

The Corporation of The Township of Stone Mills By-law 2023-1200

Being A By-Law To Provide Standards For The Maintenance And Occupancy Of Property Within the Township of Stone Mills.

WHEREAS Section 15.1 (3) of The Building Code Act, S.O. 1992 provides that a By-law may be passed by Council of a municipality prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards; and requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition; and

WHEREAS Section 15.6 (1) of the Building Code Act, 1992 provides that a by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish; and

WHEREAS Section 9.9 of the Official Plan for the Township provides that, "Council encourages the development and maintenance of an efficient and pleasant environment for living, working, shopping, and recreation. Although the quality of property and its maintenance is generally high, there is an ongoing need to ensure that adequate standards of maintenance will be pursued in future to safeguard the values built into the physical community. To this end, it is the intention of Council to introduce and continue a property standards program".

NOW THEREFORE the Council of The Township of the Township of Stone Mills enacts as follows:

1.0 Definitions

1.1 For the purposes of this bylaw, the following words shall have the meanings associated therewith.

Accessory Building	A use customarily incidental and subordinate to, and, exclusively devoted to the main use of the lot, building or structure and located on the same lot
Basement	The bottom floor of a building which may be partly underground which has one half or more of its height from finished floor to finished ceiling above the finished grade
Building	A structure, other than a wall or fence, having a roof, supported by columns or walls or supported directly on the foundation, and used for the shelter, accommodation or enclosure of persons, animals or goods.

Building Code	The regulations made under Section 34 of the Building Code Act, 1992, S.O. 1992, c.23, as amended
Building Code Act	The Building Code Act, 1992, S.O. 1992, c.23, as amended
Committee	The Property Standards Committee established pursuant to the provisions of this by-law
Council	The Council of The Corporation of The Township of Stone Mills
Developed Lot	A lot which has had buildings or structures erected thereon in accordance with the legal uses applicable to that lot
Dwelling	A building occupied or capable of being occupied as the home or residence of one or more persons, containing one or more dwelling units, but shall not include a trailer, motor home, or mobile home
Dwelling Unit	One or more habitable rooms designed for and/or used and occupied by persons in which kitchen and sanitary facilities are provided for the exclusive use of such persons
Fence	Any structure which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines, which may be constructed of chain link metal, wood, stone, metal, brick or other similar materials or combination thereof
Grade	The average elevation of the finished surface of the ground where it meets the exterior of a building
Habitable Room	Any room or area intended for living, sleeping, eating or cooking and includes but is not limited to living rooms, family rooms, dens, bedrooms, breakfast rooms, dining rooms and kitchens
Hard Surface	In respect to driveways, parking areas and walkways, the placement of granular or other materials sufficient to prevent the infiltration of organic soils, which surface may include paving stones, cement, asphalt, wood or composite materials
Hazardous Situation (Hazard)	Any situation, location, property, structure, arrangement of materials or combination thereof that causes or is likely to cause a risk of injury to persons and/or damage to property
Heritage Attribute	A particular feature of lands, a form of construction or a feature of construction, associated with lands buildings or structures that has been designated under the Ontario Heritage Act, or otherwise in a by-

	law designating a heritage conservation district pursuant to the Ontario Heritage Act
Lot	A parcel of land the fee simple title to which is capable of being lawfully conveyed without contravening the Planning Act
Non-habitable Room	Any portion of a dwelling or dwelling unit intended to serve a specific purpose, other than a habitable room, and includes rooms or areas such as a washroom, boiler room, laundry, pantry, lobby, corridor, stairway, closet, elevator, basement or other space for service and maintenance
Occupant	Any person or persons over the age of eighteen (18) years in possession or occupation of property
Officer	A Property Standards Officer appointed or charged with the administration and/or enforcement of this by-law from time to time by Council including any person assigned such responsibilities by the Officer
Organic Water	Waste water produced from sinks, baths, washing machines, kitchen appliances and other domestic sources, but excluding any water that contains or which may contain human waste
Owner	The person or persons that appear on the tax roll as the owner of a parcel of land or the person or persons who has legal or equitable title to the parcel of land. Without limiting the generality of the foregoing, an Owner may also include the person who at any time manages or receives the rent of the land or premises whether on his or her 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
Property	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, structures and erections thereon whether heretofore or hereafter erected and includes lands with no buildings or structures thereon
Standards	The standards of physical conditions and occupancy set out in this By-law
Township	The Corporation of The Township of Stone Mills
Unsafe Condition	Includes a structurally unsound building or structure or any other condition that, if not corrected, could create a hazardous situation
Washroom	Any room or area containing a toilet, urinal, bathtub, shower or washbasin or any combination thereof

Yard A space, appurtenant to a building or structure and located upon the same lot as the building or structure and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted by by-law

2.0 Title of By-law

2.1 This by-law may be cited as the "Property Standards By-law".

3.0 Effect on Other By-laws

3.1 By-law 2023-1198, being a By-law to provide for the maintenance of lands in a safe condition, together with such other by-laws that may amend or supersede By-law 2023-1198, are not affected by this by-law and unless repealed by Council, shall remain in full force and effect.

