Town of East Gwillimbury

Our town, Our future

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NUMBER 2018- 084

Being a By–Law to Regulate and Prescribe Standards for the Maintenance of Private Property within the Town of East Gwillimbury

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that the powers of a municipality under any act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 11(2)6 of the Municipal Act provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its persons;

AND WHEREAS Section 11(3)5 of the Municipal Act provides that a municipality may pass by-laws in the interest of culture, parks, recreation and heritage;

AND WHEREAS Section 127 of the Municipal Act provides that a municipality may require the owners or occupants 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 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 129 of the Municipal Act provides that a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS Section 131 of the Municipal Act 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 398 of the Municipal Act states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

AND WHEREAS Section 425 of the Municipal Act authorizes the municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Section 429 of the Municipal Act provides that a municipality may establish a system of fines for offences under a by-law passed under the Act;

AND WHEREAS Section 446 of the Municipal Act, authorizes a municipality to require a person to do a matter or thing and in default of it being done by the person directed or required to do it, the matter or thing shall be done at the owners expense and add the cost to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS it is the opinion of the Council of the Corporation of the Town of East Gwillimbury that vacant buildings not secured against unauthorized entry may create a public nuisance by attracting vandals and creating fire and safety hazards, and it is the desire of the Council of the Corporation of the Town of East Gwillimbury to regulate vacant buildings;

AND WHEREAS under Sections 35.3 and 45.1 of the Ontario Heritage Act, R.S.O. 1990, c. O.18 as amended, a By-law may be passed by the Council of the municipality prescribing the minimum standards for the maintenance of the heritage attributes of individually designated heritage properties or properties situated in a heritage conservation district provided that a By-law passed under Section 15.1 of the Building Code Act, 1992, S.O. 1992, c. 23 is in effect in the municipality;

AND WHEREAS the Town of East Gwillimbury has passed a by-law under Section 15.1 of the Building Code Act prescribing standards for the maintenance and occupancy of property within the municipality;

AND WHEREAS the Corporation of the Town of East Gwillimbury deems it necessary to prevent public nuisances and the accumulation of waste material within East Gwillimbury;

NOW THEREFORE the Council of the Corporation of the Town of East Gwillimbury enacts as follows:

I DEFINITIONS

1.1 In this By-law:

(a) **"Boulevard"** means the lands within public road allowance between the **lot** line of a **property** and the edge of said road.

(b) **"Commercial Properties"** means all **properties** that are used for any form of commercial enterprise excluding a **home business**.

(c) **"Compost"** means accumulated biodegradable waste.

(d) **"Corporation"** means the Corporation of Town of East Gwillimbury.

(e) **"Council"** means the Council of the **Corporation** of the Town of East Gwillimbury.

(f) **"Domestic Waste"** means any article, thing, matter or effluent usually but not exclusively associated with a house or household or concerning or relating to the home or family that appears to be **waste materials**, and without limiting the generality of the foregoing includes:

(i) accumulations, deposits, leavings, litter, remains, rubbish, trash;

(ii) all kitchen and table waste of animal or vegetable origin, resulting from the preparation or consumption of food;

(iii) yard clippings, tree and garden cuttings, brush or leaves;

(iv) refrigerators, freezers or other appliances, any attached hinges or latching, locking or other closing mechanism or device;

(v) furnace, furnace parts, pipes, fitting to pipes, water or fuel tanks;

(vi) **inoperable vehicles** and **vehicle** parts including but not limited to tires, mechanical equipment, mechanical parts, accessories or adjuncts to the **vehicles** and mechanical equipment;

(vii) paper, cartons, fabrics or carpets;

(viii) furniture;

(ix) cans, glass, or plastic containers, or dishes; and,

(x) **sewage**.

(g) **"Ground Cover"** means organic or non-organic material that covers the ground, and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

(h) **"Heritage Approval"** means an approval issued by the **Corporation** related to alteration work on **heritage property** in accordance with the **Ontario Heritage Act**.

(i) **"Heritage Attribute"** means, an attribute of the **property** that contributes to its cultural heritage value or interest and that is defined, described or that can be reasonably inferred:

(i) in a By-law designating a **property** passed under Section 29 of the **Ontario Heritage Act**;

(ii) in a Minister's order made pursuant to Section 34.5 of the **Ontario Heritage Act**;

(iii) in a By-law designating a heritage conservation district passed under Section 41 of the **Ontario Heritage Act**; or,

(iv) in the supporting documentation required for a By-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as a **heritage attribute**, value, reason for designation or otherwise.

Heritage attribute also includes the elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the **heritage attribute** and without which the **heritage attribute** may be at risk.

(j) **"Heritage Property"** means **property**, including all buildings, structures and features thereon:

(i) that has been designated by the **Corporation** under Section 29 of the **Ontario Heritage Act**, or that has been designated by the Minister under Section 34.5 of the **Ontario Heritage Act**; or

(ii) b) that is located within a heritage conservation district which has been designated by the **Corporation** under Section 41 of the **Ontario Heritage Act**.

(k) **"Highway"** means the entire public road allowance and includes the roadway, lanes and **boulevard**.

