

THE CORPORATION OF THE TOWNSHIP OF MAPLETON

BY-LAW 2002-23

Being a by-law to prescribe standards for the maintenance of all property within the Township of Mapleton, and prohibiting the use of any property that does not conform to the standards and requiring such properties to be repaired, maintained, or cleared of buildings, structures, debris, or refuse and prohibiting the removal of any notice, sign or placard placed thereon in accordance with this By-law.

WHEREAS under Section 15.1(1) of the Building Code Act, S.O. 1992 c. 23, as amended, a by-law may be passed by the Council of a municipality to establish a Property Standards Committee and for 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 the Council of the Township of Mapleton is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c. 23;

AND WHEREAS Section 13.12 of the Official Plan of The County of Wellington includes provisions to ensure that communities are pleasant, healthy and safe places to live, work, shop and recreate. The Official Plan encourages the establishment of minimum standards of maintenance and occupancy to conserve, sustain and protect existing and future development;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c. 23 requires that a bylaw passed under Section 15.1(3) of the Building Code Act, 1992, c.23 shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of the Corporation of the Township of Mapleton enacts as follows;

PART I - DEFINITIONS

In this by-law,

- 1.01 "Accessory Building" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system,
- 1.03 "Approved" means acceptance by the Property Standards Officer.
- 1.06 "Committee." means the Property Standards Committee for the Township of Mapleton.
- 1.07 "Dwelling" means 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.
- 1.08 "Dwelling Unit" means a room or a suite operated as a house-keeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.

- 1.09 "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,
- 1.10 "Multiple Dwelling" means a building containing three or more dwelling units,
- 1.11 "Non-Residential Property" means a building or structure or part of a building of structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.12 "Person" means an individual, firm, corporation, association or partnership.
- 1.13 "Residential Property" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.14 "Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-Law.
- 1.15 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

PART II - GENERAL STANDARDS FOR ALL PROPERTY

- 2.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and Fire Prevention and Protection Act, where applicable.

YARDS

- 2.02 Every yard and every vacant lot shall be kept clean and free from:
- (1) rubbish or debris and objects or conditions that might create a health, fire, or accident hazard;
 - (2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
 - (3) long grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act;
 - (4) dilapidated or collapsed structures or partially constructed structures which are not currently under construction;
 - (5) injurious insects, termites, rodents, vermin or other pests; and
 - (6) dead, decayed or damaged trees or other natural growth,

SURFACE CONDITIONS

2.03 Surface conditions of yards shall be graded and maintained so as:

- (1) to prevent ponding of stormwater;
- (2) to prevent instability or erosion of soil;
- (3) to prevent surface water run-off from entering basements;
- (4) to prevent surface water from adversely affecting adjacent properties;
- (5) not to exhibit an unsightly appearance;
- (6) to be kept free of garbage and refuse;
- (7) to be kept free of deep ruts and holes;
- (8) to provide for safe passage under normal use and weather conditions, day or night; and
- (9) not to create a nuisance to other property.

SEWAGE AND DRAINAGE

2.04 Sewage shall be discharged into a municipal sewage system where one is available. Where a municipal sewage system is not available, an alternate means of disposal, acceptable to the Property Standards Officer, shall be used and maintained in good repair.

2.05 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise,

2.06 Water runoff from roof surfaces shall not be discharged onto sidewalks, stairs, or adjacent property.

PARKING AREAS, WALKS AND DRIVEWAYS

2.07 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

2.08 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

ACCESSORY BUILDINGS, FENCES AND OTHER STRUCTURES

2.09 Accessory buildings, fences and other structures appurtenant to the Property shall be maintained in structurally sound condition and in good repair,

2.10 Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

COMPOST HEAPS

- 2.11 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic or wood container designed for composting.

PART III - RESIDENTIAL STANDARDS

GENERAL CONDITIONS

- 3.01 Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.
- 3.02 Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including corridors, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3.03 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

PEST PREVENTION

- 3.04 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.
- 3.05 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

EXTERIOR WALLS

- 3.06 Exterior walls of a building or a structure and their components, including soffits, fascia, window and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.07 Exterior walls of a building or a structure and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

ROOFS

- 3.08 Roofs of dwellings and their components shall be maintained free from loose or unsecured objects or materials.
- 3.09 The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both,
- 3.19 Where eavestroughing, roof gutters, are provided it shall be kept in good repair, free from obstructions and properly secured to the building.

