

***THE CORPORATION OF THE
Township of Chatsworth***

BY-LAW NO. 2012-29

Being a by-law prescribing standards for the maintenance of property within the Township of Chatsworth, prohibiting the use of any property that does not conform to the prescribed standards, and requiring property that does not conform to the standards to be repaired and maintained to conform or the property to be cleared of all debris or refuse and the land to be left graded and level.

WHEREAS the Municipal Act, 2001, Section 127, provides authority to a local municipality to regulate, prohibit and define refuse and debris;

AND WHEREAS the Ontario Building Code Act, S.O. 1992, C.23, Section 15.1(3) and amendments thereto, provides that a municipal Council may pass a by-law to prescribe standards for the maintenance and occupancy of property within the municipality, and for prohibiting the occupancy or use of property that does not conform with said standards, and for requiring property that does not conform to be repaired and maintained or to be cleared of all buildings, structures, debris or refuse;

AND WHEREAS the Grey County Official Plan includes provisions relating to property conditions;

AND WHEREAS the Council of the Township of Chatsworth deems it necessary and expedient to pass such a by-law, pursuant to the Ontario Building Code Act, S.O. 1992, C.23, Section 15.1(3),

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

AND WHEREAS Section 15.3 of the Building Code Act, S.O. 1992 C23 provides an owner or occupant served with an order a right to appeal the said order;

AND WHEREAS the Council of the Corporation of the Township of Chatsworth deems it desirable to regulate and govern the maintenance of land and buildings in order to enhance the quality of communities and/or neighborhoods, to protect the safety, health and well-being of the public and to ensure the continued enjoyment of property for residents and property owners of the Township.

NOW THEREFORE the Council of the Township of Chatsworth hereby enacts as follows:

DEFINITIONS

ABANDONMENT: the giving up of an interest.

ACCEPTABLE: means accepted by the Property Standards Officer with respect to the standards set out in this by-law.

ACCESSORY BUILDING: shall mean building not used for human habitation customarily incidental and subordinate to the principle use of building and located on the same lot with such principle use or building and shall include a boat house.

ACT: shall mean the Municipal Act S. O. 2001 as amended from time to time.

BARRIER: an obstacle barring advance or access.

BUILDING CODE: means the regulations made under the Building Code Act.

CISTERN: a tank for storing water/ a reservoir for storing rainwater.

COMMITTEE: means the appointed Property Standards Committee

DEBRIS: the remnants of something broken down or destroyed

DISMANTLE: to take to pieces or disassemble

FENCE: means a structure, at grade, erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting ingress or egress to an open space, or for the purpose of denoting a property line

GARBAGE: means the animal and vegetable waste (other than compost pile or bin) and related waste products resulting from the handling, preparation, cooking and consumption of food and drink, as well as other solid waste materials and goods resulting from residential, commercial, institutional and industrial operations

MAINTENANCE: means the preservation and keeping in repair of property

NOXIOUS WEED: means any weed designated as noxious by the Weed Control Act, R.S.O. 1990, Chapter W.5, as amended

OFFICER: means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law and related By-laws

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 includes a vacant property

RETAINING WALL: a wall built to hold back water, compost, manure earth or other material of an embankment

REFUSE AND DEBRIS includes sewage, weeds, grasses, noxious weeds, garbage, rubbish, wreck, wreckage and any other unsightly object that has been abandoned.

RUBBISH: means any combustible or non combustible discarded or waste materials except garbage and manure from active farm operations.

