

THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS

BYLAW 2018-086

BEING A BYLAW TO PROVIDE STANDARDS FOR THE MAINTENANCE OF THE PHYSICAL CONDITION AND OCCUPANCY OF PROPERTY IN THE MUNICIPALITY OF HASTINGS HIGHLANDS.

WHEREAS the Council of the Corporation of the Municipality of Hastings Highlands deems it necessary and expedient to pass a Bylaw pursuant to Section 15.1 (3) of the *Building Code Act*, S.O. 1992, c.23 as amended for prescribing standards for the maintenance of property within the Municipality of Hastings Highlands and for requiring property that does not conform with the standards prescribed in the Bylaw to be repaired and maintained so as to comply and conform or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded or levelled condition;

AND WHEREAS it is desirable for the protection of the safety, health and wellbeing of the residents of the Municipality of Hastings Highlands to enact this Bylaw;

AND WHEREAS there is in effect in the Municipality of Hastings Highlands a Zoning Bylaw which includes provisions relating to property conditions;

NOW THEREFORE the Council of the Corporation of the Municipality of Hastings Highlands hereby enacts as follows:

SECTION 1 - TITLE, APPLICATION AND SCOPE

(1) TITLE OF BYLAW

This Bylaw may be cited as the "Property Standards Bylaw"

(2) APPLICATION

The provisions of this Bylaw shall apply to all property within the boundaries of the Municipality of Hastings Highlands.

(3) SCOPE OF BYLAW

(a) Where any provision of this Bylaw conflicts with any provision of another Bylaw in force in the Municipality, the provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public;

(b) If a court of competent jurisdiction declares any section, or any part of any section, of this Bylaw to be invalid, or to be of no force or effect, it is the intention of the Municipality that every other provision of this Bylaw be applied and enforced in accordance with its terms to the extent possible according to law;

(c) In this Bylaw, words imparting the neuter gender shall include the feminine gender and masculine gender and vice versa and words imparting the singular shall include the plural and vice versa as the context requires;

(d) The provisions of this Bylaw and of the Building Code Act and the Ontario Building Code, apply to all property within the Municipality, and any amendments to the Building Code Act or the Ontario Building Code apply to this Bylaw which is written pursuant to the provisions in that legislation;

(e) Nothing in this Bylaw requires repairs to be made to property when repairs are with respect to matters ordered under the Fire Protection and Prevention Act, the Health Protection and Promotion Act, the Environment Protection Act or any other applicable Act.

(4) **GENERAL DUTY TO REPAIR AND MAINTAIN PROPERTY**

(a) Every owner of a building, accessory structure, structure or property shall maintain all appurtenances thereto, including all mechanical equipment in good repair, and;

- i) in an operative condition; and
- ii) free from any unsafe condition.

(b) Despite section 1 (4) (a) of this Bylaw, where the maintenance of any property affected by this Bylaw is by the written terms of a lease or an agreement for occupancy made the responsibility of the occupant, the Property Standards Officer or another official appointed by the municipality may, at his discretion, following receipt of a written complaint, require the occupant to repair and maintain the property (to the extent that the Occupant controls or occupies the property or part thereof) in accordance with the standards prescribed in this Bylaw;

(c) Every owner of a building, accessory structure or structure that shows evidence of decay or deterioration shall repair or replace any materials that are decaying or deteriorating in a manner acceptable to a Property Standards Officer;

(d) Every owner shall repair and maintain his property in accordance with the standards prescribed in this Bylaw;

(e) No person shall occupy or loan to another occupant any property which does not comply with the requirements of this Bylaw.

SECTION 2 - DEFINITIONS

In this Bylaw;

- (1) "ACCEPTABLE" means acceptable in the opinion of the Property Standards Officer or other official appointed by the Municipality.
- (2) "ACCESSORY BUILDING" means a building or structure, the use of which is incidental or subordinate to the main use of any other building on the same lot or which, if there is no other building on the lot, is incidental to the use of the lot and which is not intended for human habitation.
- (3) "APPROVED" means, as applied to a grade, material, device or method of construction, approved by the Property Standards Officer under the provisions of this Bylaw or

approved by the Building Inspector under the provisions of the Building Code or approved by another authority designated by Bylaw to give approval to the matter in question.

