



Report to: Development Services

Meeting Date: April 10, 2017

SUBJECT: Enhanced Property Standards for the Protection and Maintenance of Heritage Attributes of Heritage Properties

PREPARED BY: Regan Hutcheson, Manager, Heritage Planning
Chris Alexander, A/Mgr, By-law and Regulatory Services

RECOMMENDATION:

- 1) That the staff report entitled “Enhanced Property Standards for the Protection and Maintenance of Heritage Attributes of Heritage Properties”, be received;
- 2) That the draft by-laws, attached as Appendices “B” and “C” to this report amending the Property Standards By-law and the Keep Markham Beautiful By-law, introducing enhanced property and maintenance standards for designated and listed heritage properties as prepared by staff and reviewed and supported by the Heritage Markham Committee, be approved;
- 3) That information regarding the passing of the By-laws be communicated to the public using established channels, and the City’s website be updated with the information on the enhanced property standards;
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to: 1) introduce enhanced property standards for the protection and maintenance of heritage attributes of designated heritage properties by amending the City’s Property Standards By-law and the Keep Markham Beautiful By-law; 2) consolidate the City’s Abandoned and Vacant Buildings By-law, the Standing Water By-law and the Street Numbering By-law into the Keep Markham Beautiful By-law, and 3) Introduce administrative amendments into the Property Standards and Keep Markham Beautiful By-laws to address challenges raised in prosecutions.

BACKGROUND:

Heritage Amendments

Properties can be designated under the Ontario Heritage Act. The Ontario Heritage Act, R.S.O. 1990, c.O.18 (the Act) allows municipalities to designate properties identified as being of cultural heritage value or interest. Individual properties can be designated under Part IV of the Act and the associated designation by-law identifies the property’s cultural heritage values and heritage attributes. A grouping of properties can be designated as a heritage conservation district under Part V of the Act. In a district, the general cultural heritage values are articulated through the contributing buildings and structures and their heritage attributes as expressed by common district characteristics such as porches, cladding materials and windows.

The City of Markham has 221 individually designated properties and 1129 properties within the four heritage conservation districts.

The Act allows municipalities to prescribe minimum standards for heritage properties. The Ontario Heritage Act was amended in 2005 to strengthen the ability of Ontario municipalities to protect their heritage resources. The amendments included provisions that allow a municipality, where a Property Standards By-law is in place, to establish minimum standards for the maintenance of the heritage attributes of individually designated properties (Part IV) and properties located in a heritage conservation district (Part V). The municipality can also require property owners to repair and maintain their property to conform to the standards.

Heritage Markham has recommended that the City introduce minimum maintenance standards. Council has previously authorized staff to prepare amendments to the Property Standards By-law to prescribe minimum standards for the maintenance of the heritage attributes of designated properties, and to require property that does not comply with the standards to be repaired and maintained to conform to the standards. The Heritage Markham Committee reviewed the proposed amendments and recommended enactment of the draft amending by-laws.

Consolidation and Administrative Amendments

The City has a number of stand-alone by-laws that address property-related issues including the Abandoned and Vacant Buildings, Standing Water and Street Numbering By-laws. These by-laws are between 15 and 25 years old and in need of review. The opportunity was taken to update and consolidate these by-laws as part of the exercise of adding the heritage amendments into the Property Standards and Keep Markham Beautiful By-laws.

OPTIONS/ DISCUSSION:

Heritage Amendments

Many Ontario municipalities already have introduced heritage property standards. Since 2006, a number of municipalities, including Toronto, Ottawa, Mississauga, Oakville, Brampton, Aurora, Burlington, Richmond Hill, Vaughan and Hamilton, have used these new provisions of the Act to further protect heritage resources through their property standards by-laws. With these amendments, these municipalities have been able to:

- ensure the preservation and maintenance of a property's heritage attributes; and
- prevent damage to these attributes, ensuring their viability for future use.

The City of Markham needs this additional policy tool to protect its heritage resources. Staff from the City's Heritage Planning Section, the By-law and Regulatory Services Section of the Legislative Services Department and Legal Services has worked together in drafting amendments to the City's by-laws to include minimum maintenance standards for heritage properties. Staff is recommending amendments to both the existing Property Standards By-law and the Keep Markham Beautiful By-law. The

proposed amendments address specific built heritage conservation concerns not covered by current Markham by-laws.

City staff are concerned about the deterioration and loss of heritage features of heritage properties in Markham. In some circumstances, maintenance and repairs have been undertaken which did not take into account or preserve heritage attributes. The unique aspects of these heritage resources are then diminished. New standards specific to designated properties will ensure they are maintained in a manner that conserves the heritage attributes and that any repair or replacement of materials will be done with materials that maintain the character and integrity of the property. At present, Markham's Property Standards By-law does not include specific heritage property provisions to protect attributes. The proposed amendments to the Property Standards By-law will address maintenance and ensure the use of appropriate materials.

The protection of abandoned heritage resources through proper boarding and security provisions to maintain and protect heritage attributes is also of key importance. The proposed amendments to the Keep Markham Beautiful By-law will address vacant heritage buildings and how they are to be properly protected.

Appendix "A" attached to this report outlines the proposed changes to the Property Standards By-Law and Keep Markham Beautiful By-law contained in this report.

Consolidation and Administrative Amendments

The consolidation of the City's Abandoned and Vacant Buildings, Standing Water, and Street Numbering By-laws into the Keep Markham Beautiful By-law provides an opportunity to make any necessary amendments to the by-laws while consolidating similar provisions into one by-law.