SALVAGE YARD: includes a scrap yard, junk yard and wrecking yard, whether or not an active business is carried on therein

SEWAGE: means any liquid waste containing animal, human, vegetable or mineral matter in suspension or a solution, but does not include roof drainage or storm water runoff. Manure from active farm operations is not included in this definition

SEWAGE SYSTEM: means a Township sanitary sewage system or a private sewage disposal system approved by the designated Township Official

STORED: to accumulate and keep for future use to put into storage/to provide storage room

STRUCTURE: something made of parts fitted or joined together/the way in which constituent parts are fitted or joined together, or arranged to give something its specific nature or character

TRAILER: a wheeled vehicle designed to be towed

UNSAFE: when used in respect of a building means:

- i) Structurally inadequate or faulty for the purposes for which it is used, or
- ii) In a condition that could be hazardous to persons in the normal use of the building

VACANT LAND: shall include lands which contain no buildings or structures

VEHICLE: any kind of contrivance, on wheels or runners, or not on wheels or runners, used to carry people or goods from one place to another, including boats

WELL: a deep hole, drilled or dug, usually cylindrical in shape and lined with bricks, stone etc. dug into the earth to such a depth as to reach a supply of water/shaft sunk into the earth to obtain water, oil, gas etc.

WRECK: a dismantled or remnant of a building, vehicle, farm or construction equipment remaining on a property after destruction

WRECKAGE: the remains of a wrecked vehicle, building etc. or fragments of any wrecked structure

YARD: shall mean a reasonable amount of land other than publicly owned land, around and appurtenant to and adjacent to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with the said property and is also described as unoccupied space on a lot except that portion of a yard used as an active farm barn yard including manure storage.

1.0 **TITLE AND SCOPE AND GENERAL REQUIREMENT TO COMPLY**

1.1 This by-law may be referred to as " Property Standards By-law.

1.2_ For the purposes of this by-law property shall mean a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto, mobile buildings or structure, accessory buildings, outbuildings and vacant lots.

1.3_ The provisions of this by-law and the standards for the maintenance and occupancy of property established herein shall apply to all property within the Township of Chatsworth.

1.4_ The owner of any property which does not conform to the standards established in this by-law shall repair and maintain such property to conform to these standards, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and leveled condition.

1.5_ All repairs to comply with this by-law shall be carried out with suitable and sufficient materials in a manner acceptable to the Chief Building Official and/or Property Standards Officer as good and workmanlike for the trades concerned.

1.6_ Nothing in this by-law shall require repairs to be completed inside or outside of an unused building or in an unused portion thereof, except as necessary to remedy any unsafe condition to persons outside of the building or to remedy any unsafe condition to a person on the inside portion of the building.

1.7_ Notwithstanding section 1.6 all repairs to be carried out inside an unused building or inside an unused part thereof shall be carried out before the unused building or unused part of the building is used.

2.0 **YARDS**

2.1 **Every property owner and/or occupant shall keep** every yard and every vacant lot clean and free from:

- a. refuse and debris, including rubbish, garbage, brush, discarded materials and other debris, other than clean fill material. Discarded and unused furniture, appliances, cartons and paper products may not be left in any yard. Objects such as surplus building materials, masonry, glass, plumbing and electrical supplies not intended for immediate use may not be stored or allowed to remain in any yard. **Every property owner and/or occupant shall maintain all yards** in a manner that does not create a negative impact on adjacent properties;
- b. wrecked, dismantled, discarded or abandoned machinery, unlicensed vehicles, trailers, or boats or parts thereof, except machinery, vehicles, or trailers required for the operation of a business or farm which is lawfully permitted and lawfully stored on the property, **and every property owner and/or occupant shall ensure** these items are stored in a manner that does not create a negative impact on adjacent properties;
- c. stored materials such as tires, lumber or pesticides, unless it is necessary for the operation of a business enterprise, farm or land use permitted and lawfully situated on the property, **and every property owner and/or occupant shall ensure** these items are stored in a manner that does not create a negative impact on adjacent properties;
- d. dilapidated or collapsed structures or partially constructed or dilapidated structures which are not currently under construction;
- e. rodents, vermin and other pests and animal carcasses where it causes a public nuisance or health hazard;

2.2 **No property owner and/or occupant shall** allow the growth of grass and weeds on his or her property to exceed twenty centimeters (8 inches) in height.

2.3 **Every property owner and/or occupant shall ensure that** all wells and cisterns are capped with an environmentally secure material and shall be kept and maintained in good repair.