- (4) "BATHROOM" means a room containing at least a toilet and basin and bathtub or shower, or two rooms which contain in total at least one toilet and basin and one bathtub or one shower.
- (5) "BUILDING" means any building or structure, other than an accessory building as herein defined, used or intended to be used for any purpose.
- (6) "COMMITTEE" means the Property Standards Appeal Committee established pursuant to the Building Code Act, and this Bylaw.
- (7) "COUNCIL" means the Council of the Corporation of the Municipality of Hastings Highlands.
- (8) "DWELLING" means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation, and includes a building that would be or that could be intended to be used for such purposes except for its state of disrepair and shall include a mobile home.
- (9) "DWELLING UNIT" means one or more habitable rooms located within a dwelling, occupied or capable of being occupied by one or more persons as an independent and separate housekeeping establishment in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment with an independent entrance from outside the building or from a common hallway or stairway inside the building.
- (10) "FIRE RESISTANCE RATING" means the time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards or as determined by the extension or interpretation of information derived there from.
- (11) "GROUND COVER" means organic or non-organic materials applied to prevent the erosion of the soil such as concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- (12) "HABITABLE ROOM" means a room designed to provide living, sleeping, kitchen and/or dining accommodation for persons. This definition shall not include any garage, carport, porch, verandah, attic, cellar, bathroom, recreation room, storage room, furnace room, lobby, foyer, stairwell or other space for the service or maintenance of a dwelling.
- (13) "INOPERATIVE MOTOR VEHICLE" means a vehicle that is in a wrecked, dismantled, partially dismantled or abandoned condition.
- (14) "LOT" means a parcel of land under distinct and separate ownership from adjoining lands and being described in a deed or transfer or other similar document legally capable of conveying land and registered at the Land Registry Office having jurisdiction for the lands within the Municipality of Hastings Highlands.

- (15) "MUNICIPALITY" means the Corporation of the Municipality of Hastings Highlands.
- (16) "NON-HABITABLE" means any portion of a dwelling or dwelling unit that does not comply with the standards of fitness for occupancy set out in this bylaw, and includes bathroom facilities, toilet rooms, laundry facilities, pantries, lobbies, corridors, stairways, closets, boiler rooms or other spaces dedicated and used exclusively for the service and maintenance of the dwelling or dwelling unit.
- (17) "NOXIOUS" means any structure, weed, shrub, animal, insect or rodent which, from its nature or operation creates a nuisance or is liable to create a nuisance or is offensive by reason of the creation or noise, objectionable odour, dust, or by reason of its unsightly nature or habits, and without limiting the foregoing shall mean any structure, weed, shrub, animal, insect or rodent which may be declared by the Property Standards Committee to be noxious or offensive.
- (18) "OCCUPANT" means any person over the age of 18 years in possession of the property, but does not include an owner.
- (19) "OFFICER" means the Chief Building Official and Bylaw Enforcement Officer appointed by the Corporation to administer and enforce this Bylaw.
- (20) "OWNER" includes;
- (a) The person who, for the time being, receives the rent of, or manages or pays the municipal taxes on the property in question whether on his own account or as agent or trustee of any other person, or who would so receive the rent if the property were let; or
- (b) A purchaser of such land under an agreement for sale who has paid any municipal taxes thereon after the date of execution of the agreement by both the vendor and purchaser; or
- (c) 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.
- (21) "PERSON" means and includes any individual association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- (22) "PLUMBING AND PLUMBING FIXTURES" means water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment, catch basins, drains, vents, traps, together with all connections to water, gas, sewage, or vent pipes.
- (23) "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, out buildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant land.

