

**THE CORPORATION OF THE TOWN OF ST. MARYS
BY-LAW No. 48-2014**

**BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN
OF ST. MARYS**

AND WHEREAS subsection 15.1(3) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, provides that the Council of the Town may pass a by-law prescribing standards for the maintenance and occupancy of Property within the Town of St. Marys, for prohibiting the occupancy or use of such Property that does not conform to the standards, for requiring Property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

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

AND WHEREAS the Official Plan of the Town of St. Marys includes provisions relating to Property conditions in the Town;

AND WHEREAS the Council of the Corporation of the Town of St. Marys has determined that it is desirable for the greater betterment of the Town to prescribe standards for the maintenance and occupancy of Property within the Town;

AND WHEREAS the Council of the Corporation of the Town of St. Marys has prescribed these standards with studied moderation in keeping with the character of the Town of St. Marys;

NOW THEREFORE THE COUNCIL of the Corporation of the Town of St. Marys enacts as follows:

1.0-GENERAL

Short Title

1.(1) This By-Law may be cited as the “Property Standards By-Law”.

Interpretation

1.(2) In interpreting this By-law:

- 1.(2) (a) The captions and headings are inserted for convenience or reference only and do not define, limit or enlarge the scope, meaning or intent of any provisions.
- 1.(2) (b) Words used in the present tense include the future tense, words in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.
- 1.(2) (c) The word “shall” is mandatory and not discretionary.

1.3-Application

1.(3)(a) The standards for maintenance and occupancy set out in this By-law are hereby prescribed and adopted as the minimum standards for all Property within the geographical boundaries of the Town of St. Marys.

1.4-Non-conforming Use Prohibited

1.(4)(a) The occupancy or use of any Property within the Town of St. Marys that does not conform to the standards prescribed in this By-law is prohibited.

1.5-Correction and Clearance of Non-Conforming Buildings and Structures

1.(5)(a) Any Property that does not conform to the standards set forth in this By-law shall have the offending condition corrected and be maintained to conform to the standards prescribed in this By-law or the site shall be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

1.6-Removal of Signs, Notices Or Placards Prohibited

- 1.(6)(a) With the exception of an Officer or any person acting under the Officer's instructions, the removal from any premises of any sign, notice or placard placed thereon pursuant to the provisions of the Building Code Act, as amended, or this By-law is prohibited.

1.7-Application of Other By-laws

- 1.(7)(a) Nothing in this By-law shall relieve any person from any obligation to comply with the requirements of any other By-law or with the requirements to obtain any license, permit, certificate, authority, approval, consent or variance otherwise required.

1.8-Zoning

- 1.(8)(a) When a Property is properly zoned and lawfully used for that purpose nothing in this by-law shall prohibit such use.

1.9-Validity

- 1.(9)(a) Should any section, clause or provision of this By-law be held by a Court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.10-Conflicting By-Laws

- 1.(10)(a) Where any provision of this By-law conflicts with any provision of any other By-law of the Town, the provision that establishes the higher standard of protection for the health, safety and welfare of the public shall apply.

1.11-Conflict with the Building Code Act

- 1.(11)(a) This By-law shall be subject to the provisions of the Building Code Act, as amended and where any provision of this By-law conflicts with or is inconsistent with the provisions of the Building Code Act, the provisions of the Building Code Act, shall apply and shall be deemed to be incorporated into this By-law.

1.12-Effective Date

- 1.(12)(a) This By-law shall come into full force and effect as of the date of passing hereof.

1.13-Repairs and Maintenance

- 1.(13) (a) All work, repairs and maintenance of Property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship and shall conform to all other by-laws of the Town, codes and statutes as applicable.
- 1.(13) (b) All Owners of Property which is below the standards prescribed by this By-law are required to repair or correct the offending condition and maintain such Property to comply with the standards prescribed by this By-law, except where a demolition permit has been obtained and remains in effect.

2.0-DEFINITIONS

- 2.(1) In this By-law, unless the context otherwise requires:

- 2.(1) (a) “**Accessory Use**” means a use that is normally incidental, subordinate, and exclusively devoted to the main use of the lot and which is located on the same lot therewith.
- 2.(1)(b) “**Building Code Act**” means the Building Code Act, 1992, S.O. 1992, c.23, as amended or any successor thereof.
- 2.(1) (c) “**Clerk**” means the person appointed by the Council of The Corporation of the Town of St. Marys to the position of Clerk of the Town of St. Marys.
- 2.(1) (d) “**Commercial Motor Vehicle**” means any motor Vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes hearses, buses, farm tractors and/or trailers used for hauling, and delivery trucks, but excludes Motor Homes or Travel Trailers.
- 2.(1) (e) “**Committee**” means a Property Standards Committee established under this By-law.
- 2.(1) (f) “**Council**” means the Council of the Town.

