



AGENDA / ORDRE DU JOUR
REGULAR COUNCIL MEETING / RÉUNION RÉGULIÈRE DU CONSEIL

Wednesday, June 20, 2018 at 6pm / mercredi le 20 juin 2018 à 18h
Council Chambers / Salle du conseil

- 1. Call to Order and Roll Call / Ouverture de la réunion et présence**
- 2. Adoption of Agenda / Adoption de l'ordre du jour (and Additions if applicable)**
- 3. Disclosure of Pecuniary Interest / Déclarations d'intérêts pécuniaires**
- 4. Delegations / Délégations**
 - 4.1** Meghan Perrin, Centre de santé communautaire de Sudbury-East
Presentation of the Community Transportation Program for Sudbury-East and ask Council to discuss the structure that needs to be in place for strategic guidance of the program
 - Resolution to approve next steps
- 5. Reports and Items for Consideration / Rapports et sujets pour considération**
 - 5.1 General Government / Gouvernement général**
 - 5.1.1** Resolution to approve the attendees at AMO Conference August 19-22 in Ottawa
 - 5.2 Finance / Finances (NIL)**
 - 5.3 Public Works & Environment Services / Travaux public et services de l'environnement**
 - 5.3.1** Update - NOHFC Youth Intern Recruitment
 - 5.3.2** Report & Resolution - Award purchase of a Multi-purpose Utility Machine **p.3**
 - 5.3.3** Report & Resolution - Award purchase of a Zero turn lawn tractor **p.4**
 - 5.3.4** Report & Resolution - Award contract for the replacement of the Public Works Garage **p.5**
Steel Roof
 - 5.3.5** Resolution to approve the land acquisition adjacent to the landfill site
 - 5.3.6** Resolution to adopt a By-law to authorize the Service Agreement with Ontario Clean **p.6**
Water Agency (OCWA) (*recommendation from Public Works & Environmental Committee Meeting held May 22, 2018*)
 - 5.4 Community Services / Services communautaires**
 - 5.4.1** Resolution to approve a Grants and Subsidy Application from Paroisse Notre Dame de Lourdes for a hall rental fee rebate for their annual parish dinner held on August 19th
 - 5.5 Emergency Services and Public Safety / Services d'urgence et sécurité publique**
 - 5.5.1** Report - Manitoulin-Sudbury District Services Board by Councillor Wenborne **p.7**
 - 5.5.2** Resolution to adopt a By-law to Appoint a Fire Chief (*from June 6th meeting*) **p.9**
 - 5.6 Development & Planning / Développement et planification**
 - 5.6.1** Report & Resolution - Direction to staff on next steps for Travel Trailer Provisions **p.10**
 - 5.7 Correspondence / Correspondance (NIL)**

6. Consent Agenda / Ordre du jour regroupé

6.1 Adoption of Minutes / Procès-verbaux adoptés

6.1.1 Combined Council Meeting held June 6, 2018 **p.24**

6.2 Receipt of Minutes / Procès-verbaux reçus (NIL)

6.3 Items for Consideration or Information / Items pour consideration ou information (NIL)

6.4 By-laws / Règlements

6.4.1 2018-28 Property Standards By-law (*from May 2nd meeting*) **p.31**

6.4.2 2018-29 Clean Yard By-law (*from May 2nd meeting*) **p.52**

6.4.3 2018-37 Building By-law (*from June 6th meeting*) **p.63**

6.4.4 2018-38 Lease Financing Agreement with Stak Fitness for a five year lease term **p.79**
to purchase fitness equipment (*from June 6th meeting*)

7. Notices of Motion / Avis de motion

7.1 Direction to staff to present financial information relating to the payment of the Municipal **p.80**
Complex debt and relating to investment opportunities for Council's consideration
Motion submitted by Councillor Lamothe

8. Announcement and Inquiries / Annonce et questions

9. Closed Session / Session à huis clos

- under section 239 (2) (a) "the security of the property of the municipality or local board" with respect to an update on the terms of the Agreements with the French River Rapids

10. Adjournment / Ajournement

Resolution to adopt Confirmation By-law

Resolution to adjourn



Municipality of French River
Report to Council
by the Public Works & Environmental Department

RE: Tender Results Multi-purpose Utility Machine

OBJECTIVE: To award the Tender for the new Multi-Purpose Utility Machine.

BACKGROUND:

The current 30hp Kabota tractor is no longer functioning (motor issues), a tender was issued on April 3, 2018 to replace this tractor. The intent of this tender was to purchase one machine to be able to accomplish all current tasks.

ANALYSIS:

The Request for Tender #2018-06 was issued with the deadline of April 26, 2018. The tenders were opened publicly by staff on April 30, 2018. One submission was received from McDowell Brothers Industries Inc. for the base price of \$72,685.

The following chart is an analysis of the total costs excluding HST for the recommended award of the contract.

	Base price	attachments	total
Original tender	72,685	18,735 (note 1)	91,420
Second tender	62,800	13,549 (note 2)	76,349

Note 1: Attachments included, snow blower, mower, bucket, blade

Note 2: Attachments included, snow blower, bucket, sand spreader

The difference in the cost is attributed to the removal of turf tires and other features that were removed. Since we would not be using this machine to cut grass turf tires were not required.

*Another report follows to award the purchase of a second lawn mower.

BUDGET/LEGAL IMPLICATIONS: Included in the capital budget for 2018 in the amount of \$70,000 by the equipment reserve.

CONCLUSION/RECOMMENDATIONS: It is recommended that Council award the tender to McDowell Brothers Industries Inc. for \$76,349.00 plus applicable HST.

Respectfully submitted:

Approved:

Robert Martin
Acting Director Public Works And Environmental
Date: June 15 , 2018

Marc Gagnon
Chief Administrative Officer



Municipality of French River
Report to Council
by the Public Works & Environmental Department

RE: tender results for the purchase of Zero turn lawn tractor

OBJECTIVE: To award tender for the new zero tractor.

BACKGROUND:

The new Multi Purpose Utility Machine will not be able to cut grass therefore, a tender was issued on May 22, 2018, to purchase a second Zero turn tractor.

ANALYSIS:

The Request for Tender #2018-16 was issued with the deadline of June 5, 2018. The tenders were opened by staff on June 11, 2018. One submission was received from Noëlville Rental & Sales Corp. for the base price of \$8,800 for a 48 inch unit and \$13,399 for a 54 inch unit.

BUDGET/LEGAL IMPLICATIONS:

Funds taken from Reserves.

CONCLUSION/RECOMMENDATIONS: It is recommended that Council award the tender to Noëlville Rental & Sales for \$13,399.00 plus applicable HST.

Respectfully submitted:

Approved:

Robert Martin
Acting Director Public Works And Environmental
Date: June 15 , 2018

Marc Gagnon
Chief Administrative Officer



Municipality of French River
Report to Council
by the Public Works & Environmental Department

**RE: Tender results for the replacement of the steel roof at the
Public Works Garage**

OBJECTIVE: To award tender for the replacement of Steel Roof.

BACKGROUND:

The roof at the Public Works Garage has been leaking for a number of years. Tenders have been submitted a few years past, the tender was not issued because of budget restraints.

ANALYSIS:

The Request for Tender #2018-004 was issued on March 21, 2018 with the deadline of April 11, 2018. The tenders were opened by staff on April 11, 2018.

The following chart is an analysis of the total costs excluding HST for the recommended award of the contract.

Name of Contractor	Total cost	Requirements Met
Northern Corrugated Siding	\$58,995	Yes
Lantaigne Services	\$97,625	Yes
192922 Ontario Limited	\$93,400	Yes

BUDGET/LEGAL IMPLICATIONS:

Budgeted in 2018 Capital Budget.

CONCLUSION/RECOMMENDATIONS: It is recommended that Council award the tender to Northern Corrugated Siding for \$58,995.00 plus applicable HST.

Respectfully submitted:

Approved:

Robert Martin
Acting Director Public Works And Environmental
Date: June 15 , 2018

Marc Gagnon
Chief Administrative Officer

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-39

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A SERVICE AGREEMENT WITH ONTARIO CLEAN WATER AGENCY

WHEREAS Section 10. of the Municipal Act, 2001 S.O. 2001, c. 25, as amended to October 22, 2008, provides that a municipality may pass a by-law for any service that the municipality considers necessary or desirable for the public;

AND WHEREAS Council deems it desirable to execute a Service Agreement with Ontario Clean Water Agency (OCWA) for the provision of management, operations and maintenance services of the Noëlville Wastewater Lagoon and Collection System;

NOW THEREFORE, THE COUNCIL FOR THE MUNICIPALITY OF FRENCH RIVER ENACTS AS FOLLOWS:

1. The Mayor and Clerk are hereby authorized to enter into a Service Agreement with Ontario Clean Water Agency (OCWA) for the provision of management, operations and maintenance services of the Noëlville Wastewater Lagoon and Collection System.
2. The terms and conditions of the Service Agreement shall be as set out in Schedule 'A', attached hereto and forming part of this By-law;
3. This By-law shall come into force and take effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20th DAY OF JUNE, 2018.**

MAYOR

CLERK

MUNICIPALITY OF FRENCH RIVER

REPORT TO MAYOR AND COUNCIL

MSDSSB BOARD MEETING MARCH 22, 2018

The meeting opened with a report from the Program Planning Committee (PPC) that dealt with several matters of governance that now seemed to be redundant and changes to others to bring them up to date. The intention is for several of the proposed changes to take effect as of Jan. 1, 2019. The expectation is that the changes will bring more relevance to several procedures for the incoming Board.

The PPC also heard reports on the DSSAB Child Care Quality Assurance program and the Homelessness Enumeration efforts. Referring to child care the report stated that the DSSAB'S 17 child care programs and 4 EarlyOn Centres were functioning well and achieving the standards required. (hard to believe that there are that many)

The homelessness counting in all of the DSSAB catchment area will be underway in a couple of weeks. The work will be carried out by a contractor. In our small towns and very rural area – it is not expected to find many genuinely homeless persons. Most of these unfortunate folks tend to migrate to the larger centres where there are more services for them. The count is intended to be conducted during the week of April 16 to the 22. In French River the count will be done in Noelville.

The last matter dealt with by the PPC was the matter of funding from the Province to improve Social Housing units and reduce Greenhouse Gas emissions. The MSDSSB will be asking for \$4,163,701.00 to be used for our Social Housing retrofits. There is a lot of work that can be carried out in all the units that will lower heating costs and make the units more comfortable to live in. Of course, that will only increase demand and the length of the waiting lists. We will know by April 16 if our request is successful or partly so. If we get any money the work must be completed by Mar. 31, 2021.

EMS Chief Robert Smith reported to the Board that the discussions with the City of Greater Sudbury regarding ambulance maintenance has been successful and the MSDSSB is moving ahead with consummating the agreement to begin the maintenance at the Sudbury fleet services facility. This should be a very beneficial arrangement with less ambulance downtime and new vehicles on the road much more quickly.

The Chief also reported on how well our ambulance service meets the expected response time standards for the 5 different kinds of emergency calls they receive. It is comforting to know that our service does very well in this regard keeping in mind that the service sets response times with our very rural geography in mind and how our ambulance locations are manned. It is a challenging goal that is set and those challenges are met most of the time.

The MSDSSB received a letter from the Ministry of Education regarding additional funding coming for the Early Years Child Care programs that is intended to offset any fee increases to parents that might (will) result from the higher wages now having to be paid to employees at the child care centres. With two increases from the Government totaling about 103 million dollars for 2018 one can readily see the impact of the minimum wage increase in 2018 that was \$2.60 per hour.

It is wonderful – more taxpayer dollars to help fund other taxpayers! Even more wonderful is knowing that we present taxpayers do not even have to pay any! It is all borrowed.

On that inspiring note I will close for this very unofficial report. There are always the minutes that can be read for the real thing.

Councillor: Dean Wenborne

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-36

BEING A BY-LAW TO APPOINT A FIRE CHIEF

WHEREAS Council has enacted By-law 99-8, to establish a Fire Department;

AND WHEREAS Section 6 of the Fire Protection and Prevention Act, 1997, provides that if a Fire Department is established for the whole or part of the municipality, the Council shall appoint a Fire Chief for the Fire Department;

NOW THEREFORE the Council of The Corporation of the Municipality of French River hereby enacts as follows:

1. That Roch Bigras is hereby appointed as Fire Chief of the Corporation of The Municipality of French River Fire Department.
2. That this by-law shall come into force and take effect on the day it is passed.
3. That By-law 2015-67 is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20th DAY OF JUNE, 2018.**

MAYOR

CLERK



Municipality of French River

Report CL-09-2018
of the Clerk's Department
For Consideration by Council

RE: Travel Trailers

OBJECTIVE: To provide an update to Council on the proposed Zoning By-law Amendment to regulate the use of travel trailers in certain zones and the development of a licensing by-law and to receive approval on the next steps.

BACKGROUND:

In December 2016, resulting from reported travel trailer contraventions with respect to the zoning by-laws in Sudbury East, the Planning Board requested the Director of Planning to review the enforcement efforts of other municipalities in Ontario.

The Director of Planning reviewed, compared and met with the Chief Building Officials of Sudbury East to discuss enforcement of travel trailer contraventions; a report dated January 12, 2017 was presented to the Sudbury East Planning Board at their meeting held January 12, 2017 and to Council at their meeting held January 18th, 2017. The report included the findings, provided options and recommendations relating to enforcement standards that are regulated in other municipalities that face similar challenges with travel trailers.

At the Council Meeting held February 1st, an ad hoc committee was established to consider amendments to the provisions for Travel Trailers within the Zoning By-law.