In addition to the consolidation of the by-laws, staff have made a number of administrative amendments brought to light through the enforcement and prosecutions of the Property Standards By-Law and Keep Markham Beautiful By-law including new definitions and provisions to address the trespass of light.

Enforcement will be a cooperative venture. By-law and Regulatory Services staff will enforce the enhanced by-laws for designated heritage properties in addition to existing property standards applying to all property. Staff of the City's Heritage Planning Section (Planning and Urban Design Department) will assist By-law staff by identifying properties requiring attention and providing advice on the heritage attributes of designated properties under investigation.

Conclusion

The proposed amendments to Markham's Property Standards and Keep Markham Beautiful By-laws are required to ensure that specific maintenance standards for heritage properties are enacted. This will provide City-wide, enforceable maintenance standards for heritage properties and ensure that heritage attributes are maintained and protected for future generations.

Staff will prepare a summary information sheet highlighting the key elements of the new amendments to be made available on the City web page and through the heritage newsletter. Notice of the amendments to the two by-laws will also be provided in the local newspaper.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

These recommendations will have no financial impact beyond what has already been approved in the current year's budget.

HUMAN RESOURCES CONSIDERATIONS

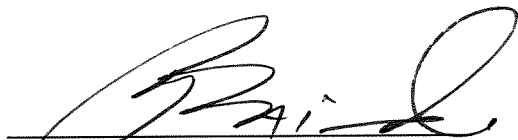
Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

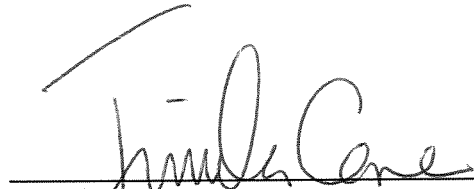
Protection and preservation of the Markham's heritage resources is part of the City Growth Management strategic vision.

BUSINESS UNITS CONSULTED AND AFFECTED:

By-law and Regulatory Services, Heritage Planning and the Legal Department.

RECOMMENDED BY:

Jim Baird, RPP, MCIP
Commissioner of Development Services



Trinela Cane
Commissioner of Corporate Services

ATTACHMENTS:

Appendix "A"	Proposed amendments to the Property Standards By-law and Keep Markham Beautiful By-law
Appendix "B"	Amended Property Standards By-law
Appendix "C"	Amended Keep Markham Beautiful By-law

APPENDIX “A”

Property Standards By-law

- Introducing additional definitions including the terms “heritage attribute” and “heritage property”
- Requiring the maintenance, preservation and protection of heritage attributes, and maintenance of the property, including the components that support or protect the heritage attributes
- Requiring the acquisition of a heritage permit to alter the heritage attributes
- Requiring repair of the heritage attributes using authentic/original materials, rather than replacement
- Requiring replacement of heritage attributes using authentic/original materials if repairs are not feasible
- Ensuring heritage attributes are protected when measures are being undertaken to address unsafe conditions, and using a professional engineer who has heritage building experience when assessing the structural condition of a building.
- Managing the demolition of heritage properties through the provisions of the Ontario Heritage Act

Keep Markham Beautiful By-law

- Introducing additional definitions including the terms “heritage attribute”, “heritage property”, “vacant heritage property” and “vacant listed heritage property”
- Requiring the acquisition of a heritage permit to alter the heritage attributes
- Protecting the building and its heritage attributes through proper boarding techniques and security measures, including signage
- Requiring the maintenance of specific utilities to ensure necessary heating and ventilation to prevent damage caused by environmental conditions, and to maintain exterior lighting for security purposes
- Requiring certain minimum boarding and protection standards for “abandoned buildings” and “vacant listed heritage properties”

CITY OF MARKHAM ONTARIO



BY-LAW 248-1999

A BY-LAW TO ESTABLISH STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE CITY OF MARKHAM

This By-law is printed under and
by authority of the Council of
the City of Markham

(Consolidated for convenience only
to February 28 and 29, 2012)

(Schedule/Attachment Included)

AS AMENDED BY:

By-law 2001-113 - May 8, 2001
By-law 2004-308 – November 16, 2004
By-law 2011-231 – December 13, 2011
By-law 2012-44 – February 28 and 29, 2012



BY-LAW 248-1999

A by-law to establish Standards for the maintenance and occupancy of Property in the City of Markham.

(PROPERTY STANDARDS BY-LAW)

WHEREAS section 15.4 of the Building Code Act, 1992 S. O. c. 23 (as amended) authorizes Council to cause a property that has been the subject of a confirmed Property Standards order to be repaired or demolished under certain circumstances; and,

WHEREAS under Sections 35.3 and 45.1 of the Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended, a by-law may be passed by the Council of a municipality prescribing the minimum standards for the maintenance of the Heritage Attributes of 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 is in effect in the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. SHORT TITLE

This By-law may be cited as the Property Standards By-law.

2. DEFINITIONS

In this By-law:

Accessory Building means a detached subordinate building on the same lot as the main building;

Building Code means the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and any successor legislation;

City means the Corporation of the City of Markham;

Committee means the Property Standards Committee established pursuant to the provisions of this By-law;

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 and includes the land and premises appurtenant thereto and all out buildings, fences and erections thereon or therein;

Dwelling Unit means one (1) or more rooms connected together as a separate unit in the same dwelling and constituting an independent housekeeping unit, for residential occupancy by humans with facilities for a bathroom with a water closet and basin, and facilities for persons to sleep and cook;

Driveway means the minimum defined area required to provide access for motor vehicles from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building or structure, except that in the case of a residential property “driveway” means only the minimum defined area required to provide direct access from the street to a garage or permitted parking area;

Equipment means anything on a property which is capable of holding water, including but not limited to, swimming pools, wading pools, hot tubs, tires, cars, boats, garden fixtures and containers of any kind;

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

Heritage Attribute means, in relation to real property, and to the buildings on the real property, an attribute of the property, building or structure 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, Part IV, of the **Ontario Heritage Act**, and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or
- ii. in a Minister's order made pursuant to Section 34.5, Part IV of the **Ontario Heritage Act** and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or
- iii. in a By-law designating a heritage conservation district passed under Section 41, Part V of the **Ontario Heritage Act** and identified as a **Heritage Attribute**, value, reason for designation or otherwise; 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; or

- v. 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 Attributes** and without which the **Heritage Attributes** may be at risk.

