



BY-LAW NO. 2022-35

DATE: June 1, 2022

MOVED BY: Councillor Constable

SECONDED BY: Councillor Gregory

THAT By-law No. 2022-35

Being a By-law for prescribing standards for the maintenance and occupancy of property within the Municipality of McDougall, for prohibiting the occupancy or use of such property that does not conform to the standards, and for requiring property below the standards prescribed herein to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition, and to repeal By-law 2012-18.

be introduced and read a **FIRST** and **SECOND** time.

Carried 
Signature

Defeated _____
Signature

MOVED BY: Councillor Gregory

SECONDED BY: Councillor Constable

THAT By-law No. 2022-35 be read a **THIRD** time, **PASSED, SIGNED** and

SEALED this 1st day of June, 2022.

Carried 
Signature

Defeated _____
Signature

<u>DIVISION LIST</u>	<u>FOR</u>	<u>AGAINST</u>
First and Second Reading		
Councillor Constable	_____	_____
Councillor Gregory	_____	_____
Councillor Malott	_____	_____
Councillor Ryman	_____	_____
Mayor Robinson	_____	_____
Third Reading		
Councillor Constable	_____	_____
Councillor Gregory	_____	_____
Councillor Malott	_____	_____
Councillor Ryman	_____	_____
Mayor Robinson	_____	_____

The Corporation of the Municipality of

McDougall BY-LAW NO. 2022-35

Being a By-law for prescribing standards for the maintenance and occupancy of property within the Municipality of McDougall, for prohibiting the occupancy or use of such property that does not conform to the standards, and for requiring property below the standards prescribed herein to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition, and to repeal By-law 2012-18.

WHEREAS subsection 15.1(3) of the Building Code Act, 1992, S.O. 1992, c.23, permits the Council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards;

AND WHEREAS subsection 15.1(3) of the Building Code Act, 1992 also permits said by-law to require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

AND WHEREAS the Corporation of the Municipality of McDougall has in effect an "Official Plan" that includes provisions relating to property conditions and standards;

AND WHEREAS The Council of The Corporation of the Municipality of McDougall deems it necessary and in the public interest to enact a by-law prescribing standards for the maintenance and occupancy of the property within the Municipality;

NOW THEREFORE the Council of The Corporation of the Municipality of McDougall hereby ENACTS as follows:

1. SHORT TITLE

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

2. DEFINITIONS

In this by-law:

"Accessory Building" means a detached subordinate building on the same lot as the main building;

"Committee" means the Property Standards Committee established pursuant to the provisions of this by-law:

"Dwelling" shall mean a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the land and premises appurtenant thereto and all out buildings, fences and erections thereon or therein;

"Dwelling Unit" means one (1) or more rooms connected together as a separate unit in the same dwelling and constituting an independent housekeeping unit, for residential occupancy by

humans with facilities for a bathroom with a water closet and basin, and facilities for persons to sleep and cook;

"Driveway" means the minimum defined area required to provide access for motor vehicles from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building or structure, except that in the case of a residential property "driveway" means only the minimum defined area required to provide direct access from the street to a garage or permitted parking area.

"Grass" means the manicured area of a lawn;

"Habitable Room" means any room in a dwelling unit used for, or capable of being used for, living, cooking, sleeping or eating purposes;

"Last Known Address" means the address, which appears on the Assessment Rolls of the Municipality.

"Lawn" means the landscaped and manicured area of a yard for the purposes of growing grass;

"Means of Egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building;

"Medical Officer of Health" means the Medical Officer of Health for the District of North Bay - Parry Sound.

"Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law;

"Nuisance" means an injurious, offensive or objectionable condition;

"Occupant" means any person or persons over the age of eighteen (18) years in possession of the property;

"Officer" means a Property Standards Officer of the Corporation, duly appointed by by-law to administer and enforce the provisions of the by-law; or a By-law Enforcement Officer of the Corporation; or the Chief Building Official of the Corporation;

"Owner" includes the 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 the person's own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were *leased*, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property;

"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, fences and erections thereon whether heretofore or hereafter erected, and is divided into;

- (a) "Commercial Property" means property, which is occupied but not for the purpose of human habitation; but may be capable of being occupied in whole or in part for the purpose of human habitation as part of a multi-use occupancy.