- 2.(1) (g) **“Daylight Triangle”** means an area free of buildings and structures formed by measuring from the point of intersection of lot lines abutting a street on a corner lot, the distance of 10.8 metres along each such lot line abutting the street and joining such points with a straight line. The triangular-shaped land area between the intersecting lot lines abutting a street and the straight line joining the points the required distance along said lot lines is the Daylight Triangle.
- 2.(1) (h) **“Derelict”** includes Property or a thing that is:
- (i) ruined or dilapidated; or
 - (ii) missing an integral part (such as a motor or transmission of an automobile) and unable to operate under its own power.
- 2.(1) (i) **“Driveway”** means an area of land used for access to a Parking Area.
- 2.(1) (j) **“Heritage Attribute”** means, in relation to real property and to the buildings on the real property, an attribute or feature of the property, building or structure that contributes to the property’s cultural heritage value or interest and that is defined or described or that can be reasonably inferred:
- (i). in a by-law designating a property passed under section 29 of the Ontario Heritage Act and identified as a heritage attribute, value, reason for designation, or otherwise;
 - (ii). in a Minister’s order made under section 34.5 of the Ontario Heritage Act and identified as a heritage attribute, value, reason for designation or otherwise; or
 - (iii). in a by-law designating a heritage conservation district passed under section 41 of the Ontario Heritage Act and identified as a heritage attribute, value, reason for designation or otherwise; or
 - (iv). in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise.
 - (v) the elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

- 2.(1)(k) **“Heritage Property”** means real property, including all buildings and structures thereon, in the Town that:
- (i) has been designated by the Town under section 29 of the Ontario Heritage Act or by the appropriate Minister under section 34.5 of the Ontario Heritage Act; or
 - (ii) is located within a heritage conservation district that has been designated by the Town under section 41 and pursuant to Part V of the Ontario Heritage Act.
- 2.(1) (l) **“Motor Home or Travel Trailer”** means a self-propelled Vehicle or any unit suitable for attachment to a motor Vehicle for towing and capable of being used for temporary living, sleeping, and eating accommodation, and shall not include a mobile home.
- 2.(1) (m) **“Naturalized Area”** means the area defined as a naturalized area on Schedule “A” to this By-law.
- 2.(1) (n) **“Occupant”** means any person over the age of eighteen years in possession of the Property.
- 2.(1) (o) **“Officer”** means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
- 2.(1) (p) **“Ontario Heritage Act”** means the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended.
- 2.(1) (q) **“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 his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include 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.
- 2.(1) (r) **“Parking Area”** means an area, whether covered or uncovered, which is provided for the temporary parking of motor Vehicles and may include ingress and egress Driveways, aisles, and parking spaces.

- 2.(1)(s) **“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 theretofore or hereafter erected, and includes vacant property and Heritage Property.
- 2.(1) (t) **“Refuse”** shall mean food waste, unwanted or useless material, rubbish, garbage, trash; Recyclable material and yard waste are not considered refuse within this definition.
- 2.(1) (u) **“Town”** means the Corporation of the Town of St. Marys.
- 2.(1) (v) **“Vehicle”** means an automobile, truck, motorcycle, motorized snow vehicle, and motorized all-terrain vehicle, but does not include cars or engines running on railway tracks, farm tractor, or self-propelled farm machinery or road building equipment.
- 2.(1) (w) **“Yard”** means a space appurtenant to a building or structure, located on the same lot as such building or structure, and which is open, uncovered, and unoccupied from the ground to the sky except as permitted otherwise by this By-law.
- 2.(1) (x) **“Yard, Front”** means a Yard extending across the full width of a lot between the front lot line and the nearest main wall or supporting member of any main building or structure on the lot.
- 2.(1) (y) **“Yard, Rear”** means a Yard extending across the full width of a lot between the rear lot line and the nearest main wall or supporting member of any main building or structure on the lot.
- 2.(1) (z) **“Yard, Exterior Side”** means a side Yard immediately butting a street.
- 2.(1) (aa) **“Yard, Interior Side”** means a side Yard other than an exterior side Yard.