Heritage Permit means a permit issued by the **City** related to alteration work on **Heritage Property**;

Heritage Property means a property designated under the **Ontario Heritage Act**.

Inoperable Vehicle means a motor vehicle as defined by the Highway Traffic Act, R.S.O. 1990, C.H. 8, as amended, that is not in good repair and capable 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, as amended;

Last Known Address means the address which appears on the Assessment Rolls of the **City**;

Manager, Heritage Planning means the Manager, Heritage Planning of the **City**, or his/her designate;

Medical Officer of Health means the Medical Officer of Health for the Region of York;

Nuisance means an injurious, offensive or objectionable condition;

Occupant means any person or persons over the age of eighteen (18) years in possession of the property;

Officer means a Property Standards Officer of the **City**, duly appointed by By-law to administer and enforce the provisions of this By-law;

Ontario Heritage Act means the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended, and any successor legislation;

Owner includes the person for the time being managing or receiving the 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 or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property;

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 is divided into:

- (a) **Non-Residential Property** means property which is not occupied nor capable of being occupied in whole or in part for the purpose of human habitation,
- (b) **Residential Property** means property which is occupied or capable of being occupied in whole or in part for the purposes of human habitation; and
- (c) **Vacant land** means property on which there are no structures of any kind but does not include open space land designated as such by the City;
- (d) **Heritage Property** means real property, including all buildings, structures and features thereon:
 - i. that has been designated by the **City** 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. that is located within a heritage conservation district which has been designated by the **City** under Section 41 of the **Ontario Heritage Act**;

Repair includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law;

Sewerage system means the sanitary sewerage system or storm sewerage system of Markham or the Regional Municipality of York, or an approved private sewerage disposal system;

Standards means the standards prescribed in Parts I, II and III of this By-law;

Vehicle means a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment, and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

Yard means the land, other than publicly owned land, around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.

3. SEVERABILITY

If any section, subsection or part of this by-law or parts thereof, are declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

PART I
RESIDENTIAL PROPERTY STANDARDS

4. This part prescribes the standards for every residential property situated in the **City**.

5. MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

- (1) A **Yard** shall be kept clean and free from:
- (a) rubbish or other debris; and,
 - (b) refrigerators, freezers or similar appliances, whether operable or inoperable; and,
 - (c) objects or conditions that may create a health or safety hazard; and,
 - (d) **standing water in any depression or Equipment.**
- (2) Heavy undergrowth shall be removed from the **Yard**.
- (3) A **Yard** shall be cultivated or protected by suitable **Ground Cover** so as to prevent the erosion of the soil.
- (4) Lawns, hedges and bushes shall:
- (a) be kept trimmed; and,
 - (b) not be overgrown or unsightly.
- (5) **Ground Cover** shall not exceed a maximum height of 15 centimetres (6 inches).
- (6) No hedge shall be erected in a location which will, does or may, in the opinion of the **Officer**:
- (a) adversely affect the safety of the public;
 - (b) adversely affect the safety of vehicular or pedestrian traffic;
 - (c) constitutes an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is one metre or less in height.
- (7) **All Property**, including but not limited to, buildings, structures, fences or other objects shall be kept free of graffiti, unsightly chalk or paint marks and similar markings or defacements at all times.

6. VEHICLES

- (1) **Inoperable Vehicle** shall not be parked, stored or left in any **Driveway**, front, rear, side or exterior side **Yard**, except where the **City's** Zoning By-law permits a related land use.
- (2) Nothing in subsection (1) prevents the **Occupant** of a residential **Property** from repairing a **Vehicle** which is the occupant's own **Vehicle** provided that:
 - (a) there is only one (1) **Vehicle** being repaired; and,
 - (b) the **Vehicle** is being actively repaired.
- (3) No **Vehicle** shall be used for the storage of garbage, rubbish, waste, debris, inoperable equipment, materials, appliances, or similar items.
- (4) No **Vehicle** shall be parked in any **Yard** except on a maximum permitted **Driveway** under the designated Zoning By-law.

7. APPLIANCES

- (1) Refrigerators, freezers or similar appliances which are stored or left on porches, decks or similar areas shall not have a self-latching or self-locking device and shall be:
 - (a) in working order; and,
 - (b) secured with a locking device; and,
 - (c) locked at all times except when actually being used and supervised.

8. SWIMMING POOLS

- (1) Every swimming pool shall be maintained:
 - (a) in a clean and safe condition; and,
 - (b) free from leaks and faulty components and equipment; and,
 - (c) every purification system for a swimming pool shall be maintained so that water in the pool is properly filtered and purified so as not to present a health hazard.
- (2) Every swimming pool while not in use on a regular basis shall be covered and protected to prevent stagnation of water and breeding of mosquitoes.

