

The Corporation of the Township of Elizabethtown-Kitley

By-law Number 03-15

**A BY-LAW PRESCRIBING MINIMUM REQUIREMENTS FOR MAINTENANCE
AND OCCUPANCY OF PROPERTIES**

Whereas the Municipal Act, 2001, as amended, Section 8 states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And Whereas section 9 of the Municipal Act, 2001, as amended, allows for the broad interpretation so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

And Whereas section 130 of the Municipal Act, 2001, authorizes a municipality to regulate matters not specifically provided for by this Act or any other Act for the purpose related to the health, safety and well being of the inhabitants of the municipality;

And Whereas section 120 of the Municipal Act, 2001, authorizes a local municipality to prohibit and regulate the storage of explosives and dangerous substances in the municipality;

And Whereas section 131(1) of the Municipal Act, 2001, authorizes a local municipality to prohibit and regulate the use of any land for the storage of motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other dispositions;

And Whereas section 127 of the Municipal Act, 2001, authorizes a local municipality to require the owner or occupant to clear refuse or debris from the land not including buildings;

And Whereas section 118 of the Municipal Act, 2001, authorize a local municipality to regulate the construction and use of scaffolding and any other thing used in constructing, repairing or altering buildings or other structures;

And Whereas The Police Services Act, R.S.O. 1990, Section 15(1) authorize a Municipal Council to appoint persons to enforce the By-Laws of a municipality;

And Whereas The Police Services Act, R.S.O. 1990, Section 15(2) states that Municipal By-Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal By-Laws.

Now Therefore the Council of the Township of Elizabethtown-Kitley, hereby enacts as follows:

- 1) No owner or occupant of any property in the municipality shall cause, allow or permit any building or land to be or remain in a condition contrary to the requirements of this By-Law.
- 2) Owners or occupants of property in the municipality shall ensure that there are no conditions on the property which pose a risk to the health and safety of the inhabitants of the municipality.
- 3) For the purposes of this By-Law, “refuse” is defined as garbage, waste, debris, long grass, brush, clippings or other material that may promote or be susceptible to fire or rodents, timber, lumber, building materials or any other type of product or material that may promote or be susceptible to fire or present a risk to safety.
- 4) Every property in the municipality shall be kept in tidy and safe condition, and free from refuse.
- 5) All steps, walks, driveways, parking spaces and similar areas of any lands shall be maintained to afford passage free from hazards at all times to any person using the same.
- 6) The owner and occupant of every property shall be responsible for the refuse which has blown, drifted or otherwise been transported from his/her property including the cost of the collection and removal of the refuse as directed by a By-law Enforcement Officer.
- 7) Every property in the municipality shall be kept free from combustible, flammable volatile, caustic or explosive substances unless said substances are stored under conditions that are safe and free from the risk of fire or a risk to safety.
- 8) In the event of fire or explosion, damaged or partially burnt material shall be forthwith removed from the property, except that such material may be stored within the barricaded fire damaged building or unit for a period of not exceeding two months or until investigations are completed by the fire authorities.
- 9) Every property in the municipality shall be kept free from scrap and junk material including without limiting the generality thereof, wrecked, dismantled, unused, unlicensed or inoperative vehicles, trailers or machinery, tools, tires, appliances, equipment or any parts thereof, except in an establishment licensed or authorized to conduct or operate a business involving such materials, and only then under circumstances that the materials are not stored in an unsightly unsafe manner.

- 10) Any By-Law Enforcement Officer, or any person acting on the Officer's instructions, may at all reasonable times and upon producing proper identification, enter onto any property for the purpose of inspecting the property to determine whether there has been a contravention of this By-Law.
- 11) A By-Law Enforcement Officer who finds a contravention of this By-Law may, in addition to any other legal remedies or enforcement proceedings available to the municipality, make an order to be carried out immediately or within such times as is specified in the order.
- 12) The order shall be served by prepaid registered mail or personal service, on the owner of the property as it appears on the last revised rolls of the municipality, and any other person the By-Law Enforcement Officer believes is contravening this By-Law.
- 13) The order shall contain sufficient information to specify the nature of the contravention its location, a description of the work required to bring the property into conformity with this By-Law, and a statement that failure to comply with the order within the time specified shall entitle the municipality itself or by its purpose of performing the work set out in the order and otherwise bringing the property up to standards prescribed by this By-Law and recovering all expenses incurred in doing so by action or in like matter as municipal taxes.
- 14) Notwithstanding the foregoing, if upon inspection of a property, a By-Law Enforcement Officer is satisfied that the property poses an immediate danger to the health or safety of any person, the Officer may perform or cause to be performed at the owner's expense such remedial repairs or other work necessary to terminate the immediate danger.
- 15) Every person who contravenes this By-Law is guilty of an offence and, upon conviction, liable to pay one of the following fines:
 - a) First Offence, a minimum fine of not less than \$500.00, and not more than the maximum fine of \$5,000.00.
 - b) Subsequent Offences carry a maximum fine of not more than \$5,000.00.
- 16) Any owner or occupant of a property, who has been served an order, may appeal this order, or any part thereof to the Property Committee of the Corporation of the Township of Elizabethtown-Kitley.
- 17) Any owner or occupant of a property who is appealing an order, or any part thereof, to the Property Committee must do so within fourteen (14) days of the service of the order or as otherwise specified on the order. Where no appeal is filed the order shall be complied

with.

- 18) If an owner or occupant of a property fails to comply with an order issued pursuant to this By-Law, the municipality shall have the right to enter onto the property without further notice and to carry out such work as to otherwise bring the property up to the standards prescribed in the order at the expense of the owner.
- 19) That this By-Law shall come into force and take effect from the date of final reading.
- 20) This By-Law shall be referred to as the "Property By-Law".

Read a First and Second time this 14th day of July, 2003.

Read a Third time and finally **Passed** this 11th day of August, 2003.

Signed: Reeve Dave Mack
Signed: Deputy-Clerk Atty Jones