3.0-OCCUPANCY AND MAINTENANCE STANDARDS

3.1-Yards--General

- 3.(1) (a) Yards shall be maintained:
- (i) free of rubbish and debris,
 - (ii) free from conditions that may create a health, safety fire hazard, and
 - (iii) in a condition that does not detract from the neighbouring environment.

3.2-Yard Storage

- 3.(2) (a) Subject to paragraphs (c) and (d) of this subsection, no Yard shall be used as a place to store, keep, pile or accumulate such items; such items shall include but shall not be limited to the following:
- (i) Derelict things,
 - (ii) Part of a Derelict motor Vehicle, trailer or snowmobile,
 - (iii) Machinery,
 - (iv) Tractor,
 - (v) Tire,
 - (vi) Clothing,
 - (viii) Household goods, including a mattress, bed, dresser, sofa, chair, table, television, radio, stove, refrigerator, dishwasher, washing machine, dryer, appliance or other furnishing not meant for outside use, or any part of any of them, or furnace, hot water heater, inoperable air conditioner, or any part thereof, or
 - (ix) Used building material, rags, junk, any refuse, scrap iron or other metals.
- 3.(2) (b) If a Property is properly zoned and lawfully used for a purpose that requires it to have in its Yard rubbish and debris then the Yard shall be shielded or fenced to create an opaque visual barrier to limit any view from the exterior of the Property.
- 3.(2) (c) Nothing in paragraph (b) of this subsection shall prohibit a garage or yard sale of personal things conducted out of a residential premise on not more than four occasions in each calendar year.

3.3-Outdoor Storage

- 3.(3) (a) Where outdoor storage is permitted and or required in the zoning by-law or by agreement with the Town, such storage shall be maintained in a safe condition, located, parked or stacked in a neat and orderly fashion or in bins, containers, structures or enclosures appropriate to the nature, composition, or other characteristic properties or distinctive attributes of the substance stored. Except in the case of trailers, vehicles, or boats, such outdoor storage shall be fenced to create an opaque visual barrier to limit any view from the exterior of the Property by fencing at least 1.50 metres in height and no more than 3.0 metres in height.

3.4-Weeds, Long Grass, and Trees.

- 3.(4) (a) With the exception of a Property in an agricultural zone or a Property in a Naturalized Area, Yards shall be kept free from excessive growth of grasses and any noxious weed that is designated as a noxious weed under the *Weed Control Act*, R.S.O. 1990, c.W5, and the regulations thereto. Without restricting the generality of the foregoing, weeds and grasses, except ornamental grasses, shall not be permitted to grow or stand at a height greater than 0.20 metres. Every property shall be kept free from dead, decayed or damaged trees, and branches and limbs thereof, which may create an unsafe condition.

3.5-Animal Excrement

- 3.(5) (a) Every Yard shall be free from any animal excrement, except for animal excrement being applied for a horticultural or an agricultural use.

3.6-Compost Heaps

- 3.(6) (a) The Occupant of a residential Property may maintain a compost heap or bin, provided that the compost heap is no larger than 4 metres square and 1.2metres in height and is enclosed on all sides by concrete block, or lumber, or a metal frame, or a commercial enclosed container designed for composting.
- 3.(6) (b) Compost heaps or bins shall not be placed in the Front Yard or Exterior Side Yards.
- 3.(6) (c) Compost heaps or bins shall be maintained properly.

3.7-Refuse Storage

- 3.(7) (a) External containers and receptacles, where permitted, shall be screened from the view of neighbouring properties and shall be provided with covers so that any material contained therein shall not be exposed to view or to rodents, vermin, insects or other pests. Such covers shall be provided at all times, except when the containers or receptacles are actually being filled or emptied.

3.8-Vermin

- 3.(8) (a) Every Property shall be kept free of rodents, vermin, termites and other injurious insects and other pests.

3.9-Lighting

- 3.(9) (a) Lighting shall not be positioned so as to cause any impairment to the use or the enjoyment of neighbouring properties.

3.10-Water-Management

- 3.(10) (a) Natural drainage, drainage swales, ditches or water courses shall be maintained to facilitate the flow of water and prevent recurrent, harmful ponding and maintained in a manner that will not adversely affect adjacent properties.

3.11-Water Features

- 3.(11) (a) All Property and things on Property, including swimming pools, hot tubs, wading pools, and ponds as well as accessories and appurtenances thereto shall be maintained in good repair, clean of stagnant water, free from leaks and health and safety hazards.

