

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 75-2020

Being a by-law to provide standards for the maintenance of property within the Township of Greater Madawaska

WHEREAS the Council of the TOWNSHIP OF GREATER MADAWASKA is empowered to enact a by-law pursuant to the provisions of Section 15.1(3) of The Building Code Act, S.O. 1992 c.23 and amendments thereto.

AND WHEREAS pursuant to Section 15.6 of the Building Code, S.O. 1997 c.24, as amended, a by-law passed under section 15.1 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS there are Official Plans in effect in the TOWNSHIP OF GREATER MADAWASKA that includes provisions relating to property conditions;

NOW THEREFORE the Council of the TOWNSHIP OF GREATER MADAWASKA **HEREBY ENACTS** that all property owners within the Township of Greater Madawaska are required to comply with the following minimum standards of maintenance occupancy:

PART I - DEFINITIONS

In this By-law,

- 1.1 **"Accessory Building"** means a use, building, or structure subordinate, incidental and exclusively devoted to the main use, building or structure located on the same lot therewith and not designed or intended for human habitation, unless specifically permitted by By-law.
- 1.2 **"Alteration"** means (as applying to a building) a change from one major occupancy class or division to another, or to a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction, cutting into or removal of any wall, partition, column, beams, joist, floor or other support, or a change of the fixtures and equipment.
- 1.3 **"Approved"** means approved by the By-law Officer(s) for the Township of Greater Madawaska
- 1.4 **"Barrier"** means a structure constructed similarly to a fence and having a height in excess of 2m (6.56 feet) from the ground.
- 1.5 **"Basement"** means a storey or storey's of a building located below the first storey.
- 1.6 **"Building"** means a structure as defined in the Building Code Act S.O. 1992, c.23, Section 1. (1)(a) or part of a structure occupied or capable of being occupied in whole or in part for its intended use and includes a vacant building or structure that could be intended for such use except for its state of disrepair.
- 1.7 **"Cellar"** means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.8 **"Commercial Property"** means any property that is used or designed for the purpose of offices or the retail and wholesale buying or selling of commodities and includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.9 **"Committee"** means the Property Standards Committee of the Township of Greater Madawaska members of which are members of the Committee of Adjustment.

- 1.10 "**Derelict Vehicle**" means any vehicle boat, trailer or part of any vehicle, boat or trailer, that is in a wrecked, discarded, dismantled or partly dismantled. The aforementioned does not preclude the occupant of any premises from repairing a vehicle for his/her own use and not for commercial purposes.
- 1.11 "**Dwelling**" means a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, and one or more families, but shall not include any motorhome construction trailer, travel trailer, hotels, motels, a home for the aged, nursing home or hospital and includes a building that could be intended for such use except for its state of disrepair.
- 1.12 "**Dwelling Unit**" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, living, sleeping, and sanitary facilities.
- 1.13 "**Excavation**" means the space created by the removal of soil, rock or fill for the purpose of construction.
- 1.14 "**Farm**" means lands, buildings and structures used for the growing of field crops, fruit crops, tree crops, flower gardening, vegetable gardening, nurseries, aviaries, apiaries, for grazing, breeding, raising, boarding or training of livestock, the breeding and raising of poultry, forestry and reforestation but shall not include kennels.
- 1.15 "**Fence**" means a structure constructed of materials such as wire mesh, solid wood or boards, rail lattice, rod iron etc, having a height from the ground of 2m (6.56 feet) or less. The ground shall be measured from the highest grade where there is a discrepancy in heights between adjoining properties.
- 1.16 "**First Storey**" means the storey with its floor closest to grade and having its ceiling more than 1.8 m (5' 11") above grade.
- 1.17 "**Grade**" means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 1.18 "**Guard**" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landings, a balcony, a mezzanine, a gallery, a raised walkway and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.19 "**Habitable Room**" means a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a den, library or enclosed sunroom but shall not include any porch, veranda, unfinished attic, unfinished basement or unfinished cellar.
- 1.20 "**Industrial Property**" means any property that is used for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. In addition, includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.21 "**Institutional Property**" means any property that is owned or administered by public body, and includes but is not limited to, a School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health.
- 1.22 "**Land(s)**" means grounds and vacant lot(s) exclusive of buildings save and except an accessory building.
- 1.23 "**Maintenance**" means the preservation and keeping in repair of a property.