9. WASTE MANAGEMENT & STORAGE

- (1) Accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition or are deleterious to the neighbouring environment shall be removed.
- (2) Nothing in this section shall prevent the **Occupant** of a residential **Property** from having a composter or a neatly kept compost heap provided that it is maintained free of offensive odours and kept in such a condition that it will not attract insects, rats or other vermin.
- (3) Domestic storage, such as firewood, building materials, garden equipment and materials may be stored in a rear or side **Yard**, provided that:
 - (a) such storage does not exceed 15 percent of the **Yard** area in which it is stored; and,
 - (b) such storage shall be neatly piled; and,
 - (c) no such storage shall be permitted in the front **Yard** between the front wall of the building and the street line.
- (4) Despite the requirements of this section, temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the **Property**, provided that:
 - (a) it is removed frequently and in its entirety from the **Property**; and,
 - (b) it will not cause risk to the health or safety of any persons; and,
 - (c) it is not stored in an unsightly manner.

10. SEWAGE AND DRAINAGE

- (1) Sewage or organic waste shall be discharged into a sewerage system.
- (2) Untreated or inadequately treated sewage shall not be discharged on to the surface of the ground whether into a natural or artificial drainage system or otherwise.
- (3) Roof drainage or surface water shall:
 - (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
 - (b) not be directly discharged on sidewalks, stairs, or neighbouring **Property**.

- (4) Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- (5) Where eaves trough and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 metres from the building where physically possible.
- (6) Where eavestroughs, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building.
- (7) Catch basins shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.

11. SAFE PASSAGE

- (1) All surfaced paths, sidewalks, patios, steps, ramps, building entrances, **Driveways** and parking areas shall be:
 - (a) maintained in a hole-free condition and free of any settlements that might cause tripping; and,
 - (b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather, including the removal of snow and ice; and,
 - (c) adequately illuminated at night so as to afford safe use.
- (2) For the purposes of paragraph 1(b), the requirement to keep patios free from snow does not apply unless the patio provides the only access to a residential **Property** or accessory apartment.

12. FENCES AND RETAINING WALLS

- (1) Fences, barriers and retaining walls shall be kept:
 - (a) in good repair;
 - (b) free from accident hazards;
 - (c) protected by paint, preservative or other weather-resistant material;
 - (d) so as not to present an unsightly appearance; and
 - (e) free of barbed wire.
- (2) No fence shall be erected in a location which will, does or may constitute an accident hazard to vehicular or pedestrian traffic.

13. ACCESSORY BUILDINGS

- (1) All **Accessory Buildings** shall be kept:
 - (a) in good repair; and,
 - (b) free from health and accident hazards; and
 - (c) protected by paint, preservative or other weather-resistant material.

MAINTENANCE OF DWELLINGS AND DWELLING UNITS

14. PEST PREVENTION

- (1) A **Dwelling** shall be kept free of rodents, vermin, and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chap. P. II, as amended, and all regulations enacted pursuant thereto.

15. STRUCTURALLY SOUND

- (1) Every part of a **Dwelling** shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- (2) Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) If, in the opinion of the **Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the **Owner** of the building or authorized agent, and that a written report be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by the engineer, and the details of the findings of such examination.

16. EXTERIOR WALLS

- (1) All exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by:
 - (a) painting, restoring or repairing of the walls, coping or flashing; or
 - (b) the waterproofing of joints and of the walls themselves.

- (2) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- (3) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.

17. FOUNDATIONS

- (1) The foundation walls shall be maintained in good repair and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- (2) Every **Dwelling**, unless the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- (3) All footings, foundation walls, piers, slabs-on-grade shall be of masonry or other suitable material.
- (4) Subsections 18(2) and 18(3) shall not apply to **Accessory Buildings** where the **Building Code** specifies that no foundation is required.

18. ROOF

- (1) The roof, cornice, soffit, gables, fascia, flashing and coping shall be maintained in a watertight condition so as to prevent leakage of water into the **Dwelling**.
- (2) Any deteriorated or damaged roof shingles shall be replaced.
- (3) Dangerous accumulations of snow or ice shall be removed from the roof.
- (4) All soffit and fascia components of a building shall be secured and maintained in good repair and properly painted or otherwise treated.
- (5) Every chimney, smoke or vent stack and other roof structures shall be maintained plumb and in good repair so as to be free from:
 - (a) loose bricks, mortar and loose or broken capping; and,
 - (b) loose or rusted stanchions, braces and attachments; and,
 - (c) fire or accident hazard.

19. DOORS AND WINDOWS

- (1) All exterior openings for doors or windows shall be fitted with doors or windows.

- (2) Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair and properly fitted so as to prevent the entrance of wind or rain into the **Dwelling**.
- (3) Doors, door frames, window frames, sashes, casings and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- (4) The following items shall be repaired or replaced:
 - (a) missing glass;
 - (b) broken glass;
 - (c) missing door hardware;
 - (d) defective door hardware;
 - (e) missing window hardware; and
 - (f) defective window hardware.
- (5) All windows in a **Dwelling Unit** shall be double glazed or provided with storm windows or other approved means of minimizing heat loss and infiltration, during the season in which heat is required.
- (6) Where screens are provided, they shall be maintained in good repair so as to effectively prevent the entry of insects.
- (7) **Garage doors shall be:**
 - a) kept in good repair and structurally sound; and,
 - b) kept free from holes and cracks; and,
 - c) able to open and close without impediment; and,
 - d) able to open manually if there is an interruption in power or if there is a mechanical failure; and,
 - e) kept free from cracked or peeling paint or any other damaged exterior finishing; and,
 - f) kept free of any graffiti.