(l) **"Home Business"** means an occupation that:

(i) Involves providing personal or professional services or producing custom or artisanal products;

(ii) Is carried on as a small-scale accessory use within a dwelling unit or, where permitted, a structure accessory to the dwelling unit; and,

(iii) Meets all provisions applicable to home businesses within the **Corporation's** Zoning By-law.

(m) **"Industrial Waste"** means any article, thing, matter or any effluent usually but not excessively belonging to or usually but not exclusively associated with industry or commerce or concerning or relating to manufacture or

concerning or relating to any trade business, calling or occupation that appears to be **waste material**; and without limiting the generality of the foregoing includes:

(i) articles, things, matter or effluents, which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:

(a) agriculture, animal, vegetable, paper, lumber or wood products;

(b) mineral, metal, or chemical products;

(c) whether or not the products are manufactured or otherwise processed;

(d) automotive parts, **inoperable vehicles**, **vehicle** parts, mechanical equipment, mechanical parts, accessories, or adjuncts to the **vehicles** and mechanical equipment;

(e) piping, tubing, conduits, cable and fittings or other accessories or adjuncts to the piping, tubing, conduits or cable;

(f) metal;

(g) containers or pallets of any size, type or composition;

(h) material resulting from, or as part of, construction or demolition projects;

(i) rubble, inert fill;

(j) bones, feathers, hides; or,

(k) **sewage**.

(n) **"Inoperable Vehicle"** means a **vehicle** that is not in good repair and incapable of being operated on a **highway**. It includes a **vehicle** that does not display a valid **vehicle** permit license plate issued under the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

(o) **"Land"** means grounds, yards and vacant and developed **lots**.

(p) **"Larvicide"** means any chemical, mechanical or bacterial agent that is used to impair or destroy mosquito larvae.

(q) **"Lot"** means a parcel of **land**, described in a deed or other document legally capable of conveying **land**, or shown as a block on registered plan of subdivision.

(r) **"Multiple Offence"** means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.

(s) **"Officer"** means an employee of the **Corporation** who has been appointed by By-law to enforce the provisions of **Corporation's** By-laws.

(t) **"Natural Garden"** means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape, and includes green roofs.

(u) **"Ontario Heritage Act"** means the Ontario Heritage Act and regulations, as amended, and any successor legislation.

(v) **"Owner"** means the registered owner, owner in trust, a mortgagee in possession, a **person** who is managing or receiving the rent of the **property**, a lessee, tenant/occupant or a **person** who is control of the **property** and includes a **person**, firm, partnership, corporation, company, association, or organization of any kind and its principal(s).

(w) **"Order"** means an Order issued by an **Officer**, or an assistant to the **Officer**, to a **person** under this By-law requiring such **person** to perform work to correct a contravention of this By-law.

(x) **"Person"** means an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the Condominium Act, 1998, S.O. 1998, c.19, organization, trustee or agent, and their heirs, executors or other legal representatives of a person to whom the context can apply according to law.

(y) **"Planning Manager"** means the General Manager of Development Services or their designate.

(z) **"Property"** means a building or structure, or part of a building or structure, and includes the **lands** and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant **land**.

(aa) **"Record"** means the Official **Street Number** Record of the **Corporation**.

(bb) **"Recreational Vehicle"** means:

(i) a motor vehicle that is primarily designed to provide temporary living quarters for recreational camping, travel or seasonal use, whether it has its own motor power or is mounted on or towed by another vehicle, and includes motorized homes, travel trailers, fifth wheel travel trailers, tent trailers and campers whether or not the camper is or is not attached to a truck or other **vehicle** and does not include a mobile home or a manufactured home; and/or,

(ii) personal waterfract, snowmobiles, all-terrain vehicles and other similar vehicles used for recreational purposes.

(cc) **"Reflective Plate"** means a plate or sign on which is affixed a **street number** and which has reflective properties.

(dd) **"Refuse"** means any object or material that has been discarded by any **person** or that is no longer in use or reasonably intended to be used by any **person** having ownership or control over such object or material.

(ee) **"Sewage"** means grey water, 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.

(ff) **"Standing Water"** means any water found on **property**, including stagnant water, other than a natural moving body of water that exists on a permanent basis.

(gg) **"Street Number"** means the street number for a **property**, as entered in the **Record**, and could be identified on a **reflective plate**.

(hh) **"Town"** means the land area of the municipality known as the Town of East Gwillimbury.

(ii) **"Vacant Heritage Property"** means any **heritage property** which either is or appears to an **Officer** to be vacant, partially vacant, or unoccupied for more than ninety (90) days.

(jj) **"Vacant Listed Heritage Property"** means **property** listed on the Town of East Gwillimbury Register of Cultural Heritage Properties that is not a **heritage property**, which either is or appears to an **Officer** to be abandoned, vacant, partially vacant, or unoccupied for more than ninety (90) days.

(kk) **"Vehicle"** means a motor vehicle as defined by the Highway Traffic Act.

(ll) **"Waste Material"** means any garbage, **refuse**, debris, litter, **industrial waste** or **domestic waste**.

II GENERAL PROVISIONS

2.1 Every **owner** of **property** not zoned Rural in the **Corporation's** Zoning By-law shall cut the grass and weeds, and remove the cuttings, on the **property** and any abutting **boulevard** whenever the growth of the grass or weeds exceeds twenty centimeters in height.

