

**THE CORPORATION OF THE TOWNSHIP  
OF ASSIGINACK**

**BY-LAW # 12-07**

**BEING A BY-LAW of the Corporation of the Township of Assiginack to Establish  
Standards for the Maintenance of Property in a Clean, Clear and Safe Condition**

WHEREAS the Official Plan for the Township of Assiginack includes provisions relating to the conditions of maintenance and occupancy of property;

AND WHEREAS the Council of the Corporation of the Township of Assiginack deems it desirable to prescribe standards for maintenance and occupancy of property for the protection of the safety, health and well being of the public and to prevent the degradation of neighbourhoods within the Township;

NOW THEREFORE pursuant to the Building Code Act, 1992 Sections 15.1 through 15.8 inclusive, the Council of the Corporation of the Township of Assiginack Enacts as Follows:

**DEFINITIONS:**

1. Committee shall mean the Property Standards Committee established under this By-law.
2. Occupant shall mean any person or persons over the age of eighteen years, in possession of the property.
3. Officer shall mean a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
4. Corporation shall mean the Corporation of the Township of Assiginack
5. Owner shall mean a) 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 receive the rent if the land and premises were let, and b) 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 the maintenance and occupancy of property.
6. Property shall mean buildings or structures 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 installations thereon, whether heretofore or hereafter erected and includes vacant property.
7. Repair shall mean the provision of such facilities and the 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 the By-law.

**APPLICATION:**

8. This By-law shall apply to all property within any of the following zones of land as determined by the Comprehensive Zoning By-laws of the Corporation:  
a) residential, multi residential, shoreline residential b) commercial recreational, core commercial, general commercial and c) institutional.
9. The standards of maintenance and occupancy of property set out in Schedule 'A', Attached to and forming part of this By-law, are hereby prescribed for all property Found in any zone listed in Section 8.
10. The occupancy or use of any property that does not conform to the standards prescribed in Schedule 'A' is prohibited.
11. The owner or occupant of any property shall repair and maintain that property in accordance with the standards prescribed in Schedule 'A' or the site shall be

cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

12. This By-law shall be administered and enforced by a Property Standards Officer or Officers appointed by By-law and who shall administer and enforce this By-law in accordance with the provisions of the Building Code Act 1992 and amendments thereto.
13. Following the inspection of the property, the Property Standards Officer may upon the request of the owner, issue to the owner a Certificate of Compliance with the standards prescribed by this By-law.
14. The fee for the issuance of a Certificate of Compliance issued in accordance with Section 15.5 of the Building Code Act 1992, shall be \$ 100.00 payable prior to the issuance of the Certificate. The amount of the fee may be varied from time to time by Resolution of Council, without an amendment to this By-law.
15. Where a provision of this By-law conflicts with the provisions of another by-law in force in the Township of Assiginack, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
16. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, the remainder shall continue to be in force.
17. Any previous by-law concerning property standards is hereby repealed.
18. Any person violating the provisions of this by-law is subject to a penalty exclusive of costs and such penalty shall be recoverable under the Provincial Offences Act.
19. The Property Standards Committee established by By-law # 10-24 as amended by By-law # 11-23 is hereby continued.

Read a first and second time, this 6 day of March, 2012.

Read a third and final time and enacted in open council, this 6 day of March, 2012.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Clerk

Seal

‘Schedule A’  
By-law # 12-06

PROPERTY STANDARDS:

A.1 Garbage:

1.  
Every dwelling shall be equipped with sufficient receptacles to contain all garbage, rubbish and ashes in a sanitary manner.
2.  
All garbage, refuse and ashes shall be disposed of in a manner acceptable to the local Medical Officer of Health and Ontario Ministry of the Environment.

A.2 Yards:

1.  
All yards shall be kept free and clean from rubbish and other debris and from objects or conditions that might create a health, fire or accident hazard.
2.  
Any vehicle, boat, trailer or part of any vehicle, boat or trailer which is in a wrecked, discarded, dismantled or partly dismantled or abandoned condition shall not be stored or left in a yard, but this shall not prevent the occupant of any premises from repairing a vehicle for his own use and not for commercial purposes while such repair is actively carried on.
3.  
Steps, walks, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.
4.  
Suitable ground cover shall be provided to maintain a good appearance, prevent erosion of the soil and so as to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be resodded or reseeded as often as required to maintain the grass in a living condition.
5.  
The length of any ground cover, including grass shall be maintained so as to be in harmony with the neighbouring environment and shall be regularly maintained so as not to create a fire, health or accident hazard.

A.3 Fences and Accessory Buildings:

1.  
All fences and accessory buildings shall be kept in good repair and free of fire, health or accident hazards.
2.  
All fences and accessory buildings shall be maintained so as not to present an unsightly appearance.

A.4 Drainage and Ponding

1.  
Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition or harmful to the environment. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede the natural flow of water.
- 2.

Storm water run off from downspouts and impervious surfaces shall be contained within the limits of the property until absorbed by the soil or drained to a swale, watercourse or storm sewer.

#### A.5 Structural Capability:

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 and any additional weight that they may be put on it through normal use. Material which has 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 to 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 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 their deterioration due to weather and shall be so maintained by the painting, restoring or repairing of the walls.

Schedule 'B'  
By-law # 12-06

Enforcement Procedures:

1.  
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.
2.  
Upon receipt of instruction by the Committee, the Officer shall inform the owner of the property of the complaint and arrange for an inspection of the infraction outlined in the written complaint.
3.  
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 shall:
  - a) provide a copy of the Property Standards By-law to the property owner
  - b) make an order to remedy the infraction within a 30 day time limit.
4.  
If no progress has been made after the allotted time has elapsed, to resolve the infraction, the Committee shall cause to be served upon, or send by prepaid registered mail to such owner of the property and all persons shown by the Assessment records and the Registry office, an order containing:
  - a) the date of first inspection
  - b) the date of a subsequent inspection
  - c) the municipal address and legal description of the property
  - d) a list of all infractions noted against the structure or building
  - e) a final date for giving notice of appeal from the order of the Committee
  - f) the order that all infractions listed must be corrected
5.  
When an owner or occupant upon whom an order has been served in accordance with this By-law is not satisfied with the terms and conditions of the order stipulated above, he may appeal by registered mail to the Secretary of the Committee within fourteen days after service of the order and in event of no appeal being taken, the order shall be deemed to have been confirmed.
6.  
The Secretary of the Committee when in receipt of a notice of appeal shall:
  - a) determine the date, place and time of a Hearing of an Appeal which shall take place not less than seven days and not more than fourteen days from the date of receipt of the aforementioned notice and give notice of the hearing to the appellant, the Officer who issued the order and any other person who has an interest in the property.
7.  
The Committee shall hold the hearing as indicated in the notice.
8.  
The Committee shall establish its own rules of procedure.
9.  
The appellant may appear with or without Counsel.
- 10.

The Committee may agree with the appeal, disagree with the appeal or extend the time given to comply with the order.

11.

The Committee shall give its decision in writing.

12.

The Secretary of the Committee shall notify the appellant, the officer who issued the order and any other interested party.