

THE CORPORATION OF THE TOWNSHIP OF BONFIELD

BY-LAW NO. 2004-30

**BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF BUILDINGS AND PROPERTY**

WHEREAS the Corporation of the Township of Bonfield desires to enact a by-law pursuant to the provisions of Section 15.1 of the Building Code Act, S.O. 1992, Chapter C.23 as amended;

AND WHEREAS Section 7.6 of the Official Plan of the Corporation of the Township of Bonfield includes provisions for Property Maintenance and Occupancy Standards;

NOW THEREFORE the Council of the Corporation of the Township of Bonfield enacts as follows:

PART 1

1. **SHORT TITLE:** This by-law may be cited as the "Property Maintenance and Occupancy Standards By-Law".
2. **DEFINITIONS:**
 - 2.1 **Accessory Building** - means a detached, subordinate building not used for human habitation, located on the same lot as the main building.
 - 2.2 **AUTOMOBILE SERVICE STATION** means a building or a clearly defined space on a lot where gasoline, oil, tires, batteries and other similar products for the maintenance of motor vehicles may be sold or where vehicles may be oiled, greased and subjected to minor or running repairs essential to the actual operation of motor vehicles.
 - 2.3 **Balustrade** - means a row of balusters or spindles surmounted by a railing.
 - 2.4 **Bathroom** - means a room containing at least a toilet and bathtub or shower, or two rooms which contain a total at least one toilet and one bathtub or one shower.
 - 2.5 **Building** - means any structure used or intended for supporting or sheltering any use or occupancy.
 - 2.6 **Committee** - means the Property Standards Committee.
 - 2.7 **Composting** - means the discarded organic material commonly referred to as compost and includes leaves, grass, clippings and kitchen waste but does not include animal matter.
 - 2.8 **Dwelling** - means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
 - 2.9 **Dwelling unit** - means one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by humans for living and sleeping purposes.
 - 2.10 **Fire Resistance Rating** - means the time in hours that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria.
 - 2.11 **Habitable Room** - means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or heating purposes.

- 2.12 **Maintenance** - means the preservation and keeping in repair of a property.
- 2.13 **Means of Egress** - means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space.
- 2.14 **Multiple dwelling** - means a building containing three or more dwelling units.
- 2.15 **Multiple Use Building** - means a building containing both a dwelling unit and a non-residential unit.
- 2.16 **Non-habitable Room** - means any room in a dwelling or dwelling unit other than habitable room, and including a bathroom, toilet room, laundry room, pantry, 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.
- 2.17 **"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 thereto and all of the outbuildings, fences or erections thereon or therein including all lands zoned Commercial and Industrial as set out the Restricted Area Zoning By-Law for the Township of Bonfield.
- 2.18 **Occupancy** - means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.19 **Occupant** - means any person(s) over the age of eighteen years in possession of the property.
- 2.20 **Officer** - means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-Law.
- 2.21 **Owner** - means the registered owner, a lessee and a mortgagee in possession.
- 2.22 **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 or hereafter erected, and includes vacant property.
- 2.23 **Repair** - includes the provision 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 standard established in this By-Law. All repairs shall be made in conformity with the appropriate legislative authorities.
- 2.24 **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 steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard.
- 2.25 **Sewage** - means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

- 2.26 **Sewerage System** - means the municipal sewerage system or private sewage disposal system approved by the Ministry of the Environment or the North Bay-Mattawa Conservation Authority.
- 2.27 **Standards** - the standards of physical condition and of occupancy prescribed for property by this By-Law.
- 2.28 **Trailer** – means a non-automotive vehicle designed to be hauled by road as a vehicle for transporting something or a vehicle designed to serve wherever parked as a temporary dwelling or place of business.
- 2.29 **Vacant Land** – means any kind of property on which there are no buildings or structures of any kind.
- 2.30 **Vehicle** - includes a motor vehicle, trailer as defined in Section 2.28, boat, motorized snow vehicle, All terrain vehicle or other mechanical power driven equipment.
- 2.31 **Yard** – means all yards as defined in subsections 2.32 to 2.35 below.
- 2.32 **Yard, Exterior Side** - means the side yard of a corner lot, which side yard extends from the front yard to the rear yard between the side lot line abutting a street and the nearest main wall of any main building or structure.
- 2.33 **Yard, Front** - means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building or structure on the lot.
- 2.34 **Yard, Interior Side**- means a side yard other than an exterior side yard.
- 2.35 **Yard, Rear** - means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on such lot.