2.2 Every **owner** of **property** zoned Rural in the **Corporation's** Zoning By-law shall cut the grass and weeds, and remove the cuttings, within that area of the **property** which is setback 6 metres from all **lot** lines that abut **property** that is zoned to permit residential uses whenever the growth of the grass or weeds exceeds twenty centimeters in height.

2.3 Notwithstanding Subsections 2.1 and 2.2 of this By-law, the height of grass and weeds need not be maintained in:

(a) areas that are designated as Open Space or Environmental Protection Area under the **Corporation's** Zoning By-law; or,

(b) **Corporation** owned parks, storm water management ponds and open spaces.

2.4 Notwithstanding Subsections 2.1 and 2.2 of this By-law, the height of grass need not be maintained in:

(a) **heritage attributes**, where said grass is considered the **heritage attribute**, provided that the unkempt grass does not lead to the degradation of the **heritage attribute(s)** of the **heritage property**; or,

b) **natural gardens**.

2.5 No **owner** shall permit the **ground cover** on their **property** to contain any invasive plant species as identified in the Invasive Species Act, 2015, S.O. 2015, c. 22 – Bill 37.

2.6 Every **owner** shall ensure the **ground cover** on their **property** is well maintained and not permitted to become unkempt.

2.7 Every **owner** shall maintain all hedges, ivy, bushes and shrubs on their **property** from becoming overgrown and unkempt and not allow to overhang onto **Corporation property**.

2.8 Every **owner** shall remove any domesticated animal excrement on their **property**.

2.9 Every **owner** shall maintain their **property** clear of all **waste material**.

2.10 Every **owner** shall store **waste material** in rigid covered containers (except for recyclable materials) when stored outdoors and **waste material** shall not be stored in the front yard of a residential **property** where the **property** has a garage, side yard or designated storage facility.

2.11 Every **owner** shall maintain their **property** clear of all **inoperable vehicles**, unless permitted in the **Corporation's** Zoning By-law.

2.12 No **owner** shall park, store, keep or place a **recreational vehicle**, utility trailer, trailer, boat, mobile home or similar, in contravention of the **Corporation's** Zoning By-laws.

2.13 No **person** shall park, store or drive a **vehicle** on any **lot**, except on a paved or appropriately finished surface.

2.14 Every **owner** shall remove all graffiti, stains or other defacement on their **property** to restore the surface and adjacent areas to, as near as possible, their appearance before the markings, graffiti, stains or other defacement occurred.

2.15 No **person** shall erect, install, or use, or permit to be erected, installed or used, an outdoor light fixture which is not shielded, so as to prevent the light from travelling upwards or trespass beyond the **property** from which it is emitting.

III UNSAFE OR HAZARDOUS CONDITIONS

3.1 Every **owner** shall keep their **property** clear of objects or conditions that create or might create a health, fire or accident hazard.

3.2 No **owner** shall cause or permit an unfenced or unprotected pit, excavation or other downward slope which causes a safety hazard on their **property**.

3.3 No **owner** shall permit any well which is unprotected or the presence of which creates a risk of accident or injury.

3.4 Every **owner** shall remove all **standing water** from high risk areas, which includes but is not limited to: birdbaths, boat covers, eavestroughs and rain gutters, excavations capable of holding **standing water**, empty buckets, wheelbarrows and pots, **vehicle** tires, abandoned wells, pool, pool covers, plastic containers and bottles, uncovered rain barrels, uncut grass and weeds and untrimmed shrubs, bushes and hedges.

3.5 No **owner** shall fail to comply with an **Order** issued by the **Officer** to remedy any **standing water**. Not limiting the foregoing, such **Order** may include a direction to fill or drain off the water or the treatment of the same with **larvicide**.

3.6 Every **owner** shall keep any swimming pool, hot tub, wading pool or artificial pond well maintained and in good repair.

3.7 Every **owner** shall remove snow and ice from exterior walkways, steps, landings and ramps, and from exterior driveways and parking areas that pose a health or safety hazard to persons on their **property**.

3.8 Every **owner** shall remove snow and ice from the roofs of building(s) or structure(s) on their **property** that pose a health or safety hazard to persons on

the **property** in the normal use of adjacent walkways, driveways, parking areas and entrances to the building(s).

IV DUMPING AND WASTE DISPOSAL

4.1 No **person** shall dump, throw, place, deposit, bury, dispose, or permit to be dumped, thrown, placed, deposited, buried, or disposed, **waste material** on any **land** unless specifically permitted by any other By-law.

4.2 No **person** shall aid or assist any **person** to dump, throw, place, deposit, bury or dispose of any **waste material** on any **property** or permit the use of his or her **property** to be utilized for such a purpose.

4.3 No **person** shall dump, throw, place, deposit, bury, dispose or permit to be dumped, thrown, placed, deposited, buried, or disposed, **waste material** on a **highway** within the **Town** except when placed out in accordance with the **Corporation** By-laws respecting garbage collection.

4.4 Any **person** who has violated Subsections 4.1, 4.2 or 4.3 of this By-law shall immediately remove or cause to be removed all **waste material**, and remediate the **property**, to the satisfaction of the **Officer**.

V COMPOST

5.1 No **person** shall establish a **compost** heap or structure unless it is for the sole use of the **owner** of the **property** in which the **compost** is deposited.