- (24) "PROPERTY STANDARDS OFFICER" means the Chief Building Official and Bylaw Enforcement Officer appointed by Council to administer and enforce the provisions of this Bylaw.
- (25) "REPAIR" includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure the property conforms with the standards established in this Bylaw.
- (26) "SEWAGE SYSTEM" means a sewage system as defined in the Building Code.
- (27) "STORAGE AREA" means a room within a dwelling or dwelling unit which is non-habitable and is used or intended for use for the storage of goods or materials.
- (28) "STANDARDS" means the standards prescribed for the maintenance and improvement of the physical condition and the fitness for occupancy for properties as set out in this Bylaw.
- (29) "SUB-STANDARD" means a standard that is less than that required by this Bylaw.
- (30) "TOWNSHIP" means the Corporation of the Municipality of Hastings Highlands.
- (31) "UNSAFE CONDITION" means any condition that would or could cause hazard to the life or health of any person.
- (32) "WATERFRONT PROPERTY" a section of property with frontage adjacent to or abutting on a body of water and includes a waterfront lot.
- (33) "VEHICLE" includes a motor vehicle, trailer, boat, motorized snow vehicle and mechanical equipment, whether operational or not.
- (34) "YARD" means the land (other than publicly-owned land) around and appurtenant to the whole or any part of a building and used, or intended to be used or capable of being used, in connection with the building.

SECTION 3 - MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

(1) YARDS

All yards shall be kept clean from:

- (a) Rubbish, garbage, refuse, waste and other debris;
- (b) Objects, holes and conditions that are or might create a health, fire or accident hazard;
- (c) Wrecked, discarded, dismantled, partially dismantled, inoperative, abandoned or unlicensed vehicles, trailers, or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such an undertaking and then only in an arrangement so as to prevent an unsafe condition;

(d) Dilapidated or collapsed buildings, accessory buildings, structures or erections and any unprotected well or other unsafe condition;

(e) Dead, decaying or damaged trees or other similar growth where the branches or limbs may create an unsafe condition.

(2) LANDSCAPING

(a) Hedges, plantings, trees or other landscaping, required by the Municipality as a condition of development, redevelopment or rearrangement of property, shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out their intended function and maintain an attractive appearance;

(b) All privately owned lands used for vehicular traffic, parking or for loading and unloading shall be maintained in good repair, free of pot holes and adequately drained; and

(c) Lawns, hedges and bushes shall be maintained so as to prevent noxious conditions from existing.

(3) RUBBISH

(a) Every property shall be kept free of refuse or litter;

(b) Every owner and occupant of a property shall provide sufficient receptacles to contain all garbage, rubbish, discarded materials and other debris that may accumulate on his property and to prevent such material from encroaching onto neighbouring property;

(c) Every non-residential building shall provide sufficient and proper receptacles in good repair and appearance to contain all refuse and litter as may be left by customers or other persons.

(4) WATERFRONT PROPERTY

Every owner of a waterfront property shall maintain the waterfront property free from vehicles, trailers, boats, ships, barges or mechanical equipment that is in a wrecked, dismantled, discarded or inoperative condition or is not in good repair.

(5) PASSAGEWAYS

Steps, walks, driveways, parking spaces and similar uses of a yard shall be maintained so as to afford safe passage for persons and vehicles under normal use and weather conditions.

(6) DRAINAGE

(a) Exterior property areas shall be graded and maintained in such a manner so as to prevent the excessive or recurrent ponding of storm water or surface water thereon, and to discourage the erosion of soil;

(b) Roof drainage or sump pumps shall not be discharged on to sidewalks, roadways, stairs, neighbouring property.

(7) SEWAGE

All sewage shall be discharged into a private sewage system approved by the Chief Building Official for the Municipality of Hastings Highlands pursuant to the provisions of the Building Code Act and Building Code as amended from time to time.

(8) ACCESSORY BUILDINGS, FENCES AND OTHER STRUCTURES

(a) Accessory buildings, fences and other structures shall be kept in good repair and free from health, fire and accident hazards;

(b) Where any accessory buildings, fences and other structures is not maintained in accordance with these standards it shall be removed from the yard.

(9) SWIMMING POOLS, HOT TUBS AND ORNAMENTAL PONDS

(a) Every owner of a property shall maintain any swimming pool, wading pool, hot tub, ornamental pond and any appurtenance thereto in good repair, and free from any unsafe condition;

(b) Every owner of a property which contains a derelict or abandoned swimming pool, wading pool, hot tub or ornamental pond shall,

(i) in the case of a hot tub or wading pool, drain and remove the hot tub or wading pool from the exterior of the property; and

(ii) in the case of a swimming pool or ornamental pond, drain and fill the swimming pool or ornamental pond and leave the property in a graded and levelled condition;

(iii) Every owner of a property that contains a swimming pool, wading pool, hot tub or ornamental pond shall provide all fences, gates and hardware as required by the provisions of the Municipality of Hastings Highlands Fence Bylaw and shall maintain all fences, gates and hardware in good repair and in accordance with the provisions of the Zoning Bylaw or, if applicable, the Fence Bylaw.

