

CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW 4-1999

BEING A BY-LAW TO AMEND BY-LAW 6-1986, BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF SHELBURNE, FOR PROHIBITING THE OCCUPANCY OR USE OF SUCH PROPERTY THAT DOES NOT CONFORM TO THE STANDARDS, AND FOR REQUIRING PROPERTY BELOW THE STANDARDS PRESCRIBED HEREIN TO BE REPAIRED AND MAINTAINED TO COMPLY WITH THE STANDARDS OR THE LAND THEREOF TO BE CLEARED OF ALL BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AND LEFT IN A GRADED AND LEVEL CONDITION.

WHEREAS the Corporation of the Town of Shelburne deems it expedient to amend By-Law 6-1986.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Shelburne enacts as follows:

1. That the provisions of Section 2, Definitions, be amended to include the following:
 - (9a) Highway - includes a common and public highway, street, lane, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed for and intended for, or used by the general public for the passage of vehicles.
 - (11a) Motor Vehicle - Includes an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act and any other vehicle propelled or driven otherwise than by muscular power but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act.
 - (13a) Municipal Boulevards & Ditches - That portion of a highway, other than a sidewalk or an entrance from a roadway to a private road, driveway or lane, between the curb lines or the lateral lines of a roadway and the adjacent property line.
 - (26) Vehicle - Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn propelled, or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle and the cars of electric or steam railways running only upon rails.
2. That the provisions of Section 3, Maintenance and Occupancy Standards, be amended to include the following:

Section 3 (1) a

Yards and adjoining municipal boulevards and ditches, to be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire, or accident hazard.

Section 3 (1) b

Heavy undergrowth (grass more than 6" in height), and noxious plants, such as ragweed, poison oak, poison ivy, and poison sumac, shall be eliminated from the yard and adjoining municipal boulevards and ditches.

3. That the provisions of Section 4, By-Law Officer to Enforce By-Law, be amended to include the following:

Section 4 (1)

That the Shelburne Police Officers, so long as they are employed by the Shelburne Police Services, and the Chief Building Official for the County of Dufferin, shall enforce the provisions of this By-Law.

4. That the provisions of Section 5, Property Standards Committee, be amended to include the following:

Section 5 (12)

When an owner or occupant upon whom an order has been served in accordance with this By-Law is not satisfied with the terms or conditions of the order, he may appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed. If no appeal is made, compliance with this by-law shall be made within 30 days of the issue of the complaint to the owner or occupant.

By-Law 4-1999

Section 5 (22) (3)

In the case of the appeal being denied, compliance is to be made within 30 days of date of denial.

5. That Section 6A, Enforcement Provisions, be added which includes the following:

Section 6A

(1) Upon the default of the owner or occupant, to repair or effect the demolition in accordance with an order, within the time and in the manner specified in an order which is final and binding, the Corporation of the Town of Shelburne may, upon giving ten (10) days notice of its intention to the owner and occupant, enter upon the

lands and premises affected by the order and do the work directed to be done in the said order at the expense of the said owner.

(2) The Corporation of the Town of Shelburne shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under this subsection.

(3) All expenses incurred by the Corporation of the Town of Shelburne in doing said works including but without limiting the generality of the foregoing, materials, labour, equipment, administration, and legal expenses, shall be paid by the owner of the lands and premises and shall be charged against the property and recoverable in a like manner as Municipal Taxes, or by action in any competent court.

(4) The expenses, as aforesaid, shall bear interest from the date incurred at the same rate of penalty charged by the Town of Shelburne on unpaid property taxes.

6. That the provisions of Section 7, Penalties, be amended to include the following:

Section 7 (1)

A Penalty of not more than \$1,000.00 shall be levied upon an owner for each day that he is in contravention of an Order that is binding, such penalty to be recoverable under the Provincial Offences Act.

BY-LAW 6-1986 IS HEREBY AMENDED.

BY-LAW READ A FIRST & SECOND TIME THIS 8TH DAY OF FEBRUARY, 1999

BY-LAW READ A THIRD TIME AND ENACTED THIS 22ND DAY OF MARCH, 1999

.....
.....
MAYOR

CLERK