5.2 No **person** shall locate a **compost** heap or structure on a **property** unless the following provisions are met:

(a) The **compost** heap or structure is located in a rear or side yard;

(b) The use of the **compost** heap or structure is limited to the disposal of acceptable compostable material in accordance with standards established by the Ontario Ministry of the Environment and local health authorities;

(c) The **compost** heap or structure is no larger than 1.0 square metres in size and no taller than 1.0 metre in height;

(d) The **compost** heap or structure is no closer than 1.0 metre to any **property** line; and,

(e) Subsection 5.2(b) of this By-law shall not apply to a **compost** heap or structure for agricultural uses.

VI FIREWOOD

6.1 No **person** shall keep firewood on a **property** unless it is used for wood burning on the **property**.

6.2 No **person** shall keep, store or place firewood unless the following provisions are met:

(a) The firewood is located in a rear or interior side yard;

(b) The firewood is used for wood burning on the **property**;

(c) The area of **property** occupied by the firewood is not more than the (15%) of the total area of the yard area where it is situated;

(d) The firewood is neatly piled and located a minimum of 1.2 meters (3.93 ft.) away from **lot** lines; and,

(e) The firewood pile is not to exceed a total height of 2.43 meters (8 ft.) in a rear yard or 1.82 meters (6 ft.) in an interior side yard.

VII HERITAGE PROPERTY

7.1 In addition to the minimum standards for the maintenance and security of **property** in the **Town** as set out in this By-law, the minimum standards listed in Subsections 9.1, 9.2, 9.3, and 9.4 of this By-law shall apply to the maintenance and security of all buildings and structures on **heritage properties**.

7.2 Despite any other provisions of this By-law, in the case of buildings and structures located on **heritage properties**, no **owner** shall alter the **heritage property** or permit the alteration of the **heritage property** if the alteration is likely to affect the **property's heritage attributes**, unless the **owner** has obtained a building permit with **Heritage Approval** or other form of written consent from the **Planning Manager** in accordance with the **Ontario Heritage Act**.

7.3 The **owner** of a **vacant heritage property** shall protect such **property** including any buildings, structures or **heritage attributes** located thereon, against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of injurious insects or rodents by boarding up and securing any openings to the buildings or structures of the **vacant heritage property**. Securing shall comply with the requirements of Subsections 9.1, 9.2, 9.3 and 9.4 of this By-law.

7.4 Where the minimum standards imposed by Subsections 9.1, 9.2, 9.3 and 9.4 of this By-law have, more than once, failed to exclude unauthorized entry and/or where the **owner's** lack of control, attendance or security

measures to protect the **vacant heritage property** warrant, in the opinion of the **Planning Manager**, use of a more secure option, then the **owner** shall supply such measures, or as may be required by the **Officer** or **Planning Manager**.

VIII VACANT LISTED HERITAGE PROPERTY

8.1 In addition to the minimum standards for **property** maintenance, the **owner** of a **vacant listed heritage property** shall protect the **property** against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of injurious insects or rodents by boarding up and securing any openings to the **vacant listed heritage property**. For the purpose of securing a **vacant listed heritage property**, provisions of Subsections 9.1, 9.2, 9.3 and 9.5 of this By-law must be complied with.

IX SECURITY MEASURES

9.1 Securing shall include the following requirements:

(a) all boarding must be ½ inch S.P.F. (Spruce-Pine-Fir) exterior grade plywood (not particle board, fiberboard or other forms of board sheathing);

(b) boarding must be cut to completely and securely fit within all exterior structural openings;

(c) all boarding shall be maintained in good repair;

(d) all boarding shall be installed from the exterior in a manner that minimizes damage to any **heritage attributes** and building fabric, and is reversible;

(e) all boarding shall be fastened using wood screws only. Screws must be at least #8 gauge, countersunk and not less than 3 inches in length. Each screw shall be spaced not more than 12 inches on centre around the entire perimeter of each plywood board;

(f) all boarding shall be fitted securely and in a watertight manner to fit within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding, so as not to be easily detached by hand;

(g) all boarding used on windows and door openings shall be painted using exterior grade paint in a colour to be selected in consultation with **Corporation** staff;

(h) all other boarding shall be painted using exterior grade paint in a colour that blends with the exterior of the building or structure;

(i) where a structural opening is irregular in shape or unusually large, alternate security measures shall be required to adequately secure these openings, such as steel mesh screening, grills, security bars or cross-bracing over plywood, to the satisfaction of the **Officer** and the **Planning Manager**;

(j) if the aforementioned measures prove insufficient to secure openings, additional augmentation measures shall be required, and may consist of the installation of steel mesh enclosures or steel panels over all boarded ground floor openings or such other more secure option as may be required by the **Officer** and the **Planning Manager**; and,

(k) no window, door or other opening shall be secured by brick, concrete blocking or masonry units held in place by mortar, unless approved by the **Officer** and **Planning Manager**.