2.4 **No property owner and/or occupant shall burn** garbage, debris, rubbish, tires, or plastics in a residential or rural zone unless authorized by Federal or Provincial law or explicitly authorized by another Township by-law.

3.0 **YARD DRAINAGE AND SURFACE CONDITIONS**

3.1 **Every property owner and/or occupant shall maintain** surface conditions so as:

- a. to prevent instability or erosion of soil;
- b. to prevent roof drainage from being directed to other properties;
- c. to provide for safe passage under normal use and weather conditions, day or night.

3.2 **No landowner shall cause or permit** site alterations where it creates ponding or runoff of storm water which negatively impacts an adjacent property of use.

4.0 **GARBAGE DISPOSAL**

4.1 **Every property owner and/or occupant of every building or property that involves uses or activities which generate garbage shall provide a sufficient number of suitable receptacles which may include garbage bags to contain all garbage and refuse. Every property owner and/or occupant shall ensure that** such receptacles are constructed of suitable material, provided with a tight fitting cover, and shall be maintained.

4.2 **Every property owner and/or occupant shall ensure that all garbage is placed in said container for storage until removed from the property.**

4.3 **Every property owner and/or occupant shall ensure that all storage areas for said garbage containers are screened from public view, where necessary.**

5.0 **BUILDING STANDARDS AND MAINTENANCE**

5.1 **Every property owner and/or occupant shall ensure that every part of any building is maintained in a safe and structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight as may be put on it through normal use. Building materials which have been damaged or show evidence of rot or other deterioration shall be repaired, replaced or removed by the landowner and/or occupant.**

5.2 **Every property owner and/or occupant shall ensure that buildings are kept free of animal carcasses, rodents, vermin and other pests where it considered a public nuisance or health hazard.**

5.3 **Every property owner and/or occupant shall ensure that unused buildings are protected against risk of fire, accident or other danger, and that entrance to unused buildings by all unauthorized persons shall be effectively prevented.**

5.4 **Every property owner and/or occupant shall ensure that radio antennas, satellite dishes, television antennas, lightning arresters and structures of a similar character, are maintained in safe repair.**

5.5 **Every property owner and/or occupant shall ensure that sign structures shall be maintained so as not to cause any unsafe or unsightly conditions and any adverse impact on neighboring properties.**

5.6 **Every property owner and/or occupant shall ensure that fences, barriers and retaining walls are kept in good repair so as to prevent an unsafe condition and any adverse impact on adjacent land owners. Fences shall be constructed of appropriate building materials. No person shall construct or permit to be constructed a fence consisting of the following:
Old equipment, machinery, furniture, vehicles, appliances, tires**

6.0 **ADMINISTRATION/ ENFORCEMENT/FAILURE TO COMPLY**

6.1 **Council shall appoint Property Standards Officer(s), as needed, to be responsible for the administration and enforcement of this by-law.**

6.2 **Upon the receipt of a signed written complaint "Schedule C" attached or other, the Property Standards Officer may conduct an inspection of the alleged offending property.**

6.3 **The Property Standards Officer in performance of his/her duties under this by-law may be accompanied by any person acting under his/her instruction including but not limited to a building inspector, Police Officer, fire inspector, electrical inspector, gas inspector, heating inspector, and a structural engineer, any of whom on producing proper identification, may enter upon any property at any reasonable time for the purpose of inspecting the property to determine:**

- a) whether the property conforms to the standards prescribed in this by-law; or
- b) whether there is compliance with an order made under this by-law and the provisions of the Building Code Act, S.O. 1992, C 23, as amended.