The ad hoc committee held its first meeting on February 3rd and defined the objectives of the amendments. From these recommendations, the Director of Planning drafted a Zoning By-law Amendment and a licensing by-law which were shared with Council at their Meeting held July 19th.

The ad hoc committee further met on August 29th to review and discuss the draft documents; their comments were provided to Council for consideration at their Meeting held September 6th.

At the Council Meeting held September 13th, 2017, Council agreed to provide the Draft Zoning By-law Amendment and Draft Travel Trailer Licensing By-law to the Sudbury East Planning Board which represents the recommended comments prepared by the Travel Trailer ad hoc Committee.

ANALYSIS:

Over the course of this process, the Director of Planning along with the Shared Sudbury East Building and By-law Department staff, the CAOs and the Clerks of the Sudbury East Municipalities have consulted to further discuss and review the Draft Zoning By-law Amendment and Draft Travel Trailer Licensing By-law.

All potential issues, impacts and options in relation to the proposed licensing and regulating of travel trailers need to be considered along with the benefits of recognizing the culture and common feature of our rural areas and the use of travel trailers.

The purpose and the benefits of the comprehensive research is:

- to ensure that all potential issues, impacts and options in relation to planning matters have been considered with respect to the Building Code, the Official Plan and the Zoning By-law
- to ensure that restrictions are in place and considered to preserve and protect the environment in relation to sewage and waste water disposal
- to fully comprehend and determine the administrative responsibilities of the licensing program
- to ensure the best course of action on enforcement standards for potential contraventions

Resulting from the consultations, the Final Draft Zoning By-law Amendment and Final Draft Travel Trailer Licensing By-law are attached. Please note that the Draft documents are still subject to be amended resulting from comments from agencies such as the Planning Board, staff and resulting from public feedback. Any changes will be further reported to Council for consideration

INTERDEPARTMENTAL IMPACTS:

The Sudbury East Building and By-law Services Department will administer the licenses.

CONCLUSION/RECOMMENDATIONS:

It is recommended that Council consider the following course of action:

Notice of Public Review and Comment

- provide notice in the July mail out of Tax Bills of the consultation period on the proposed change in regulated use of travel trailers in certain zones and the development of a licensing by-law and inform of the process to get further information and provide comment (have an info package on website, municipal office, libraries, potential public meeting)
- August 31st, 2018 - deadline for comments from consultation period
- early September - staff will report all comments and present recommendations to the ad hoc committee

Implementation

- September 19th Council Meeting - recommendations from ad hoc committee presented to Council for consideration relating to the Application for a zoning by-law amendment to the Planning Board and adopt the licensing by-law to be in effect May 1, 2019.

ATTACHMENTS:

Draft Zoning By-law Amendment
Draft Travel Trailer Licensing By-law

Respectfully submitted:

Approved:

Mélanie Bouffard
Clerk
Date: June 15, 2018

Marc Gagnon
Chief Administrative Officer

THE MUNICIPALITY OF **

BY-LAW 201**-**

Being a By-law to amend Zoning By-law 2014-**, as amended
(Municipality of **)

WHEREAS By-law 2014-23 Municipality of ** has been passed, being a Zoning By-law to regulate the use of land and the character, location, and use of buildings and structures, in the Municipality of French River, under the authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of ** may amend such By-law in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of ** has received an application to amend such By-law;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF ** ENACTS AS FOLLOWS:

1. Section(s) 6, "GENERAL PROVISIONS" of By-law 2014-** of the Municipality of ** is hereby amended by the addition of the following:

Section 6.56 TRAVEL TRAILERS

The *use* of trailers for ~~permanent or~~ temporary human habitation is permitted in the following zones:

- i) in a Waterfront Residential (WR) Zone, a maximum of one (1) *trailer* equipped with toilet facilities, serviced with adequate potable water supply, and connected to an approved sewage holding tank or septic system leaching bed or confirmation of sufficient reserve capacity for hauled sewage, including treatment capacity for hauled sewage from individual on-site services shall be provided may be used for temporary human habitation provided that a detached *dwelling* exists on the property, is in compliance with the *setback* provisions for the *zone*, and that such *trailer* has a current license issued in accordance with the *Municipality's* Trailer Licensing By-law under the authority of the Municipal Act. Such *structure* shall cease to be used for human habitation upon expiry of the license.

- ~~Setback~~ at least 30 meters from the high-water mark and where it does not negatively impact the view of the waterfront of adjacent properties.

- ii) in a Rural (RU) Zone, a **maximum of two (2) trailer(s)** equipped with toilet facilities, serviced with adequate potable water supply, and connected to an approved sewage holding tank or septic system leaching bed or confirmation of sufficient reserve capacity for hauled sewage, including treatment capacity for hauled sewage from individual on-site services shall be provided may be used for temporary human habitation provided that a detached *dwelling* exists on the property, is in compliance with the *setback* provisions for the *zone*, and that such *trailer(s)* have a current license issued in accordance with the *Municipality's* Trailer

Licensing By-law under the authority of the Municipal Act. Such *structure(s)* shall cease to be used for human habitation upon expiry of the license.

~~iii) In a Rural Zone (RU), a maximum of one trailer equipped with toilet facilities, serviced with adequate potable water supply, and connected to an approved sewage holding tank or septic system leaching bed may be used for temporary human habitation on an existing vacant lot, is in compliance with the setback provisions for the zone, and provided such trailer has a current license issued in accordance with the Municipality's Trailer Licensing By-law under the authority of the Municipal Act. Such structure shall cease to be used for human habitation upon expiry of the license.~~

- ~~• An accessory use to a trailer shall not include a sleep cabin or a second trailer on a lot.~~
- ~~• A trailer on an individual lot is subject to site plan control (i.e. installation of on-site sewage and water services, landscaping, groundcover)~~

- Schedule "A" is hereby declared to form part of this By-law.
- This By-law shall take effect on the date of passage and come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

READ A FIRST AND SECOND TIME this ** day of **, 2018.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

READ A THIRD TIME AND FINALLY PASSED this ** day of **, 2018.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

By-Law 20**-**

BEING A BY-LAW TO LICENSE TRAILERS IN THE MUNICIPALITY OF **

WHEREAS the *Municipal Act*, S.O. 2001, Section 164 authorizes a municipality to pass by-laws to license trailers.

NOW THEREFORE the Municipality of ** and ENACTS the following:

SECTION 1 - TITLE AND APPLICATION

- 1.1 This By-law shall be cited as the "Trailer License By-law"
- 1.2 This by-law does not apply to:
 - a) Assessed Trailers as defined in Section 2.4
 - b) Trailers located in Campgrounds as defined in Section 2.5.
 - c) A Stored Trailer as defined in Section 2.3.
- 1.3 This By-law applies to any trailer, even if the trailer was placed on the property prior to date of enactment of this By-law.

SECTION 2 - DEFINITIONS

- 2.1 Municipality means the Corporation of the Municipality of ** and shall be defined as the lands and premises within the corporate limits.
- 2.2 **TRAILER** means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for the living, sleeping, or eating accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include but are not limited to a tent trailer, a camper trailer, a recreational trailer, a fifth wheel, a bus converted into a motor home, a motor home, a truck camper but does not include a mobile home.
- 2.3 **STORED TRAILER** means any trailer located on a property only for the purpose of storing such trailer for use at any location other the property upon which it is stored.
- 2.4 **ASSESSED TRAILER** means any trailer legally located on a property and that is assessed under the *Assessment Act*.
- 2.5 **CAMPGROUND** means a commercial establishment used for seasonal

recreational activity as grounds for camping, and wherein camping in trailers is permitted.

- 2.6 **PERMANENT BASIS** means either year-round occupancy or occupancy by persons who do not maintain elsewhere a usual or normal place of residence.

SECTION 3 - LICENSE AND REGULATIONS

- 3.1 No person shall keep or permit to be kept a trailer, on any property within the Municipality for more than 14 consecutive days in any given year, unless such trailer is licensed under this By-law. For clarity, pursuant to **Section **** of this By-law this requirement to obtain a license applies to trailers which were located on property prior to the date of passage of this By-law.
- 3.2 A license issued pursuant to this by-law authorizes the use and maintenance of a trailer for temporary accommodations only. The issuance of a license does not grant the licensee the authority to occupy the trailer on a permanent basis. In furtherance of the foregoing, no person shall occupy or permit to be occupied a trailer during the period commencing December 1st of a calendar year and ending April 30th of the following calendar year.
- 3.3 The issuance of a license is not intended and shall not be construed as permission or consent by the Municipality for the holder of the license to contravene or to fail to observe or comply with any law of Canada, Ontario or any By-law of the Municipality
- 3.4 An uncovered deck not exceeding 10 square meters (107.6 square feet) in area and not attached to the trailer and access stairs to the trailer are allowed. No other structure is permitted to be located within 5 meters of the licensed trailer.
- 3.5 The provisions of Section 3.3 do not apply to existing buildings and structures that were attached or adjacent to a trailer in existence on the date of passage of this By-law, and for which a license has been issued in .
- 3.6 A maximum of one trailer is permitted on a single conveyable parcel of land. For clarity, the presence of one or more Stored Trailers on a conveyable parcel would not preclude the issuance of a license for one trailer as per Zoning By-law.
- 3.7 The owner of the property upon which the trailer is to be located shall consent its placement on the property.

SECTION 4 - LICENSE EXEMPTIONS

4.1 Where the owner of land has obtained a building permit for the construction of a single detached dwelling, and that owner wishes to use a trailer for temporary accommodation while constructing such dwelling, the Owner may apply for permission to do so and be exempted from the requirement to obtain a license under this By-law. The Municipality may grant such exemption on the condition that the Owner enter into an agreement with the Municipality which, among other things, provides for the removal of the trailer.

SECTION 5 - LICENSE APPLICATION AND FEES

5.1 All applications for such license shall be made to the Municipality upon the prescribed form attached to this By-law as Schedule "A" and shall include the submissions referenced therein, including payment of the License Fee required in Schedule "B".

5.2 No license shall be issued:

- a. Unless the trailer for which such license is issued is located in compliance with the setback requirements for a dwelling unit as prescribed by the Corporation of the Municipality of ** Zoning By-law, for the zone in which the lands are located. (Note: This subsection shall become effective upon the date upon which the foregoing Zoning By-law comes into effect.) and/or
- b. Where there exist any prohibited decks, porches, entry stairs, sunrooms, roofed enclosures, or similar structures which are to be or are attached to a trailer or located adjacent to a trailer for the purpose of complimentary use, except as provided in Section 3.3.

5.3 The Municipality may issue the following class of licenses:

- a. Annual license – this license authorizes the placement of the trailer upon a property for a complete calendar year or any portion thereof, and its occupancy between May 1st and November 30th in the calendar year;

5.4 Licenses shall be displayed in or upon on the trailer in a place that can be seen easily from the outside of the trailer.

5.5 All Annual Licenses expire on November 30th on the date specified in the license.

SECTION 6 - ADMINISTRATION AND ENFORCEMENT

6.1 The administration and enforcement of this By-law is delegated to the

Clerk Treasurer, the Chief Building Official and the By-law Officer for the Municipality of **. The Clerk shall have the authority to issue permits under this by-law; notwithstanding the foregoing, the Clerk, in his/her discretion, may refer applications to Council.

- 6.2 Any Person who contravenes any provision(s) of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
- 6.3 Each day that a contravention of this By-law continues shall constitute a separate offence.
- 6.4 Every person who provides false information in any application for a license under this By-law or in an application for a renewal of license is guilty of an offence.
- 6.5 Where a conviction is entered under this section, in addition to any other remedy or any penalty provided by law, the court in which the conviction was entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 6.6 If the Municipality is satisfied that a contravention of this by-law has occurred, the Municipality may make an order requiring the person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the trailer to discontinue the contravening activity.
- 6.7 Any person who contravenes an order made under subsection 6.6 is guilty of an offence.
- 6.8 Every contravention of this By-law may be restrained by application at the instance of a taxpayer or of the Municipality in accordance with the provisions of the *Municipal Act*, 2001.
- 6.9 A municipal employee, staff person, agent or contractor hired by the Municipality, accompanied by any person under his or her direction, may enter onto any land that is used or believed to be used in contravention of this by-law for the purposes set out in subsection 436 (1) of the *Municipal Act*, 2001 and shall have all powers of inspection set out in subsection 436(2) of the Act.
- 6.10 Any trailers used, maintained or located in contravention of this By-law shall be removed from the lot, at the expense of the Owner of the lot. Failure to remove any trailers from a lot within the time prescribed by the By-law Officer may result in the removal of said trailer by the Municipality, at the expense of the Owner of the lot.

SECTION 7 - VALIDITY AND EFFECTIVE DATE

- 7.1 If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

- 7.2 This By-law shall come into effect on the date of the third reading and it being passed, subject to the proviso in section 5.2(a) as it relates thereto.

READ A FIRST AND SECOND TIME, THIS

Mayor

Clerk

READ A THIRD TIME AND FINALLY PASSED

Mayor

Clerk

Schedule A to By-law

APPLICATION FOR TRAILER LICENSE:

(Complete and attach all information prior to submitting)

Information noted with an asterisk is optional subject to "Notes" set out below)

1. Applicant Information

Name: _____

Mailing Address: _____

Phone Number _____

*Email: _____

Note: If Applicant is not the registered owner of the property, the Applicant must have the owner's consent to apply for such license.

Note: A Phone number may be a permanent "land line" or Cell Number.