9.2 The **owner** of a **vacant heritage property** or **vacant listed heritage property** shall ensure that:

(a) all utilities serving the building are properly disconnected, terminated, drained or capped to prevent accidental or malicious damage, with the exception of those utilities necessary for the safety, maintenance and security of the **property**;

(b) appropriate utilities serving the building remain connected and used to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the building by humidity, fluctuating temperatures, including the negative effects associated with freeze-thaw cycles, and other environmental conditions;

(c) interior doors, except those in fire separations, are fixed ajar at least 4 inches to allow air to circulate throughout in order to help prevent interior deterioration through excess humidity; and,

(d) the exterior of the building, including eavestrough and downspouts, are maintained in order to prevent moisture penetration and damage from the elements that may have an adverse impact on any **heritage attributes**.

9.3 The **owner** of a **vacant heritage property** or **vacant listed heritage property** shall ensure that the following additional security measures are taken with respect to the building or structure:

(a) lock all doors and windows and ensure the good and secure condition of said locks;

(b) install and maintain an exterior lighting fixture on a timer in an area adjacent to the front entrance, in a manner that does not damage any **heritage attributes**, to enhance the safety and security of the building;

(c) close all basement hatches, openings, walkways and windows;

(d) remove ladders, tool, and other materials that might be used to gain interior access;

(e) remove **waste material**, furniture, appliances, machinery and debris from inside buildings and structures, and from around the **property**;

(f) all floors above the first floor must be rendered inaccessible to entry by raising exterior fire escapes and ladders to a height of at least four meters, and by removing cladding or any other materials that may be used to access the **property** to the satisfaction of the **Planning Manager**;

(g) significant trees, plantings, grass, lawns, flower beds, hedgerows, ivy, bushes, vines and other vegetation on the grounds of **properties** shall be maintained and protected at all times in accordance with all relevant **Corporation** By-laws;

(h) chain-off driveways and all other direct means of vehicular access to the **property**, while still permitting authorized vehicular and emergency vehicular access when necessary; chains should be no greater than 10mm (3/8 inch) in diameter and of a grade 30 or comparable;

(i) temporary metal security fencing may be required around the perimeter of a **property**. Notwithstanding the **Corporation's** Fence By-law, as amended or superceded from time to time, a fence shall be erected 2.13metres (7 feet) in height above grade, equipped with a horizontal top rail. The temporary fence shall be erected and securely anchored and maintained at all times with all gates locked with appropriate high security pad locks. Barbed wire (minimum of two strands) shall be installed along the perimeter of each fence, projecting inward toward the area that is enclosed by the fence;

(j) advise the **Corporation's** Emergency and Community Safety Services Department, the **Corporation's** Development Services Department, and York Regional Police that the building is vacant and boarded; and,

(k) inspect the **property** and all buildings and structures on a monthly basis.

9.4 The **owner** of a **vacant heritage property** shall:

(a) post "No Trespassing" signs on all **lot** lines, gates and **property** fencing or locations determined by the **Officer** or **Planning Manager**; and.

(b) post a heritage notice that complies with the signage standards of the **Corporation's** Planning Branch and states the following:

HERITAGE NOTICE:

This property is a designated cultural heritage resource protected under the **Ontario Heritage Act** and applicable Municipal laws.
Please help protect and conserve East Gwillimbury's heritage for future generations by reporting any suspected vandalism or trespass. Violators will be prosecuted.
For more information contact the Town of East Gwillimbury Planning Staff at 905-478-4283.

9.5 The **owner** of a **vacant listed heritage property** shall:

(a) post "No Trespassing" signs on all **lot** lines, gates and **property** fencing or locations determined by the **Officer** or **Planning Manager**; and,

(b) post a heritage notice that complies with the signage standards of the **Corporation's** Planning Branch and states the following:

HERITAGE NOTICE:

This property is a cultural heritage resource protected under applicable Municipal laws.
Please help protect and conserve East Gwillimbury's heritage for future generations by reporting any suspected vandalism or trespass. Violators will be prosecuted.
For more information contact the Town of East Gwillimbury Planning Staff at 905-478-4283.

X STREET NUMBER SIGN

10.1 Every **owner** shall affix or cause to be affixed the **street number** for such **property** to a wall of a building, or other location, which abuts a **highway** so as to ensure clear visibility of the number at all times from the **highway**. Such number shall be a minimum of ten (10) centimetres in height. For **properties** that abut multiple **highways**, the **street number** shall be affixed to a wall of a building, other location, only on the side of the **property** for which the address has been assigned.

10.2 No **street number** for a **property** shall be posted other than the number appearing on the **Record** for such **property**.

10.3 **Street numbers** for all **properties** shall be a contrasting colour to the surface or building façade on which they are affixed.

10.4 Notwithstanding Subsection 10.1 of this By-law, the **street number** address for **commercial properties** shall be:

(a) a minimum of thirty (30) centimetres in height;

(b) prominently displayed and illuminated on the front facade of a commercial building or on the ground sign of a commercial plaza where such a sign exists; and,

(c) displayed and illuminated in a prominent location on the rear wall of any commercial building that possesses a rear on-site driveway access route on the **property**.

10.5 Where multiple units existing within a building on a **commercial property**, the unit numbers for each unit shall be prominently displayed on or near the front door to the unit in a contrasting colour to the surface on which it is affixed, and said numbers shall be a minimum of ten (10) centimetres in height.

10.6 Every **owner** with more than one building being used as a residential dwelling on a **property** shall affix the **street number** for such **property** followed by the:

(a) letter “A” on the main entrance to the first dwelling; and,

(b) letter “B” on the main entrance to the second dwelling.