3.12-Excavations

- 3.(12) (a) Every Property shall be kept free of all unused excavations, holes, unenclosed wells, pits, shafts, cisterns or reservoirs, and the same shall be filled to grade with clean fill.
- 3.(12) (b) Where any cisterns or reservoirs are in use and are required by the nature of the use and occupancy of any Property, and may constitute a health or safety hazard or exceed a depth of 1.00 metre, a fence or barrier shall be erected and maintained completely around the same to a height of not less than 1.50 metres above the grade level at the perimeter of each of them.

3.13-Buildings and Structures--General

- 3.(13) (a) All exterior walls, fences, barriers and retaining walls shall be maintained so that they remain straight, level and plumb (unless otherwise designed), presenting an appearance that is uniform, neat and safe.-
- 3.(13) (b) Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load to which it may be subjected through normal use.

3.14-Doors and Windows

- 3.(14) (a) Exterior doors, windows and skylights shall be maintained in good repair and weather tight condition. Rotted and defective materials including but not limited to doors, door frames, sashes and casings shall be renewed. Broken glass shall be replaced.

3.15-Stairs, Porches and Balconies

- 3.(15) (a) Outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects. Broken, loose, rotted or deteriorated materials shall be replaced.

3.16-Railings

- 3.(16) (a) Guardrails and handrails shall be constructed and maintained rigid in nature capable of sustaining any load to which it may be subjected through normal use.
- 3.(16) (b) A handrail shall be installed in conjunction with every set of stairs containing more than three risers and such handrail shall be adequately secured and maintained in good repair.
- 3.(16) (c) Secure guardrails shall be installed around the perimeter of the higher floor surface where there is a difference in elevation to adjacent surfaces of more than 0.6 metres.

3.17-Vacated or Fire Damaged Buildings

- 3.(17) (a) Every vacant or fire-damaged building shall be kept free from any highly flammable substance or debris and shall have all services to the building turned off except those services that are required for the security and maintenance of the Property.
- 3.(17) (b) Every fire-damaged building shall be demolished or restored so that the building is structurally sound.
- 3.(17) (c) Every opening in a fire-damaged building shall be boarded up to prevent unauthorized entry into the building until the necessary work is completed.
- 3.(17) (d) Every vacant building shall be maintained in a secure condition to prevent unauthorized entry.

3.18-Demolition

- 3.(18) (a) Upon the demolition or removal of any building or structure, all excavations shall be filled to grade with clean fill and levelled with the surrounding grade and landscaped.

3.19-Parking—Surface

- 3.(19) (a) All areas used for vehicular traffic and parking shall be surfaced with asphalt, concrete, crushed stone, paving stones arranged in a uniform pattern, or gravel surfacing, and other dust free materials, shall be free from dirt or other litter and kept in good repair.

3.20-Driveways

- 3.(20) (a) Each Driveway in a Residential Zone shall have a maximum width of 8.0 metres or 60 percent of the width of the lot, whichever is less.
- 3.(20) (b) Each Driveway in a non-residential zone, except a Driveway located in the M2 zone, shall have a maximum width of 10.0 metres.

3.21-Vehicles, Trailers and Boats

- 3.(21) (a) In any Residential Zone, the keeping of no more than one of:
- (i) a motor Vehicle,
 - (ii) a trailer, or
 - (iii) a boat and trailer
- in the Rear Yard is permitted.

3.22-Motor Homes and Travel Trailers

- 3.(22) (a) In any Residential Zone, the parking of not more than one Motor Home or Travel Trailer as an Accessory Use to a residential use shall be permitted provided that the location of the Motor Home or Travel Trailer shall be:
- (i) within a garage or carport; or
 - (ii) outside of any building or structure on the lot so long as no Motor Home or Travel Trailer is parked in the area on a lot no closer than 1.0 metre to an interior side lot line and/or a rear lot line and no closer to the front lot line and/or exterior side lot line than the minimum distances required for the main building under the zoning By-law.

3.23-Commercial Vehicles

- 3.(23) (a) In any Residential Zone, the parking of not more than one Commercial Motor Vehicle on the same lot as a dwelling unit of the Owner or Occupant of the dwelling unit shall be permitted provided that the Commercial Motor Vehicle does not exceed either 6.0 metres in length or 2.5 metres in height, including any trailer which may be pulled by the cab of the Vehicle.
- 3.(23) (b) Any Vehicle parked in a Residential Zone shall not be parked so as to obstruct a Daylight Triangle.