2. Property Information

Property Owner: _____

Civic Address: _____

*Roll Number: _____

*Proof of Ownership: Attach copy of parcel register or deed.

Note: If no civic address has been assigned for this property, one must be applied for prior to submitting this application

Note: Either the MPAC Roll Number must be included or Proof of Ownership must be attached.

3. Trailer Information:

Make & Model: _____

Serial Number or VIN: _____

Please attach four pictures of trailer if already located on the property. (One of each side of trailer.)

4. License Requested

Place a check mark beside applicable class of license

requested Annual _____

Applications for an Annual License received prior to April 1st will be eligible for the early license fee set out in Schedule B to the Trailer Licensing By-law.

5. Services Information

Will the trailer be connected to a sewage disposal system that exists on the property? No _____

Yes _____

If yes, please provide the following:

Sewage System Building Permit or Certificate of Approval which indicates that connection of trailer to such system has been approved.

Will a grey water pit be utilized? No _____

Yes _____

Will the site be serviced with an outhouse? No _____

Yes _____

If the trailer is not connected to a holding tank or sewage disposal system, or is not serviced by a grey water pit or outhouse, please provide the following:

_____ Dumping receipts from an accredited dumping facility or service provider

_____ Confirmation for the use of a certified portable receptacle

Will the trailer be directly connected to electrical services? No _____

Yes _____

If yes please provide the Electrical Safety Authority approval for connection. This requirement only applies if the trailer will have a direct connection to the electricity distribution system (i.e. not an extension cord plugged into an outlet.)

6. Required Submissions

Site Plan – a drawing showing the location or proposed location of the trailer in relation to the boundaries of the property and including all existing buildings, sewage systems, wells, and watercourses/waterbodies. Such drawing shall be scaled or, where the property is large, measurements shall be included indicating the distance of the trailer from property boundaries, existing buildings, wells and watercourses/waterbodies.

Proof of Property Ownership – as required under section 2 Pictures - as required under section 3 above.

Permits/Approvals referenced in section 5 above if

applicable. Applicable Fee:

Annual License \$200.00 **\$150.00 if license is applied for before April 1st**

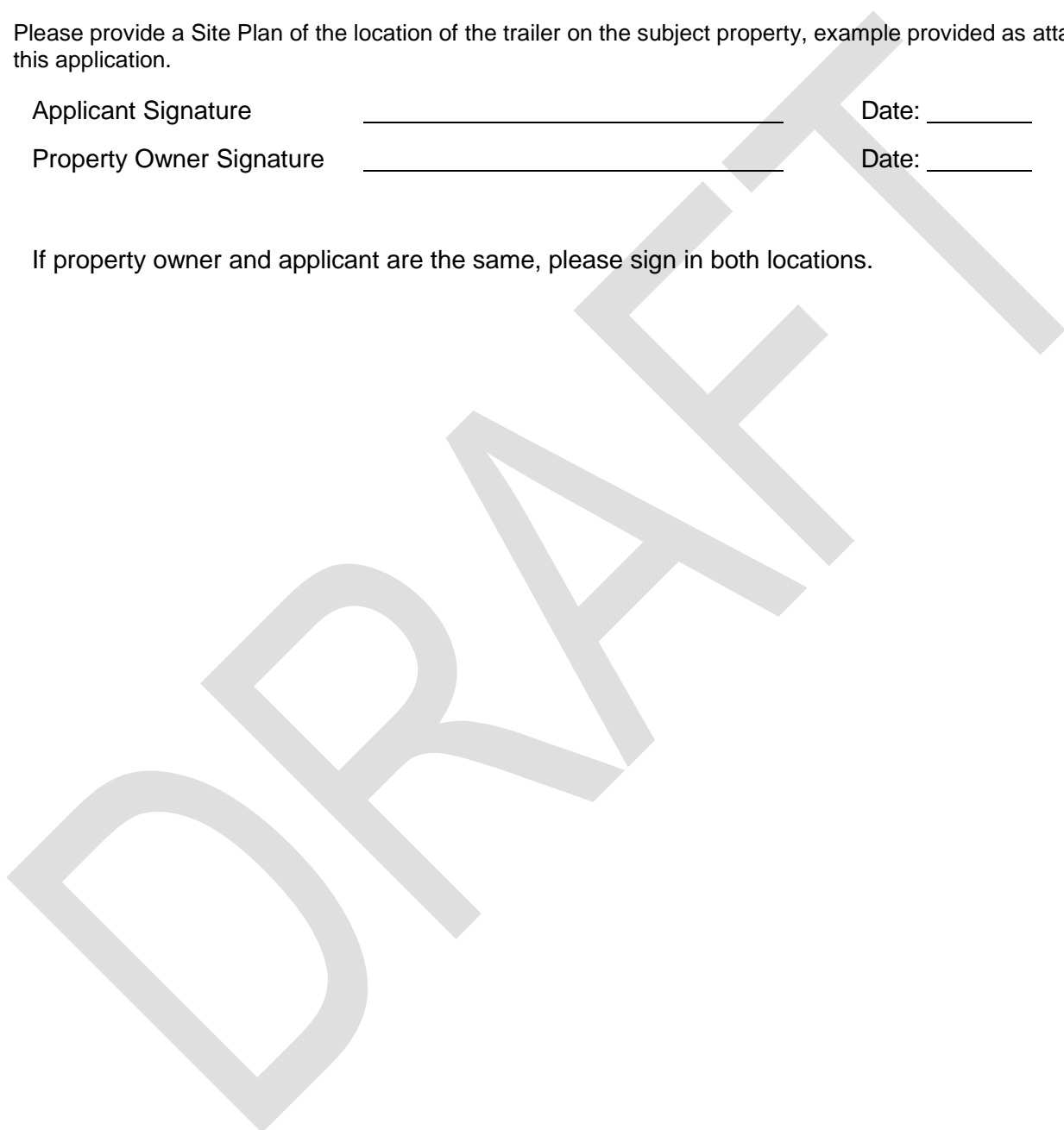
7. Site Plan

Please provide a Site Plan of the location of the trailer on the subject property, example provided as attached to this application.

Applicant Signature _____ Date: _____

Property Owner Signature _____ Date: _____

If property owner and applicant are the same, please sign in both locations.



Schedule B to By-law ~

License Fees:

Annual Fee: \$ 200.00(for Applications received on or after April 1.)
 \$150.00 (for Applications received before April 1.)

DRAFT

PART 1 – PROVINCIAL OFFENCES ACT MUNICIPALITY OF **

TRAVEL TRAILER BY-LAW –

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Fail to obtain a license for trailer over 14 day limit	3.1	150.00
2	Fail to vacate trailer from the months of December 1 st to April 30 th	3.2	150.00
3	Allow additions to be built to a trailer other than an uncovered, unattached deck not exceeding 10 sq. m. and access stairs	3.4	150.00
4	Having more than 1 trailer per property	3.6	150.00
5	Allow person to locate trailer on his/her property without license	3.7	150.00
6	Fail to display license so it can easily be seen from the outside of the trailer	5.4	150.00
7	Providing false information on their license application	6.4	150.00
8	Obstruct person designated to enforce this by-law	6.9	150.00

Note: The Penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33.



Municipality of French River

**MINUTES OF THE
COMBINED COUNCIL MEETING**

held in the Council Chambers
Wednesday, June 6, 2018 at 6pm

Members Present:

Mayor Claude Bouffard(Chair), Councillors Michel Bigras, Ronald Garbutt, Malcolm Lamothe, Gisèle Pageau, Denny Sharp, Dean Wenborne

Members Excused:

Officials Present:

Marc Gagnon, Chief Administrative Officer
Mélanie Bouffard, Clerk
Tom Ng, Treasurer/Tax Collector
Carlie Zwiers, Executive Assistant
Alain McCann, Chief Building Official

Guests:

5 Members of public

1. Call to order and roll call

The Chair called the meeting to order at 6:00 p.m.

2. Adoption of Agenda (*and Additions if applicable*)

Moved By Ron Garbutt and Seconded By Gisele Pageau

Resol. 2018- 131

BE IT RESOLVED THAT the following amendment to the agenda be approved as presented:

That Item 10.1 Notice of Motion submitted by Councillor Lamothe be placed as a Discussion at Item 6.1.4.

Carried

Moved By Malcolm Lamothe and Seconded By Dean Wenborne

Resol. 2018- 132

BE IT RESOLVED THAT the agenda be approved as amended.

Carried

3. Disclosure of Pecuniary Interest

Councillors Malcolm Lamothe and Gisèle Pageau declared a pecuniary interest at Item 9.3.2; they are members of the Club Richelieu.

4. Delegations (NIL)

5. Resolution to resolve into Committee

Moved By Mike Bigras and Seconded By Gisele Pageau

Resol. 2018- 133

BE IT RESOLVED THAT Council now go into Committee of the Whole to consider delegations, reports and correspondence for consideration.

Carried

COMMITTEE OF THE WHOLE

Councillor Gisèle Pageau chaired the Committee of the Whole meeting.

6. Reports and Items for Consideration

6.1 General Government

6.1.1 Report - Canada Day Event

The Executive Assistant presented the report and informed Council on the schedule of events of the Canada Day Festivities.

6.1.2 Report - Fitness Centre Update

The Executive Assistant presented the report and an update on the administration of the Community Fitness Centre and the need to replace equipment; a By-law will be adopted to authorize the Lease Agreement for the purchase of equipment at the June 20th Regular Council Meeting.

6.1.3 Resolution to pass a By-law to authorize a Funding Agreement with the Association of Municipalities of Ontario (AMO)

The CAO presented the report included in the agenda package and informed that the deadline to provide AMO with the By-law to authorize the Funding Agreement for the transfer of Main Streets Revitalization Initiatives funds from AMO is June 20, 2018. The potential eligible projects will be further discussed at a subsequent meeting.

Moved By Ron Garbutt and Seconded By Denny Sharp

Resol. 2018- 134

BE IT RESOLVED THAT By-law 2018-33, being a by-law to authorize a Funding Agreement for the transfer of Main Streets Revitalization Initiatives funds from Association of Municipalities of Ontario (AMO) be read a first, second and third time and finally passed.

Carried

6.1.4 Disbursement Reports, Motion submitted by Councillor Malcolm Lamothe

The Notice of Motion (included in the agenda package) submitted by Councillor Malcolm Lamothe was moved as a Discussion Item to allow for an open discussion; the Motion's purpose is to allow Council to monitor finances by having a monthly detailed trial balance report that would include each budget account, the current balance, the current list of expenditures, the supplier and the amount incurred.

The CAO and the Treasurer informed that the current financial reporting to Council includes Monthly Disbursement Reports (which includes a list of all expenditures and amounts) and Quarterly Budget vs Actual Reports (which includes each budget account, the budgeted amount and the current balance).

Based on several comments from Council and since the upgraded software, Staff have been working on different formats to improve the transparency of financial reporting to Council; a trial format was scheduled for the next quarterly report due at the July 18th meeting. However, the report might not meet the extent of detail as required by the proposed Motion.

Following discussion, Council generally agreed to wait for the new formatted Quarterly Budget vs Actual Report scheduled to be reported in July and that a Detailed Trial Balance Report also be presented at the same time for comparison, then the Notice of Motion could be deliberated at a subsequent meeting.

6.2 Finance (NIL)

6.3 Public Works & Environment Services (NIL)

6.4 Community Services

6.4.1 French River Public Library Board Report

Councillor Gisèle Pageau, member of the Board, presented a monthly report.

6.5 Emergency Services and Public Safety (NIL)

6.6 Development & Planning

6.6.1 Presentation of the Draft Building By-law

The Chief Building Official presented the draft by-law and the new Fee Schedule that will standardize regulations throughout the Shared Building and By-law Department; the By-law will be adopted at the June 20th meeting.

6.7 Correspondence (NIL)

REGULAR MEETING

Mayor Claude Bouffard resumed the position of Chair for the remainder of the meeting.

7. Verbal Motion to return into the Regular Meeting

Moved by: Dean Wenborne

Resol. 2018- 135

THAT the Committee rise and report.

8. Consideration of the adoption of recommendations from Committee of the Whole

Moved By Malcolm Lamothe and Seconded By Gisele Pageau

Resol. 2018- 136

BE IT RESOLVED THAT the actions taken in Committee of the Whole in considering delegations, reports and correspondence be confirmed by this Council.

Carried

9. Consent Agenda

The following motion was presented to adopt the items contained in the Consent Agenda:

Moved By Ron Garbutt and Seconded By Denny Sharp

BE IT RESOLVED THAT Council approves the Items of the Consent Agenda under Sections 9.1, 9.3, 9.4 and receives the Items under Sections 9.2.

Resol. 2018- 137

Carried

Item 9.3.2 was taken out of the Consent Agenda to allow debate.

9.1 Adoption of Minutes

Moved By Ron Garbutt and Seconded By Denny Sharp

Resol. 2018- 138

BE IT RESOLVED THAT Council adopts the following minutes as presented:

Regular Council Meeting held May 16, 2018

Carried

9.2 Minutes Received (NIL)

9.3 Items for Consideration or Information

9.3.1 Monthly Disbursements Report

The total disbursements reported for the month of April 2018 was in the amount of \$ 1,464,620.76.

9.3.2 Item was separated from the Consent Agenda to allow debate.

9.3.3 Resolution to declare a community event of municipal significance

Moved By Ron Garbutt and Seconded By Denny Sharp

Resol. 2018- 139

BE IT RESOLVED THAT Council declares the Canada Day Event being held July 1, 2018 at the Noëlville Community Centre as community event of municipal significance.