- 1.24 **"Means of Egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room or a contained open space of a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.25 **"Multiple Use Dwelling"** means a building containing both a dwelling unit and a non-residential property.
- 1.26 **"Multiple Dwelling"** means a building containing three or more dwelling units.
- 1.27 **"Municipality"** means the Township of Greater Madawaska.
- 1.28 **"Naturalized Gardens"** means an area on a property that promotes ecological restoration and is planted with wildflowers, shrubs, trees, grasses or other plants whether native or non-native and may include other natural elements such as rocks, water or wood, that are consistent with a natural landscape.
- 1.29 **"Non-Habitable Room"** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- 1.30 **"Non-Residential Property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.31 **"Noxious Weed"** means any weeds classed as noxious by the Weed Control Act, R.S.O. 1990, c.W.5.
- 1.32 **"Occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.
- 1.33 **"Occupant"** means any person or persons over the age of eighteen in possession of the property.
- 1.34 **"Officer"** means a By-law Officer who has been assigned the responsibility of administering and enforcing this By-law by the Municipality.
- 1.35 **"Owner"** includes:
- a) the person(s) who presently manages or receives the rent of: or the person(s) designated on the assessment roll as owning the land or premises whether on his/her own account or as an agent or trustee of any person(s) or the person(s) who would so receive the rent if such land or premises were let.
 - b) lessee or occupant of the property who, under terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.
- 1.36 **"Person"** means an individual, firm, corporation, association or partnership.
- 1.37 **"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, accessory buildings, fences and erections thereon whether heretofore and hereafter erected, and includes vacant lands.
- 1.38 **"Repair"** means the provisions of such facilities and the making of additions, or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.

- 1.39 **"Residential Property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.40 **"Rural Lands"** means lands situated outside designated built-up areas and outside all areas of registered plans of subdivision.
- 1.41 **"Site Triangle"** means the triangular space formed by intersecting streets lines and a line drawn from a point in one street line to a point on the other street line, each such point being six metres from the point of intersection of the street lines measured along the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.
- 1.42 **"Sewage System"** means an individual on-site or communal sewage disposal system.
- 1.43 **"Standards"** means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.44 **"Storm Water"** shall mean surface water flow resulting from rainfall or the melting of snow or ice.
- 1.45 **"Unsafe Condition"** means the physical state of a property, structure, barrier, fence and/ or building(s), whether vacant or occupied, that in the opinion of the Property Standard Officer is a hazard to the public regarding fire, accident, health or safety.
- 1.46 **"Urban Lands"** means land situated within designated built-up areas and within all registered plans of subdivision.
- 1.47 **"Vehicle"** includes an automobile, truck, motorcycle, motorized snow vehicle, bus, trailer, traction engine, road-building machine and any vehicle drawn, propelled or driven by any kind or power, including muscular power, but does not include vehicles running only upon rails or vehicles used in farm operations.
- 1.48 **"Water body"** means any bay, lake, river, canal as well as any floodplain associated with the water body, but excluding a drainage or irrigation channel and any other watercourse.
- 1.49 **"Watercourse"** means a natural or artificial channel for a stream of water.
- 1.50 **"Waterfront Property"** means a property fronting on a water body or fronting on public or agency owned land fronting on a water body.
- 1.51 **"Yard"**
- a) In urban lands means the land around or adjoining to the whole or any part of a residential, commercial, industrial or institutional property and used or capable of being used in connection with the property; and for estate lots, it generally refers to the lawn portion of a property.
 - b) In rural lands means the one acre of land immediately around or adjoining to a residential, commercial, industrial or institutional property and excludes barnyards and land under farm operations.
- 1.52 Any word or term not defined in this by-law shall have the meaning ascribed to it in the Building Act or the Ontario Building Code.

PART II

2.0 GENERAL STANDARDS FOR ALL PROPERTY

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

2.1 CONDITIONS OF LAND

2.1.1 All land shall be kept clean and free from rubbish and debris and from objects or conditions such as holes that might create a health, fire or accident hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants.

2.1.2 No person shall excavate and leave said land in an excavated condition for longer than seven (7) days unless said land is marked and/or barricaded and is associated with a project with continual progression or is part of a normal business operation.

2.1.3 No derelict vehicle, scrap and/or junk material including, without limiting its generality, wrecked, dismantled, unused, or unlicensed vehicles, snowmobiles, trailers, machinery, tools, tires, appliances, equipment or any part thereof shall be parked, stored, moored or left on lands within view of a road way except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.