10.7 Every **owner** of a residential dwelling with an accessory apartment shall affix the **street number** for such **property** followed by:

(a) “Unit 1” on the entrance to the main residential dwelling; and

(b) “Unit 2” to the entrance to the accessory apartment.

10.8 Every **owner** of a **property** shall install a **reflective plate** if required by the Fire Department. Every **reflective plate** shall be erected in accordance with the following:

(a) a post shall be installed for the sole purpose of supporting the **reflective plate**;

(b) the distance between the post supporting the **reflective plate** and the edge of the principal access driveway shall not exceed 3.0 metres;

(c) there shall be a perpendicular alignment to the **highway** on which the address has been assigned so that the **reflective plate** is clearly visible at all times from the **highway**;

(d) the distance between the post supporting the **reflective plate** and the **highway** shall not exceed 5.0 metres;

(e) the **reflective plate** shall be posted on the same side of the **highway** as the **property** to which the address has been assigned; and,

(f) the **reflective plate** shall be erected on the post so there is at least 1.4 metres and no more than 1.6 metres between the average grade of the **property** directly in front of the plate and the top of the **reflective plate**.

10.9 Once installed, every **reflective plate**, **street number**, and any supporting structure including a post, shall be maintained by the **owner** in good order, and repaired immediately in the event of any damage.

10.10 If required by the Fire Department, the **owner** of a residential development located on a private/condominium road(s), or specific **properties** contained within said development, shall:

(a) firmly affix, and maintain, the unit number and/or **street number** for the **property** on a wall of a building, or other location, which fronts onto the private/condominium road. Such number shall be a minimum of ten (10) centimetres in height and clearly visible from the private/condominium road; and,

(b) where the private/condominium road(s) connect to **highways**, place and maintain a permanent sign(s) constructed of durable material, displaying a map that depicts the layout the entirety of the development that is located on and connected through private/condominium road(s), including the location of the streets, buildings and the unit numbers and/or **street numbers** of each building. All text and numbers on such signs shall be of a sufficient size as to be legible from the **highway** where the private/condominium road gains access.

10.11 No **street number** shall be affixed to **Corporation property** or a public utility, including street lamps, telephone poles or hydro poles.

10.12 During the construction of a building, in addition to identifying a **property** using the **street number**, an **owner** may also identify his **property** by affixing the correct **Lot** and Plan number of the **property** to such building, provided that the number is clearly identified as a **Lot** number as distinct from the **street number**.

XI RIGHT OF ENTRY

11.1 **Officers** and **person(s)** under their direction may at any reasonable time enter onto any **property**, pursuant to the Municipal Act, to determine if the provisions

of this By-law are being complied with or may enter onto any **property** to carry out any remedial actions required to bring the **property** into conformity with the By-law.

11.2 **Officers** are authorized for the purposes of inspection to determine compliance with the By-law to:

(a) require the production for inspection of documents or things relevant to the inspection;

(b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

(c) require information from any **person** concerning a matter related to the inspection including their name, address, phone number and identification;

(d) alone or in conjunction with a **person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and,

(e) order the **owner** of the **property** to take and supply at the **owner's** expense such tests and samples as are specified.

XII ENFORCEMENT

12.1 **Officers** are hereby authorized to enforce the provisions of this By-law.

XIII NOTICE OF REMEDY

13.1 An **Officer** may enter upon any **property** at any reasonable time with proper identification to determine if the **owner** is complying with the provisions of this By-law and may take photographs of the **property's** condition.

13.2 Where a **property** is not maintained in accordance with the requirements of this By-law:

(a) the **Corporation** may serve the **owner** an **Order** in writing directing the **owner** of the **property** to bring the **property** into compliance with the requirements of this By-law; and,

(b) the **owner** shall repair, remove or clean up all contraventions identified on the **Order** within the time specified in the **Order**, in such a manner that no **heritage property** shall be altered or cleared (including but not limited to removed, demolished or relocated), except in accordance with the **Ontario Heritage Act**.

13.3 The **Order** from the **Corporation** may be:

(a) served personally upon the **owner**;

(b) mailed by regular mail to the last known address of the **owner** according to the current assessment rolls; or

(c) posted on site.

13.4 If served by regular mail, an **Order** under Subsection 13.3(b) of this By-law shall be deemed to have been served on the fifth day after mailing.

XIV REMEDIATION

14.1 Where the **person** is in default of doing any matter or thing directed or required to be done under this By-law, an **Officer** may direct the completion and enforcement of such at the **person's** expense.

14.2 An **Officer** or the **Corporation's** employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto **property** at a reasonable time and carry out any or all of the work described in the **Order**.

14.3 Where any matters or things are removed in accordance with Subsection 14.1 of this By-law, such matters or things may be immediately disposed of by the **Officer**.

14.4 The **Corporation** may recover the remedial action and enforcement costs incurred under Subsection 14.1 of this By-law by legal action and/or by adding them to the tax roll and collecting them in the same manner as property taxes in accordance with Section 446 of the Municipal Act.

XV SERVICE FEES

15.1 The municipal service fees for the administration of this By-law shall be in accordance with the **Corporation's** User Fees and Charges By-law and any revisions thereto.