Carried

9.3.4 Resolution to approve the annual financial contribution of \$150 towards the 2018 École St. Antoine 8th Grade Graduation

Moved By Ron Garbutt and Seconded By Denny Sharp

Resol. 2018- 140

BE IT RESOLVED THAT Council approves the annual financial contribution of \$150 to École St. Antoine for the 2018 8th Grade Graduation prizes for students.

Carried

9.4 By-laws

9.4.1 Member Agreement with reThink Green

Moved By Ron Garbutt and Seconded By Denny Sharp

Resol. 2018- 141

BE IT RESOLVED THAT By-law 2018-34, being a by-law to authorize a Green Economy North / Smart Green Communities Member Agreement with reThink Green be read a first, second and third time and finally passed.

Carried

Item separated from the Consent Agenda to allow debate

9.3.2 Resolution to declare a community event of municipal significance

Moved By Ron Garbutt and Seconded By Mike Bigras

Resol. 2018- 142

BE IT RESOLVED THAT Council declares the Family Ball Tournament hosted by Club Richelieu Rivière des Français being held on August 10-12, 2018 as community event of municipal significance.

Carried

Disclosure of Pecuniary Interest

Name: Councillors Malcolm Lamothe and Gisèle Pageau

Disclosed his/her (their) interest(s), abstained from discussion and did not participate on this Item.

10. Notices of Motion

Item 10.1 Notice of Motion submitted by Councillor Lamothe was placed as a Discussion at Item 6.1.4

11. Announcement and Inquiries

Bob Armstrong, thanked Council for their service to the people of French River and acknowledged that their roles are difficult and challenging and that many personal sacrifices are made when becoming a local politician and that more people should really try to understand what it's like to be in that role.

12. Closed Session

Moved By Gisele Pageau and Seconded By Malcolm Lamothe

Resol. 2018- 143

BE IT RESOLVED THAT the meeting be closed as authorized in the Municipal Act pursuant to Section 239 (2) (a) "the security of the property of the municipality or local board" with respect to an update on the terms of the Agreements with the French River Rapids, to section 239 (2) (c) "proposed or pending acquisition or disposition of land" with respect to a proposed land acquisition and to section 239 (2) (d) "labour relations or employee negotiations" with respect to a performance evaluation of a senior employee.

Carried

Moved By Gisele Pageau and Seconded By Ron Garbutt

Resol. 2018- 145

BE IT RESOLVED THAT the open session reconvenes at 8:10 p.m.

Carried

As a result of the Closed Session, the Mayor reported that the Agreement negotiations with the Rapids are ongoing, that a resolution will be brought forward at the June 20th meeting relating to a land acquisition and that the Interim Fire Chief will be formally appointed as Fire Chief at the June 20th meeting.

Councillor Mike Bigras declared a pecuniary interest in Closed Session and left during the subject discussion; he is the father of the Interim Fire Chief.

13. Adjournment

Moved By Ron Garbutt and Seconded By Malcolm Lamothe

Resol. 2018- 146

BE IT RESOLVED THAT By-law 2018-35, being a by-law to confirm the proceedings of the Council of the Corporation of the Municipality of French River at a meeting held on June 6, 2018 be read a first, second and third time and finally passed.

Carried

Moved By Dean Wenborne and Seconded By Malcolm Lamothe

Resol. 2018- 147

BE IT RESOLVED THAT the meeting be adjourned at 8:11 p.m.

Carried

MAYOR

CLERK

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-28

BEING A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE AND
OCCUPANCY OF PROPERTY IN THE MUNICIPALITY

WHEREAS under Section 15.1 (3) of the Building Code Act, S.O. 1992, c23 as amended, a by-law may be passed by the council of a municipality prescribing the standard for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Municipality of French River includes provisions relating to property conditions;

AND WHEREAS the Council of The Municipality of French River is desirous of passing a by-law under Section 15.1 (3) of the Building Code Act, S.O. 1992, C23 as amended;

AND WHEREAS Section 15.6 (1) of the Building Code Act, S.O. 1992, c23 as amended requires that a by- law passed under Section 15.1 (3) of the Building Code Act, S.O. 1992, c23 as amended shall provide for the establishment of a Property Standard Committee;

AND WHEREAS Section 426 of the Municipal Act, S.O. 2001, c 25, as amended, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

NOW THEREFORE the Council of The Municipality of French River hereby enacts the following:

SECTION I – DEFINITIONS

In this by-law:

1.01 "Accessory Building" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.

1.02 "Agricultural Operation" means an agricultural operation as defined by the Farming and Food Protection Act, S.O. 1998, c.1;

1.03 "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.

1.04 "Approved" means acceptance by the Property Standards Officer.

1.05 "Basement" means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.

1.06 “Chief Building Official” means the Chief Building Official (CBO) appointed by Council under the Building Code Act, S.O. 1992, c 23, as amended, or the person who is appointed to act in that capacity during his or her absence;

1.07 "Cellar" means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.

1.08 “Committee” means a Property Standards Committee as defined in the Ontario Building Code Act

1.09 “Debris” shall mean, but is not limited to, garbage, rubbish, refuse or wrecked, decayed, dilapidated, or inoperative motor vehicles, vehicles or machinery and parts thereof;

1.10 “Domestic Waste” means any debris, rubbish, refuse, sewage, effluent, discard or garbage arising from residential household use, belonging to or associated with a house or use of a house or residential land, which for greater certainty includes all garbage, discarded material or items, broken or dismantled items, and materials or items exposed to the elements, deteriorating or decaying on land due to exposure or the weather, and for even greater certainty “domestic waste” includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:

- a. Broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, and waste lumber, excepting only cut and stacked;
- b. Paper, paper cartons and other paper products;
- c. Rotting vegetable matter, or rotting animal matter;
- d. Disconnected appliances, including refrigerators, stoves, freezers, or any part or parts of such items;
- e. Furnaces or furnace parts, ducting, pipes, fittings to pipes and wire;
- f. Water or fuel tanks;
- g. Inoperative machinery, inoperative motor vehicles, unlicensed vehicles and vehicles without visual proof of current validation, and parts or accessories of such items including tires, building or construction materials, other than those on site for ongoing construction;
- h. Accumulations of broken concrete or asphalt pavement, brick pavers, sidewalk slabs and used building materials;
- i. Materials resulting from the alteration, repair or demolition of any building or structure;
- j. Sewage;
- k. Containers such as crockery, dishes, glassware, pots and pans and cans.

Domestic Waste as defined in this by-law does not cease to become domestic waste by reason only that it may be commercially saleable or recyclable

1.11 "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.

1.12 "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.

1.13 "First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.

1.14 "Guard" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

1.15 "Habitable Room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.

1.16 "Industrial Waste" means any debris, rubbish, refuse, sewage effluent, discard, or garbage of a type arising from industrial, manufacturing, commercial or construction operations or belonging to or associated with an industry or commerce or industrial or commercial land, which for greater certainty includes all garbage, discarded material or items, broken or dismantled items, and due to exposure to the weather, and for even greater certainty "industrial waste" includes but is not limited to the following classes of material regardless of the nature condition of the material, article or items:

- (a) Debris, discarded items or matter, or effluent which in whole or in part are derived from or are constituted from or consist of,
 - (i) Animal or vegetable matter, paper, lumber or wood; or
 - (ii) Mineral, metal or chemicals, or fill contaminated with petrochemical or petroleum products;
- (b) Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials;
- (c) Automotive parts not packaged for immediate shipment, inoperative vehicles, unplated vehicles and vehicles without visual proof of current validation, vehicle parts, inoperative mechanical equipment, mechanical parts, accessories or adjuncts to the vehicle and mechanical equipment not contained in a legal salvage yard;
- (d) Piping, ducting tubing conduits, cable, wire and fittings or related accessories with or without adjuncts, and not packaged for immediate shipment;
- (e) Material resulting from or as part of construction, demolition, repair or renovation projects including debris and leftovers;
- (f) Rubble or fill;
- (g) Sewage;
- (h) Ashes;
- (i) Dust emanating from the operation of the enterprise;
- (j) Broken bricks, concrete or asphalt; and

Industrial Waste as defined by this by-law does not cease to be industrial waste reason only that it may be commercially saleable or recyclable.

1.17 "Infestation" means the presence of an unusually large number of insects or animals in a place, typically so as to cause damage or disease.

1.18 “Lagoon” means a Ministry of Environment approved waste stabilization pond consisting of an earthen basin designed and built for wastewater treatment to reduce the organic content and remove pathogens from wastewater.

1.19 "Means of Egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.

1.20 "Multiple Dwelling" means a building containing three or more dwelling units.

1.21 “Municipality” means the Corporation of the Municipality of French River.

1.22 “Municipal Law Enforcement Officer” means the officer in charge of the By-law Enforcement of the Corporation of the Municipality of French River or his or her authorized subordinates or assistants;

1.23 "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-Law.

1.24 "Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.

1.25 “Occupant” means any person or persons over the age of 18 years in possession of the land;

1.26 “Officer” means a municipal law enforcement officer (MLEO), a building inspector, a fire prevention officer, a fire fighter, a health inspector, a weed inspector appointed under the Weed Control Act or any other person appointed or employed by the municipality for the enforcement of by-laws and includes a peace officer;

1.27 “Owner” includes:

- Both the owner in trust and the beneficial owner of land;
- The person for the time being managing or receiving rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, who would receive the rent if the land and premises were let; and
- A lessee or occupant of the land who manages or controls the condition of the land;

1.28 “Person” means an individual, firm, corporation, association or partnership.

1.29 "Refuse" means any article, thing, matter, substance or effluent that:

- Has been cast aside, discharged or abandoned, or
- Is disused from its usual and intended use, or
- Is used up, in whole or in part, or expanded or worn out, in whole or in part; and
- Shall include domestic and industrial waste;

1.30 "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 lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

1.31 "Service room" means a room provided in a building to contain equipment associated with building services.

1.32 "Sewage" includes any liquid waste containing human, vegetable or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off

1.33 "Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-Law.

1.34 "Standing water" means any water on property other than:

- a. A natural, moving body of water that exists on a permanent basis;
- b. A body of water that is maintained in such a way so as to prevent the breeding of and/or larvae growth of mosquitoes, through the operation of a re-circulation and filtration system and/or the additive of an approved substance that will prevent the breeding of and/or larvae growth of mosquitoes;
- c. Any body of water containing live fish;
- d. Any body of water natural to its surrounding environment including natural ponds, bogs, marshes and wetlands
- e. Any body of water within a municipally owned storm water management facility or lagoon; and
- f. Any body of water contained for less than four (4) days.

1.35 "Toilet Room" means a room containing a water closet and a washbasin.

1.36 "Yard" means the developed area on land or portion thereof other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

SECTION II - GENERAL STANDARDS FOR ALL PROPERTY

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

YARDS

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

- (1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- (2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business or enterprise lawfully situated on the property;
- (3) long grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*;
- (4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (5) injurious insects, termites, rodents, vermin or other pests;
- (6) wells must be capped with a secure and structurally adequate top to the satisfaction of the officers to prevent persons and animals from falling through and to prevent the infiltration of water and as per Ministry of Environment (MOE) requirements
- (7) abandoned dug and drilled wells shall be filled or sealed with approved material and by a qualified contractor as per MOE guidelines
- (8) dead, decayed or damaged trees or other natural growth within the boundaries of the Municipality.

SURFACE CONDITIONS

2.03 Surface conditions of yards shall be maintained so as to:

- (1) prevent ponding of storm water;
- (2) prevent instability or erosion of soil;
- (3) prevent surface water run-off from entering basements;
- (4) not exhibit an unsightly appearance;
- (5) be kept free of garbage and refuse;
- (6) be kept free of deep ruts and holes;
- (7) provide for safe passage under normal use and weather conditions, day or night; and
- (8) not to create a nuisance to other property.

SEWAGE AND DRAINAGE

2.04 Sewage shall be discharged into an approved and appropriate sewage system.

2.05 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.

2.06 Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

2.07 Storm water and pumped discharge water shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a building and in a manner that will minimize erosion of the property and adjacent properties.

2.08 Storm water and pumped discharge water shall not be discharged in to a municipal sanitary system.

2.09 Eavestroughs and downspouts shall be maintained in good repair.

PARKING AREAS, WALKS AND DRIVEWAYS

2.10 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, interlocking bricks, compacted stone or gravel and shall be kept in good repair free of dirt and litter.

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

EXTERIOR WALLS, ACCESSORY BUILDINGS, FENCES AND OTHER STRUCTURES

2.12 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

2.13 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. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

2.14 Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans and similar defacements.

DAMAGED BUILDINGS

2.15 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, damaged buildings shall be kept clear of all garbage, refuse and debris or any conditions which might endanger persons on or near the property, and the building or structure shall be property supported and barricaded until the necessary demolition or repair can be carried out.

2.16 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, damaged buildings shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

2.17 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall protect the building against further risk or further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized persons by closing and securing each opening to the building with appropriate materials.

2.18 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall demolish or repair the building within 30 days or a reasonable time arranged with the Municipality.

2.19 When a damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be brought into compliance with all applicable sections of this by-law and any other applicable law prior to occupancy.

2.20 In the event that the building or structure is beyond repair, the land shall be cleared of debris and remains and shall be left graded, level and in safe condition without reasonable delay.

GARBAGE DISPOSAL

2.21 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage. Such receptacles shall be constructed of watertight material, provided with a tight-fitting cover, and shall be maintained in a clean and odour free condition at all times.