2.2. CONDITIONS OF YARDS

2.2.1 Every yard, including vacant lots, shall be kept clean and free from:

- a) Rubbish or debris and objects including, without limiting its generality discarded gas, oil and water tanks, or conditions that may create a health, fire, environmental or accident hazard;
- b) Unused or unserviceable appliances such as refrigerators, stoves and freezers and are not permitted to be used as places of storage;
- c) Wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- d) Dilapidated, collapsed or partially constructed structures which are not currently under construction that poses a safety hazard;
- e) Injurious insects, termites, rodents, vermin or other pests; and
- f) Dead, decayed or damaged trees that poses a safety hazard.

2.2.2 All site triangles shall be kept from of obstructions greater that 0.8 metres in height.

2.2.3 No person shall plant, grow, maintain, or permit on his/her property any hedge, shrub, plant or tree where:

- a) its location creates a public safety hazard;
- b) it affects the safety of vehicular traffic or pedestrian traffic;
- c) overhangs or encroaches upon any sidewalk or pavement or traveled portion of any street or highway posing a safety risk to pedestrians and motorists; or
- d) it is located in a site triangle with a height higher than 0.8 metres (2.62 ft)

2.2.4 The owner of a residential property shall maintain the residential property or part thereof and land which he/she occupies or controls, in a clean, sanitary and safe condition and shall cause the storage of garbage and debris on the property.

2.2.5 Grass and plants within yards shall be tended and maintained, except on lands in current crop production, pasture land, land designated as open space and forested land. Heavy growth and noxious weeds, as defined by the Weed control Act, shall be controlled.

Notwithstanding the aforementioned, a naturalized garden that is tended and maintained shall be permitted within this by-law.

2.2.6 Compost heaps shall be retained on all sides by lumber, concrete blocks, plastic containers, or other materials suitable for such a use.

2.2.7 Compost heaps shall not be located in any front yard. All compost heaps located within a rear and/or a side yard must meet the accessory structure setbacks set out in the Municipality's Zoning By-law.

2.2.8 Building materials and related debris shall be neatly piled in rear yard, interior sides only.

2.3 DRAINAGE

2.3.1 Sewage and organic waste shall be discharged into an approved and properly functioning sewage system.

2.3.2. No sewage shall be permitted to be discharged into a improperly functioning sewage system, or shall be permitted to leach to the surface of the ground or into a natural or artificial surface drainage system.

2.3.3. Storm water shall be drained from the yard so as to prevent recurrent or excessive ponding or the entrance of water into a basement or cellar.

2.3.4 No roof drain, sump pump drain or sprinkler system shall be directly discharged onto sidewalks, stairs, neighbouring property or into a sanitary sewer system unless the municipality authorizes approval.

2.3.5 All air conditioners shall be equipped with proper devices for the prevention of condensation drainage upon public sidewalks or neighbouring properties.

2.4. WALKS, PARKING AREAS, DRIVEWAYS

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

2.4.2. All areas used for vehicular traffic and parking shall be kept free of rubbish, garbage and other litter and shall be kept in good repair.

2.5 LIGHTING STANDARDS

2.5.1. All artificial lighting for parking areas shall be maintained in good working order.

2.5.2. Any lights used to illuminate yards or parking areas shall be so arranged to direct the light downward only onto the yard or parking area and away from any adjoining lands or the sky.

2.5.3 Where lighting is municipal requirement, such lighting shall be functional and operated in accordance with municipal requirements.

2.6 DAMAGED MATERIAL

2.6.1. In the event that a building is severely damaged due to a fire, explosion or by natural causes, immediate measures shall be taken to secure the damaged property insofar as permitted by the proper authorities to prevent access and injury.

2.6.2. Damaged or partially burnt material shall be removed forthwith once the investigations are completed and authorization to do so is provided by the appropriate fire authorities.

2.7 FENCES, BARRIERS

2.7.1. Fences, barriers, and retaining walls shall be kept erect and in good repair and shall be free from hazards or risks that may cause accidents, fire or be a danger to health.

2.7.2. No fence, barrier or retaining wall over 0.8m (2.6 ft) may be erected, constructed or placed in a site-triangle.

2.7.3. No person shall erect, construct, or place a fence in any residential zone with a height in excess of 2m. (6.56ft)

2.7.4. No fencing that contains barbed wire, utilizes an electric current or contains any other dangerous components either on the inside or outside shall form part of a fence on a residential property.