3. **MAINTENANCE AND OCCUPANCY STANDARDS**

3.1 **YARDS**

- a) Yards must be kept clean and free of rubbish, garbage, brush, discarded materials and other debris. Discarded and unused furniture, appliances, cartons and paper products may not be left in any yard. Objects such as surplus building materials, masonry units, glass, plumbing and electrical supplies not intended for immediate use may not be stored or allowed to remain in any yard except in accordance with subsection q.
- b) Heavy undergrowth and noxious plants, such as ragweed, poison ivy, and all weeds designated as noxious weeds by the Province of Ontario under The Weed Control Act shall be eliminated from the yard.
- c) All reasonable means shall be employed to prevent the erosion of soil in the yard.
- d) All sodded and grass covered areas shall be kept in a good living condition and properly maintained including adequate cutting or mowing so as not to present an unsightly appearance.
- e) All trees shall be kept and maintained so as to be free from dead and dying branches, the collapse of which would be capable of causing injury or damage to persons or property. Dead trees and shrubs shall be promptly removed from the premises. All hedges and ornamental shrubs shall be pruned and trimmed so as not to present an unsightly appearance.
- f) All wells shall be capped with a structurally secure material such as concrete or similar material and shall be kept and maintained in good repair.

- g) All collapsed buildings and structures shall be removed from the premises.**
- b) Where any structure has been damaged by fire, explosion, or by any other nature or man-made force, all damaged materials shall be removed from the property within 30 days of such damage.**
- i) Any vehicle including a trailer, which is in a wrecked, discarded, dismantled or abandoned condition shall not be parked, stored or allowed to remain in any yard for a period of more than two weeks, if the vehicle is so parked for the repair of such vehicle. Otherwise all vehicles parked on a residential property must be in running order and carry a valid Ontario licence sticker and clearly for the personal use of the person(s) permanently resident on the property and/or visitors.**
- j) Any commercial business operating legally as an Automobile Service Station under the terms of the Restricted Area Zoning By-Law for the Township of Bonfield may store up to a maximum of six vehicles for a period not exceeding two weeks for each vehicle providing they are on the premises for the purpose of repair and are otherwise in operable condition.**
- k) All yards shall be kept and maintained free from dangerous holes and excavations.**
- l) Surface conditions of yards and buildings shall be maintained so as to prevent ponding of water.**
- m) Fences, barriers and retaining walls shall be kept:**

 - i in good repair;**
 - ii free from accident hazards;**
 - iii protected by paint, preservative or other weather-resistant material so as not to present an unsightly appearance;**
 - iv free of barbed wire; and**
 - v free from unsightly chalk marks and similar offensive markings, defacements or graffiti on the exterior surfaces of fences and shall be removed and the fences refinished when necessary.**
- n) All fences including fences around swimming pools and hot tubs, shall be maintained in conformity with the provisions of the prevailing fencing By-laws of the Township of Bonfield.**
- o) No fence shall be erected in a location which will, does, or may, in the opinion of the officer adversely affect the safety of the public, vehicular or pedestrian traffic; or constitute an obstruction of view for vehicular or pedestrian traffic;**
- p) No vehicle shall be parked or situated in such a manner as to obstruct the view of adjacent property owners.**
- q) Objects such as surplus building materials, lumber, farm machinery, construction equipment, masonry units and stove wood may be stored in the rear yard in the rural areas as defined under the terms of the Restricted Area Zoning By-Law for the Township of Bonfield.**

3.1.1 Vacant Lands and Buildings

- a. 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 where applicable.**
- b. Vacant land shall be maintained to the standards as described in Section 3.1(a) to (f), (i) and (k) to (q) of this By-Law, as amended from time to time.**

- c. Vacant land shall be graded, filled or otherwise drained to prevent recurrent ponding of water.
- d. 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.
- e. The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

3.1.2 Non Residential Property Standards

- a. 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 where applicable.

Non-Residential – Yards

- b. The yards of non-residential properties shall be maintained to the standards as described in Section 3.1 of this By-Law, as amended from time to time.
- c. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide un-obstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

Parking Areas and Driveways

- d. All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, inter-locking brick, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- c. All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained to afford safe passage under normal use and weather conditions.

Structural Soundness

- f. Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- g. Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

Exterior Walls

- h. Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors shall be maintained in good repair free from cracked, broken or loose masonry units, stucco and other defective cladding or trim.
- i. Exterior walls of a building or a structure and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

Guardrails

- j. A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

Lighting

- k. All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties. However, lighting shall not be positioned to cause any impairment of use or enjoyment of neighbouring properties.