2.22 All garbage shall be promptly placed in a suitable container.

2.23 Garbage storage areas shall be screened from public view.

COMPOST HEAPS

2.24 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

SECTION III - RESIDENTIAL PROPERTY STANDARDS GENERAL CONDITIONS

This section refers to **RESIDENTIAL RENTAL DWELLINGS** only. The purpose of this section is for the health and safety of the occupants of the dwelling and for the general public.

3.01 Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.

3.02 Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.

3.03 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

PEST PREVENTION

3.04 Dwellings shall be kept free of insect or animal infestations at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*.

3.05 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

STRUCTURAL SOUNDNESS

3.06 Every part of a dwelling shall be maintained in a structurally 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 as required by the Ontario Building Code and as determined by the CBO of the Municipality.

3.07 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

FOUNDATIONS

3.08 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints, and floors.

WINDOWS AND DOORS

3.10 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

3.11 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.

3.12 An exterior type door shall be provided for all entrances to dwellings and dwelling units.

3.13 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

3.14 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

ROOFS

3.15 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

3.16 Where eaves troughing, roof gutters, are provided they shall be kept in good repair, free from obstructions, properly secured to the building and drain in a manner not to adversely affect the neighbours dwelling or buildings.

WALLS, CEILINGS AND FLOORS

3.17 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.

3.18 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.

3.19 Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

STAIRS, PORCHES AND BALCONIES

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

GUARDRAILS

3.21 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 good repair in all stairwells. Guardrails shall be installed and maintained good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

KITCHENS

3.22 Every dwelling shall contain a kitchen area equipped with:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- (c) a counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

TOILET AND BATHROOM FACILITIES

3.23 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.

3.24 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

3.25 Where toilet or bathroom facilities are shared by occupants of residential accommodation, 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.

PLUMBING

3.26 Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water

3.27 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

3.28 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

3.29 All plumbing fixtures shall be connected to the sewerage system through water seal traps.

3.30 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

ELECTRICAL SERVICE

3.31 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

3.32 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporations Act*, as amended.

3.33 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.

3.35 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.

3.36 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

3.37 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 18 - 21 degrees Celsius (64 - 70° F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.

3.38 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the *Energy Act*, as amended or other applicable legislation.

3.39 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.

3.40 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation.

3.41 All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.

3.42 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.

3.43 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

FIRE ESCAPES, ALARMS AND DETECTORS

3.44 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.

3.45 In addition to the provisions of Article 3.46 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:

- (a) equipped with visual or audio indication that they are in operating condition;
- (b) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

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

EGRESS

3.47 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level. A safe passage shall be determined by the Chief Building Official.

NATURAL LIGHT

3.48 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

VENTILATION

3.49 Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.

3.50 All system of mechanical ventilation shall be maintained in good working order.

3.51 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated and maintained to prevent entry of snow, rain, rodents and insects.

ELEVATING DEVICES

3.52 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

DISCONNECTED UTILITIES

3.53 Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

OCCUPANCY STANDARDS

3.54 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.

3.55 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.

3.56 Any basement or portion thereof, used as a dwelling unit shall conform to the following requirements:

- (a) each habitable room shall comply with all the requirements set out in this By-Law;
- (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code;
- (d) access to each habitable room shall be gained without passage through a service room.

SECTION IV - VACANT LANDS AND BUILDINGS

4.01 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.

VACANT LANDS

4.02 Vacant land shall be maintained to the standards as described in Part 2.02 of this By-Law.

4.03 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water within the boundaries of the Municipality.

VACANT BUILDINGS

4.04 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.

4.05 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.

PART V - NON-RESIDENTIAL PROPERTY STANDARDS

5.01 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.

YARDS

5.02 The yards of non-residential property including agricultural operations shall be maintained to the standards as described in Part 2.02 of this By-Law.

5.03 The warehousing or storage of material or operative equipment that is required for the continuing operation of an agricultural operation, 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 unobstructed 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.

STRUCTURAL SOUNDNESS

5.04 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. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

5.05 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

GUARDRAILS

5.06 All guardrails 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, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

LIGHTING

5.07 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 so as to cause any impairment of use or enjoyment of neighbouring properties.

PART VI - ADMINISTRATION AND ENFORCEMENT

6.01 This By-Law shall apply to all property within the limits of the municipality

6.02 The imperial measurements contained in this By-Law are given for reference only.

OFFICERS

6.03 The Council of the municipality shall appoint the By-law Enforcement Officer as a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law

PROPERTY STANDARDS COMMITTEE

6.04 Council shall appoint at large, by a Resolution (or By-Law) of Council, no fewer than three (3) persons of the municipality to the Property Standards Committee for a term of office concurrent with Council. Property Standards committee will be responsible to receive, investigate and schedule the appeal committee meeting. (see policy procedures in schedule "A" for appeals to the property standards committee)

6.05 Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium of **\$50.00** per meeting for their attendance at Committee meetings.

APPEALS

6.06 Every person who initiates an appeal of an Order made section 15.2 (2) of the *Ontario Building Code Act, S.O. 1992, c23*, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the *Act*. All Notices of Appeal shall be accompanied by a non-refundable payment of **\$150.00** dollars.

COMPLIANCE

6.07 The owner of owners of a property which does not conform to the required standards as set out in this By-law shall, on receiving an order to do so, repair and/or maintain said property to comply with the standards as set out in the order. Failure to comply may result in the municipality clearing the said property of all buildings, structures, debris and refuse with the land left levelled, graded and recover the expenses incurred in like manner as municipal taxes to be levied against such person or by an action.

ORDERS

6.08 An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence under section 36(1) of the *Building Code Act, S.O. 1992, c.23* as amended, and is liable to a penalty or penalties as set out in the *Provincial Offences Act*.

VALIDITY

6.09 Should a court of competent jurisdiction declare a part or whole of any provision of this bylaw to be invalid or of no force and effect, the provision or part is deemed severable from this bylaw, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.

6.10 Where a provision of this by-Law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

TRANSITIONAL RULES

6.11 After the date of the passing of this by-law, By-Law No. 2006-12, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

TITLE

6.12 This By-Law may be referred to as the "**Property Standards By-Law**".

AUTHORITY

6.13 Any and all By-laws inconsistent with this By-law are hereby repealed.

6.14 This By-law shall come into force and take effect upon third and final reading.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20th DAY OF JUNE, 2018.**

MAYOR

CLERK

SCHEDULE “A” of By-law 2018-28

PROPERTY STANDARDS POLICY

All property owners are required to repair and maintain their property according to standards set in Property Standards By-law 2018-28, including owners of rental residential properties. (This is unless there is a specific agreement between the property owner and the lessee or occupants that assigns maintenance and repair responsibility, in accordance with the municipal property standards requirements, to the lessee or occupant.)

For examples of the standards contained in the Property Standards By-law 2018-28, please contact the municipal office for a copy of the by-law.

All complaints must be signed, written complaints.

When a complaint is received, a Property Standards Officer will investigate to determine if a violation exists. This by-law will not be used to resolve issues between neighbors. If a violation is found, the officer can issue a Property Standards Order advising the owner of the violation and requiring that it be remedied within a specified time period. During the inspection process, the officer will use a common-sense approach to the application of the property standards by-law. In view of the fact that the Municipality of French River has many diverse properties such as village areas, waterfront residential, waterfront commercial, farmland, and rural residential, enforcement will have to be done with some discretion taking into consideration the complainant, the geographic location of the property in question, the size of the property in question (farmland versus urban lot), the condition of the adjacent properties, and the effect of the infraction on adjacent properties and the general well-being of the residents of the area, and the Municipality. As the complaints and the investigations become more numerous, past practice data as well as the consistent application of the policy will become more evident, and will act as a guide in the application of the by-law.

Any owner has the right to appeal to the municipality’s Property Standards Committee if they are not satisfied with the terms of the Order. The committee can uphold the Order, rescind it or modify the length of time the owner has to comply.

If you are a tenant that has concerns regarding ill-maintenance of your home or apartment building, first advise the landlord of your concerns in writing. This gives the landlord an opportunity to address the issue. If these concerns are not adequately addressed, register a complaint with the By-law Enforcement office.

If an owner fails to comply with a Property Standards Order, municipal staff may initiate action to complete necessary repairs. Any costs associated with the work on the property will be applied to the tax rolls of the subject property or the owner will be sent an invoice for the cost.

In addition, the municipality may initiate legal action against any person who fails to comply with a Property Standards Order under the Building Code Act. The maximum fine for non-compliance with a Property Standards Order is \$25,000 for an individual and \$50,000 for a corporation.

PROPERTY STANDARDS COMMITTEE

Established - composition

There shall be and is hereby established, a Property Standards Committee of at least three persons who either reside, work or own property in the Municipality to be appointed by Council every four years.

Chairman - appointment

The Committee shall appoint one member as Chairman and, when the Chairman is absent through illness or otherwise, the committee may appoint another member to act as Chairman.

Secretary - appointment

The Committee shall appoint a Secretary for the Committee who shall keep on file minutes and records of all applications and decisions thereon.

Quorum

A majority of the Committee constitutes a quorum and the Committee may adopt its own rules of procedure but, before hearing an appeal under Section 6.06, shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.

APPEAL TO PROPERTY STANDARDS COMMITTEE

Appeal notice - by registered mail

When an owner or occupant upon whom an order of the Officer has been served is not satisfied with the terms or conditions of the order, the owner or occupant may appeal to the committee by sending notice of appeal by registered mail to the Secretary of the Committee within fourteen days after service of the order and, if no appeal is taken, the order shall be deemed to have been confirmed.

Committee - powers on appeal

Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of this Property Standard By-law and the Official Plan are maintained.

APPEAL TO THE ONTARIO COURT OF JUSTICE

Notice - to Municipal Clerk

The municipality or an owner or occupant or person affected by a decision of the Property Standards Committee may appeal to a judge of Ontario Court (General Division) by notifying the Municipal Clerk in writing and applying to the Ontario Court (General Division) for an appointment within fourteen days after the sending of a copy of the decision.

Appointment of hearing - by judge

The judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in the appointment, may direct that it shall be served upon such persons and in such manner as the judge prescribes.

Judge - powers on appeal

The judge, on such appeal, has the same power and functions as the Committee.

Final and binding

The order, as deemed to have been confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the Order.

This information is for convenience and quick reference only. For specific information, contact the Municipality.

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-29

**BEING A BY-LAW TO PROVIDE FOR THE MAINTENANCE OF LAND
(CLEAN YARD BY-LAW) WITHIN THE MUNICIPALITY OF FRENCH RIVER**

WHEREAS Section 127 of the Municipal Act, S.O. 2001, c 25, as amended, provides that a municipality may require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

AND WHEREAS Section 128 of the Municipal Act, S.O. 2001, c 25, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS Section 131 of the Municipal Act, S.O. 2001, c 25, as amended, provides that a municipality may prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS Section 8 through 11 of the Municipal Act, S.O. 2001, c 25, as amended, provide that a municipality may pass by-laws respecting, waste management;

AND WHEREAS Section 426 of the Municipal Act, S.O. 2001, c 25, as amended, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS Section 446 of the Municipal Act, S.O. 2001, c 25, as amended, provides that where a municipality has authority by by-law or otherwise, to direct that a matter or thing be done, the municipality may direct that, in default of it being done by the person required to do it, such matter or thing be done by the municipality at the person's expense and the municipality may recover the expense incurred by action or by adding the cost to the tax roll and collecting the cost in the same manner as taxes;

AND WHEREAS Section 429 of the Municipal Act, S.O. 2001, c 25, as amended, may establish a system of fines for offences under a by-law of the municipality passed under this Act: designate an offence as a continuing offence and provide for a minimum and maximum fine for each day or part of a day that the offence continues; designate an offence as a multiple offence and provide for a minimum and maximum fine for each offence included in the multiple offence; establish escalating fines for a second and subsequent conviction for the same offence; and establish special fines in addition to the regular fines for an offence which are designed to eliminate or reduce any economic advantage or gain from contravening the by-law.

AND WHEREAS Council desires to pass a by-law:

- (a) for the maintenance of yards by owners and occupants;
- (b) prohibiting standing water on lands

- (c) prohibiting the keeping of domestic and industrial waste on lands;
- (d) prohibiting littering on public and private land;
- (e) regulating the salvage of motor vehicles and their components with the intent of promoting proper recycling and reuse of resources, the limiting of waste and wasteful practices, the limiting or eliminating of nuisances, particularly from waste and naturalized areas to other properties in the municipality, and the limiting and eliminating of other unhealthy practices and conditions arising from litter, refuse, neglect or standing water.

NOW THEREFORE the Council of The Municipality of French River hereby enacts the following:

SECTION I - DEFINITIONS

In this by-law:

1.01 “Agricultural Operation” means an agricultural operation as defined by the Farming and Food Protection Act, S.O. 1998, c.1 as amended;

1.02 “Chief Building Official” means the Chief Building Official appointed by Council under the Building Code Act, S.O. 1992, c 23, as amended, or the person who is appointed to act in that capacity during his or her absence;

1.03 “Continuing Offence” means an offence that continues to occur by the half/hour, hourly, daily, or for a partial day;

1.04 “Debris” shall mean, but is not limited to, garbage, rubbish, refuse or wrecked, decayed, dilapidated, or inoperative motor vehicles, vehicles or machinery and parts thereof;

1.05 “Domestic Waste” means any debris, rubbish, refuse, sewage, effluent, discard or garbage arising from residential household use, belonging to or associated with a house or use of a house or residential land, which for greater certainty includes all garbage, discarded material or items, broken or dismantled items, and materials or items exposed to the elements, deteriorating or decaying on land due to exposure or the weather, and for even greater certainty “domestic waste” includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:

- a. Broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, and waste lumber, excepting only cut and stacked;
- b. Paper, paper cartons and other paper products;
- c. Rotting vegetable matter, or rotting animal matter;
- d. Disconnected appliances, including refrigerators, stoves, freezers, or any part or parts of such items;
- e. Furnaces or furnace parts, ducting, pipes, fittings to pipes and wire;
- f. Water or fuel tanks;
- g. Inoperative machinery, inoperative motor vehicles, and parts or accessories of such items including tires, building or construction materials, other than those on site for ongoing construction;

- h. Accumulations of broken concrete or asphalt pavement, brick pavers, sidewalk slabs and used building materials;
- i. Materials resulting from the alteration, repair or demolition of any building or structure;
- j. Sewage;
- k. Containers such as crockery, dishes, glassware, pots and pans and cans.