2.7.5. The provisions of sections 2.7 do not apply to a barrier erected upon abutting lands that are used for industrial and/or commercial purposes, railway right-of-ways, and hydro, telephone, utility or public works installations that are deemed to be hazardous to the public, or are being used for screening and/or sound barriers.

2.8 ACCESSORY BUILDINGS

2.8.1. Accessory buildings and other structures appurtenant to property shall be maintained in structurally sound condition and in good repair.

2.8.2. Where an accessory building is not maintained in accordance with these standards, it shall be removed from the yard or repaired to the minimum standards prescribed in this by-law.

2.9 STRUCTURAL STANDARDS

2.9.1 Every part of a building or a structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load for which it was designed. The structural condition of the structure must be in accordance with the structural safety factors required by the Ontario Building Code.

2.10 GENERAL CLEANLINESS

2.10.1. All garbage, rubbish and ashes shall be kept or stored in approved receptacles until disposed of or removed from the property.

2.10.2. Approved Receptacles shall be:

- a) made of metal or plastic
- b) of watertight construction
- c) capable of being tightly closed; and
- d) maintained in a clean state

2.10.3. "Plastic Garbage Bags" are not approved receptacles

2.10.4. Materials of an inflammable nature shall, if they are lawfully on the property, be safely stored in accordance with appropriate legislation.

2.10.5. On commercial properties containers shall be made available in a prominent position for the disposal of refuse which may be discarded by customers and others, and the land shall be kept free from refuse.

2.10.6 On residential properties, dumpsters, refuse containers or portable storage containers are permitted for a period of 90 days from the date of installation unless with the written consent of the Municipality is given.

2.10.7 On commercial and industrial properties, dumpsters, must visually screened from a roadway.

2.11 PEST PREVENTION

2.11.1. Buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with provisions of the Pesticide Act, R.S.O. 1990 Chapter P.11 and all regulations passed pursuant thereto.

2.11.2. Openings and holes, within a building containing residential units, inclusive of chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.

2.12 EXTERIOR SURFACE

2.12.1 Exterior walls of a building or structure and their components shall be maintained in good repair, free from cracked, broken or loose masonry units and other defects to such attachments as soffits, fascia, cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage and must be complimentary to the immediate surrounding as determined by the By-law Enforcement officer.

2.12.2 Exterior surfaces of a commercial, industrial or an institutional building or structure and their components shall be free of painted slogans, graffiti and similar defacements.

2.12.3 Exterior walls of a building or structure and their components shall be constructed of a suitable exterior building material, including but not limited to brick, stone, aluminum, vinyl, PVC and wood composite siding

2.12.4 The use of a tarp or tarps, or typar as an exterior wall of a building or structure is not permitted. The temporary use of a tarp or typar for construction purposes is permitted for a period of not more than six (6) months.

2.13 WATER PROOFING/ICE & SNOW REMOVAL

2.13.1 The roof of a building including the fascia, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into a building.

2.13.2 Dangerous accumulations of snow or ice shall be removed as soon as possible from the roofs of buildings.

2.13.3 Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be watertight and securely fastened to the building at all times.

2.14 STAIRWAYS, PORCHES, DECKS

2.14.1 Outside stairways and any porch, deck, balcony, veranda or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which may present a possible accident hazard. In addition, all coverings, treads or risers that are broken, warped or loose and all supporting structural members that are rotted or deteriorated beyond repair shall be replaced.

2.14.2 Handrails, guardrails shall be constructed, installed and maintained in a firm and inflexible condition as prescribed in the Ontario Building Code.

2.14.3 Outside stairways must be maintained free from accumulations of items, things or ornaments that may pose a safety or a fire hazard when entering or exiting a building.

2.15 FIRE PREVENTION EQUIPMENT

2.15.1 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through a window opening or door.

2.16 EGRESS

2.16.1 All buildings shall be provided with an adequate egress from every floor area in accordance with the Ontario Building Code and the Ontario Fire Code.

2.16.2 Every dwelling and every dwelling unit shall have an adequate means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level in accordance with the Ontario Building Code and the Ontario Fire Code.

2.17 VACANT BUILDINGS

2.17.1 Vacant buildings shall be secured and/or boarded up to the satisfaction of the By-law Enforcement Officer by covering all openings through which entry can be achieved.