6.4 **No person shall obstruct, hinder or interfere with Property Standards Officer, or any person acting under his/her direction, in the execution of his/her duties.**

- 6.5 The Property Standards Officer or any person acting under his/her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining consent from the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
- 6.6 If the Property Standards Officer finds that a property does not conform to any of the standards prescribed in this by-law, the Officer may make an order by personal registered mail to the owner;
- (a) stating the municipal address and the legal description of such property; and,
 - (b) stating the sections of this by-law that are violated and/or giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition; and,
 - (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the Township may carry out the repair or clearance at the owners expense; and,
 - (d) indicating the final date for giving notice of appeal from the order.
- 6.7 If an order is not complied with, the Township may cause the lands to be cleaned and cleared or to clear the refuse and debris from the land and to have the buildings to be repaired or demolished accordingly.
- 6.8 For the purposes of this by-law, employees or agents of the Township may enter the property without a warrant in order to clear the property of refuse and debris, garbage, rubbish, noxious weeds, wreckage, sewage or to repair or demolish the property.
- 6.9 The Township or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers under the terms of this By-Law.
- 6.10 The Township shall have a lien on the subject property for the costs under subsection (6.7 and 6.8) and the amount shall be deemed to be Township real property taxes. All fees, charges, interest charges and other penalties and collection costs may be added by the Township Treasurer to the collectors roll and collected in the same manner and with the same priorities as Township real property taxes.
- 6.11 If, upon inspection of a property or building, the Property Standards Officer is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any person, the Property Standards Officer may make an order containing particulars of the order and requiring remedial repairs or other work to be carried out immediately to terminate the danger. The provisions of section 15.7 of the Building Code Act, S.O. 1992, c. 23, as amended, and the terms and requirements of this by-law shall apply with regard to such an order.
- 7.0 **APPEAL**
- 7.1 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, he/she may appeal to the Committee by sending a Notice of Appeal, accompanied by a non-refundable payment as set out in Schedule "B" to this By-law, by registered mail, to the Secretary of the Property Standards Committee, within 14 days after service of the order, and in the event no appeal is taken, the order shall be deemed to be confirmed.
- 7.2 Council shall appoint by By-law, a Property Standards Committee for a term of office concurrent with Council.

7.3 The Clerk shall be the Secretary of the Property Standards Committee.

8.0 **CERTIFICATE OF COMPLIANCE**

8.1 A Property Standards Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in this by-law may issue a certificate of compliance to the owner.

8.2 A fee shall be payable to the Township prior to the issuance of a Certificate of Compliance where it is issued at the request of an owner in the amount prescribed in "Schedule B" to this by-law.

9.0 **PENALTIES**

9.1 Any person or corporation who contravenes a provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided under the Provincial Offences Act.

9.2 The Set Fine for offences under this Bylaw as set out in "Schedule A" as amended, will be in effect once approved.

10.0 **VALIDITY**

10.1 If part of this by-law is for any reason held to be invalid, the remainder of the by-law shall remain in effect.

10.2 Where a provision of this by-law conflicts with the provisions 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.

10.3 If terms not defined, the general accepted term will be as defined in the dictionary.


10.4 That By-laws 2009-05 and 2011-22 are hereby rescinded.

10.5 That this by-law shall be effective upon third and final reading.

READ A FIRST AND SECOND TIME THIS 18th DAY OF July, 2012



Mayor




Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 18th DAY OF July, 2012



Mayor



Clerk

Township of Chatsworth
By-law 2012-29
Property Standards

Schedule "A"
Set Fines for Offences

The Set Fines for offences under this By-law will be in effect once approved.

Township of Chatsworth
By-law 2012-29
Property Standards

Schedule "B"
Fee Schedule

1. Fee for issuance of a Certificate of Compliance pursuant to this By-law shall be \$300.00.
2. Notice of Appeal pursuant to this By-law shall be a non-refundable fee of \$100.00.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

June 18, 2013

Mr. Will Moore, Clerk
Township of Chatsworth
RR 1
Chatsworth, Ontario
NOH 1G0

Dear Mr. Chatsworth:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2012-29 of the Township of Chatsworth**

Enclosed herewith is the Order, and the schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded copies of the Order and the schedule of set fines to the Provincial Offences Court in Owen Sound, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to read 'K. McGowan'.

Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures
/jg



ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2012-29, of the Township of Chatsworth, attached hereto are the set fines for those offences. This Order is to take effect June 18, 2013.