3.24-Standards for Heritage Properties

3.24(a) General

In addition to the minimum standards for the maintenance and occupancy of property in the Town as set out elsewhere in this by-law, the Owner of a Heritage Property shall:

- (i). maintain, preserve and protect the Heritage Attributes of the Heritage Property so as to maintain its heritage character as well as the visual and structural heritage integrity;
- (ii). maintain the Heritage Property and the components of the property that hold up, support or protect the Heritage Attributes in a manner that will ensure the protection and preservation of the Heritage Attributes; and
- (iii). Obtain all required approvals from Council or where applicable Council's designate prior to performing work or causing work to be performed under this by-law.

3.24-Altering Designated Heritage Properties

- 3.(24) (a) Despite any other provision of this By-law , no building or structure located on a Heritage Property shall be altered, demolished, removed or relocated except in accordance with the Ontario Heritage Act.

3.25-Repair of Heritage Attributes

- 3.(25) (a) Despite any other provision of this By-law, where a Heritage Attribute of a Heritage Property can be repaired, the Heritage Attribute shall not be replaced and shall be repaired in accordance with the Principles, Practices & Guidelines contained within the Town of St. Marys Heritage Conservation District Plan.

3.26-Replacement of Character Defining Elements

- 3.(26) (a) Despite any other provision in this By-law and subject to the Ontario Heritage Act and the Building Code Act, where a Heritage Attribute of a Heritage Property cannot be repaired, the Heritage Attribute shall be replaced in accordance with the Principles, Practices & Guidelines contained within the Town of St. Marys Heritage Conservation District Plan.

3.27-Vacant and Damaged Designated Heritage Properties

- 3.(27) (a) Despite any other provision of this By-law where a Heritage Property is vacant, the Owner shall ensure that appropriate utilities serving the property are connected, as required in order to provide, maintain, and monitor proper heating and ventilation to prevent damage to the Heritage Attributes.
- 3.27 (b) where the exterior doors, windows or other openings are missing, broken, improperly fitted, unsecure or in disrepair at a Heritage Building or where the Heritage Property is vacant, the Owner shall protect the building and property against risk of fire, storm, inclement weather, neglect, intentional damage, or damage by other causes by effectively preventing the infestation of pests and entrance to it of the elements, all animals and unauthorized persons and by closing and securing openings to buildings and structures with boarding in the following manner:
- (i) all boards shall be installed from the exterior and shall completely cover any opening and be properly fitted in a watertight manner so that all exterior trim and cladding remains uncovered and undamaged by the boarding;
 - (ii) all boards shall be fastened securely in a manner that minimizes damage to the Heritage Attributes and the historic fabric and is reversible and minimizes visual impact;
 - (iii) all boards should be at least 12.7 mm (0.5 in.) weatherproofed sheet plywood secured with nails or screws at least 50 mm (2 in.) in length and be installed at appropriate intervals on centre;
 - (iv) all boards shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure;
 - (v) no opening shall be secured by brick or masonry held in place by mortar unless approved by Council.
- 3.27(c)** The exterior of any vacant building or structure on a Heritage Property shall be maintained to prevent moisture penetration and damage from the elements.

- 3.27(d)** The floor area of any vacant building or structure located on a Heritage Property shall be kept free from any hazard and or debris that would impede access inside the building by emergency personnel.

3.28-Enhanced Standards

- 3.(28) (a) Subject to the Ontario Heritage Act and Building Code Act, where the provisions of this By-law, create different standards for the maintenance and occupancy of property in the Town the provision that establishes the highest standard for the protection of the Heritage Attributes shall prevail.

Prolonged Vacancy

- 3.(29)(a) In addition to the provisions of this by-law for vacant and damaged Heritage Properties, where any building or structure on a Heritage Property remains vacant for a period of 45 days or more, window screening in the form of an opaque visual barrier with a historical theme, shall be installed over all windows in a secure and properly fitted manner to prevent any person from being able to see through the windows into the building or structure; and,

4.0-ADMINISTRATION AND ENFORCEMENT

4.1-Establishing the Property Standards Committee

- 4.(1) (a) A Property Standards Committee is hereby established which shall be composed of five (5) individuals appointed from time to time by Council.
- 4.(1) (b) Each member of the Committee shall be appointed for a term concurrent with the term of Council.
- 4.(1) (c) When a vacancy occurs in the membership of the Committee, the Council shall forthwith fill the vacancy.
- 4.(1) (d) The members of the Committee shall elect one of themselves as chair, and when the chair is absent through illness or otherwise, the Committee may appoint another member acting chair.
- 4.(1) (e) Any member of the Committee may administer oaths.
- 4.(1) (f) The members of the Committee shall be paid such compensation as the Council may provide.