2.17.2 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

2.17.3 Where a vacant building is not maintained or fixed in accordance with this By-law, it shall be remedied. Vacant buildings deemed by the Chief Building Official as a health and safety issue or are unsightly and that have not been remedied to the satisfaction of the By-law Enforcement Officer shall be removed from the property and the land or waterfront property shall be left in a graded level condition.

PART III - ADMINISTRATION AND ENFORCEMENT

3.1 ADMINISTRATION

3.1.1 This By-law applies to all properties within the Township of Greater Madawaska.

3.1.2 The Township shall administer and enforce this By-Law as prescribed by the *Ontario Building Code Act; S.O. 1992, c.23 Section 15* as amended

3.1.3 The Officer may prohibit the occupancy or use of any property that does not conform to the standards prescribed in this By-Law.

3.1.4 The Officer may utilize various reports and forms in the administration and enforcement of this By-law which can be revised as deemed required by the Officer, including but not limited to

- An inspection report;
- Re-inspection report;
- Order to Remedy Violation;
- Order to Comply;
- Notice to Appeal;
- Decision Following Appeal; or
- Other such report or form

3.2 OFFICERS AND INSPECTORS

3.2.1 The person(s) appointed as By-law Enforcement Officer(s) for the Municipality shall be responsible for the administration and enforcement of this By-law.

3.2.2 Any building inspector, plumbing inspector, electrical inspector, public health inspector, fire prevention officer or by-law enforcement officer of the Municipality is hereby authorized and directed to act from time to time as an assistant to the Officer.

3.2.3 The By-law Enforcement Officer, or any person acting under his direction, may at all reasonable times, upon producing proper identification, enter and inspect any property. The Officer or his designate shall not enter any room or place actually used as a dwelling

without the consent of the Occupant except under the authority of a search warrant issued under Section 21 of the *Building Code Act*

3.2.4 No person shall obstruct or attempt to obstruct an Officer or a person acting under the Officer's instruction, in the exercise of his duties.

3.3 PROPERTY STANDARDS COMMITTEE

3.3.1 Every person who initiates an appeal of an Order made under Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and manner as prescribed in section 15.3(1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment of fifty (\$50.00) dollars.

3.3.2 A Property Standards Committee shall be established and shall consist of the members of Council.

3.3.3 The members of the Committee shall abide by the Rules of Procedure, attached as Appendix "A" to this by-law.

3.4 POWERS OF THE CORPORATION TO REPAIR OR DEMOLISH

3.4.1 If the Owner or Occupant of a property fails to remedy, repair or to demolish the property in accordance with an Order, the Township of Greater Madawaska may cause the property to be repaired or demolished accordingly.

3.4.2 For the purposes of Subsection 3.4.1 employees or agents of the Township of Greater Madawaska may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

3.4.3 The Township will not be liable to compensate an Owner, Occupant or any other person having an interest in the property by reason of any action performed by or on behalf of the Township of Greater Madawaska under the provisions of this By-Law.

3.4.4 The Township shall have a lien on the land for the amount spent on the repair or demolition under Subsection 3.4.1, and the amount shall be deemed to be municipal real property taxes and may be added by the Treasurer under the direction of the Township of Greater Madawaska Clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes

3.5 EMERGENCY POWERS

3.5.1 Notwithstanding any other provisions in this By-Law, if upon inspection of a property, the Officer is satisfied that there is a non-conformity with the standards prescribed in the 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 non-conformity and requiring immediate remedial repairs or other work to be carried out forthwith to terminate the danger.

3.5.2 After making an Order under Section 3.5.1, the Officer may, either before or after the Order is served, take or cause to be taken any measures considered necessary to terminate the danger; and for this purpose, the Town has the right, through its employees or agents, to enter upon the property at any reasonable time.

3.5.3 The Officer, Township of Greater Madawaska or anyone acting on behalf of the Township of Greater Madawaska is not liable to compensate the Owner, Occupant, or any other person by reason of anything done by or on behalf of the Township of Greater Madawaska in the reasonable exercise of its power under Section 3.5.1.

3.6 SEVERABILITY

3.6.1 Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.

3.6.2 Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.

3.6.3 This By-law shall come into force and take effect upon its passing.

3.6.4 That By-law 12-2007 and By-law 32-2020 of the Township of Greater Madawaska any other by-law inconsistent with the provisions contained herein are hereby repealed in their entirety.

4. SHORT TITLE

4.1 This By-law shall be sited as the "Property Standards By-law."

READ a first and second time this 16th day of November, 2020.