3.2 Sewage and Drainage

- a) Sewage or organic waste shall be discharged into a sewerage system where such a system exists. Where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the Ministry of the Environment or the North Bay-Mattawa Conservation Authority.
- b) Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- c) No roof drainage shall be discharged on sidewalks, stairs or neighbouring property.
- d) Storm water shall be drained from the yard so as to prevent excessive ponding or the entrance of water into a basement or cellar.

3.3 Safe Passage

Steps, walks and driveways shall be maintained so as to afford safe passage under normal use and weather conditions.

3.4 Accessory Buildings and Fences

- a) Accessory buildings and fences shall be kept in good repair and free from health, fire and accident hazards.
- b) Exteriors of accessory buildings shall be kept weather resistant through the use of appropriate weather resistant material.

3.5 Garbage Disposal

- a) Every building, dwelling or dwelling unit shall be equipped with sufficient receptacles to contain all garbage, refuse and ashes that accumulate in the yard, dwelling and/or building(s).
- b) Receptacles for garbage shall be made of metal, plastic, or wood, of water tight construction, provided with a tight fitting cover and maintained in a clean state.
- c) Plastic Garbage bags, when adequately secured so as to prevent spillage, shall be considered to be acceptable receptacles as prescribed in Section 3.5.(b).
- d) Paper bags of any type shall not be considered as acceptable receptacles. Such bags, when used to contain garbage shall be placed in receptacles as prescribed in Section, 3.5.(b) and 3.5.(c).
- e) Plastic garbage bags shall not be stored outside a building unless contained in an enclosed structure or metal or plastic container with the cover securely in place.
- f) The occupants of each self contained dwelling unit shall be entitled to keep and maintain containers and piles of compost, which container or pile of compost within the Hamlets of Bonfield and Rutherglen shall have a volume not greater than 2 cubic metres.

3.6 Pest Prevention

- a) A building shall be kept free from rodents, vermin and insects at all times, and methods used for exterminating rodents or insects shall be in accordance with the provisions of the current Provincial Pesticides Act and all regulations passed pursuant thereto.
- b) Basement or cellar windows, used or required for ventilation and any other opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.

3.7 Foundations

- a) The foundation walls and basement, cellar or crawl space floors shall be maintained in good repair and be structurally sound, and where necessary shall be maintained by shoring of the walls, grouting masonry cracks, waterproofing the walls or floors and installing subsoil drains at footing levels.
- b) Every basement, cellar and crawl space in a building shall be drained, and ventilated.

3.8 Overall Structure

- a) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use; materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- b) All exterior surfaces shall be of materials which provide adequate protection from the weather.
- c) The exterior walls, roof and other parts of a building shall be free from loose, rotten, warped and broken materials and objects; such materials and objects shall be removed, repaired or replaced.

3.9 Thermal Insulation

Thermal insulation of buildings to minimize heat losses shall be done in accordance with the provisions of the Ontario Building Code where necessary and practicable.

3.10 **Exterior Walls**

The exterior walls and their components of a building shall be maintained so as to prevent their deterioration due to weather and insects and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and walls themselves, by the installing or repairing or termite shields and by the treating of the soil with appropriate pesticides.

3.11 **Roofs**

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

3.12 **Dampness**

The interior floors, ceilings and walls of a building shall be kept free from dampness arising from the entrance of moisture through an exterior wall or through a roof or through a cellar, basement or crawl space.

3.13 **Doors and Windows**

a) Windows and exterior doors and frames and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the building.

b) Rotted or damaged doors, door frames, window frames, sashes and casings, weather stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

3.14 **Stairs and Porches**

Inside or outside stairs and porches shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

3.15 **Egress**

a) There shall be provided and maintained a secondary means of egress from the building for every dwelling unit located on each floor above the first floor and for two or more dwelling units located in the basement, so as to provide a safe and convenient means of egress in case of an emergency.

b) The means of egress must be maintained in an operable condition; cannot be locked or rendered inoperable by someone on the inside seeking to leave the building and must not be obstructed by furniture or other materials.

c) Every existing residential unit must have a smoke alarm(s) in conformance with Municipal By-Laws with respect to Early Warning Devices.

d) The sprinkler systems and fire alarm systems installed in commercial or multi unit residential structures must be maintained in operating order.

3.16 **Walls and Ceilings**

a) Every wall and ceiling finish shall be maintained in a clean condition and free from holes, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space.

b) Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which maintains their fire resistant quality.

3.17 **Floors**

- a) Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards or material that might cause an accident, and all defective floor boards or materials shall be repaired or replaced.
- b) The floor of every bathroom, shower room and toilet room shall be so maintained as to be resistant to water and readily cleaned.

3.18 **Cleanliness**

Every floor, wall, ceiling and fixture in a building shall be maintained in a clean and sanitary condition, and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.