- (b) "Residential Property" means property which is occupied or capable of being occupied in whole or in part for the purposes of human habitation; and
- (c) "Vacant Land" means property on which there are no structures of any kind but does not include open space land designated as such by the Municipality.

"Repair" includes the provisions of such facilities and making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law;

"Rubbish" means refuse, garbage, household or commercial waste, and building material waste;

"Standards" means the standards prescribed in Parts I, II and III of this by-law:

"Municipality" means the Corporation of the Municipality of McDougall;

"Vehicle" includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment, and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

"Yard" means the land, other than publicly owned land, around and appurtenant to the whole or any part of a building and used intended to be used, or capable of being used in connection with the building and is generally considered the landscaped and or manicured area to used by the occupants on a regular basis.

3. SEVERABILITY

If any section, subsection or part of this by-law or parts thereof, are declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

PART 1 PROPERTY STANDARDS

- 4. This prescribes the standards for every property situated in the Municipality of McDougall.

5. MAINTENANCE OF YARD

- (1) A yard shall be kept clean and free from:
 - (a) Rubbish;
 - (b) refrigerators, freezers or similar appliances, whether operable or inoperable.
- (2) A yard shall be cultivated or protected by suitable ground cover so as to prevent the erosion of the soil.
- (3) No hedge shall be erected in a location which will, does or may, in the opinion of the officer:
 - (a) adversely affect the safety of the public;
 - (b) affect the safety of vehicular or pedestrian traffic, or
 - (c) constitute an obstruction of view for vehicle or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is one metre or less in height.

6. VEHICLES

- (1) Any vehicle, which is in a wrecked, discarded, unlicensed as normally required under the *Highway Traffic Act*, dismantled, inoperative or in an abandoned condition, shall not be parked, stored or left in any driveway or yard.
- (2) Nothing in subsection (1) prevents the occupant of a residential property from repairing a vehicle which is the occupant's own vehicle provided that:
 - (a) there is only one (1) vehicle being repaired; and
 - (b) the vehicle is being actively repaired.
- (3) No vehicle shall be used for the storage of garbage, rubbish, waste, debris inoperable equipment, materials, appliances, or similar items.
- (4) An unlicensed vehicle may be kept for the purposes of winter snow removal but must be stored in the rear yard when not in seasonal use.

7. APPLIANCES

Refrigerators, freezers or similar appliances which are stored or left on porches, decks or similar areas shall not have a self-locking device and shall be:

- (a) in working order;
- (b) secured with a locking device; and
- (c) locked at all times except when actually being used and supervised.

8. WASTE MANAGEMENT & STORAGE

- (1) Domestic storage, such as firewood, building materials, garden equipment and materials may be permitted, provided that:
 - (a) such storage does not exceed 15 percent of the yard area in which it is stored; and
 - (b) such storage shall be neatly piled.
- (2) Despite the requirements of this section, temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building on the same property, or part thereof may be placed on the property, provided that:
 - (a) it is removed frequently and in its entirety from the property;
 - (b) it will not cause risk to the health or safety of any persons; and
 - (c) it is not stored in an unsightly manner.

9. SEWAGE AND DRAINAGE

- (1) Sewage or organic waste shall be discharged into a sewage system.
- (2) Rain water from a roof area of five hundred (500) square feet (46.5 square metres) or more shall be conveyed to a storm sewer, and, if such a storm sewer is not available, the rain water shall be disposed of in such a manner as not to create a nuisance.
- (3) Catch basins shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.