READ a third time and passed this 16th day of November, 2020.

Brian Hunt
Mayor

Allison Holtzhauer
CAO/Clerk-Deputy Treasurer

APPENDIX "A"

Rules of Procedure For the Property Standards Committee

WHEREAS as set out in the Property Standards By-law 75-2020, section 3.3.2., a Property Standards Committee be established that consists of the members of Council. Under subsection 55(1) of the *Municipal Act* every local board shall adopt Rules of Procedures for governing the calling, place and proceedings of meetings;

AND WHEREAS under subsection 15.3 of the *Building Code Act, 1992*, the Property Standards Committee hears appeals from Orders to Comply with property standards and under 15.6(8), may, subject to subsection 15.6(9) respecting notice, adopt its own rules of procedure and any member may administer oaths; and

AND WHEREAS the *Statutory Powers Procedures Act* sets out rules of procedures that also apply to proceedings of the Property Standards Committee and under section 32 the provisions of this Act prevail in the case of a conflict with provisions of another Act unless it is expressly provided otherwise in that Act.

THEREFORE The Property Standards Committee of the Township of Greater Madawaska enacts as follows:

1. Definitions

1.1 As used in these Rules of Procedures, the following terms shall have the meanings indicated:

"Committee" means the Property Standards Committee of the Township of Greater Madawaska.

"Council" means the Council of the Township of Greater Madawaska.

"Inaugural Meeting" means the first meeting of the Committee after its members have been appointed by Council.

2. Application

2.1 The rules in this Rules of Procedures shall be observed in all meetings of the Committee

3. Matters not dealt with in the rules of procedures

3.1. If these rules do not provide for a matter of procedure that arises during a meeting, the practice shall be determined by the Committee.

3.2. If these rules do not provide for a matter of procedure that arises during a hearing, the Committee may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.

4. Meetings

4.1. The Committee shall hold its inaugural meeting on a date and time to be determined by the Town Clerk.

4.2. The Committee shall meet at the request of the Chair or when requested to do so by a majority of the members and the Chair shall summon a meeting of the committee.

4.3. When the Chair is absent, or is absent through illness, or refuses to act, or when the office of the Chair is vacant, a meeting of the Committee may be summoned by the Town Clerk on 24 hours' notice when requested to do so in writing by a majority of the members.

4.4. Meetings of the Committee shall be held at Municipal Offices or such other location, as the Town Clerk deems advisable.

- 4.5. A majority of the members of the committee constitutes a quorum at meetings.
- 4.6. Before a meeting, if the Secretary determines that there will not be a quorum of members, the Chair or the Secretary will reschedule the meeting.
- 4.7. If no quorum is present 30 minutes after the time appointed for the commencement of the meeting, the Secretary shall re-schedule the meeting.

5. Committee Chair

- 5.1. The Chair of the Committee will be the Mayor of Council.
- 5.2. When the Chair of the Committee is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
- 5.3. If the Chair of the Committee resigns as a member of the Committee or resigns as the Chair of the Committee, the Committee shall appoint another member as Chair for the balance of the term appointed or until a successor is appointed.

6. Committee Secretary

- 6.1. The Committee shall appoint a Secretary of the Committee who may delegate administrative responsibilities to a Deputy Secretary.

7. Schedule of meetings

- 7.1. The Committee shall meet on an as-needed basis.
- 7.2. A meeting date may be added, cancelled or rescheduled by the Secretary.
- 7.3. Each meeting shall commence at the time specified on the agenda and continue until the agenda is completed.

8. Agenda

- 8.1. The Secretary shall provide an agenda before the meeting to each member of the Committee.
- 8.2. The business of the Committee shall be conducted in the order outlined on the agenda.

9. Committee procedures

9.1. Opening statement

The Chair reads an opening statement outlining the procedure and format of the Committee hearing process.

9.2. Statements

The Chair will entertain any statements from Committee Members at this time.

9.3. Motions

The Committee will hear motions with respect to any business properly before the Committee at this time.

9.4. Hearing of appeals

Subject to any motions previously adopted by the Committee, the Chair will indicate that the Committee will now hear the first appeal listed on the agenda.

9.5. Introduction and recording of parties to an appeal

The Chair will request that if anyone wishes to speak to the appeal to identify her or himself, including any other interested persons who intend to give evidence on behalf of either party to the appeal.