Dated at London this 18th day of June 2013.



Kathleen E. McGowan
Regional Senior Justice
West Region

The Corporation of the Township of Chatsworth By-Law 2012-29

Property Standards
 Schedule "A"
 Part I Provincial Offences Act

ITEM NO.	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	fail to keep land clean and clear from refuse and debris	2.1 (a)	\$ 300.00
2.	outside storage of an unlicensed vehicle	2.1 (b)	\$ 300.00
3.	keeping of wrecked, dismantled, discarded or abandoned machinery or parts there of	2.1 (b)	\$ 300.00
4.	keeping of wrecked, dismantled, discarded or abandoned trailers or parts there of	2.1 (b)	\$ 300.00
5.	keeping of wrecked, dismantled, discarded or abandoned boats or parts there of	2 (b)	\$ 300.00
6.	failure to keep land clean of discarded and unused items	2.1 (a)	\$ 300.00
7.	keeping land in a manner that creates a negative impact on adjacent properties	2.1 (a)	\$ 300.00
8.	storing items in a manner that creates a negative impact on adjacent properties	2.1 (b)	\$ 300.00
9.	fail to keep land free from stored tires	2.1 (c)	\$ 300.00
10.	fail to keep land free from stored lumber	2.1(c)	\$ 300.00

ITEM NO.	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
11.	fail to keep land free from stored pesticides	2.1 (c)	\$ 300.00
12.	store items in a manner that creates a negative impact on adjacent properties	2.1 (c)	\$ 300.00
13.	fail to keep land free from dilapidated or collapsed structures not currently under construction	2.1 (d)	\$ 300.00
14.	fail to keep land free from partially constructed or dilapidated structures not currently under construction	2.1 (d)	\$ 300.00
15.	fail to keep yard free of rodents, vermin, pests and animal carcasses	2.1 (e)	\$ 300.00
16.	fail to keep yard free from excessive weeds and grasses	2.2	\$ 300.00
17.	fail to keep grass covered areas less than 8 inches in height	2.2	\$ 300.00
18.	fail to keep cistern and well adequately covered	2.3	\$ 300.00
19.	burning of garbage in residential area	2.4	\$ 300.00
20.	burning of debris, rubbish, tires	2.4	\$ 300.00

ITEM NO.	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
21.	burning plastic in a residential zone	2.4	\$ 300.00
22.	burning of debris in a rural area	2.4	\$ 300.00
23.	fail to prevent instability of erosion of soil	3.1(a)	\$ 300.00
24.	fail to prevent roof drainage onto other properties	3.1(b)	\$ 300.00
25.	fail to ensure safe passage on yard	3.1(c)	\$ 300.00
26.	alter land and create ponding or runoff of storm water on adjacent properties	3.2	\$ 300.00
27.	fail to provide suitable garbage receptacles	4.1	\$ 300.00
28.	fail to place garbage in suitable container	4.2	\$ 300.00
29.	fail to screen garbage containers from public view	4.3	\$ 300.00
30.	fail to maintain building in a safe and structurally sound condition	5.1	\$ 300.00
31.	fail to replace repair or remove materials that have been damaged	5.1	\$ 300.00
32.	fail to keep building free from vermin	5.2	\$ 300.00

ITEM NO.	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
33.	fail to protect unused building against risk of fire, accident or damage	5.3	\$ 300.00
34.	fail to prevent entrance to unused building	5.3	\$ 300.00
35.	fail to maintain antennas and same structures in safe repair	5.4	\$ 300.00
36.	fail to maintain sign structure in a safe manner	5.5	\$ 300.00
37.	keep a sign structure in an unsightly manner	5.5	\$ 300.00
38.	fail to keep fence, barrier or retaining wall in good repair	5.6	\$ 300.00
39.	fail to construct a fence with appropriate material	5.6	\$ 300.00
40.	interfere with an officer	6.4	\$ 300.00

Note: The general penalty provision for the offences listed above is section 9.1 of bylaw 2012-29 a certified copy of which has been filed