- 4.(1) (g) Secretarial services for the Committee shall be provided through the office of the Town Clerk.
- 4.(1) (h) The Secretary of the Committee shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and the *Municipal Act, 2001*, as amended, applies with necessary modifications to such documents.
- 4.(1) (i) A majority of the Committee constitutes a quorum.
- 4.(1) (j) The Committee may adopt its own rules of procedure but before hearing an appeal the Committee shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.

4.2-Property Standards Officer—General Duties

- 4.(2) (a) Upon receipt of a valid written complaint on a form provided by the Town, the Officer shall administer and enforce the provisions of this By-law, and in the performance of such duty, he shall have all the powers and responsibilities set forth in the Building Code Act, as amended, and the Regulations thereto.

4.3-Right of Entry

- 4.(3) (a) Subject to section 4.(2)(a) an Officer may, upon producing proper identification, enter upon any Property at any reasonable time without a warrant for the purpose of inspecting the Property in relation to the complaint to determine,
 - (i) whether the Property conforms with the standards prescribed by this By-law; or
 - (ii) whether an order made under paragraph (c) of this subsection has been complied with.

4.4-Orders

- 4.(4) (a) An Officer who finds that a Property does not conform with any of the standards prescribed in this By-law may make an order:
 - (i) stating the municipal address or the legal description of such Property,
 - (ii) 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;
 - (iii) 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 Town may carry out the repair or clearance at the Owner's expense; and

- (i) indicating the final date for giving notice of appeal from the order.

4.5-Service and Posting of Order

- 4.(5) (a) The order shall be served on the Owner of the Property and such other persons affected by it as the Officer determines, and a copy of the order may be posted on the Property.

4.6-Removal Prohibited

- 4.(6) (a) Where any sign, notice, order or placard has been placed on any premises pursuant to this By-law, no person shall remove such sign, notice or placard from the premises without the authority of the Officer.

4.7-Registration of Orders

- 4.(7) (a) The order may be registered in the proper land registry office, and upon such registration, any person having an interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under paragraph 4.(5) (a) of this subsection, and when the requirements of the order have been satisfied, the Clerk of the Town shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

4.8-Appeal to Property Standards Committee

- 4.(8) (a) When the Owner upon whom an order has been served is not satisfied with the terms or conditions of the order, he may appeal to the Property Standards Committee by sending notice of appeal by registered mail or personal delivery to the Secretary of the Property Standards Committee within fourteen days after being served with the order.
- 4.(8) (b) An order that is not appealed within the time referred to in paragraph (a) of this subsection shall be deemed to be confirmed.

- 4.(8) (c) The Secretary of the Committee shall, upon receipt of the notice of appeal, fix an appointment for hearing thereof and give notice in writing of the appointment for hearing at least fourteen days prior to the date fixed therefore to the appellant and to the Officer who issued the order. The Committee may give further notice or direct that notice be given of the hearing of an appeal to such other persons as the Committee considers advisable.

4.9-Powers of Committee on Appeal

- 4.(9) (a) If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the order and may,
- (i) confirm, modify or rescind the order to demolish or repair;
 - (ii) extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the By-law is maintained.
- 4.(9) (b) The Secretary of the Committee shall serve a copy of the Committee's written decision to the appellant and the Officer who issued the order.

4.10-Appeal to Court

- 4.(10) (a) The Town, or any Owner or Occupant or person affected by a decision under paragraph (a) of subsection (4) of this section may appeal to a judge of the Superior Court of Justice by notifying the Clerk of the Town in writing and by applying to the Superior Court of Justice for an appointment within 14 days after being served with the order.
- 4.(10) (b) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the person upon whom the appointment is to be served.
- 4.(10) (c) On the appeal, the judge has the same powers and functions as the committee.

4.11-Effect of Decision

- 4.(11)(a) An order that is deemed to be confirmed under paragraph (b) of subsection (3) of this section, or that is confirmed or modified by the Committee under paragraph (a) of subsection (4) of this section, or a judge under paragraph (c) of subsection (5), as the case may be, shall be final and binding upon the owner who shall carry out the repair or demolition within the time and in the manner specified in the order.