(10) PARKING AREAS

(a) Every owner or occupant of a property that is used for vehicular traffic or parking, including driveways, loading areas and bays, shall,

i) provide curb stops or other restraining devices where necessary, to prevent vehicles from damaging fences, lamp standards, or other structures on the parking area or neighbouring property;

ii) maintain the surface in a state of good repair, free of pot holes, large cracks, ruts or other hazards; and

iii) provide and maintain light fixtures to the parking area that provides a level of lighting necessary to maintain safety and security commensurate with the use of the property.

SECTION 4 - REPAIR, MAINTENANCE AND DEMOLITION STANDARDS OF BUILDINGS

(1) **STRUCTURAL CAPABILITY**

Every building, accessory building or any part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight or any additional weight which may be put on it through normal use. The materials showing damage, evidence of decay or other deterioration shall be repaired or replaced. The Chief Building Official and Bylaw Enforcement Officer may require an engineer's report for a building to determine if the building is structurally sound and such engineer's report shall be prepared at the expense of the Owner(s) of the property on which the building is situated.

(2) **FIRE AND ACCIDENT PREVENTION**

(a) When, because of the existence of a building or accessory building or the contents thereof, an unsafe condition exists to persons on or about the exterior areas of a property, the Building Code shall apply to the extent necessary to abate the unsafe condition;

(b) In the event that strict application of the regulations in the Building Code is not practical, the Chief Building Official and Bylaw Enforcement Officer may accept alternative measures provided the standard of safety that results is generally equivalent to the standard provided by the Building Code regulations;

(c) In the event of fire or other disaster to a building or accessory building, measures shall be taken as soon as possible and in any event within 90 days of such fire or disaster to make the damaged building or accessory building compatible with the surrounding environment. Without restricting the generality of the foregoing, such measures include making the building or accessory building safe, repairing any damaged surfaces exposed to view preventing unauthorized entry and refinishing so as to be in harmony with adjoining undamaged surfaces and the surrounding environment;

(d) In the event the building or accessory building is beyond repair, the land shall be cleared of all remains and left in the graded, level, and tidy condition within 60 days of the fire or other disaster;

(e) Materials of a flammable nature shall be safely stored or removed at once from a property.

(3) **PEST PREVENTION**

All buildings shall be maintained free from rodents, vermin and pests and free from conditions which may encourage infestation by rodents, vermin and pests. Any

methods used for extermination of rodents, vermin or pests or both shall conform to the provisions of The Pesticides Act R.S.O. 1990, C.p-11.

(4) VENTILATION AND LIGHTING

(a) Every habitable room and every bathroom and toilet room shall have adequate ventilation;

(b) Where an aperture such as window, skylight or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open, closed and kept closed;

(c) Where a system of mechanical ventilation or air conditioning such as an electric fan with a duct leading to outside the building has been installed in a building, the system shall be maintained in good working order;

(d) Every owner and occupant of a property shall provide and maintain adequate artificial light in all rooms, stairways, halls, storage areas, garages and basements within the dwelling unit.

(5) FOUNDATIONS

(a) The foundation walls and the basement, cellar or crawl space floor of a building or an accessory building shall be maintained in good repair;

(b) The maintenance of a foundation includes:

(i) the jacking, underpinning or shoring of the foundation where necessary;

(ii) installing subsoil drains at the footing where such would be beneficial and practical;

(iii) the grouting of masonry cracks;

(iv) waterproofing the wall and joints;

(v) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the structural safety of the building;

(vi) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports; and

(vii) making sills, piers, posts or other supports waterproof and resistant to insects by the application of suitable materials or treatment.

(c) Every basement, cellar and crawl space in a building shall be adequately drained.

(6) EXTERIOR WALLS

All exterior walls and components thereof shall be maintained in good repair and free from any unsafe condition.

(7) ROOFS

(a) Roofs of buildings and their components shall be maintained in a water tight condition, free from loose or unsecured objects or materials that may present a safety hazard;

(b) Where eaves troughs and roof gutters are provided, they shall be kept in good repair, from obstructions and properly secured to the building.