FIRE ESCAPES, ALARMS AND DETECTORS

- 3.20 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten persons, except that such systems need not be provided where a public corridor or exit serves not more than four dwelling units or individual leased sleeping rooms.
- 3.21 In addition to the provisions of Article 3.20 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred to shall be;
- (a) be equipped with visual or audio indication that they are in operating condition;
 - (b) be mounted in accordance with the manufacturer's instructions.
- 3.22 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition free from obstructions and easily reached through an operable window or door.

EGRESS

- 3.23 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- 3.24 Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 by 559 mm (42 x 22 inches) with a sill height of not more than 914 mm (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the means of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

ELEVATING DEVICES

- 3.25 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

PART IV VACANT LANDS AND BUILDINGS

- 4.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable,

VACANT LANDS

- 4.02 Vacant land shall be maintained to the standards as described in Part II Article 2.02 of this by-law.
- 4.03 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

VACANT BUILDINGS

- 4.04 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 4.05 The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened.

PART V - NON-RESIDENTIAL PROPERTY STANDARDS

- 5.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

YARDS

- 5.02 The yards of non-residential property shall be maintained to the standards as described in Part II Article 2.02 of this by-law,
- 5.03 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any 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 of a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

PARKING AREAS, AND DRIVEWAYS

- 5.04 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt or similar hard surface or gravel and dust from the gravel surfaces shall be applied with dust retardants.
- 5.05 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

EXTERIOR WALLS

- 5.06 Exterior walls of a building or a structure and their components, including soffits, fascia, window and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

- 5.07 Exterior walls of a building or a structure and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

PART VI - ADMINISTRATION AND ENFORCEMENT

- 6.01 This By-Law shall apply to all property within the limits of the municipality.
- 6.02 The imperial measurements contained in this By-Law are given for reference only.

OFFICERS

- 6.03 The Council of the municipality shall appoint a Property Standards Officer(s) who shall be responsible for the administration and enforcement of this by-law.

PROPERTY STANDARDS COMMITTEE

- 6.04 There shall be and it is hereby established a Property Standards Committee consisting of four members, who shall be ratepayers in the municipality, appointed by by-law of the Council of the Township of Mapleton to hold office for the term established by Council.
- 6.05 Three members shall constitute a quorum for transacting the Committee's business.
- 6.06 Each person who initiates an appeal of an Order made under Section 15.2(2) of The Ontario Building Code Act, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the Act.
- 6.07 The Council of the municipality shall fill any vacancy that occurs in the membership of the Committee as soon as possible,
- 6.08 The members shall elect a Chair from among themselves; when the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
- 6.09 The members shall provide for a secretary of the Committee.
- 6.10 The secretary shall keep on file records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and Section 74 of The Municipal Act applies with necessary modifications to the minutes and records.
- 6.11 The Committee shall, subject to Subsection (9) of The Building Code Act S.O. 1992, adopt Council's policies and procedures for its operation and any member may administer oaths.
- 6.12 The Committee shall give notice or direct that notice be given of the Hearing of an Appeal to such person as the Committee considers advisable,

COMPLIANCE

- 6.13 The owner of any property which does not conform to the standards as set out in this bylaw shall repair and/or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a leveled and graded condition.

VALIDITY

- 6.14 If an article of this by-law is for any reason held by a Court of Law or other Administrative Tribunal to be invalid, the remaining articles shall remain in effect until repealed.
- 6.15 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.

TITLE

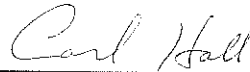
- 6.16 This By-Law may be referred to as "The Property Standards By-Law".

REPEALS


- 6.17 By-law 905/87 of the former Village of Drayton, By-laws 2324 and 2348 of the former Township of Maryborough and By-laws 91-25 and 91-32 of the former Township of Peel are hereby repealed.

READ a first and second time this 25 day of March, 2002

READ a third time and finally passed this 25 day of March, 2002.



Mayor Carl Hall



CAO Clerk Patty Sinnamon