3.2 By-law 2007-374 being a by-law to prescribe the height, description and requirements for swimming pool fences, together with such other by-laws that may amend or supersede By-law 2007-374, are not affected by this by-law and unless repealed by Council, shall remain in full force and effect.

4.0 Interpretation and Severability

4.1 In this by-law, a word stated in the singular has a corresponding meaning when used in the plural and any word used in the masculine gender is equally applicable to the feminine gender.

4.2 If the decision of any court deems any provision or requirement of this By-law, or the application of this By-law to any person to be invalid or unenforceable, this decision shall not affect any other provision or requirement, and the balance of this by-law shall remain in full force and effect.

5.0 Applicability

5.1 Every person shall ensure that property owned or occupied by them is repaired, maintained and kept in a condition in compliance with the minimum standards established by this by-law in sections 6 through 16.

5.2 The standards provided in this By-law apply to all properties within the Township.

5.3 The standards established by this by-law shall be deemed to be the minimum standards of maintenance, and nothing contained herein shall be construed to prevent the maintenance of a property to a higher standard than that provided within this by-law.

5.4 The provisions of this by-law shall not apply to a building or structure while it is under construction and for which a building permit has been issued, provided work has commenced and is continuing towards completion diligently and in accordance with the permit.

6.0 Drainage

- 6.1 No person shall cause or permit the deposit of soils or the ponding of water onto driveways, parking areas, walkways, or any yards. No person shall cause or permit water to enter into a building or structure.
- 6.2 No person shall cause or permit sewage or organic water to be discharged into any yard or any private or public property not owned by the person causing or permitting the discharge.
- 6.3 No person shall cause or permit roof drainage, swimming pool water, pump discharge or surface water to be discharged on driveways, parking areas, walkways, stairs or directed onto neighbouring property.
- 6.4 When eavestroughs and downspouts are installed, no person shall cause or permit the roof drainage to be discharged onto the ground less than 1.2 meters from any building.
- 6.5 No person shall store snow in a manner that causes or is likely to cause ponding of water on adjacent properties or the entry of water into a structure on an adjacent property.

7.0 Illumination

- 7.1 No person shall cause or permit lights to illuminate abutting properties, public roads or right of ways or a river, lake or wetland area where the light may be reflected.

8.0 Walkways, Parking Areas, Driveways

- 8.1 The pedestrian access to the principal entrance of any dwelling, dwelling unit or other residential or non-residential structure shall be maintained in a safe condition.
- 8.2 Walkways, parking areas and driveways shall be constructed or finished with a hard surface and free from tripping hazards.

9.0 Vermin and Rodents

- 9.1 No person shall cause or permit buildings or structures to be infested with vermin or rodents, or to create a situation that may or is likely to attract vermin or rodents.
- 9.2 The methods used for the extermination of vermin or rodents shall be in accordance with the applicable statutes, regulations or by-laws of any authority having jurisdiction.
- 9.3 Garbage or refuse that could attract vermin or rodents shall not be placed upon any property, including a fence or retaining wall.
- 9.4 All garbage shall be placed in a container that is intended to deny vermin and rodents the ability to access the garbage at all times prior to the disposal of the garbage in accordance with the applicable by-law of the Township.
- 9.5 Garbage that has been placed in a container shall be disposed of in a timely manner so as not to attract vermin or rodents or to create odours.

9.6 Paragraph 9.4 does not apply to the placement of materials intended for and used solely for:

- a the baiting of bears, providing such materials is placed no less than 600 meters from any building intended for residential purposes, and
- b the creation of compost, provided such materials are placed within a container designed for this purpose, or within an area that has been fenced in such a manner to deny vermin and rodents the ability to access the compost material, and that a distance is maintained of not less than 15 meters between the compost material and any building used for residential purposes not located upon the same lot as the compost material.

10.0 Buildings and Structures

10.1 All buildings and structures shall be erected and maintained in a condition to safely sustain its own weight plus any load or force that would normally be imposed upon that building.

10.2 Exterior walls, the roof or any attachments thereto, shall be free from loose or improperly secured materials or other objects.

10.3 Every roof shall be maintained in a watertight condition

10.4 An Officer may request an Owner to provide a report prepared by a qualified professional of any building or structure which in the opinion of the Officer, may not be structurally sound, and when such a report is requested, the report shall be produced at the expense of the Owner and within the time period specified by the Officer.

