

**CORPORATION OF THE TOWNSHIP
OF DRUMMOND/NORTH ELMSLEY**

BY-LAW NO. 98-27

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

- (1) requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident pursuant to paragraph 44 of Section 210 of the Municipal Act;
- (2) requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yard and vacant lots pursuant to paragraph 80 of Section 210 of the Municipal Act; and
- (3) authorizing the pulling down or repairing or renewing of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident pursuant to paragraph 173 of Section 210 of the **Municipal Act**.

NOW THEREFORE the Council of the Corporation of the Township of Drummond/
North Elmsley hereby enacts as follows:

1. No owner or occupant of any property shall cause, allow or permit any building, yard, lot or grounds to be or remain in a condition contrary to the requirements of this by-law.
2. Every property in the municipality shall be kept in a neat, tidy and safe condition consistent with surrounding properties, and free from:
 - (1) rubbish, garbage, waste and other debris;
 - (2) long grass, discarded brush and clippings, excessive weed growth, or any other condition that may promote or be susceptible to fire or infestation by weeds, rodents and other noxious conditions;
 - (3) timber, lumber, building materials or any other type of product or materials stored or kept under conditions that are unsafe from fire or other dangerous risk or accident;
 - (4) scrap and junk material including without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, appliances, equipment or any part thereof, except in an establishment licensed or permitted to conduct and operate such a business or on a property on which there is an active farming operation, and only then under circumstances that prevent unsafe or unsightly conditions;
 - (5) buildings, fences, scaffolding, retaining walls or any other erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident;
 - (6) any combustible, flammable, volatile, caustic or explosive substances unless stored under conditions that are safe and free from risk of fire or accident.
3. Any by-law enforcement officer or peace officer, or any person acting on the officer's instructions, may at all reasonable times and upon producing proper identification, enter onto any property for the purpose of inspecting the property to determine whether there has been a contravention of this by-law.

4. An officer who finds a contravention of this by-law may make an order directing compliance with this by-law and may require the order to be carried out immediately or within such time as is specified in the order.
5. The order shall be served by personal service or registered mail on the owner of the property as appears on the last revised rolls of the municipality, and any other person whom the officer believes is contravening this by-law.
6. The order shall contain sufficient information to specify the nature of the contravention, its location, a description of the work required to bring the property into conformity with this by-law, and a statement that failure to comply with the order within the time specified shall entitle the municipality itself or by its contractors or agents to enter onto the property without further notice for the purpose of performing the work set out in the order and otherwise bringing the property up to the standards prescribed by this by-law and recovering all expenses incurred in so doing by action or in like manner as municipal taxes.
7. Notwithstanding the foregoing, if upon inspection of a property, an officer is satisfied that the property poses an immediate danger to the health or safety of any person, the officer may perform or cause to be performed at the owner's expense such remedial repairs or other work necessary to terminate the immediate danger.
8. Every person who contravenes this by-law is guilty of an offence and, upon conviction, liable to pay a fine of not less than \$250.00 and not more than \$5000.00.
9. If an owner or occupant of a property fails to comply with an order issued pursuant to this by-law, the municipality shall have the right to enter onto the property without further notice and to carry out such work and to otherwise bring the property up to the standards prescribed in the order at the expense of the owner, and the municipality may recover the expense of performing such work by action or in like manner as municipal taxes.
10. This by-law shall come into force and take effect on the date of its passing.
11. This by-law shall be referred to as the "Safe Property By-Law".

DATED at the Township of Drummond/North Elmsley, Ontario, this 9th day of June, 1998.

Read a first, second and third time and finally passed this 9th day of June, 1998.

THE CORPORATION OF THE TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

Arthur Code
Reeve

Judy Carroll
Clerk

“SCHEDULE A”

THE CORPORATION OF THE TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

IN THE MATTER OF SAFE PROPERTY BY-LAW NO. 98-27;

AND IN THE MATTER OF AN ORDER TO COMPLY ISSUED TO _____

(Insert Name of Owner or Occupant)

For the property located on Lot _____, Concession _____, in the Township of Drummond/North Elmsley.

ORDER TO COMPLY

TAKE NOTICE that an inspection of the above-noted property of which you are the Owner/Occupant has disclosed the following conditions:

contrary to Clause 2 of the Safe Property By-Law No. 98-27 of the Township of Drummond/North Elmsley.

AND FURTHER TAKE NOTICE that you are hereby required to carry out the following work:

for the purpose of placing the property in a neat, tidy and safe condition consistent with surrounding properties.

AND FURTHER TAKE NOTICE that if the required work is not carried out to the satisfaction of the Corporation of the Township of Drummond/North Elmsley on or before _____, the municipality itself or by its contractors or agents may enter onto the property without further notice to you for the purpose of performing the work set out above and to otherwise bring the property up to the standards prescribed by the Safe Property By-Law, and to recover all expenses incurred in so doing by action or in like manner as municipal taxes.

Dated at Port Elmsley, Ontario this _____ day of _____, 19

By-Law Enforcement Officer