Corporation of the Township of Perry

By-law #2006-18

SCHEDULE 'D'

Property Standards Notice of Appeal Form

The Township of Perry  
C/O The Property Standards Committee  
90 Old Government Rd., PO Box #70  
Emsdale, ON  
P0A 1J0

(Date)

Re: Order to Remedy Violation of Standards at (Description and Location of Property in Violation)

TAKE NOTICE of the appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned on (Date which Order to Remedy was delivered to owner)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

Appeal to Property Standards Committee

If an owner upon whom an order has been served is not satisfied with the terms and conditions of the order, they may appeal to the Perry Township Property Standards Committee by sending their NOTICE OF APPEAL, by registered mail or direct delivery, to the Property Standards Committee within 14 days after service of the order to comply, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date