

Legislation Details (With Text)

File #:	17-G-287	Version:	1	Name:	
Type:	Staff Report	Status:		Carried	
File created:	11/2/2017	In control:		City Council	
On agenda:	11/20/2017	Final action:		11/20/2017	
Title:	PROPERTY STANDARDS BY-LAW 2011-138 AND YARD MAINTENANCE BY-LAW 2011-107 REVIEW				

1. That Property Standards By-law 2011-138 be amended as follows:
 - a) To remove all prescriptive timelines for compliance and replace with Officer's discretion to permit a reduced timeline for compliance while keeping with the legislative requirements for the appeal processes;
 - b) To ensure property owners keep all swimming pools, hot tubs, wading pools and artificial ponds in good operating condition so as to prevent a breeding place for mosquitos and other insects;
 - c) To prohibit the use of extension cords for extended periods of time or on a permanent basis;
 - d) To require property owners to ensure there are no dangerous or excessive accumulations of snow and ice on roofs of buildings;
 - e) To enhance the Pest Prevention Section to include the requirement for openings and holes in buildings, chimneys etc. to be screened or sealed to prevent entry of rodents, vermin, insects, birds or other pests as is deemed appropriate;
 - f) To identify that the termination of a handrail be constructed in such a manner as to not create a hazard or obstruct pedestrian travel;
 - g) To regulate exterior lighting from a residential property to ensure it does not shine directly into an adjacent dwelling unit;
 - h) Creation of a Penalty Section which outlines a failure to comply with an order causes a person to be guilty of an offence and upon conviction is liable for a fine pursuant to the Building Code Act 1992, S.O. 1992, c. 23 as amended;
 - i) To clarify wording within the definitions and other sections; and
 - j) To provide for administrative amendments to various sections related to headings, legislative references and numbering as is deemed necessary.
2. That Yard Maintenance By-law 2011-107 be amended as follows:
 - a) To remove all prescriptive timelines for compliance and replace with Officer's discretion to permit reduced timelines for compliance;
 - b) To insert new or enhanced definitions such as Graffiti, Material Contraventions, Officer etc., which will provide clarification;
 - c) To reword Enforcement powers to identify that where no material contravention is deemed to

exist by the Officer or Supervisor, no further action will be taken at the time;

d) To require property owners to ensure there are no excessive accumulations of snow or ice on roofs of buildings so as to pose a safety hazard to persons or property;

e) To enhance the Excavations Section to clearly state that unlevelled or uncovered fill shall not be left longer than seven (7) days unless the property is an active construction site where a building permit has been issued or where it is actively being farmed or where permission has been granted as part of a City works contract etc.; and

f) To enhance the Landscaping and Tree Section as follows:

i. To require property owners to remove all dead, decayed or damaged trees and branches to ensure the tree is safe and sound;

ii. To require all hedges, shrubs, trees or other plants to be planted and maintained in a manner that does not jeopardize the safety of the public, obstruct the view for vehicular traffic, affect the safety of vehicular or pedestrian traffic, overhang or encroach on any pavement, sidewalk or travelled portion of any street or highway; and

iii. To require owners to obtain all necessary permission or permits prior to the removal of any trees as is deemed appropriate.

g) To create specific regulations related to the maintenance and removal of garbage or debris surrounding approved or permitted outdoor donation collection bins; and

h) To provide for administrative amendments to various sections related to headings, legislative references, and numbering, as is deemed necessary.

3. That staff be authorized to make application to the Ministry of the Attorney General for set fines related to the Yard Maintenance By-law, with fine amounts ranging from \$100.00 to \$1,000.00 based on the nature of the offence.