20. STAIRS, PORCHES AND RAMPS

- (1) An outside stair or ramp shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.

- (2) Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

21. REPAIR STANDARDS

- (1) All repairs to any **Property** shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose.

PART II **NON-RESIDENTIAL PROPERTY STANDARDS**

- 22.** This part prescribes the **Standards** for non-residential **Property** situated in the **City**.

23. MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

- (1) A **Yard** shall be kept clean and free from:
 - (a) rubbish or other debris; and,
 - (b) refrigerators, freezers or similar appliances, whether operable or inoperable; and,
 - (c) objects or conditions that may create a health or safety hazard.
 - (d) **standing water in any depression or Equipment.**
- (2) Heavy undergrowth shall be removed from any **Yard**.
- (3) All lawns, hedges and bushes shall:
 - (a) be kept trimmed; and,
 - (b) not be overgrown or unsightly.
- (4) **Ground cover shall not exceed a maximum height of 15 centimetres (6 inches).**
- (5) The **Yard** shall be cultivated or protected by suitable **Ground Cover** which prevents the erosion of the soil.
- (6) Every area of a **Property**, including loading areas and adjoining municipal boulevard used for **Vehicle** traffic and parking shall be suitably surfaced and defined by a curb with appropriate curb radius and be:
 - (a) kept free of dirt, surface dust and refuse; and,

- (b) adequately lighted; and
 - (c) maintained in good repair.
- (7) All **Property**, including but not limited to, buildings, structures, fences or other objects shall be kept free of graffiti, unsightly chalk or paint marks and similar markings or defacements at all times.

24. APPLIANCES

- (1) Refrigerators, freezers or similar appliances which are stored or left on porches, decks or similar areas shall not have a self latching or self-locking device and shall be:
 - (a) in working order; and,
 - (b) secured with a locking device; and,
 - (c) locked at all times except when actually being used and supervised.

25. VEHICLES

- (1) **Inoperable Vehicles** shall not be parked, stored or left in any **Driveway**, front, rear, side or exterior side **Yard**, except where the City's Zoning By-law permits a related land use.
- (2) No **Vehicle** shall be used for the storage of garbage, rubbish, debris or similar material.

26. SEWAGE AND DRAINAGE

- (1) Sewage or organic waste shall be discharged into a sewerage system.
- (2) Rain water from a roof area of five hundred (500) square feet (46.5 square metres) or more shall be conveyed to a storm sewer, and, if such a storm sewer is not available, the rainwater shall be disposed of in such a manner as not to create a **Nuisance**.
- (3) Roof drainage or surface water shall:
 - (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
 - (b) not be directly discharged on sidewalks, stairs, or neighbouring **Property**.
- (4) Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.

- (5) Where eaves trough and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 metres from the building where physically possible.
- (6) Where eaves troughs, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building.
- (7) Catch basins shall be kept in good **Repair** and free of debris and obstructions which would prevent them from functioning properly.

27. SAFE PASSAGE

- (1) All surfaced paths, sidewalks, patios, steps, ramps, building entrances, **Driveways** and parking areas shall be:
 - (a) maintained in a hole-free condition and free of settlements that might cause tripping; and,
 - (b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather; including the removal of snow and ice; and,
 - (c) adequately illuminated at night so as to afford safe use.

28. ACCESSORY BUILDINGS

- (1) All **Accessory Buildings** shall be kept:
 - (a) in good repair; and,
 - (b) free from health and safety hazards; and,
 - (c) protected by paint, preservative or other weather-resistant material.

29. FENCES AND RETAINING WALLS

- (1) A fence shall be installed:
 - (a) around the parking area of drive-in eating establishments, except at the private approaches; and,
 - (b) where conditions exist on non-residential **Property** where litter is blown on to adjoining **Property**; and
 - (c) and constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining **Property**.
- (2) All fences, barriers or retaining walls around or on non-residential **Property** shall be kept:

- (a) in good **Repair**; and,
 - (b) free from accident hazards; and,
 - (c) protected by paint, preservative or other weather-resistant material; and
 - (d) so as not to present an unsightly appearance.
- (3) Where a business requires outdoor storage for any purpose, the area shall be defined and enclosed with a fence which has a minimum height of 1.2 metres.

30. SIGNS

- (1) All signs, including their supporting members, shall be maintained in good **Repair** and any signs which are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, be removed or put into a good and lawful state of repair which conforms to this By-law.

31. PEST PREVENTION

- (1) The **Property** shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chap. P.11, as amended, and all regulations passed pursuant thereto.

32. STRUCTURALLY SOUND

- (1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- (2) Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) If, in the opinion of the **Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the **Owner** of the building or authorized agent and that a written report, be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by the engineer and the details and findings of such examination.

33. EXTERIOR WALLS

- (1) All exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by:
- (a) painting, restoring, or repairing of the walls, coping or flashing; or

- (b) the waterproofing of joints and of the walls themselves.
- (2) All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.
- (3) All canopies, marquees, signs, awnings, stairways, stand pipes, exhaust ducts, and similar overhang extensions shall be:
 - (a) maintained in good **Repair**; and,
 - (b) properly anchored; and,
 - (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- (4) All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.
- (5) All air conditioners shall be maintained in a safe mechanical and electrical condition.
- (6) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- (7) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.

34. FOUNDATIONS

- (1) The foundation walls shall be maintained in good **Repair** and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- (2) Every building, unless the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- (3) All footings, foundation walls, piers, slabs-on-grade shall be of masonry or other suitable material.
- (4) Subsections 37(2) and 37(3) shall not apply to accessory buildings where the **Building Code** specifies that no foundation is required.

