

# THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

## BY-LAW # 83-07

**BEING** a by-law to provide for the safety of properties in the Township of North Frontenac and to repeal By-law # 6-98 entitled the "Safe Property By-law".

**WHEREAS** Council has authority to pass by-laws for the health, safety and welfare of the municipality and its inhabitants including, without limiting its generality,

- a) requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident pursuant to Section 130 of the *Municipal Act, 2001*, and;
- b) requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yard and vacant lots pursuant to Section 127 of the *Municipal Act, 2001*, and;
- c) authorizing the pulling down or repairing or renewing of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident pursuant to Section 118 of the *Municipal Act, 2001*;

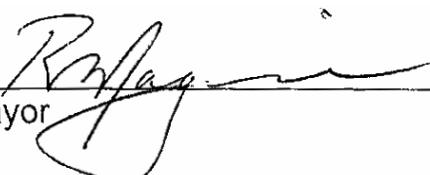
**NOW THEREFORE** the Council of the Corporation of the Township of North Frontenac HEREBY ENACTS AS FOLLOWS:

1. **THAT** no owner or occupant of any property shall cause, allow or permit any building, yard, lot or grounds to be or remain in a condition contrary to the requirements of this by-law.
2. **THAT** every property in the municipality shall be kept in a neat, tidy and safe condition consistent with surrounding properties, and free from:
  - a) rubbish, garbage, waste and other debris on the property, or which may blow or drift or otherwise be transported onto neighboring properties;
  - b) long grass, discarded brush and clippings, excessive weed growth, or any other condition that may promote or be susceptible to fire or infestation by weeds, rodents and other noxious conditions;
  - c) timber, lumber, building materials or any other type of product or materials stored or kept under conditions that are unsafe from fire or other dangerous risk or accident;
  - d) scrap and junk material including, without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof, 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;
  - e) any pit, precipice, excavation or deep waters that are unfenced or unprotected against dangerous risk or accident;
  - f) buildings, fences, scaffolding, retaining walls or any other erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident;
  - g) any combustible, flammable, volatile, caustic or explosive substance unless stored under conditions that are safe and free from risk of fire or accident.

3. **THAT** the owner of every property shall be responsible for the rubbish, garbage, waste or other debris which has blown, drifted or otherwise been transported from his property including the collection and removal of the rubbish, garbage waste or other debris as directed by a by-law enforcement officer or peace officer.
4. **THAT** any by-law enforcement officer or peace officer, or any person acting on the officer's instructions, may at all reasonable times and upon producing proper identification, enter onto any property for the purpose of inspecting the property to determine whether there has been a contravention of this by-law.
5. **THAT** an officer who finds a contravention of this by-law may, in addition to any other legal remedies or enforcement proceedings available to the municipality, make an order directing compliance with this by-law and may require the order to be carried out immediately or within such time as is specified in the order.
6. **THAT** the order shall be served by personal service or by registered mail on the owner of the property as appears on the last revised rolls of the municipality, and any other person whom the officer believes is contravening this by-law.
7. **THAT** the order shall contain sufficient information to specify the nature of the contravention, its location, a description of the work required to bring the property into conformity with this by-law, and a statement that failure to comply with the order within the time specified shall entitle the municipality itself or by its contractors or agents to enter onto the property without further notice for the purpose of performing the work set out in the order and otherwise bringing the property up to the standards prescribed by this by-law and recovering all expenses incurred in so doing by action or in like manner as municipal taxes.
8. **THAT** notwithstanding the foregoing, if upon inspection of a property, an officer is satisfied that the property poses an immediate danger to the health or safety of any person, the officer may perform or cause to be performed at the owner's expense such remedial repairs or other work necessary to terminate the immediate danger.
9. **THAT** every person who fails to comply with an order issued under the provisions of this by-law, or who contravenes any other provision of this by-law is guilty of an offence and on conviction is liable to a minimum fine of not less than five hundred dollars (\$500.00) and not more than the maximum fine of five thousand dollars (\$5,000.00).
10. **THAT** if an owner or occupant of a property fails to comply with an order issued pursuant to this by-law, the municipality shall have the right to enter onto the property without further notice and to carry out such work as to otherwise bring the property up to the standards prescribed in the order at the expense of the owner, and the municipality may recover the expense of performing such work by action or in like manner as municipal taxes.
11. **THAT** By-law #6-98 and all resolutions, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law are hereby repealed.
12. **THAT** this by-law shall come into force and take effect on the date of its passing.
13. **THAT** this by-law shall be referred to as the "Safe Property By-law".

READ a first and second time this 13<sup>th</sup> day of December, 2007.

READ a third time and finally passed this 13<sup>th</sup> day of December, 2007.

  
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Mayor

  
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Clerk