9.6. Presentation of order to comply

- (1) The Officer is requested to present the order to comply and related evidence.
- (2) The Officer may be questioned by the Committee Members through the Chair to clarify any evidence presented.
- (3) If the Appellant is represented by legal counsel, legal counsel may cross-examine the Officer at this time.
- (4) No legal counsel:
 - a) If the Appellant is not represented by legal counsel, any questions the Appellant, including any Appellant's agent, may wish to ask the Officer shall be directed to the Committee through the Committee Chair.
 - b) The Committee may allow the question to be put to the Officer or rule that the question is improper or out of order.
- (5) Every opportunity will be given to the Appellant to view any evidence submitted by the Officer.

9.7. Other persons in support of the order

- (1) After any cross-examination of the Officer, the Committee may hear from anyone else who supports the confirmation of the order to comply.
- (2) Preference in the order of hearing will be given to those who identified themselves as an "other interested person" at the beginning of the hearing.
- (3) The Committee, through the Chair, may question the persons giving evidence to clarify any evidence presented.
- (4) Legal counsel may cross-examine the persons and an Appellant not represented by legal counsel may cross-examine the persons in the manner provided under Subsection 9.6(4).

9.8. Presentation of an appeal

- (1) The Appellant or the Appellant's legal counsel is requested to present evidence with respect to the appeal of the order to comply.
- (2) The Committee may, through the Chair, ask questions of the Appellant to clarify any evidence presented.
- (3) The Committee will allow the Appellant or the Appellant's legal counsel to complete their presentation before asking any questions, unless clarification is required before the presentation is completed. If evidence is to be given by anyone other than the Appellant or a witness called by the Appellant, preference of hearing order will be given to those who identified themselves as "other interested persons" at the beginning of the hearing.
- (4) Persons giving evidence under Subsection 9.8(4) are subject to questions by the Committee, the Appellant and the Appellant's counsel as described in Subsection 9.7.(3) and (4).

9.9. Other representations: recall of Officer

- (1) After the Appellant's presentation, the Committee will hear from anyone else who wishes to make representations before the Committee pertaining to the matter.
- (2) Persons giving evidence under Subsection 9.9(1) are subject to questions by the Committee, the Appellant and the Appellant's counsel as described in Subsection 9.7(3) and (4).
- (3) The Officer may also be recalled at this time.

9.10. Committee inspection

- (1) The Committee will as a general practice rely on pictures and other diagrams to describe the property.
- (2) When, after hearing all the evidence, the Committee determines that pictures and diagrams are not sufficient and that it wishes to inspect the property, the hearing will be adjourned to a date and time mutually agreed upon.

9.11. Committee decision

- (1) The Committee will give an oral decision or may reserve its decision.
- (2) The duties and responsibility of the Property Standards Committee shall be as dictated in the Ontario Building Code Act.
- (3) If the decision is reserved the Committee Chair will advise the Appellant that the Appellant will be notified by registered mail of the Committee's decision.

9.12. Notice of Decision

The Secretary will forward notice of the Committee's decision to all those notified of the hearing and to everyone who appears before the Committee.

10. Grant exceptions from procedures

10.1 A Committee may grant all necessary exceptions from the procedures in Section 9, as it considers appropriate to ensure that the real questions in issue are determined in a just manner.

11. Voting; equality of vote

11.1. The Committee Chair may vote on all motions and other questions submitted at a Committee meeting.

11.2. In the case of a tie vote, the motion or question shall be deemed to have been lost.

12. Minutes

12.1. The Secretary shall prepare minutes and hearings of the meetings of the Committee.

12.2. The Committee shall review and adopt the minutes of its previous meeting before beginning the current agenda.

Read a first and second time this 16th day of November 2020.

Read a third time and passed 16th day of November 2020.

Brian Hunt
Mayor

Allison Holtzhauer
CAO/Clerk Deputy-Treasurer

SCHEDULE "A"
BY-LAW 75-2020

Set Fines Under Part I of the Provincial Offences Act

Ontario Building Code Act 1992, S.O. 1992, c. 23

ITEM	SHORT FORM WORDING	PROVISION CREATING or DEFINING OFFENCE	SET FINE
1	Failure to comply with S. 15.9(4) Order to Remedy Unsafe Building	S. 36(1)(b)	\$500.
2	Fail to comply with S. 15.2(2) Order to Comply	S. 36(1)(b)	\$250.

The penalty provision for the offences indicated above is Section 36 of the Building Code Act, 1992, Chapter 23, as amended.