10. FENCES AND RETAINING WALLS

- (1) Fences, barriers and retaining walls shall be kept:
 - (a) in good repair;
 - (b) free from accident hazards;
 - (c) so as not to present an unsightly appearance; and
 - (d) free of barbed wire in a residential area.
- (2) Unsightly chalk marks and similar markings or defacement on the exterior surfaces of fences shall be removed and the fences refinished when necessary.
- (3) No fences shall be erected in a location, which will, does or may constitute an accident hazard to vehicular or pedestrian traffic.

11. ACCESSORY BUILDINGS

All accessory buildings shall be kept:

- (a) in good repair;
- (b) free from health and accident hazards

MAINTENANCE OF BUILDINGS, DWELLINGS AND DWELLING UNITS

12. STRUCTURAL SOUNDNESS

- (1) Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code.
- (2) Materials or objects, which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) If, in the opinion of the officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report be submitted to the Officer, which report will include drawings for any recommended remedial work designed by the engineer, and the details of the findings of such examination.

13. EXTERIOR WALLS

- (1) All exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by painting, restoring or repairing of the walls, coping or flashing; or
- (2) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- (3) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad from a solid appearance with the surrounding surface.

14. DOORS AND WINDOWS

- (1) All exterior openings for doors or windows shall be fitted with doors or windows.
- (2) Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair and properly fitted so as to prevent the entrance of wind or rain into the dwelling.

15. REPAIR STANDARDS

All repairs to any property shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose.

16. SIGNS

All signs, including their supporting members, shall be maintained in good repair and any signs which are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, be removed or put into a good and lawful state which conforms to this by-law.

17. STRUCTURALLY SOUND

- (1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- (2) Materials or objects, which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) If, in the opinion of the officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent and that a written report, be submitted to the Officer, which report will include drawings for any recommended remedial work designed by the engineer and the detail and findings of such examination.

18. EXTERIOR WALLS

- (1) All exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by:
 - (a) painting, restoring, or repairing of the walls, coping or flashing; or
 - (b) the waterproofing of joints and of the walls themselves.
- (2) All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.
- (3) All canopies, marquees, signs, awnings, stairways, stand pipes, exhaust ducts, and similar overhang extensions 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.

- (4) The visible surface of all exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with surrounding surface.
- (5) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- (6) Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement occurring on an exposed exterior surface and, where necessary, to restore the surface as nearly as possible to its original conditions.

19. REPAIR STANDARDS

All repairs to any premises shall be made in a manner that is accepted as a good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose.

**PART II
VACANT LAND**

- 20. This part prescribes the standards for vacant land situated in the Municipality of McDougall.
- 21. Vacant land shall be kept clean and free from rubbish, including vehicles, automobile parts, furniture, or other objects.

**PART III-GENERAL
PROCEDURES FOR ENFORCEMENT**

- 22. This part applies to the whole of the Municipality of McDougall.

23. ADMINISTRATION AND ENFORCEMENT

The Corporation may from time to time appoint Property Standards Officers and such other clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof .Furthermore, By-law Enforcement Officers of the Corporation are considered duly appointed Property Standards Officers at hiring and are the general enforcement personnel administering this by-law in conjunction with the Chief Municipal Enforcement Officer.

24. PROPERTY STANDARDS COMMITTEE

- (1) A Property Standards Committee is hereby established pursuant to section 15.6 of the Building Code Act, 1992.
- (2) The Committee shall be composed of three (3) persons, who are ratepayers in the Municipality, and the Committee shall be appointed by Municipality Council in accordance with Municipality procedures for the appointment to Boards, Committees and Authorities.
- (3) The terms of office for the members of the Committee shall be the term of Council four (4) years.
- (4) All members shall serve their terms of office as required until reappointed or replaced by the Municipal council.

- (5) The Committee shall elect a chairperson from its members.
- (6) When the chairperson is absent through illness or otherwise, the Committee may appoint another member to act as chairperson pro tempore.
- (7) Two (2) member of the Committee shall constitute a quorum.
- (8) Any member of the Committee may request an oath of truth to persons appearing before the committee.
- (9) A member of the Council or an employee of the Municipality or a local board thereof is not eligible to be a member of the Committee.
- (10) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee.