Domestic Waste as defined in this by-law does not cease to become domestic waste by reason only that it may be commercially saleable or recyclable.

1.06 “Industrial Waste” means any debris, rubbish, refuse, sewage effluent, discard, or garbage of a type arising from industrial, manufacturing, commercial or construction operations or belonging to or associated with an industry or commerce or industrial or commercial land, which for greater certainty includes all garbage, discarded material or items, broken or dismantled items, and due to exposure to the weather, and for even greater certainty “industrial waste” includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or items:

- a. Debris, discarded items or matter, or effluent which in whole or in part are derived from or are constituted from or consist of,
 - i. Animal or vegetable matter, paper, lumber or wood; or
 - ii. Mineral, metal or chemicals, or fill contaminated with petrochemical or petroleum products;
- b. Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials;
- c. Automotive parts not packaged for immediate shipment, inoperative vehicles, vehicle parts, inoperative mechanical equipment, mechanical parts, accessories or adjuncts to the vehicle and mechanical equipment not contained in a legal salvage yard;
- d. Piping, ducting tubing conduits, cable, wire and fittings or related accessories with or without adjuncts, and not packaged for immediate shipment;
- e. Material resulting from or as part of construction, demolition, repair or renovation projects including debris and leftovers;
- f. Rubble or fill;
- g. Sewage;
- h. Ashes;
- i. Dust emanating from the operation of the enterprise;
- j. Broken bricks, concrete or asphalt; and

Industrial Waste as defined by this by-law does not cease to be industrial waste reason only that it may be commercially saleable or recyclable.

1.07 “Lagoon” means a Ministry of Environment approved waste stabilization pond consisting of an earthen basin designed and built for wastewater treatment to reduce the organic content and remove pathogens from wastewater.

1.08 “Multiple Offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and contravention of the same or separate provisions of a by-law;

1.09 “Municipality” means the Corporation of the Municipality of French River;

1.10 “Municipal Law Enforcement Officer” means the officer in charge of the By- law Enforcement of the Corporation of the Municipality of French River or his or her authorized subordinates or assistants;

1.11 “Naturalized Area” means land or a portion of lands covered by vegetation which is landscaped and maintained with a variety of flowers or plants, with or without grasses, or left to grow a variety of indigenous plants;

1.12 “Occupant” means any person or persons over the age of 18 years in possession of the land;

1.13 “Officer” means a municipal law enforcement officer, a building inspector, a fire prevention officer, a fire fighter, a health inspector, a weed inspector appointed under the Weed Control Act or any other person appointed or employed by the municipality for the enforcement of by-laws and includes a peace officer;

1.14 “Owner” includes:

- a. Both the owner in trust and the beneficial owner of land;
- b. The person for the time being managing or receiving rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, who would receive the rent if the land and premises were let; and
- c. A lessee or occupant of the land who manages or controls the condition of the land;

1.15 “Person” means an individual, firm, corporation, association or partnership.

1.16 “Refuse” means any article, thing, matter, substance or effluent that:

- a. Has been cast aside, discharged or abandoned, or
- b. Is disused from its usual and intended use, or
- c. Is used up, in whole or in part, or expanded or worn out, in whole or in part; and
- d. Shall include domestic and industrial waste;

1.17 “Residential property” means any lands or portion thereof which are appurtenant to and used or associated with a dwelling;

1.18 “Sewage” includes any liquid waste containing human, vegetable or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off;

1.19 “Standing Water” means any water on property other than:

- a. A natural, moving body of water that exists on a permanent basis;
- b. A body of water that is maintained in such a way so as to prevent the breeding of and/or larvae growth of mosquitoes, through the operation of a re-circulation and filtration system and/or the additive of an approved substance that will prevent the breeding of and/or larvae growth of mosquitoes;
- c. Any body of water containing live fish;
- d. Any body of water natural to its surrounding environment including natural ponds, bogs, marshes and wetlands;

- e. Any body of water within a municipally owned storm water management or lagoon facility; and;
- f. Any body of water contained for less than four (4) days.

1.20 “Turf Grass” means ground cover comprised of one or more species of growing grass with or without trees, shrubbery or maintained planting beds for other vegetation;

1.21 “Used Motor Vehicles” means a motor vehicle other than a motor vehicle which has visual proof of current validation and is operative and driven on a regular basis;

1.22 “Vehicle” includes a motor vehicle, trailer, boat, motorized snow vehicle and any mechanical equipment designed to be drawn, propelled or driven by any type of power, including muscular power;

1.23 “Weeds” means a noxious weed designated by or under the Weed Control Act, R.S.O. 1990, c. W5, as amended, including any weed designated as a local or noxious weed under a by-law of the municipality passed under that Act.

SECTION II - LAND MAINTENANCE

- 2. (a) All property owners shall maintain and keep trimmed their lawns, hedges and bushes. Grass shall not exceed 8” in height.

(b) All properties shall be kept clear of debris, domestic waste or industrial waste and no person shall dump, throw, place, or deposit any debris, domestic waste or industrial waste material on any private property or cause such material to remain thereon.

(c) No person shall dump, throw, place, or deposit any waste material refuse or debris on any property belonging to the Municipality without prior written approval of the Council or the Municipality.

(d) No person shall cause or permit or allow any snow to be dumped, thrown, placed pushed or deposited onto any property within the municipality without prior written authority from the Municipality/owner/occupant of such property.

(e) All residential property owners/occupants shall maintain lands free from dead, diseased, decayed, and damaged trees;

(f) All residential property owners/occupants shall maintain lands free from injurious insects/rodents/vermin/termites

SECTION III - MOTOR VEHICLE SALVAGE

- 3. (a) No person shall store or keep inoperative, unlicensable vehicles, vehicles without visual proof of current validation, boats or aircraft or any other mechanical equipment or waste material in such manner that might create a fire, accident, health hazard, or unsightly appearance.

(b) No person shall use any land within the municipality for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal including the purposes of repair of other vehicles.

(c) Section 3 (a) and (b) does not apply if:

- (i) zoning by-law permits the land to be used as an automotive recycling facility; and
- (ii) the Owner or Occupant holds current validation on the vehicle issued by the Ministry of Transportation.

(d) No person shall store a vehicle, boat, trailer, recreational vehicle on an area not properly surfaced/covered to accommodate same

SECTION IV - DOMESTIC AND INDUSTRIAL WASTE

4. (a) Every owner or occupant of land shall keep the land free of all Domestic Waste.

(b) Every owner or occupant of land shall keep the land free of all Industrial Waste.

(c) No person shall use any land or structure within the municipality for dumping or disposing of Domestic Waste or Industrial Waste.

(d) Section 4 (c) does not apply to:

- (i) land or structures used by the municipality for the purpose of dumping or disposing of Domestic or Industrial Waste.
- (ii) land designated by by-law of the municipality or other municipal authority for the purpose of dumping or disposing of Domestic or Industrial Waste.

(e) the owner of land on which Domestic or Industrial Waste has been thrown, placed, dumped or deposited shall immediately clean and clear the land of the waste material.

SECTION V - STANDING WATER

5. (a) Every owner or occupant of land shall keep the land free of Standing Water.

(b) Every owner or occupant of land shall keep the land free of containers or debris capable of holding standing water in such a manner as to be exposed to the breeding of and/or larvae growth of insects.

(c) Every owner or occupant of land shall ensure that a swimming pool, hot tub, wading pool, or artificial pond is maintained in proper operating condition, and in good repair.

SECTION VI - APPLIANCES

6. (a) All refrigerators, freezers or similar appliances which are stored or left on porches, decks, or in any rear yard, side yard or similar areas shall not have a self- locking or self-latching device and shall be:
- (i) in working order;
 - (ii) secured with an external locking device; and/or
 - (iii) locked at all times except when actually being used and supervised.
- (b) Refrigerators, freezers or similar appliances which are placed out for disposal shall have removed all doors including all sliding, swinging, spring loaded and pull-to-open doors or doors should be secured such that they cannot be opened without the aid of a tool.

SECTION VII - ORDERS

7. (a) The Municipal Law Enforcement Officer may make an order that shall be served on the owner of the property and such other persons affected by it as the officer determines as described in the Ontario Building Code Act as amended requiring the owner or occupant within the time specified in the order to:
- (i) clean and clear up the land and bring the land into compliance with any section of this by-law; and/or
 - (ii) remove or dispose of Standing Water on land including draining, filling of excavations and depressions in which standing water has or may collect, the screening or netting of containers or debris so as to prevent the breeding of mosquitoes; and/or
 - (iii) clean, clear or remove from the land or structure any or all garbage, refuse fill, inoperative motor vehicles, sewage, long grass (longer than 8”), weed, appliances or domestic or industrial waste of any kind;
- (b) Where an owner or occupant fails to comply with an order issued under this by- law within the time specified for compliance, the officer, with assistance by others as required and upon reasonable notice, may use one of the following methods as required:
- (i) clean or clear up a property and bring it into compliance with any section of this by-law;
 - (ii) remove or dispose of standing water on land including draining, filling of excavations and depressions in which standing water has or may collect, the screening or netting of containers or debris so as to prevent the breeding of mosquitoes;
 - (iii) clean, clear or remove from the land or structure any or all garbage, refuse, fill, sewage, inoperative motor vehicles, long grass (longer than 8”), weeds, appliances or domestic or industrial waste of any kind; or
 - (iv) remove used motor vehicles and other machinery, and any parts, stored for the purpose of wrecking or dismantling the materials or the salvaging parts thereof for sale or other disposal.

(c) Upon completion of the work, repairs or demolition by or on behalf of the Municipality, the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real property taxes as provided for by statute.

SECTIONS VIII - OFFENCES

8. (a) subject to section 8 (b) and (c) below, every person who contravenes any provision of this by-law, is guilty of an offence and upon conviction is liable to the penalties prescribed under the Provincial Offences Act, R.S.O. 1990, c.P 33, as amended.

(b) Every person who contravenes sections 4 (a), (b), (c) and (d) of this by-law is guilty of an offence, and upon conviction is subject to a fine of not more than \$10,000 for a first Offence and \$25,000 for any subsequent offence of such subsections.

(c) Where a corporation is convicted of an offence under sections 4 (a), (b), (c) and (d) of this by-law, the maximum penalty that may be imposed on the corporation is \$50,000 for a first offence and \$100,000 for any subsequent offences of such subsections.

(d) No person shall hinder or obstruct an Officer, appointed under this by-law or employed to enforce this by-law, from carrying out an inspection of lands, nor shall any person obstruct any employee or agent authorized to carry out the work for the municipality in an order issued hereunder.

(e) Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine set by the Chief Justice of the Ontario Court of Justice for the purpose of proceedings commenced under Part I

SECTION IX – VALIDITY

9. (a) Should a court of competent jurisdiction declare a part or whole of any provision of this bylaw to be invalid or of no force and effect, the provision or part is deemed severable from this bylaw, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.

(b) Where a provision of this by-Law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION X - ENACTMENT

9. (a) This by-law shall be known as the **“Clean Yard By-law”**.
- (b) This by-law comes into force and effect on the date of its passing and enactment.
- (c) The attached Schedule “A” and Schedule “B” form part of this By-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20th DAY OF JUNE, 2018.**

MAYOR

CLERK

SCHEDULE “A” of BY-LAW 2018-29

CLEAN YARD POLICY

All property owners are required to maintain their property according to standards set in the “Clean Yard By-law”, including owners of rental residential properties. (This is unless there is a specific agreement between the property owner and the lessee or occupants that assigns maintenance of the property.)

The By-law Enforcement Officer will act not only on written complaints but will use a common-sense approach to the application of the clean yard by-law.

When a complaint is received, an Officer will investigate to determine if a violation exists. This by-law will not be used to resolve issues between neighbors. If a violation is found, the officer can issue an Order advising the owner of the violation and requiring that it be remedied within a specified time period.

In view of the fact that the Municipality of French River has many diverse properties such as village areas, waterfront residential, waterfront commercial, farmland, and rural residential, enforcement will have to be done with some discretion taking into consideration the complainant, the geographic location of the property in question, the size of the property in question (farmland versus urban lot), the condition of the adjacent properties, and the effect of the infraction on adjacent properties and the general well-being of the residents of the area, and the Municipality. As the complaints and the investigations become more numerous, past practice data as well as the consistent application of the policy will become more evident, and will act as a guide in the application of the by-law.

If you are a tenant that has concerns regarding ill-maintenance of your home or apartment building, first advise the landlord of your concerns in writing. This gives the landlord an opportunity to address the issue. If these concerns are not adequately addressed, register a complaint with the By-law Enforcement office.

This information is for convenience and quick reference only. For specific information, contact the By-law Enforcement Officer.