4.12-Certificate of Compliance

- 4.(12) (a) Following the inspection of a Property, the Officer may, or upon the request of the Owner, shall, where no building permit was required, issue to the Owner a certificate of compliance, if, in the Officer's opinion, the Property is in compliance with the standards set out in this By-law.
- 4.(12) (b) Where the Owner has made written request for a certificate of compliance the fee of Sixty Dollars (\$60.00) shall be paid prior to the issuance of the certificate of compliance.

5.0-EMERGENCY POWERS

5.1-Emergency Orders

- 5.(1)(a) Despite any other provision of this By-law, if, as provided under section 15.7 of the Building Code Act, as amended, upon inspection of a Property the Officer is satisfied that there is nonconformity 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 Officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

5.2-Service of Emergency Order

- 5.(2)(a) The Order shall be served on the Owner of the Property and such other persons affected thereby as the Officer determines and a copy shall be posted on the Property.

5.3-Emergency Powers

- 5.(3)(a) After making an order under subsection (1) of this section, the Officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the Town may, through its employees and agents, at any time enter upon the Property in respect of which the order was made without a warrant.

5.4-No liability

- 5.(4)(a) The Officer, the Town or anyone acting on behalf of the Town is not liable to compensate the Owner, Occupant or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under subsection (3) of this section.

5.5-Service

- 5.(5)(a) Where the order was not served before measures were taken by the Officer to terminate the danger, the Officer shall forthwith after the measures have been taken serve or send copies of the order in accordance with subsection 2 of this section as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the Officer describing the measures taken by the Town and providing details of the amount expended in taking the measures.

5.6-Service of Statement

- 5.(6)(a) If the order was served before the measures were taken, the Officer shall serve a copy of the statement mentioned in subsection (5) of this section in accordance with subsection (2) of this section as soon as practicable after the measures have been taken.

5.7-Application to Court

- 5.(7)(a) As soon as practicable after the requirements of subsection (5) or (6) of this section have been complied with, the Officer shall apply to a judge of the Superior Court of Justice for an order confirming the order made under subsection (1) of this section and the judge shall hold a hearing for that purpose.

5.8-Powers of Judge

- 5.(8)(a) The judge in disposing of an application under subsection (X) of this section shall:
- 5.(8) (a)(i) confirm, modify, or rescind the order; and
 - 5.(8) (a)(ii) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part, or not at all.

5.9-Order Final

5.(9)(a) The disposition under subsection (X) of this section is final.

6.0-FAILURE TO COMPLY - ENFORCEMENT - PENALTIES

6.1-Enforcement--Remedial

- 6.(1) (a) If an order made pursuant to paragraph 4.(2)(c) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge, the Town may cause the Property to be repaired or demolished accordingly.
- 6.(1) (b) For the purpose of paragraph (a) of subsection (1) of this section, employees or agents of the Town may enter the Property at any reasonable time without a warrant in order to repair or demolish the Property.
- 6.(1) (c) The Town or a person acting on the Town's behalf is not liable to compensate the Owner, Occupant, or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under paragraph (a) of subsection (1) of this section.
- 6.(1).(d) The Town shall have a lien on the land for the amount spent on the repair or demolition under paragraph (a) of subsection (1) of this section and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*.

6.2-Enforcement—Statutory Injunction

- 6.(2)(a) In addition to any other remedy and to any penalty imposed under this By-law, a contravention of any of the requirements of this By-law may be restrained by application at the instance of a taxpayer or of the Town in accordance with the provisions of the *Municipal Act, 2001*.

6.3-Enforcement--Offence

- 6.(3) (a) Every person who contravenes any provision of this By-law is guilty of an offence.
- 6.(3) (b) An Owner is liable, upon conviction, to a fine of not more than twenty five thousand dollars (\$25,000) for a first offence and to a fine of not more than (\$50,000) for a subsequent offence.

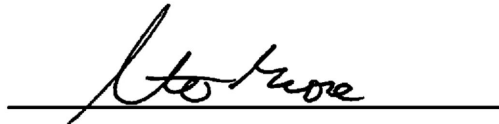
- 6.(3) (c) Notwithstanding paragraph (b) of this subsection, a corporation is liable, upon conviction, to a fine of not more than fifty thousand dollars (\$50,000) for a first offence and to a fine of not more than one hundred thousand dollars (\$100,000) for a subsequent offence.

7.0-REPEAL

- 7.(1) By-law Numbers 043-1979, 007-1976, and 63-2007 are hereby repealed, in their entirety.