3.19 **Water**

Where a piped water system is available in the municipality:

- a) Every dwelling unit shall be provided with an adequate supply of drinkable running water from a source approved by the local Medical Officer of Health.
- b) Adequate running water shall be supplied to every water closet.
- c) Every sink, wash basin, bathtub or shower shall have an adequate supply of hot and cold running water.

3.20 **Plumbing**

All plumbing, pipes and plumbing fixtures shall be kept in good working condition and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.

3.21 **Toilet, Kitchen and Bathroom Facilities**

- a) Every self contained dwelling unit shall be provided with at least one kitchen sink, water closet, wash basin, and bathtub or shower and an acceptable means of sewage disposal.
- b) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodations other than self contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The number of toilets, kitchen or bathrooms required shall be related to the number of occupants sharing the facility in accordance with the Ontario Building Code.

3.22 **Kitchens**

- a) Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold water where available, storage facilities, a counter top work area and space for a stove and refrigerator.
- b) Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes.
- c) There shall be at least thirty inches (30") clear space above any exposed cooking surface or as prescribed by the Ontario Building Code.

3.23 **Heating System**

- a) Every dwelling shall be provided with suitable heating facilities capable of maintaining an indoor temperature of 20 degrees C (70 degrees F) for all dwelling units contained therein.

b) The required heating system shall be maintained in good working condition so as to be capable of heating the dwelling or dwelling units safely to the required standards.

c) No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movement of persons within the room where the heater is located.

d) Where buildings contain two or more dwelling units, fuel fired heating appliances shall be located safely enclosed or separated from the remainder of the building in conformance with the Ontario Building Code.

3.24 Chimneys

a) Any heating or cooking apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smokepipe, vent pipe or similar adequate chimney in conformance with the regulations set out in the Ontario Building Code.

b) Such heating or cooking apparatus or cooking equipment shall be properly connected to the chimney or flue by a permanently sealed connection.

c) All connections between gaseous and liquid fuel burning appliances and equipment shall be maintained in good repair.

d) All gaseous and liquid fuel burning appliances and equipment shall be CSA approved and installed and maintained in accordance with the Manufacturer's written specifications and may not be modified in contravention of the Manufacturer's written directions and specifications.

3.25 Electrical Services

a) Where available, electrical facilities complying with the requirements of the Ontario Hydro shall be provided for all residential accommodations.

b) Existing wiring and electrical facilities complying with the requirements of the Ontario Hydro shall be provided for all residential accommodations.

c) Existing wiring and electrical equipment shall be in good, serviceable and safe condition, as required by the Ontario Hydro.

3.26 Windows and Illumination

a) Every habitable room, except for a kitchen, shall have a window or windows, skylights or translucent panels that face directly to the outside with an unobstructed light transmitting area of not less than ten percent of the floor area of such room. The glass area of a sash door may be considered as a portion of the required window area.

b) All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.

3.27 Ventilation

a) Every habitable room shall have an opening or openings for natural ventilation and such openings shall have a minimum aggregate unobstructed free flow area of three square feet.

b) An opening for natural ventilation may be omitted from a kitchen, living room or living-dining room if mechanical ventilation is provided which changes the air once each hour.

- c) Every bathroom or toilet room shall be provided with an opening or openings for natural ventilation or a system of mechanical ventilation which operates continuously or whenever the light is turned on in the bathroom or toilet room.

3.28 Occupancy Standards

- a) No person shall use, or permit the use of, a non-habitable room in a building for a habitable purpose.
- b) The maximum number of occupants in a dwelling unit shall not exceed one person per 100 square feet of habitable room floor area; any child under one year of age shall not be counted when computing the number of occupants; any child over one year, but less than, twelve years shall be deemed one-half person in the computation of the number of occupants.
- c) The floor area under a ceiling which is less than 7 feet high shall not be counted for the purpose of computing habitable room space.
- d) Every room used for sleeping purposes in a dwelling or dwelling unit shall provide a minimum width of 6 feet and 600 cubic feet of air space for each occupant; the corresponding floor area should be not less than 60 square feet for the first occupant and not less than 40 square feet for each additional occupant.