(8) EXTERIOR DOORS AND WINDOWS

(a) Every owner or occupant of a building, accessory structure or structure shall maintain all exterior doors, windows and skylights in good repair that ensures the proper operation of the doors, windows and skylights;

(b) Every owner or occupant of a building, accessory structure or structure shall ensure that all repairs, maintenance and refinishing work required for any exterior walls, cladding and openings are completed in such a manner so as to maintain a uniform and neat appearance with the surrounding walls, cladding or openings of the building or structure;

(c) Nothing in this Section shall be construed as preventing doors, windows and other openings in an unoccupied building or accessory building from being protected from damage or to prevent entry and does not apply to barns, silos and structures intrinsic to the operation of a farm on an agricultural property that is actively being used for agricultural purposes.

(9) WALLS AND CEILINGS

Interior walls and ceilings in a building shall be maintained in good condition.

(10) FLOORS

(a) Floors in a building or accessory building shall be maintained in a reasonably clean, smooth and level condition and free of loose, warped or decayed boards, depressions, protrusions, holes, deterioration or other defects which are or may create health, fire or other accident hazards;

(b) Where floors are covered, the covering shall be maintained in a safe condition free from worn, torn, damaged or holed parts which creates or may create a health or other accident hazards;

(c) Floors in all rooms with plumbing fixtures shall be maintained reasonably impervious to water and in such condition as to permit easy cleaning.

(11) STAIRS, PORCHES, AWNINGS, CANOPIES, MARQUEES, AND SIGNS

(a) Any inside or outside stair, balcony, porch or canopy shall be maintained so as to be free of defects which may constitute possible safety hazards;

(b) A handrail or banister shall be installed so as to guard against accident or injury on the open side of a balcony, landing stairwell and stairway having more than three risers;

(c) Every owner of a property shall maintain any awning, canopy, marquee, sign or similar equipment in good repair and free from any unsafe condition.

(12) CHIMNEYS AND FIREPLACES

(a) Every chimney, smoke pipe and flue actually in use or available for use, shall be maintained so as to prevent gases from leaking into the building, and at all times, shall be kept in good repair and maintained free of defects;

(b) Every fireplace used or intended to be used in a building for burning fuel in open fires shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.

(13) DEMOLITION

(a) Every owner who has demolished a building, accessory structure, structure or fence shall clear the property where the building, accessory structure, structure or fence was located of all rubbish, debris, refuse, masonry, lumber and other materials and leave the property in a graded and level condition;

(b) Every owner who has partially demolished a building, accessory structure or structure shall,

(i) maintain the remaining portion of the building, accessory structure or structure in compliance with all requirements of this Bylaw;

(ii) parge or otherwise treat the walls of the building, accessory structure or structure to prevent the entrance of water into the building, accessory structure or structure; and

(iii) ensure that all parge or similar treatments are applied in a manner that presents neat and uniform appearance, free from the outlines of partitions, stairs, doors, floors and from areas of multi-coloured paint or wallpaper.

(c) Every owner who is demolishing or partially demolishing a building, accessory structure or structure shall,

(i) take every precaution to protect neighbouring property;

(ii) take every precaution to protect members of the public; and

(iii) if necessary to protect neighbouring property or members of the public, erect fences, barricades, covered ways for pedestrians and any other means of protection.

SECTION 5 - STANDARDS OF FITNESS FOR OCCUPANCY

(1) PLUMBING AND PLUMBING FIXTURES

(a) All installed plumbing, including plumbing fixtures, drains, vents, water pipes, water closets and connecting lines to water and sewer systems, shall be maintained in good working order and repair free from any leaks or other defects;

(b) Every dwelling unit shall be provided with an adequate supply of potable water;

(c) All buildings with the sanitary facilities shall be connected to a sewage system approved by the Chief Building Official and Bylaw Enforcement Officer;

(d) Within a building containing indoor plumbing there shall be provided, accessible and available for all occupants a bathroom or toilet room in accordance with the building code with provisions for privacy;

(e) The hot water serving the wash basin and bathtub or shower required by subsection 5 (1) (d) shall be served at such a temperature in accordance with the Building Code;

(f) No facilities for the preparation, cooking, storage or consumption of food, or for sleeping, shall be contained within a room that contains a toilet.