4. That the Fees By-law be amended effective May 1, 2018 to increase cost recovery associated with Property Standards and Yard Maintenance violations/matters as set out in Appendix "A" to Staff Report LCS013-17. (LCS013-17) (File: P01) (P3/16 and P3/17)

Sponsors:

Indexes:

Code sections:

Attachments: 1. LCS013-171113.pdf

Date	Ver.	Action By	Action	Result
11/20/2017	2	City Council	Adopted	
11/13/2017	1	General Committee	recommended for adoption (Section "F")	

PROPERTY STANDARDS BY-LAW 2011-138 AND YARD MAINTENANCE BY-LAW 2011-107 REVIEW

1. That Property Standards By-law 2011-138 be amended as follows:

a) To remove all prescriptive timelines for compliance and replace with Officer's discretion to permit a reduced timeline for compliance while keeping with the legislative requirements for the appeal processes;

b) To ensure property owners keep all swimming pools, hot tubs, wading pools and artificial ponds

in good operating condition so as to prevent a breeding place for mosquitos and other insects;

- c) To prohibit the use of extension cords for extended periods of time or on a permanent basis;
- d) To require property owners to ensure there are no dangerous or excessive accumulations of snow and ice on roofs of buildings;
- e) To enhance the Pest Prevention Section to include the requirement for openings and holes in buildings, chimneys etc. to be screened or sealed to prevent entry of rodents, vermin, insects, birds or other pests as is deemed appropriate;
- f) To identify that the termination of a handrail be constructed in such a manner as to not create a hazard or obstruct pedestrian travel;
- g) To regulate exterior lighting from a residential property to ensure it does not shine directly into an adjacent dwelling unit;
- h) Creation of a Penalty Section which outlines a failure to comply with an order causes a person to be guilty of an offence and upon conviction is liable for a fine pursuant to the *Building Code Act 1992, S.O. 1992, c. 23* as amended;
- i) To clarify wording within the definitions and other sections; and
- j) To provide for administrative amendments to various sections related to headings, legislative references and numbering as is deemed necessary.

2. That Yard Maintenance By-law 2011-107 be amended as follows:

- a) To remove all prescriptive timelines for compliance and replace with Officer's discretion to permit reduced timelines for compliance;
- b) To insert new or enhanced definitions such as Graffiti, Material Contraventions, Officer etc., which will provide clarification;
- c) To reword Enforcement powers to identify that where no material contravention is deemed to exist by the Officer or Supervisor, no further action will be taken at the time;
- d) To require property owners to ensure there are no excessive accumulations of snow or ice on roofs of buildings so as to pose a safety hazard to persons or property;
- e) To enhance the Excavations Section to clearly state that unlevelled or uncovered fill shall not be left longer than seven (7) days unless the property is an active construction site where a building permit has been issued or where it is actively being farmed or where permission has been granted as part of a City works contract etc.; and
- f) To enhance the Landscaping and Tree Section as follows:
 - i. To require property owners to remove all dead, decayed or damaged trees and branches to ensure the tree is safe and sound;
 - ii. To require all hedges, shrubs, trees or other plants to be planted and maintained in a

manner that does not jeopardize the safety of the public, obstruct the view for vehicular traffic, affect the safety of vehicular or pedestrian traffic, overhang or encroach on any pavement, sidewalk or travelled portion of any street or highway; and

- iii. To require owners to obtain all necessary permission or permits prior to the removal of any trees as is deemed appropriate.
 - g) To create specific regulations related to the maintenance and removal of garbage or debris surrounding approved or permitted outdoor donation collection bins; and
 - h) To provide for administrative amendments to various sections related to headings, legislative references, and numbering, as is deemed necessary.
3. That staff be authorized to make application to the Ministry of the Attorney General for set fines related to the Yard Maintenance By-law, with fine amounts ranging from \$100.00 to \$1,000.00 based on the nature of the offence.
4. That the Fees By-law be amended effective May 1, 2018 to increase cost recovery associated with Property Standards and Yard Maintenance violations/matters as set out in Appendix "A" to Staff Report LCS013-17. (LCS013-17) (File: P01) (P3/16 and P3/17)