25. ORDER AND APPEAL TO COMMITTEE

- (1) An Officer may make an order pursuant to sections 15.2 or 15.7 of the Building Code Act. 1992.
- (2) When the owner or occupant upon whom an order pursuant to section 15.2 of the Building Code Act. 1992, has been served is not satisfied with the order or the terms or conditions thereof, the owner or occupant may appeal to the Committee, by sending notice of 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 be confirmed.
- (3) The secretary of the Committee, upon receipt of the notice of appeal shall:
 - (a) determine the date, place and time of the hearing of the appeal which shall take place not less then seven (7) days from the date of receipt of the aforesaid notice; and
 - (b) give notice in writing of the date, place and time of the hearing to:
 - (i) the appellant;
 - (ii) the officer who issued the order; and
 - (iii) any other as the Committee considers advisable.
- (4) The Committee shall:
 - (a) hear the appeal at the date, place and time set out in the notice; and
 - (b) have other as the Committee considers advisable.
- (5) The Committee may adopt its own rules of procedure.
- (6) The Committee may:
 - (a) confirm the order;
 - (b) modify or rescind the order; or
 - (c) extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of this by-law and of the official plan of the municipality are maintained.
- (7) The Committee shall give its decision in writing.

- (8) The secretary of the Committee shall notify:
- (a) the appellant;
 - (b) the officer who issued the order; and
 - (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.

26. CERTIFICATE

- (1) Following the inspection of a property an officer may, or on the request of an owner shall, issue to the owner a Certificate of Compliance with the standards set out in this by-law.
- (2) A fee shall be payable to the municipality prior to the issuance of a Certificate of Compliance where it is issued at the request of the owner, in the amount prescribed by Schedule "A" to this by-law.

27. DUTIES

- (1) Every owner shall ensure that the dwelling or property of the owner is maintained in accordance with the provisions of this by-law.
- (2) Every person to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to this by-law shall obey such order or do or abstain from doing such things as required.

28. PENALTIES

Any person who obstructs or interferes with an officer or with another person acting under an Officer's instructions, or

Any person who removes or defaces any sign, notice or placard placed on any premises by an Officer, or

Every person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to penalties in accordance with section 36 of the Building Code Act, S.O. 1992. C.23, as amended, for each offence committed.

29. MUNICIPAL LIEN

If an Order of an Officer under subsection 15.2(2) is not complied with resulting in assessment and repair cost paid out by the Municipality or other expenses, 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, c23 and the Municipal Act, 2001.

30. VALIDITY

If an article of this By-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

Where a provision of this By-law conflicts with the provision of another By-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

This By-law may be referred to as "The Property Standards By-Law".

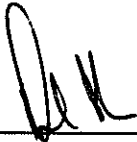
By-Law # 2012-18 and all amendments thereto are hereby repealed.

This By-law shall come into effect on the day of final passing.


31. TITLE

This By-Law may be referred to as "The Property Standards By-Law".

READ a **FIRST** and **SECOND** time this 1st day of June , 2022.



Mayor

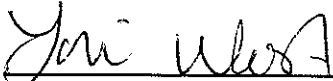


Clerk

READ a **THIRD** time, **PASSED**, **SIGNED** and **SEALED** this 1st day of June , 2022.



Mayor



Clerk

SCHEDULE "A" TO BY-LAW NO. 2022-35

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

FEE SCHEDULE FOR ISSUANCE OF CERTIFICATE OF COMPLIANCE

CATEGORY		COST
Residential Property Multiple Commercial and Industrial Buildings	Number of Inspected Units per Building	Charge
	1-2 units	\$125
	More than 2-not more than 5 units	\$150
	More than 5-not more than 15 units	\$175
	More than 15-not more than 25 units	\$200
	More than 25 units	\$250
Free Standing Industrial And Commercial Buildings (Occupancy)		\$175
Vacant and Derelict Property		\$125

****Charges are based on estimated recoverable cost of staff time to administer****