(2) HEATING SYSTEM

(a) Every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 21 degrees Celsius (70 degrees F) in all habitable rooms, bathrooms and toilet rooms, from the first day of October in each year to the first day of June of the following year;

(b) The heating system required by Section 5 (2) (a) shall be maintained in good working condition so as to be capable of heating the dwelling unit safely;

(c) Permanently sealed connections shall be kept between all heating equipment involving combustion and a chimney or flue, which provides sufficient outlet for the escape of all noxious gases, so as to prevent any health, fire or accident hazard;

(d) Rigid connections shall be kept between all heating equipment burning gaseous fuels and the supply line;

(e) A space that contains a heating unit shall have a natural or mechanical means of supplying air in such quantities to provide adequate combustion.

(f) No room heater shall be placed so as to create a fire hazard to walls and curtains and furniture, or so as to impede the free movements of persons within the room where the heater is located;

(g) Where any heating equipment burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as not to create a fire or accident hazard;

(h) All rooms containing a fuel burning appliance shall be provided with a carbon monoxide detector.

(3) ELECTRICAL SERVICES

(a) Every owner of a dwelling unit shall connect and maintain the connection to an adequate electrical supply system, and,

(b) Electrical installations, including the service capacity of the installations and the number and distribution of circuits, shall conform to the Ontario Electrical Safety Code;

(c) Every habitable room except for a kitchen shall contain at least one electrical duplex convenience outlet. Additional duplex convenience outlets shall be provided in accordance with the requirements of the Building Code Act, R.S.O. 1990 and regulations; made thereunder and the Ontario Electric Safety Code;

(d) Fuses or overload devices shall not exceed limits set by the Ontario Electric Safety Code;

(e) An electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hallway, stairwell, basement and cellar;

(f) The electrical wiring and all electrical fixtures located or used in any building shall be installed and maintained in good working order and in conformity with the Ontario Electric Safety Code;

(g) Smoke alarms shall be installed in each living unit on each sleeping floor and maintained in operable condition at all times and shall conform to the Ontario Fire Protection and Promotion Act.

(4) OCCUPANCY STANDARD

(a) A non-habitable room shall not be used as a habitable room;

(b) No basement or cellar space shall be used as a dwelling unit or as a habitable room unless it is otherwise permitted and it meets the following requirements:

(i) the dwelling unit or habitable room meets all requirements for ingress and egress, light, ventilation set out in this Bylaw;

(ii) the floors and walls are constructed so as to be impervious to leakage of underground and surface water;

(iii) each habitable room shall be separated from the heating equipment, or other similarly hazardous equipment by partition having a fire resistance rating of at least one hour; and

(iv) access to each habitable room shall be gained without passage through a furnace room or boiler room.

SECTION 6 - TRAVEL TRAILERS, MOTORIZED MOBILE HOME, CAMPER TRAILERS AND TRUCK CAMPERS

- (1) The use of a travel trailers, truck campers and camper trailers shall be prohibited in all zones except for a Resort Recreational Commercial Zone.
- (2) A maximum of one motorized mobile home, truck camper, travel trailer or camper trailer shall be permitted to be parked or stored on a residential lot.
- (3) The use of any of the above mentioned or similar vehicles shall not be used for human habitation, except in a Resort Recreational Commercial Zone.
- (4) The above named vehicles shall not be used in any zone for carrying on business.
- (5) Exception to sub-section (1) may be permissible upon successful application and acceptance of both a septic permit and a complete application to build. Installation of the septic system must be within three months of the date of approval and there must be reasonable progression (70%) of the construction of the proposed dwelling within the year. The allowable time limit will be one year from the date of septic approval. However, if this is not sufficient time to complete the project, then a written request to the Chief Building Official and Bylaw Enforcement Officer is required and subject to approval.