15.2 Municipal service fees for the administration of this By-law may be applied when a contravention has been confirmed by an **Officer**.

XVI OFFENCES

16.1 Any **person** who contravenes any provision of this By-law or an **Order** issued pursuant to this By-law is guilty of an offence.

16.2 No **person** shall fail to comply with any conditions or term of any **Order** issued under this By-law.

16.3 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

16.4 If an **Order** has been issued under this By-law, and the **Order** has not been complied with, the contravention of the **Order** shall be deemed to be a continuing offence for each day or part of a day that the **Order** is not complied with.

XVII COLLECTION OF UNPAID FINES AND FEES

17.1 Pursuant to Section 441.1 of the Municipal Act, the **Corporation** Treasurer or his or her agent may add any part of a fine for a commission of a provincial offence that is in default under Section 69 of the Provincial Offences Act, R.S.O. 1990, c. P33 to the tax roll for any **property** in the **Town** of which all of the **owners** are responsible for paying the fine.

17.2 Pursuant to Section 398 of the Municipal Act, the **Corporation** Treasurer or his or her agent may add any part of a municipal service fee subject to Subsection 15.1 or 15.2, to the tax roll for the for any **property** in the **Town** of which all of the **owners** are responsible for paying the fee.

XVIII PENALTIES

18.1 Every **person** who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

18.2 If an **Order** has been issued under this By-law, and the **Order** had not been complied with, the contravention of the **Order** shall be deemed to be a continuing offence for each day or part of a day that the **Order** is not complied with.

18.3 Every **person** who is guilty of an offence under this By-law shall be subject to the following penalties:

(a) upon a first conviction, shall be liable to a fine of not less than $250.00 and not more than $50,000.00;

(b) upon a second or subsequent conviction for the same offence, to a fine of not less than $500.00 and not more than $100,000.00;

(c) upon conviction for a continuing offence, to a fine of not less than $500.00 and no more than $1,000.00 for each day or part of a day that the offence continues, the total of which may exceed $100,000.00; and,

(d) upon conviction of a **Multiple Offence**, for each offence included in the **Multiple Offence**, to a fine of not less than $500.00 and not more than $10,000.00, the total of which is not limited to $100,000.00.

18.4 For the purpose of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction under this By-law.

18.5 When a **person** has been convicted of an offence under this By-law, the Ontario Court of Justice, or any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the **person** convicted, make an **Order** prohibiting the continuation or repetition of the offence by the **person** convicted.

18.6 Upon conviction, any fine imposed under this By-law may be collected under the authority of the Provincial Offences Act, as amended.

XIX OBSTRUCTION

19.1 In accordance with the provisions of the Municipal Act, as amended, Section 426(1), no **owner** shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an **Officer**, employee of the **Corporation** and/or agent in the lawful exercise or power or duty under this By-law.

XX CORPORATION NOT LIABLE

20.1 The **Corporation** assumes no liability for **property** damage or personal injury resulting from remedial action, remedial work undertaken with respect to any **owner** or **property** that is subject of this By-law.

XXI VALIDITY AND SEVERABILITY

21.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this By-law, or of the By-law as a whole.

XXII SEPARATE OFFENCE

22.1 For the purpose of this By-law, each day of a continuing offence shall be deemed to be a separate offence.

XXIII INTERPRETATION

23.1 Where a provision of this By-law conflicts with a provision of any other By-law statute or regulation in force, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall be applicable.

23.2 Notwithstanding Subsection 23.1 of this By-law, in the case of a **heritage property** or **heritage attribute**, where there is a provision of this By-law that conflicts with any other provision of this By-law or any other **Corporation** By-law, the provision that establishes the highest standard for the protection of **heritage attributes** shall prevail.

XXIV SHORT TITLE

24.1 This By-law may be cited as the “Property Maintenance By-law”.

XXV REPEALED

25.1 That By-laws #1993-20, #1996-32 and #2003-43 are hereby repealed.

XXVI FORCE AND EFFECT

26.1 That this By-law shall come into force and effect on the date it is passed.

ENACTED AND PASSED this 14th day of August, 2018.

_____

Virginia Hackson, Mayor

_____

Fernando Lamanna, Municipal Clerk

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

PART 1 PROVINCIAL OFFENCES ACT

By-law No. 2018-084

ITEM	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
1	Fail to cut grass or weeds over twenty centimeters in height. (Non-Rural Zones)	Subsection 2.1	$250.00
2	Fail to cut grass or weeds over twenty centimeters in height. (Rural Zones)	Subsection 2.2	$250.00
3	Fail to maintain **ground cover** on **property** clear of invasive plant species.	Subsection 2.5	$250.00
4	Fail to maintain **ground cover** on their **property**.	Subsection 2.6	$250.00
5	Fail to maintain all hedges, ivy, bushes and shrubs on their **property**.	Subsection 2.7	$250.00
6	Fail to remove any domesticated animal excrement on their **property**.	Subsection 2.8	$250.00
7	Fail to maintain **property** clear of all **waste materials**.	Subsection 2.9	$250.00
8	Fail to store **waste material** in rigid covered container.	Subsection 2.10	$250.00
9	Store **waste material** in front yard.	Subsection 2.10	$250.00
10	Fail to maintain **property** clear of all **inoperable vehicles**.	Subsection 2.11	$250.00
11	Park a **recreation vehicle**, utility trailer, trailer, boat, mobile home, or similar in contravention of **Corporation's** Zoning By-law.	Subsection 2.12	$250.00