SCHEDULE “B” of BY-LAW 2018-29

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

**BEING A BY-LAW TO PROVIDE FOR THE MAINTENANCE OF LAND
(CLEAN YARD BY-LAW) WITHIN THE MUNICIPALITY OF FRENCH RIVER**

Items	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine Minimum
1.	Fail to maintain and keep trimmed their lawns, hedges and bushes	2 (a)	\$80
2.	Throw/place/deposit waste material/refuse on private property without the written consent of the property owner/occupant	2 (b)	\$350
3.	Throw/place/deposit waste material/refuse on Municipal property without the written consent from the Municipality	2 (c)	\$350
4.	Throw/place/deposit snow/ice on property without the written consent of the property owner/occupant	2 (d)	\$150
	Fail to maintain residential land free from dead/diseased/decayed/damaged trees	2 (e)	\$250
	Fail to maintain residential land free from injurious insects/rodents/vermin/termites	2 (f)	\$150
5.	Fail to maintain land free from inoperative/unlicensed vehicles, boats, trailers, aircraft, machinery, and or equipment	3 (a)	\$450
6.	Keeping/maintaining an illegal wrecking yard and or salvage operation	3 (b)	\$450
7.	Store a vehicle/boat/trailer/recreational vehicle on an area not properly surfaced/covered	3 (d)	\$350
8.	Fail to maintain land free from domestic waste	4 (a)	\$350
9.	Fail to maintain land free from industrial waste	4 (b)	\$450
10.	Using any land or structure within the municipality for dumping or disposing of Domestic Waste or Industrial Waste.	4 (c)	\$500
11.	Fail to maintain land free from standing water	5 (a)	\$150

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-37

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION AND CHANGE OF USE PERMITS AND INSPECTIONS

WHEREAS Section 7 of the of the Building Code Act 1992 S.O. 1992, c 23 as amended empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections

NOW THEREFORE the Council of the Corporation of the Municipality of French River enacts as follows:

1. DEFINITIONS:

In this by-law:

- 1.01** “**Act**” means the Building Code Act, 1992 S.O. 1992 c. 23 as amended;
- 1.02** “**Architect**” means a holder of a license, a certificate of practice, or a temporary license under the Architects Act;
- 1.03** “**As constructed plans**” means as constructed plans as defined in the Ontario Building Code (OBC) as amended;
- 1.04** “**BCIN**” means a Building Code Identification Number;
- 1.05** “**Building**” means a building as defined in Section 1(1) of the Act;
- 1.06** “**Building Code**” means the regulations made under Section 34 of the Act;
- 1.07** “**Building Inspector (Inspector)**” means the Building Inspector appointed by Council for the purposes of enforcement of the OBC and the Act;
- 1.08** “**Chief Building Official (CBO)**” means the Chief Building Official or his or her designate appointed by Council for the purposes of enforcement of the Ontario Building Code and the Building Code Act;
- 1.09** “**Construct**” means construct as defined in Section 1(1) of the Act and “**construction**” has a corresponding meaning;
- 1.10** “**Construction cost**” means the cost of construction including materials, labour and profit but not including land;
- 1.11** “**Council**” means the elected Council of the Corporation of the Municipality of French River;

- 1.12** “**Demolish**” means to do anything in the removal of a building or any material part thereof as defined in subsection 1.(1) of the Act and “demolition” has a corresponding meaning;
- 1.13** “**Designer**” means a professional with a valid BCIN number other than a professional engineer or architect who engages in design activities;
- 1.14** “**Municipality**” shall mean the Corporation of the Municipality of French River;
- 1.15** “**OBC**” mean the Ontario Building Code;
- 1.16** “**Permit**” means written permission or the written authorization from the Chief Building Official or Building Inspector to perform work regulated by this by-law and the Act and the OBC or to occupy a building or part thereof prior to its completion or to change the use of a building or part thereof, as regulated by the Act and the OBC;
- 1.17** “**Plumbing**” means plumbing as defined by Section 1(1) of the Act;
- 1.18** “**Professional Engineer**” means a person who holds a license or temporary license under the Professional Engineer’s Act;
- 1.19** “**Regulation**” means the regulations made under the Act;
- 1.20** “**Registered Code Agency (RCA)**” means a registered code agency as defined in the Act;

Terms not defined in this by-law shall have the meanings ascribed to them in the Act or Building Code.

2. PERMITS REQUIRED

- 2.01** No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued by the Chief Building Official.
- 2.02** Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be set out in **Schedule “A”** of this by-law.

3. GENERAL REQUIREMENTS FOR A PERMIT

- 3.01** To obtain a permit, the owner or agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the offices of the Municipality, from the municipal website, or from the OBC website.
- 3.02** Every application shall be submitted to the CBO and shall:
- a. Identify and describe in detail the work and occupancy to be covered by the permit for which application is made,
 - b. describe the land on which the work is to be done, by a description that will readily identify and locate the building (see **Schedule “B”** Site Plan),
 - c. include complete plans and specifications as described in this by-law and show the occupancy of all parts of the building (see **Schedule “B”** Required Plans)

- d. state the valuation of the proposed work including materials and labour and be accompanied by the required fee,
- e. state the names, addresses, telephone numbers and email addresses of the owner, architect or engineer where applicable, or other designers or constructors,
- f. be accompanied, where applicable, by a written acknowledgement of the owner that he or she has retained an architect or professional engineer to carry out the field review of the construction wherein required by the Building Code.
- g. be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application,

3.03 The following specific application for a permit shall be submitted to the CBO and contain the following information:

- 1) Where the application is made for a **construction or demolition permit** under subsection 8(1) of the Act, the application shall:
 - Use the provincially prescribed application form “Application for a Permit to Construct or Demolish”, and
 - Include complete plans and specifications, documents and other information as required in this by-law and under the authority of the Act
 - in the case of a demolition permit, the Chief Building Official may require that the applicant fence the demolition site to his or her satisfaction during the demolition process

- 2) Where application is made for a **change of use permit** under subsection 10(1) of the Act, the application shall:
 - Use the provincially prescribed form, “Application for a Permit to Construct or Demolish”, and
 - Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made in **Schedule “B”**;
 - Include complete plans and specifications (outlined in **Schedule “B”**) showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the OBC.

- 3) Where application is made for a **conditional permit** under subsection 8(3) of the Act, the application shall:
 - Use the provincially prescribed form, “Application for a Permit to Construct or Demolish”, and
 - Include complete plans and specifications, documents and other information as required in the by-law (**Schedule “B”**) and under the authority of the Act,
 - State in writing the reasons why the applicant believes unreasonable delays in construction would occur if a conditional permit is not granted,
 - State in writing the necessary approvals which must be obtained in respect for the proposed building and the time in which such approvals will be obtained; and
 - State in writing the time in which plans and specification of the complete building will be filed with the CBO.
 - Complete and sign a Conditional Building Permit Agreement

- 4) Where an application proposes **an alternative solution** on a plan, specification, document or other information to use an equivalent material, system or building design for which authorization under the Act is requested, the following information shall be provided:
- Use the provincially prescribed application form Application for use of an Alternative Solution which will contain a description of the proposed material, system or building design for which authorization is requested any applicable provisions of the OBC, and evidence that the proposed material, system or building design will provide the level of performance required by the OBC.

4. CONDITIONAL PERMITS

- 4.01** When, to expedite work, a permit for a portion of a building project is desired prior to the issuance of a permit for the whole project, application shall be made for that portion of the work desired, together with sufficient information relative to the whole of the work proposed. The CBO may, at his or her discretion and under conditions set by the CBO issue such a permit. All permit fees must be paid prior to the start of any work. Where a conditional permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given, nor will that approval necessarily be granted for the entire building or project.
- 4.02** The Chief Building Official shall not, by reason of issuance of a Conditional Permit be under any obligation to grant any further Permits.
- 4.03** The CBO is hereby authorized to enter into one or more agreements for the issuance of a Conditional Permit as authorized in the Act.

5. ABANDONED APPLICATIONS

- 5.01** An application for a permit is considered to have been abandoned by the applicant where:
- a. the application is incomplete and remains incomplete six months after it was submitted; or
 - b. the application is complete, a Permit is available to be issued, and six months have elapsed from the date upon which the Municipality made notification of the Permit availability of the Applicant.

6. FORMS

- 6.01** All required forms shall be made available at the Municipal Office and on the Municipal Website at www.frenchriver.ca. Provincially prescribed forms can also be downloaded from www.mah.gov.on.ca .

7. AS CONSTRUCTED PLANS

- 7.01** The CBO may require that a set of plans of a building or a class of buildings as constructed be filed with the Building Department on completion of construction under such conditions as may be prescribed by the OBC.

8. LOT GRADING

- 8.01** Upon request for a building permit, the property owner(s) shall provide a plan for dealing with the surface and sub-surface drainage. The Municipality may order an Impact Report from its Drainage Superintendent (appointed under the Drainage Act as amended) at the expense of the property owner(s) except where:
- a) the total area (footprint) to be occupied by the buildings and paved areas does not exceed 10% of the area of the property for which the building permit is to be issued unless requested by the CBO, or;
 - b) at the discretion of the CBO it is determined that the changes proposed by the building activity would have limited to no impact on neighbouring lands.

See **Schedule “C”** for Lot Grading Policy.

9. PAYMENT OF FEES

- 9.01** Fees for a required permit shall be set out in **Schedule “A”** of this by-law and are due and payable before a permit issued.
- 9.02** Where the fees for an application for a construction or demolition permit issued under subsection 8(1) of the Act or a conditional permit under subsection 8(3) of the Act are based on floor area, it shall mean the total floor space of all storeys above grade (or below grade for an underground home) measured as the horizontal distance between the exterior walls of the building.
- 9.03** Where due to the type of work proposed, the floor area cannot be calculated, fees for permits issued for an application to construct or demolish under 8(1) of the Act or conditional permits under subsection 8(3) of the Act shall be based on the cost of valuation of the proposed work. Such cost of valuation shall mean the total cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services but not including the cost of land.
- 9.04** The CBO may place his or her own valuation on the cost of the proposed work for the purpose of establishing the permit fees, and where disputed by the applicant, the applicant shall pay the required fee under protest and in writing, indicate his or her intention of submitting an audited statement of the actual costs within 6 months of the completion of the project, and where the audited costs are determined to be less than the valuation, the CBO shall issue a refund for the difference.
- 9.05** In the case of abandonment of all or a portion of the work, or the non-commencement of any project, the CBO shall determine the amount of the refund of paid permit fees that may be returned to the applicant, if any, in accordance with **Schedule “A”**, attached to and forming part of this by-law.

10. REFUND OF FEES

10.01 Refunds of fees shall be issued according to prescribed circumstances and that the rate as outlined in **Schedule “A”** of this by-law and as determined by the CBO. Prescribed circumstances will be the withdrawal of an application, abandonment of a project of all or portion of the work, or non-commencement of any project or material change to plans resulting in a reduction of fees.

11. BUILDING WITHOUT A PERMIT

11.01 Where any person constructs or causes construction, demolishes or causes the demolition of a building without a permit issued hereunder, the owner shall pay an additional administration fee equal to twice the value of the fee applicable under **Schedule “A”** or \$250 whichever is greater.

12. CHANGE TO A PERMIT AFTER IT IS ISSUED

12.01 After the issuance of a permit under the Act, notice of any changes to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing to the CBO together with the details of such change which is not to be made without his or her written authorization. The CBO will determine if such change will result in an increase in permit or a refund of fees as per **Schedule “A”** of this by-law.

13. TRANSFER OF PERMITS

13.01 A Transfer of Permit is permitted when ownership of a property changes, and requires the written authorization of the CBO. Fees regarding transfers will be determined as per **Schedule “A”** of this by-law. The new owner assumes all obligations off the building permit in respect to, but not limited to required notices, filing any changes and other information as may be requested by the CBO and any other information or documents as may be required by the Act and the OBC.

14. PERMIT LIMITATIONS REVOCATION OF PERMITS RENEWAL AND EXTENSION

14.01 A permit issued for new building, including additions, shall expire after two (2) years from the date of issuance. One-month before expiry of the permit, the CBO is to perform an inspection and list all outstanding work orders. If the project is not completed by expiry date, the applicant must apply for a one (1) year extension permit as outlined in **Schedule “A”** attached and forming part of this by-law. The fee for a one (1) year extension permit is as set out in **Schedule “A”**. At the expiry of the one (1) year extension, the CBO is to perform the final inspection.

14.02 A permit issued for accessory buildings, repairs or renovations shall expire one (1) year from the date of issuance or may be extended at the CBO’s discretion with the purchase of an extension permit as outlined in **Schedule “A”**.

15. NOTICE OF READINESS FOR INSPECTION

- 15.01** A person to whom a permit is issued is required to give notice of readiness for inspection to the CBO or RCA at different stages of construction as required by this by-law and under the authority of the Act.
- 15.02** Notice may be given by personal contact, telephone, or email. If notice is given by email, the onus is on the persons to whom the permit is issued to provide proof that notice was given.

16. INSPECTION

- 16.01** Following the notice of readiness for inspection, the CBO and any appointed Inspector shall undertake a site inspection within the time prescribed by the OBC. Any additional notice as prescribed in this by-law shall be subject to the same prescribed time.

17. CODE OF CONDUCT

- 17.01** The Municipality maintains this code of conduct in accordance with the provisions of the Act. Building Officials undertake building certification functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behaviour of the Municipality's Building Officials reflects the Municipality's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials observe both the letter and spirit of this code of conduct as it pertains to situations that bear on their responsibilities. This code is outlined in **Schedule "D"**.