35. ROOF

- (1) The roof, cornice, soffit, gables, fascia, flashing and coping shall be maintained in a watertight condition so as to prevent leakage of water.
- (2) Any deteriorated or damaged roof shingles shall be replaced.
- (3) Dangerous accumulations of snow or ice shall be removed from the roof.
- (4) All soffit and fascia components of a building shall be secured and maintained in good repair and properly painted or otherwise treated.
- (5) Every chimney, smoke or vent stack and other roof structures shall be maintained plumb and in good **Repair** so as to be free from:
 - (a) loose bricks, mortar and loose or broken capping;
 - (b) loose or rusted stanchions, braces and attachments;
 - (c) fire or accident hazard.

36. DOORS AND WINDOWS

- (1) All exterior openings for doors and windows shall be fitted with doors or windows.
- (2) Windows, exterior doors, and basement or cellar hatchways shall be maintained in good **Repair** so as to prevent the entrance of wind or rain into the building.
- (3) Doors, door frames, window frames, sashes, casings, garage doors and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- (4) Broken glass and missing or defective door and window hardware shall be repaired or replaced.
- (5) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
- (6) Where screens are provided, they shall be maintained in good repair so as to effectively prevent the entry of insects.
- (7) Garage doors shall be:
 - a) kept in good **Repair** and structurally sound; and,
 - b) kept free from holes and cracks; and,
 - c) able to open and close without impediment; and,

- d) able to open manually if there is an interruption in power or if there is a mechanical failure; and,
- e) kept free from cracked or peeling paint or any other damaged exterior finishing; and,
- f) kept free of any graffiti.

37. STAIRS, PORCHES AND RAMPS

- (1) An outside stair or ramp shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.

38. REPAIR STANDARDS

- (1) All **Repairs** to any premises shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose.

PART III **HERITAGE BUILDINGS**

39. HERITAGE BUILDINGS

- (1) In addition to the minimum standards for the maintenance and security of **Property** in the **City** as set out in this By-law, the following minimum standards listed in Sections 42 to 49 apply to the maintenance and security of all buildings and structures on properties that are:
 - a) designated under Section 29 or 34.5 of the **Ontario Heritage Act**, or
 - b) situated within a heritage conservation district, designated under Section 41 of the **Ontario Heritage Act**.

40. HERITAGE ATTRIBUTES

- (1) In addition to all of the requirements and minimum **Standards** for the maintenance, and security of **Property** set out in this Part III and elsewhere in this By-law, the **Owner** or **Occupant** of a **Heritage Property** shall:
 - a) maintain, preserve and protect the **Heritage Attributes** so as to retain the heritage character, and the visual and structural heritage integrity of the building or structure; and
 - b) maintain the **Property**, including those components of the **Property** that hold up, support or protect the **Heritage Attributes** in a manner that will ensure the on-going protection and preservation of the existing **Heritage Attributes**.

41. ALTERATIONS OF HERITAGE ATTRIBUTES

- (1) Despite any other provisions of this By-law, in the case of buildings and structures located on properties that have been designated under Section 29, 34.5 or 41 of the **Ontario Heritage Act**, no **Owner** or **Occupant** shall alter the **Property** or permit the alteration of the **Property** if the alteration is likely to affect the property's **Heritage Attributes**, unless the **Owner** has acquired a **Heritage Permit** or other form of written consent from the **City** in accordance with the **Ontario Heritage Act**.

42. REPAIR OF HERITAGE ATTRIBUTES

- (1) Despite any other provisions of the By-law, where a **Heritage Attribute** of a **Heritage Property** can be repaired, the **Heritage Attribute** shall not be replaced and shall be repaired:
- a) in a manner that minimizes damage to the **Heritage Attribute** and is consistent with recognized conservation standards, best practices and processes for the conservation of built heritage resources;
 - b) in a manner that maintains the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the **Heritage Attribute**;
 - c) using the same types of material as the original material being repaired and in keeping with the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the original material; and
 - d) where the same types of material as the original material are no longer available, using alternative materials, subject to review and approval by the Manager, Heritage Planning, that replicate the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the original material.

43. REPLACEMENT OF HERITAGE ATTRIBUTES

- (1) Despite any other provisions of this By-law, and subject to the **Ontario Heritage Act** and the **Building Code**, where it can be demonstrated to the **Manager, Heritage Planning** that the **Heritage Attribute** of a **Heritage Property** cannot be repaired, the **Heritage Attribute** shall be replaced:
- a) using the same types of materials, as the original in a manner that replicates the design, finishes, form, physical appearance, colour, texture,

grain and other distinctive features and qualities of the **Heritage Attribute** being replaced.

- b) where the same types of materials as the original are no longer available, using alternative or substitute materials and finishes, that replicate the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the **Heritage Attribute** being replaced.

44. UNSAFE

- (1) Where a building or structure on a **Heritage Property** has been deemed unsafe and the necessary remedial measures to address the unsafe condition of the building or structure are being undertaken, the **Owner** shall ensure that all necessary measures are taken to protect the **Heritage Attributes** and prevent damage or further damage to the **Heritage Attributes**.
- (2) If, in the opinion of the **Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and a member of the Canadian Association of Heritage Professionals and employed by the **Owner** or authorized agent, and that a written report be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by an engineer, and details of the findings of such examination

45. DEMOLITION

- (1) Despite any other provision of this By-law, or the **Building Code**, no building or structure located on **Property** that has been designated under Section 29, 34.5 or 41 of the **Ontario Heritage Act** may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the **Ontario Heritage Act**.
- (2) Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of debris, graded, left free from holes or excavations and provided and maintained with a suitable ground cover.