ITEM	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
12	Fail to park, store or drive a **vehicle** on a paved or finished surface.	Subsection 2.13	$250.00
13	Fail to remove all graffiti, stains or other defacement.	Subsection 2.14	$250.00
14	Fail to restore surface and adjacent areas following removal of graffiti, stains or other defacement.	Subsection 2.14	$250.00
15	Erect, install, use, or permit erection, installation or use of outdoor light fixture which is not shielded.	Subsection 2.15	$250.00
16	Fail to keep **property** clear of objects or conditions that create or might create a health, fire or accident hazard.	Subsection 3.1	$250.00
17	Cause or permit an unfenced or unprotected pit, excavation or other downward slope which causes a safety hazard.	Subsection 3.2	$250.00
18	Permit a well which is unprotected or the presence of which creates a risk of accident or injury.	Subsection 3.3	$250.00
19	Fail to remove all **standing water**.	Subsection 3.4	$250.00
20	Fail to keep all swimming pools, hot tubs, wading pools or artificial ponds in good repair and working condition.	Subsection 3.6	$250.00

ITEM	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
21	Fail to remove snow and ice from exterior walkways, steps, landings, ramps, exterior driveways and parking areas.	Subsection 3.7	$250.00
22	Fail to remove snow and ice from the roofs of building(s) or structure(s) that pose a hazard.	Subsection 3.8	$250.00
23	Dump, throw, place, deposit, bury, dispose, or permit to be dumped, thrown, placed, deposited, buried, or disposed **waste material**.	Subsection 4.1	$250.00
24	Aid or assist in dumping, throwing, placing, depositing, burying or disposing of **waste material**.	Subsection 4.2	$250.00
25	Use any **property** within the **Town** for dumping, throwing, placing depositing, burying or disposing of **waste material**.	Subsection 4.2	$250.00
26	Dump, throw, place, deposit, bury, dispose, or permit to be dumped, thrown, placed, deposited, buried, or disposed **waste material** on a **highway**.	Subsection 4.3	$250.00
27	Use of **compost** heap or structure by **persons** other than the **owner** of a **property**.	Subsection 5.1	$250.00

ITEM	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
28	Fail to locate and use a **compost** heap or structure in accordance with the provisions of this By-law.	Subsection 5.2	$250.00
29	Keep firewood on a **property** not used for wood burning on the **property**.	Subsection 6.1	$250.00
30	Fail to store firewood in accordance with the provisions of this By-law.	Subsection 6.2	$250.00
31	Alter or permit the alteration of a **heritage property** without **Heritage Approval**.	Subsection 7.2	$250.00
32	Fail to protect **vacant heritage property** against the risk of fire, storm, neglect, intentional damage, damage by other causes, injurious insects or rodents.	Subsection 7.3	$250.00
33	Fail to protect **vacant listed heritage property** against the risk of fire, storm, neglect, intentional damage, damage by other causes, injurious insects or rodents.	Subsection 8.1	$250.00
34	Fail to post “No Trespassing” signs on a **vacant heritage property**.	Subsection 9.4(a)	$250.00
35	Fail to post heritage notice on a **vacant heritage property**.	Subsection 9.4(b)	$250.00
36	Fail to post “No Trespassing” signs on a **vacant listed heritage property**.	Subsection 9.5(a)	$250.00

ITEM	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
37	Fail to post heritage notice on a **vacant listed heritage property**.	Subsection 9.5(b)	$250.00
38	Fail to affix **street number** in accordance with the provisions of this By-law. (Non-**Commercial Property**)	Subsection 10.1	$250.00
39	Fail to affix the correct **street number**.	Subsection 10.2	$250.00
40	Fail to affix **street number** in a contrasting colour to the surface or building façade.	Subsection 10.3	$250.00
41	Fail to affix **street number** in accordance with the provisions of this By-law. (**Commercial Property**)	Subsection 10.4	$250.00
42	Fail to affix unit number in accordance with the provisions of this By-law. (**Commercial Property**)	Subsection 10.5	$250.00
43	Fail to affix unit number in accordance with the provisions of this By-law. (More than one building being used as a residential dwelling on a **property**)	Subsection 10.6	$250.00
44	Fail to affix unit number in accordance with the provisions of this By-law. (Residential dwelling with an accessory apartment)	Subsection 10.7	$250.00
45	Fail to install **reflective plate** in accordance with the provisions of this By-law.	Subsection 10.8	$250.00

ITEM	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
46	Fail to maintain **reflective plate**, **street number** or supporting structure in good order and repair.	Subsection 10.9	$250.00
47	Fail to affix unit number in accordance with the provisions of this By-law. (Residential development located on a private/condominium road)	Subsection 10.10(a)	$250.00
48	Fail to place and maintain a sign in accordance with the provisions of this By-law.	Subsection 10.10(b)	$250.00
49	Obstructing an **Officer** or Agent	Subsection 19.1	$500.00

Note: The penalty provision(s) for the offences indicated above is Section 18 of By-law No. 2018-084 a certified Copy of which has been filed.