10.5 Exterior openings for doors and windows shall be fitted with doors or windows.

10.6 Exterior windows and doors, including window frames, sashes, casings, weather-stripping, and glass, shall be maintained in a weather tight condition to prevent drafts or water leakage.

11.0 Residential Tenancies

11.1 The maintenance standards prescribed by the Residential Tenancies Act and Ontario Regulation 517-06, as amended from time to time, shall be incorporated by reference as the standards of maintenance required by this by-law when the building is the subject of a residential tenancy.

11.2 No person shall cause or allow the standards of maintenance of a building which is the subject of a residential tenancy to be less than the standard provided by this by-law.

11.3 In the event of a conflict between a standard established by this by-law, and a standard established by Ontario Regulation 517-06, the standard of Ontario Regulation 517-06 shall prevail.

12.0 Occupancy Standard

- 12.1 No person shall cause or permit the number of occupants inhabiting a dwelling or dwelling unit to exceed the density provided by this by-law.
- 12.2 The maximum number of occupants in a dwelling unit shall not exceed one person per 100 square feet of habitable room floor area.
- 12.3 For the purpose of determining the number of occupants, a child under one year of age shall be deemed one-half person.
- 12.4 When calculating the habitable room floor area, the area of a non-habitable room of a dwelling or a dwelling unit shall be excluded from the calculation.
- 12.5 When calculating the habitable room floor area, the area of a habitable room of a dwelling or a dwelling unit where the ceiling is less than five feet high above the floor shall be excluded from the calculation.
- 12.6 Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 5.6 square meters with not less than 3.7 square meters for each additional occupant, provided that for the purpose of this paragraph, two children under the age of six years may be counted as one person.

13.0 Designated Heritage Properties

- 13.1 No person shall cause or permit the alteration, destruction or impairment of any attributes associated with a property designated under the Ontario Heritage Act.
- 13.2 Repairs to a building or structure or to components of a building or structure designated under the Ontario Heritage Act, shall be completed in a manner that:
- (a) minimizes damage to the heritage attribute,
 - (b) maintains the design, colour, texture, grain or other distinctive feature of the heritage attribute,
 - (c) uses the same material as the original and which is in keeping with the design, colour, texture, grain and other distinctive features of the original, and
 - (d) where the same type of material as the original is no longer available, using municipally approved alternative materials that replicate the design, colour, texture, grain or other distinctive feature and appearance of the original material.

14.0 Un-Occupied Buildings

- 14.1 Any building which is intended to be left un-occupied for a period or 30 days or more shall be secured to prevent the infiltration of the elements of weather.
- 14.2 Within 60 days following any vandalism or placement of graffiti on any property the owner shall repair the building to a state of repair equal to or better than the state of the property prior to the vandalism or graffiti.

15.0 Unsafe Conditions

15.1 No person shall cause or allow a hazardous situation or unsafe condition to exist upon any property within the Township.

15.2 Where an Officer believes that a hazardous situation or unsafe condition exists, the Officer may issue and serve an order in accordance with the Building Code Act.

16.0 Administration and Enforcement

16.1 Every Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice in accordance with the By-Law to Impose Administrative Monetary Penalties for Violations of Municipal By-Laws 2023-1198, be liable to pay to the Township an Administrative Monetary Penalty in accordance with By-Law 2023-1198."

16.2 As it relates to Section 16.1 above, should the appellant fail to attend the scheduled appeal hearing respecting the order issued by the Screening and / or Hearing Officer a fee will be collected in accordance with the terms of the By-law to Impose Administrative Monetary Penalties for Violations of Municipal By-laws 2023-1198.

17.0 Obstructing an Officer

17.1 No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law. Without limiting the generality of the foregoing, the following are deemed to constitute obstruction pursuant to this By-law:

- (a) any person who fails to provide proof of identification satisfactory to the Provincial Offences Officer when requested to do so; and
- (b) any person who fails to provide information to the Provincial Offences Officer from the Ministry of Transportation regarding the licensing status of any vehicle when requested to do so, regardless of the ownership of the vehicle."; and

18.0 Duties

Every owner of property and every officer or director of a corporation that owns property within the Township has a duty to take all reasonable care to prevent occupants and users of their property from breaching the provisions of this By-law.

- (a) Every person who has a duty under this section and fails to carry out that duty is guilty of an offence.
- (b) A director or officer of a corporation is liable to a conviction under this section whether or not the corporation has been prosecuted or convicted.

19.0 Repealed By-law

19.1 That By-law 2017-888 be hereby repealed and replaced

by this By-law.

20.0 Effective Date

20.1 This By-law will come into force and take effect on the date of its passing.

21.0 Adoption

21.1 This By-law, having been read a first, second and third time; is hereby adopted by the Council of the Township of Stone Mills this 17th day of July, 2023.


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John Wise, Reeve


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Jason Sands, Acting CAO/Clerk