4. CHIEF BUILDING OFFICIAL TO ENFORCE BY-LAW

- 4.1 The Chief Building Official of the Township of Bonfield shall act as Property Standards Officer and shall enforce the provisions of this By-Law.
- 4.2 If, after inspection, the officer is satisfied that, in some respect, the property does not conform to the standards prescribed herein, he shall serve a notice on the owner of the property and such other persons affected by it as the officer determines.
- 4.3 After affording a person served with notice provided for by Section 4.2 an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing;
 - a) the municipal address or the legal description of such property.
 - b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition and the period in which there must be compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner, and
 - c) the final date for giving notice of appeal from the order.
- 4.4 A notice or order under Section 4.2 or 4.3, when sent by registered mail, shall be sent to the last known address of the person to whom it is sent.
- 4.5 If the officer is unable to effect service under Section 4.2 or 4.3, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other person.

5. **PROPERTY STANDARDS COMMITTEE**

- 5.1 A Property Standards Committee is hereby established to review the orders issued by an officer under Section 4.
- 5.2 The Committee shall be composed of three (3) ratepayers of the Township of Bonfield to be appointed by the Council of the Corporation, based on replies to an advertisement which shall be published through normal circulation.
- 5.3 The terms of office for the members of the Committee shall be for the same three (3) year term of Council.
- 5.4 All members shall serve beyond their terms of office as required until re-appointed or replaced by municipal council.
- 5.5 The Committee shall;
 - a) elect a chairperson from its members, and
 - b) make provisions for a secretary of the committee, said secretary being an employee of the Corporation other than an officer.
- 5.6 When the chairperson is absent through illness or otherwise, the Committee may appoint another member to act as Chairperson protempore.
- 5.7 In the event of a vacancy in the membership of the Committee the Council of the Corporation shall forthwith fill the vacancy based on replies to an advertisement for the ratepayer, which shall be placed on the Municipal Web Site and posted in the Municipal Office.
- 5.8 Two (2) members of the Committee shall constitute a quorum.
- 5.9 Any member of the Committee may administer oaths for the purposes of this By-Law.
- 5.10 A member of the Council of the Corporation or an employee of the Corporation or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection.
- 5.11 The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee.
- 5.12 When an owner or occupant upon whom an order has been served in accordance with this By-Law is not satisfied with the terms or conditions of the order, he may appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- 5.13 The secretary of the Committee, in receipt of the notice of appeal referred to in Section 5.12, shall:
 - a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and
 - b) give notice in writing of the date, place and time of the hearing referred to in Section 5.13.(a) to:
 - (I) the Members of the Committee,
 - (II) the appellant,
 - (III) the officer who issued the order, and
 - (IV) any other interested persons who appeared at the appearance held pursuant to Section 4.3, said notice to be served personally or by registered mail.

5.14 The Committee shall:

- a) hold the hearing referred to in Section 5.13 at the date, place and time set out in the notice, and
- b) have all the powers and functions of an officer.

5.15 The Committee may adopt its own rules of procedure.

5.16 The applicant may appear with or without counsel at the hearing, to present his/her appeal.

5.17 The Corporation shall be represented at the hearing by the Municipal Solicitor, or his duly authorized subordinate or assistant, who is entitled to reply to the appeal presented on behalf of the applicant.

5.18 The Committee may:

- a) confirm the order,
- b) modify or quash the order, or
- c) extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of this By-law and of the Official Plan of the Corporation are maintained.

5.19 The Committee shall give its decision in writing.

5.20 The Secretary of the Committee shall notify the following of the decision, by causing a copy to be served personally or by registered mail:

- a) the appellant,
- b) the officer who issued the order, and
- c) any other person who appeared at the hearing of the appeal.

5.21 Honorarium shall be paid to members of the Committee set by council for each meeting attended.

6. CERTIFICATE OF COMPLIANCE

6.1 Following the inspection of a property, the officer may, or on request of an owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-law.

6.2 Where a certificate of compliance referred to in Section 6.1 is issued at the request of the owner, the owner shall be required to pay a fee of \$10.00 to the Corporation of the Township of Bonfield.

7. **PENALTIES**

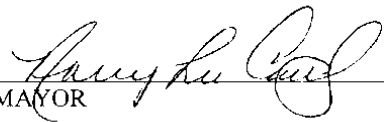
- 7.1 An owner who fails to comply with an order that is final and binding is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.00 for a first offence and to a fine of not more than \$50,000.00 for any subsequent offence.
- 7.2 Despite subsection 7.1, if a corporation is convicted of an offence, 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.

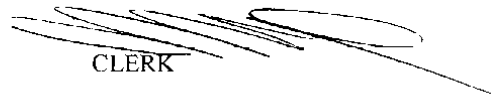
8. **REPEALS**

- 8.1 By-Law number 99-17 is hereby repealed.

READ A FIRST AND SECOND TIME THIS 14th DAY OF SEPTEMBER, 2004.

READ A THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF APRIL, 2005.


MAYOR


CLERK