SECTION 7 - ADMINISTRATION AND ENFORCEMENT

(1) PROPERTY STANDARDS APPEAL COMMITTEE

- (a) The creation of a Property Standards Appeal Committee is hereby authorized to be appointed by Council;
- (b) The Committee shall be comprised of five (5) voting members and two (2) advisory members. The five (5) voting members shall be three (3) sitting members of Council and two (2) members of the public; to be appointed by Council. The two (2) advisory members shall be Municipal staff.
- (c) An assigned staff member of the Municipality shall serve the role of secretary to the committee, performing the duties and obligations required by the Property Standards Bylaw and the *Building Code Act*;
- (d) Has its members appointed for a term equivalent to Council's term of office or until reappointed; and
- (e) Has the powers and duties prescribed by the *Building Code Act*;
- (f) The Secretary shall keep on file the minutes and records of all applications and the decisions thereon and of all other official business of the Committee;

(g) A minimum of three (3) voting Committee members constitutes a quorum, and the committee may adopt its own rules of procedure.

(2) CHIEF BUILDING OFFICIAL AND BYLAW ENFORCEMENT OFFICER

(a) The office of Chief Building Official and Bylaw Enforcement Officer is hereby created, and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this Bylaw;

(b) The Officer and any person acting under his or her instructions may, at all reasonable times without a warrant for the purpose of inspecting a property and upon producing proper identification, enter into and inspect any property to determine;

i) whether the property conforms with the standards prescribed in this Bylaw; or

ii) whether an order made under Section 3 (a) or Section 3 (b) of this Bylaw has been complied with.

(c) If, after inspection, the Officer is satisfied that, in any respect a property does not conform to the standards prescribed in this Bylaw, he or she shall serve or cause to be served to the owner of the property or such other persons affected by the order as the Officer determines, an order:

(i) stating the municipal address or 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 levelled 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 Municipality may carry out the repair or clearance at the Owner's expense; and

(iv) indicating the final date for giving notice of appeal from the order. Such notice may be posted on the property to which the order applies.

(d) No person shall obstruct or attempt to obstruct the officer or any person acting under the officer's instructions in the exercise of any power pursuant to this Bylaw;

(e) An owner or occupant who has been served with an order made pursuant to Section 6(2) (c) above and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a Notice of Appeal by registered mail to the Secretary of the Committee within fourteen (14) days after being served with the Order;

(f) An order that is not appealed within the time referred to in Section 6 (2) (e) above shall be deemed to be confirmed;

(g) An Order may be registered in the proper Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the property subsequent to the registration of the Order shall be deemed to have been served with the Order on the date on which the Order was served and when the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the proper Registry of Land Titles Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such Order.

(3) ORDERS

(a) Pursuant to the Building Code Act, a Property Standards Officer who finds that a property does not conform with any of the standards prescribed in this bylaw may make an order,

- (i) stating the municipal address or the legal description of the 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 levelled condition;
- (iii) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearing is not carried out within that time, the Municipality may carry out the repair or clearing at the owner's expense; and
- (iv) indicating the final date for giving notice of appeal from the order.

(b) An order shall be served on the owner of the property and such other persons affected by it as a Property Standards Officer determines and a copy of the order may be posted on the property;

(c) Pursuant to the Building Code Act, if upon inspection of a property a Property Standards Officer is satisfied that there is non-conformity with the standards in this Bylaw to such extent as to pose an immediate danger to the health or safety of any person, a Property Standards Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger;

(d) After making an Order under subparagraph (c) above, the officer may either before or after the Order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger and for this purpose, the Municipality has a right through its employees and agents to enter in and upon the property at any time without a warrant.

(4) POWER OF THE CORPORATION TO DEMOLISH OR REPAIR

(a) Where an Order of the Officer is deemed to have been confirmed pursuant to Section 7 (6) of this Bylaw or is confirmed or deemed to be confirmed or modified by the Committee or, in the event of an Appeal to a Judge the Order is confirmed or modified by the Judge, it shall be final and binding upon the Owner and Occupant and the Owner or Occupant shall make the repair or effect the demolition within the time and in the manner specified in the Order or Decision;

(b) If the owner or occupant of the property fails to demolish the property or to repair in accordance with the Order as confirmed or modified, in addition to all other remedies;

(i) the Corporation shall have the right to demolish or repair the property accordingly and for this purpose its servants and agents from time to time may enter in, on and upon the property; and

(ii) the Corporation shall apply the cost of the repairs or demolition, if not so paid, to the Collectors Roll or Taxes for the property for the current year and the amount so entered shall be collected as municipal taxes; and

(iii) the Corporation shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation pursuant to the provisions of this Bylaw.