46. CONFLICT

- (1) If there is a conflict between this Part III and any other provision in this By-law or any other **City** By-law, the provision that establishes the highest standard for the protection of **Heritage Attributes** shall prevail.

PART IV
GENERAL

47. PROCEDURES FOR ENFORCEMENT

- (1) This part applies to the whole of the **City**.

48. ADMINISTRATION AND ENFORCEMENT

- (1) The **City** may from time to time appoint Property Standards Officers and such other clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

49. INSPECTIONS

- (1) An **Officer** and any person acting under the **Officer's** instructions may, without a warrant, enter and inspect a **Property** to determine:
- a) whether the **Property** conforms to the **Standards** prescribed in this By-law;
 - b) whether an order made under this By-law has been complied with; and
 - c) whether an order made under section 15.7 of the **Building Code Act**, as amended, has been complied with.
- (2) Where the inspection is conducted by the **Officer** or any person acting under the **Officer's** instructions, the person conducting the inspection may:
- 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.

50. PROPERTY STANDARDS COMMITTEE

- (1) A **Property Standards Committee** is hereby established by the City pursuant to section 15.6 of the **Building Code**.
- (2) The **Committee** shall be composed of five (5) members of the public and the **Committee** shall be appointed by **City** Council in accordance with **City** procedure for the appointment to Boards, Committees and Authorities.
- (3) The term of office for the members of the **Committee** shall be for four (4) years.
- (4) All members shall serve their terms of office as required until reappointed or replaced by the **City**.
- (5) The **Committee** shall elect a chairperson from its members.
- (6) When the chairperson is absent through illness or otherwise, the **Committee** may appoint another member to act as chairperson pro tempore.
- (7) Three (3) members of the **Committee** shall constitute a quorum.
- (8) Any member of the **Committee** may administer oaths.
- (9) A member of **City** Council or an employee of the **City** or of a local board thereof is not eligible to be a member of the **Committee**.
- (10) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the **Committee**.

51. ORDER AND APPEAL TO COMMITTEE

- (1) An **Officer** may make an order pursuant to sections 15.2 or 15.7 of the **Building Code**.
- (2) An order may be registered in the proper Land Registry Office and, upon such registration, any Person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was originally served and, when the requirements of the order are found to have been satisfied, the Clerk shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.
- (3) When the **Owner** or **Occupant** upon whom an order pursuant to section 15.2 of the **Building Code**, 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 (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to be confirmed.

- (4) The secretary of the **Committee**, upon receipt of the notice of appeal shall:
 - (a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days from the date of receipt of the aforesaid notice; and
 - (b) give notice in writing of the date, place and time of the hearing to:
 - (i) the appellant; and,
 - (ii) the **Officer** who issued the order; and.
 - (iii) any other as the **Committee** considers advisable.
- (5) The **Committee** shall:
 - (a) hear the appeal at the date, place and time set out in the notice; and,
 - (b) have all the powers and functions of the **Officer** who made the order.
- (6) The **Committee** may adopt its own rules of procedure.
- (7) The **Committee** may:
 - (a) confirm the order; or,
 - (b) modify or rescind the order; or,
 - (c) extend the time for complying with the order provided that, in the opinion of the **Committee**, the general intent and purpose of this by-law and of the official plan of the **City** are maintained.
- (8) The **Committee** shall give its decision in writing.
- (9) The secretary of the **Committee** shall notify:
 - (a) the appellant; and,
 - (b) the **Officer** who issued the order; and,
 - (c) any other person who appeared at the hearing of the appeal, of the decision, by causing a copy to be served personally or by registered mail.

52. CERTIFICATE

- (1) Following the inspection of a **Property** an **Officer** may, or on the request of an **Owner** shall, issue to the **Owner** a Certificate of Compliance if, in the opinion of

the **Officer**, the **Property** is in compliance with the **Standards** set out in this By-law.

- (2) A fee shall be payable to the **City** prior to the issuance of a Certificate of Compliance where it is issued at the request of the **Owner**, in the amount prescribed by Schedule "B" to this By-law.

53. DUTIES OF OWNER AND REMEDIATION BY CITY

- (1) Every **Owner** shall ensure that the **Dwelling** or **Property** of the **Owner** is maintained in accordance with the provisions of this By-law.
- (2) Every person to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to this By-law shall obey such order or do or abstain from doing such thing as required.
- (3) Every **Property** that does not conform with the **Standards** shall be repaired and maintained to conform with the **Standards** or the site shall be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.
- (4) If an order of an **Officer** is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **City** may cause the **Property** to be repaired or demolished accordingly and the amount spent on the **Repair** or demolition may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
- (5) Notwithstanding subsections 54(3) and 54(4), no building or structure on a **Heritage Property** may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the **Ontario Heritage Act**.

54. PROCEEDING CONTINUED

- (1) All proceedings taken pursuant to **City** By-law Number 63-83, as amended, shall be taken up and continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- (2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-law Number 63-83, as amended, the procedure established by this By-law shall be followed so far as it can be adopted.

55. CONFLICT

- (1) To the extent that any provision of this By-law conflicts with, or does not incorporate the provisions of Sections 15.1 to 15.8 of the **Building Code Act** or other enabling legislation, the said Act or other enabling legislation shall prevail and apply to the provisions of this By-law.

56. OFFENCE AND PENALTY

- (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, an **Officer** in the exercise of a power or the performance of a duty under this By-law.
- (2) An **Owner** who fails to comply with an order that is final and binding under this By-law is guilty of an offence under of Section 36(1) of the **Building Code Act** and is liable to a penalty or penalties as set out in section 36 of that Act.