18. VALIDITY

- 18.01** If an article of this by-Law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 18.02** Where a provision of this by-Law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

19. TITLE

- 19.01** This By-law shall be referred to the "**Building By-law**".

20. ENACTMENT

20.01 That By-law 2009-19 and any other by-laws inconsistent with this by-law are hereby repealed.

20.02 This by-law comes into force and effect on the date of its passing and enactment.

20.03 The attached Schedule “A”, “B”, “C” & “D” shall form part of this By-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20th DAY OF JUNE, 2018.**

MAYOR

CLERK

**SCHEDULE “A”
of BY-LAW 2018-37**

FEES AND REFUNDS

Classes of permits:

- Building permit – required under subsection 8(1) of the Act. Includes plumbing, farm buildings, heating, ventilation and air conditioning permits.
- Demolition permits – required under subsection 8(1)
- Change of use permit – required under subsection 10(1) of the Act
- Conditional permit – authorized under subsection 8(3)

Permit fees:

Construction Cost (CC) shall be calculated by the following formula:

$$SI \times A = CC$$

SI = cost per square foot of construction as determined by Service Index in Table 1

A = total area calculated in square feet (sq ft)

Total Construction Cost (TCC) shall be the total of all Construction Costs (CC) calculated for the proposed permit.

Permit fees (PF) shall be calculated using the following formula:

$$[(TCC / 1000) \times \text{Rate}] + \text{Administrative Fee} = PF$$

TCC = Total Value of Construction calculated in Table 1

Rate = \$10.00

Administration Fee shall equal:


\$80.00 for TCC of equal to or less than \$5000 or;

\$120.00 for TCC of more than \$5000

The minimum fee for a permit shall be \$100.

Note: where the actual construction cost, as declared by the applicant, exceeds the above formula, the actual construction cost shall be used to calculate the permit fee.

Table 1

FLOOR AREA AND COST ESTIMATION SHEET - PERMIT #		DATE:	
ALL FEES PAYABLE TO THE MUNICIPALITY OF :			
Structure Type	Area (A)	Service Index (SI) (Cost/Sq.Ft)	Construction Cost (CC)
RESIDENTIAL BUILDINGS			
One story dwellings		x \$120 =	
Second storey or more & additions		x \$75 =	
Unfinished cottages and cabins		x \$80 =	
Finished cottages and cabins		x \$100 =	
Finished basement		x \$30 =	
Plumbing (added to Service Index)		x \$20 =	
Renovations		Estimated Cost (labour, materials, profits) =	
Garages, storage buildings, sheds & boathouses		x \$30 =	
Carports & boatports, decks, balconies		x \$25 =	
Covered Porches and Sunrooms and Solariums		x \$70 =	
Attached garages		x \$40 =	
COMMERCIAL BUILDINGS			
Office space, showrooms, etc		x \$125 =	
Restaurants		x \$150 =	
Accessory buildings		x \$40 =	
INSTITUTIONAL BUILDINGS			
Contract price or greater of		x \$100 =	
FARM BUILDINGS			
Finished building containing plumbing		x 25 =	
No Floor		x \$10 =	
Concrete floor		x \$15 =	
OTHER STRUCTURES			
Swimming pools (inground or permanent structure)		x \$15 =	
Solar panels and installation of towers		\$200	
Woodstoves		\$100	
OTHER			
Temporary buildings		\$50 =	
Change of use permit: as per construction cost if building permit is required. If no construction required, cost is Administration cost of \$80.00 plus fee for site inspection(s) required			
Mileage charge or \$0.55 per kilometre for site inspections with a minimum charge of \$10.00 per permit for mileage			
Extra site inspection or reinspection fee		x \$80 =	
Research Fee		\$25 per hour plus copies @\$0.25/copy	
Extension, renewal or transfer of a permit		\$90 =	
TOTAL COST OF CONSTRUCTION (TCC)			
Building Fee = (TCC/1000) x \$10.00			
DEMOLITIONS (Per Building)			
Building < or = 538 sq ft		\$80 =	
Building > 538 sq ft and < 6400 sq ft		\$100 =	
 <p>SUDBURY EAST BUILDING and By-Law Services <small>Services des bâtiments et application des règlements</small> MUNICIPAL DE SUDBURY EAST</p>		FEES	
		Building Fee:	
		Demolition Fee:	
		Admin Fee (\$80 <or= \$5000 TCC/ \$120 > \$5000 TCC) :	
		(min fee \$100) TOTAL*:	
*Total fee will be doubled or \$250 will be charged (whichever is higher), if building or demo is commenced prior to the issuance of a Building Permit.			

Re-Inspection Fee:

When the Inspector or CBO has been notified that any construction, plumbing or installation is ready for inspection and same is not ready when the building official attends to inspect same, or if the installation or construction fails to conform to the requirements to which same is obliged by-law to conform (OBC and Municipal by-laws), a re-inspection fee for each additional required inspection may be payable by the persons to whom the permit has been issued. This fee is payable at the municipal office and must be paid before any further inspections can be done.

Water Access or Remote Access

If the construction site is water access only, the owner or permit holder will provide safe and adequate transportation at his or her expense from landing to construction site for the building official or inspector to perform all required inspections. In the event that the owner or permit holder is unable to provide transportation, he or she will be responsible for additional costs for the building official to provide his or her own transportation.

If special equipment (i.e. boat, ATV, snow machine, etc.) is required to access the construction site, extra charges as determined by the CBO will apply and will be added to the permit fee.

Refunds:

Application filed and accepted, no processing or review of plans	80% refund
Application filed, plans reviewed and permit issued or refused	75% refund

Refund is less \$50.00 for each inspection performed and mileage charge of \$0.55 per kilometer for site inspection with a minimum charge of \$15.00 per permit for mileage.

Material change to plans which would have reduced initial permit fee: new fee will be calculated based on change and refund will be made for the difference, less Administration Cost.

Note: Notwithstanding above:

- 1) No refund shall be made or an amount of \$50.00 or less
- 2) The fees that may be refunded shall be a percentage of the fees payable as outlined in this schedule
- 3) All refunds shall be approved by the CBO.
- 4) No refund shall be made in the event a permit is revoked, or where construction is substantially suspended or discontinued for more than a year or if the building permit file is closed and a final inspection was not requested.

**SCHEDULE “B”
of BY-LAW 2018-37**

SITE PLAN AND REQUIRED PLANS

Site Plan

Site plans shall be in reference to an up-to-date survey and when required to demonstrate compliance with the Act, a copy of the survey shall be submitted to the CBO unless this requirement is waived where the CBO is able, without having an up-to-date survey, to determine whether the proposed work conforms to the Act, the Regulation and any other applicable law, include Municipal Zoning By-law(s).

A complete Site Plan shall show:

- 1) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings and septic systems,
- 2) Existing and finished ground levels or grades,
- 3) Drainage patterns,
- 4) Existing rights of way, easements and municipal services and
- 5) Proposed fire access routes and existing fire hydrant locations

Required Plans

Each application shall be accompanied by two (2) complete sets of building plans and specifications unless otherwise specified by the CBO or the Building Inspector. These plans may include the following:

- 1) Site Plan
- 2) Floor plans
- 3) Energy efficiency plan
- 4) Foundation plans
- 5) Framing plans
- 6) Roof plans (truss plans can be submitted at framing inspection)
- 7) Reflected Ceiling plans
- 8) Sections and details
- 9) Building elevations
- 10) Heating, ventilation and air conditioning drawings (HVAC plans)
- 11) Plumbing drawing
- 12) Fire alarm and sprinkler plan
- 13) Drainage plan/ Lot grading

Sufficient information and detail shall be submitted with each application for a permit to enable the CBO or the Building Inspector to determine if the proposed work will conform with the Act and the OBC and any other applicable law. The CBO may waive the requirements of some of the documents or request additional information and or documents if circumstances warrant.

Building plans shall be legible and drawn on paper, cloth or other durable material.

Architectural or Engineered Drawings shall show the designers and/or firms Building Code Identification Number (BCIN).

**SCHEDULE “C”
of BY-LAW 2018-37**

LOT GRADING POLICY

- 1. Request for Building Permit:** Upon request for a building permit, the property owner(s) shall provide a plan for dealing with the surface and sub-surface drainage. The CBO may order an Impact Report from its Drainage Superintendent (appointed under the *Drainage Act* as amended) at the expense of the property owner(s) except where:

 - a) the total area (footprint) to be occupied by the buildings and paved areas does not exceed 10% of the area of the property for which the building permit is to be issued unless requested by the CBO, or;
 - b) at the discretion of the CBO it is determined that the changes proposed by the building activity would have limited to no impact on neighbouring lands.
- 2. Deposits:** The Municipality will require one or more deposits for the property owner for estimated costs to the Municipality of the Drainage Superintendents’ Report and anticipated legal or other professional costs pertaining to the processing of the request and implementing the permission if applicable.
- 3. Utility Lines:** For all requests it will be the responsibility of the property owner to obtain location of and approval from all utilities (phone cables, hydro cables, gas pipelines, etc.)
- 4. If the Drainage Superintendent believes that the flow of drainage water from the outlet will not cause water problems for Municipal property or property of other private property owners, the permission will be given subject to the following conditions:**

 - a) if the water outlets onto adjacent lands, the property owner(s), at the property owner(s) expense, must enter into a mutual drain agreement with the affected landowner(s) and the Municipality under Section 2 of the Drainage Act in a form and on terms satisfactory to the Municipality, which must be registered on title;
 - b) the agreement will provide that the outlet must be installed by and at the expense of the property owner(s) to the satisfaction of the Municipality;
 - c) the agreement must require that the property owner(s) be responsible for the costs of all future maintenance on the outlet should the property owner believe that clean out maintenance is required for the satisfactory functioning of the outlet going forward. Any maintenance must be done in a manner and by parties approved by the Municipality. For clarity, the Municipality will not pay out public funds for the satisfactory operation of the private drain outlets;
 - d) the property owner(s) will be responsible for the expense of maintenance in the event that the Municipality determines in its discretion that maintenance work on an outlet ditch is necessary due to silt or other material deposits as a result of the outlet.

5. If the Drainage Superintendent is of the opinion that the flow of water from the outlet may cause water problems for Municipal property but not another third party private property, the permission will be given if the problems can, in the opinion of the Municipality, be reasonably overcome at the expense of the property owner and as described and provided for in an agreement between the Municipality and the property owners(s) satisfactory to the Municipality which will also include terms similar to the agreement described in paragraph 4.
6. If the Drainage Superintendent is of the opinion that the flow of water from the outlet may cause water problems for the Municipality and/or private property owners, or that several downstream property owners may be affected, the permission will be given only if;
 - a) the property owner(s) proceed to petition for an outlet under Section 4 of the Drainage Act as amended, or;
 - b) in the event that the outlet involves a road crossing by the private drainage system to an outlet onto private or other property, the Municipality may also petition under Section 4 of the Drainage Act as amended.
7. **Vacant Lots:** All changes in ground elevation of vacant lots must be approved by the Drainage Superintendent or the Chief Building Official. Failure to do so may result in denial of building permits.

**SCHEDULE “D”
of BY-LAW 2018-37**

CODE OF CONDUCT

The purpose of this code of conduct is:

- 1) To promote appropriate standards of behaviour by Building Officials in the exercise of their powers and performance of their duties;
- 2) To prevent practices which may constitute an abuse of power, and
- 3) To promote appropriate standards of honesty and integrity.

Standards of Conduct and Professionalism in addition to any Policy and with respect to any Code of Ethics and Conduct apply to all municipal staff, the Municipality’s Building Officials shall undertake at all times to:

1. Act in the public interest, particularly with regards to the safety of building works and structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the Act, OBC and any other Act of Law that regulates or governs Building Officials or their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;
7. Apply all relevant building laws, regulations and standards strictly and without favor and independent of the influence of interested parties;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
9. Not divulge any confidential or sensitive information or material, that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
10. To avoid any conduct that could bring Building Officials or the Municipality into disrepute;
11. Extend professional courtesy to all;
12. Accept responsibility of the conduct of their subordinate employees;
13. Maintain current accreditation to perform the functions assigned to them;
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties; and
15. Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a Building Official.

Guideline for responding to Misconduct Allegations:

The Act provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the CBO shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with the code of conduct. Where the allegation is against the CBO, the Chief Administrative Officer (CAO) of that Municipality, or the CAO of the lead Municipality in the event that the Building Services are a part of a Shared Service Agreement, will direct the investigation and make such recommendation as are reasonable.

In determining the appropriate discipline, the CBO or CAO will have to regard the relevance of the conduct to the officials' powers and responsibilities as well as the severity of any misconduct.

Disciplinary Action arising from violation of this code of conduct is the responsibility of the Municipality's administration and is subject to relevant collective agreements, employment laws and standards.

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2018-38

BEING A BY-LAW TO AUTHORIZE A LEASE FINANCING AGREEMENT
WITH STAK FITNESS

WHEREAS Council deems it desirable to enter into a Lease Financing Agreement with STAK Fitness for the purchase of fitness equipment.

NOW THEREFORE, THE COUNCIL FOR THE MUNICIPALITY OF FRENCH RIVER ENACTS AS FOLLOWS:

- 1) THAT the Mayor and Clerk are hereby authorized to enter into a Five (5) year term Lease Financing Agreement with STAK Fitness for the purchase of fitness equipment.
- 2) THAT the terms and conditions of the Lease Financing Agreement shall be as set out in Schedule 'A', attached hereto and forming part of this By-law.
- 3) THAT this By-law shall come into force and take effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20th DAY OF JUNE, 2018.**

MAYOR

CLERK