(5) SERVICE

(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;

(b) If a Notice or Order is served by registered mail, the service shall be deemed to have been made on the 5th day after the day's mailing unless the person to whom the Notice or Order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

(6) APPEALS OF ORDERS

(a) Pursuant to the Building Code Act, an owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within fourteen (14) days after being served with the order;

(b) An order that is not appealed within the fourteen (14) days after being served with the order shall be deemed to be confirmed;

(c) Despite the provisions of Section 7 (6) (a), an order issued under Section 7 (3) (b) of this Bylaw and in accordance with the Building Code Act is not subject to appeal.

(7) OFFENCES AND PENALTIES

(a) No person shall,

(i) use or occupy, or allow the use or occupancy of any property which does not comply with the provisions of this bylaw;

(ii) obstruct the visibility of or remove a copy of an order posted under this Bylaw unless authorized to do so by a Property Standards Officer; or

(iii) prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by a Property Standards Officer.

(b) Any person who contravenes any provision of this Bylaw or fails to comply with an Order, Direction or other requirements made pursuant to this Bylaw is guilty of an offence and upon conviction is liable to a fine of not more than \$25,000.00 for a first offence and to a fine of not more than \$50,000.00 for a subsequent offence; ***Every person who contravenes any provision of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O 1990 c. P. 33, as amended.***

(c) Despite subsection 7 (6) (a) above, if a Corporation is convicted of any offence under this Bylaw, the maximum penalty that may be imposed upon the Corporation is \$50,000.00 for a first offence and \$100,000.00 for any subsequent offence and not as provided in subsection (a) above;

(d) For the purpose of subsections (a) and (b) above, an offence is a subsequent offence if there has been a previous conviction under this Bylaw.

(8) GENDER

This Bylaw and every section, clause and provision hereof shall be read with all changes of gender or number as required in the circumstances.

(9) HEADINGS

The headings used in this Bylaw are included solely for the convenience of reference and are not to be considered part of this Bylaw and are not intended to be full or accurate descriptions of the contents of any section, clause or provision of this Bylaw.

(10) EFFECT OF PRE-EXISTING BYLAWS

Any Bylaw which was in effect in the Municipality on the date of passage of this Bylaw which covers the same subject matter as this Bylaw shall remain in effect only for the purposes of the completion of any procedure that was commenced under that.

(11) REPEAL OF BYLAWS

(a) Except for the purposes identified in Section 7 (9) of this Bylaw, the Bylaw 15-2002 is hereby repealed;

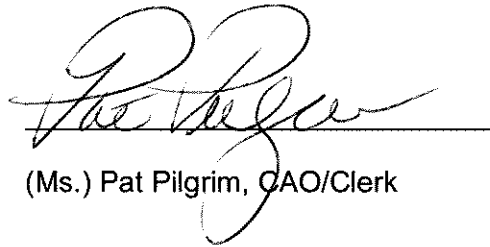
(12) EFFECTIVE DATE

This Bylaw shall come into force and take effect upon final passing hereof.

ENACTED and **PASSED** in Council this 5th day of December, 2018

A handwritten signature in cursive script, appearing to read "Vic A. Bodnar", written over a horizontal line.

Vic A. Bodnar, Mayor

A handwritten signature in cursive script, appearing to read "Pat Pilgrim", written over a horizontal line.

(Ms.) Pat Pilgrim, CAO/Clerk

MUNICIPALITY OF HASTINGS HIGHLANDS
PROPERTY STANDARDS – OCCUPANCY AND MAINTENANCE BYLAW
BYLAW 2018-086
SCHEDULE “A”
PART I PROVINCIAL OFFENCES ACT SET FINES

ITEMS	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Fail to keep yard clean of refuse or debris	Section 3	\$125.00
2	Storing inoperative, wrecked or dismantled vehicles, trailers, or other machinery	Section 3	\$150.00
3	Permit the storage of more than one (1) travel trailer or camper trailer on unauthorized property	Section 6	\$90.00
4	Use a travel trailer or camper trailer for habitation on unauthorized property	Section 6	\$90.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 7 OF BYLAW NUMBER 2018-086, A CERTIFIED COPY OF WHICH HAS BEEN FILED.