Read a first and second time this 25th day of November, 2014.

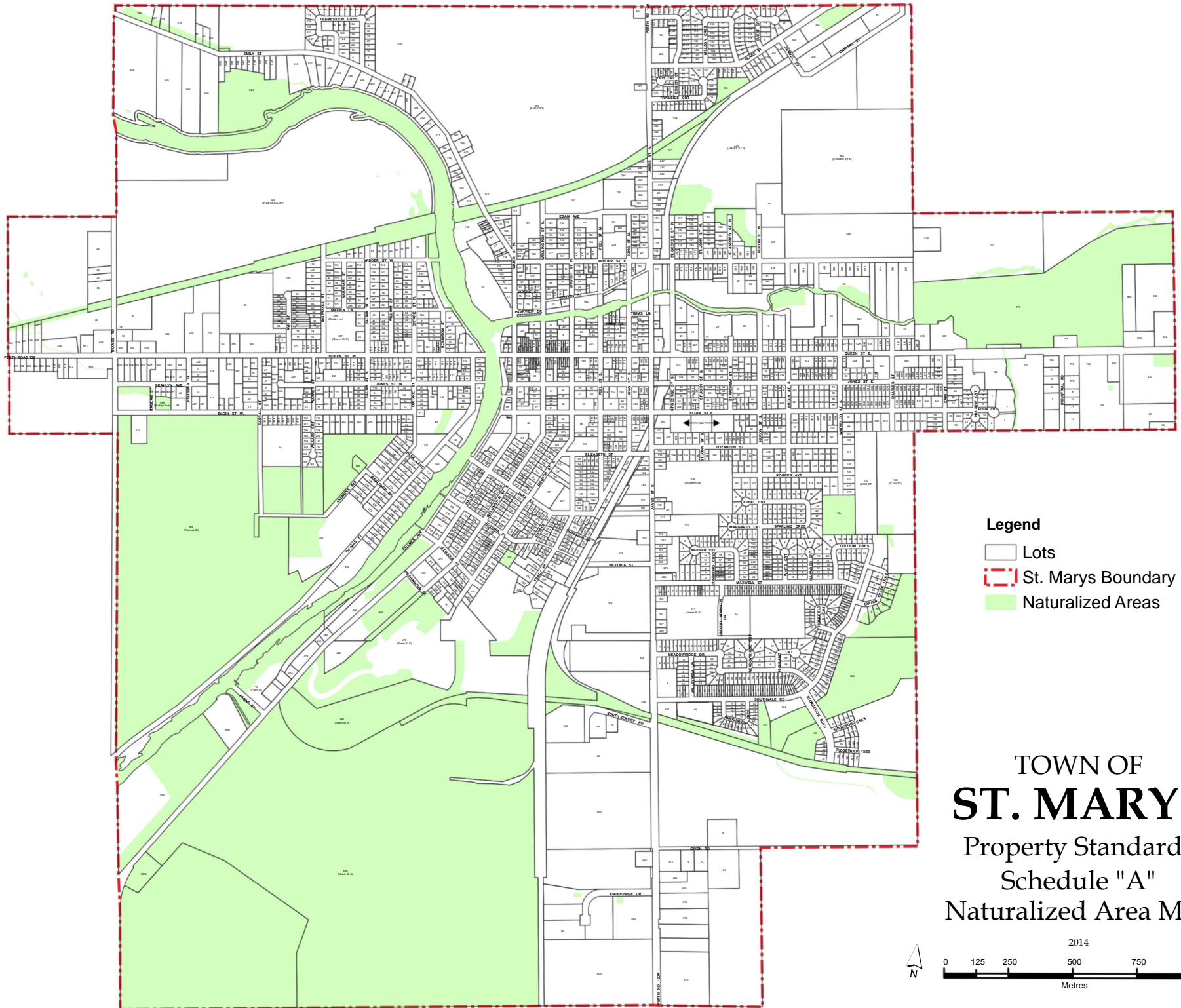
Read a third and final time and passed this 25th day of November, 2014.

A handwritten signature in black ink, appearing to read "Steve Grose", is written over a horizontal line.




Steve Grose, Mayor

A handwritten signature in black ink, appearing to read "Kevin McLlwain", is written over a horizontal line.

Kevin McLlwain, CAO/Clerk



Legend

-  Lots
-  St. Marys Boundary
-  Naturalized Areas

TOWN OF
ST. MARYS
 Property Standards
 Schedule "A"
 Naturalized Area Map