57. COLLECTION OF UNPAID FINES

- 57.1 Pursuant to Subsection 441.1 of the Municipal Act, 2001, the treasurer of a municipality 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 to the tax roll for any property in the local municipality of which all of the owners are responsible for

58. REPEAL

- 58.1 By-law Number 248-1999 of The Corporation of the City of Markham, as amended, is hereby repealed in its entirety.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED

THIS __ DAY OF MONTH, 2017

"Kimberley Kitteringham"

KIMBERLEY KITTINGHAM
CITY CLERK

"Frank Scarpitti"

FRANK SCARPITTI
MAYOR

SCHEDULE "A" TO BY-LAW 248-1999

THE CORPORATION OF THE CITY OF MARKHAM

NOTICE RE: SUB-STANDARD PROPERTY

This Property has been found not be
in conformity with the Standards established by
Property Standards By-law Number.
Any person who pulls down or defaces this placard
is liable to a penalty not exceeding \$500.00

DATED AT MARKHAM THIS DAY OF ,

PROPERTY STANDARDS OFFICER

SCHEDULE “B” TO BY-LAW 248-1999**FEE SCHEDULE FOR ISSUANCE OF CERTIFICATE OF COMPLIANCE**

CATEGORY		
Residential Property Multiple Commercial and Industrial Buildings	Number of Inspected Units per Building	Charge
	1-2 units	\$50.00 per unit
	more than 2 - not more than 5 units	\$40.00 per unit
	more than 5 - not more than 15 units	\$200.00 plus \$15.00 per unit above 5th unit
	more than 15 - not more than 25 units	\$300.00 plus \$10.00 per unit above the 15th unit
	more than 25 units	\$400.00 plus \$5.00 per unit above the 25th unit
Free Standing Industrial and Commercial Buildings (Single Occupancy)		\$50.00 per 98 square metres (1,000 square feet) \$200.00 minimum
Vacant and Derelict Property		\$100.00



BY-LAW 2017-XXX

KEEP MARKHAM BEAUTIFUL (MAINTENANCE) BY-LAW

To regulate and prescribe standards for the maintenance of private property and municipal boulevards within the City of Markham.

Whereas Section 8 of the Municipal Act, 2001, S.D. 2001, c. 25, as amended ("Municipal Act) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's 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; 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 residents; and,

Whereas paragraph 11(3)1 of subsection 11 (3) of the Municipal Act provides that a municipality may pass by-laws respecting highways under its jurisdiction; and,

Whereas Section 122 of the Municipal Act provides that a municipality may require the owners or occupants of buildings to remove snow and ice from the roofs of the buildings and may regulate when and how the removal shall be undertaken; 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 local 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 subsection 398(1) of the Municipal Act, 2001, states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality; and,

Whereas subsection 429(1) of the Municipal Act, 2001, provides that a municipality may establish a system of fines for an offence under a by-law passed under the Act; and,

Whereas it is the opinion of the Council of The Corporation of the City of Markham 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 City of Markham to regulate vacant buildings; and,

Whereas standing water provides a breeding environment for mosquitoes that carry the West Nile Virus and thereby endangers the health of the inhabitants of the City of Markham; and,

Whereas under Sections 35.3 and 45.1 of the Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended, a By-law may be passed by the Council of a 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 is in effect in the municipality; and,

Whereas the Council of The Corporation of the City of Markham is desirous of amending the prescribed standards for the maintenance of private property and municipal boulevards within the City of Markham (Keep Markham Beautiful (Maintenance) By-law as amended, to include minimum standard provisions for designated heritage properties pursuant to subsections 35.3 and 45.1 of the Ontario Heritage Act that either are or appear to be vacant, partially vacant, or unoccupied for more than ninety (90) days; and,

Whereas The Corporation of the City of Markham deems it necessary to prevent public nuisances and the accumulation of Waste Material and to control dust within Markham;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1.0 SHORT TITLE

This by-law may be cited as the **“Keep Markham Beautiful (Maintenance) By-Law”**.

2.0 DEFINITIONS

For the purpose of this By-law the following words shall have the meaning given herein:

“Abandoned Building” means any building or structure that is not occupied and that, by reason of its unfinished or dilapidated condition, is open to the elements or is in a state such that there is no control over unauthorized entry to the building;

“Abutting Boulevard” means the portion of a municipal **Boulevard** that is abutting or contiguous to a **Lot**;

Accessory Building means a detached subordinate building on the same lot as the main building;

“Boulevard” means the portion of the **Highway** between a **Street Line** and the edge of

the curb or, where there is no curb, that portion of the **Highway** which is travelled or designed to be travelled by vehicles;

“Building Code Act” shall mean the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and any successor legislation;

“City” shall mean The Corporation of The City of Markham;

“Commercial Properties” means all properties that are used for any form of commercial enterprise excluding a home occupation;

“Council” shall mean the **Council** of The Corporation of the **City** of Markham;

“Equipment” means anything on a property which is capable of holding water, including but not limited to, swimming pools, inflatable pools, above ground swimming pool, landscaping ponds, wading pools, hot tubs, tires, cars, boats, garden fixtures and containers of any kind;

“Ground Cover” means organic or non-organic material that covers the ground, and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

“Heritage Attribute” means, in relation to real property, and to the buildings on the real property, an attribute of the property, building or structure 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, Part IV, of the Ontario Heritage Act, and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or
- ii. in a Minister's order made pursuant to Section 34.5, Part IV of the Ontario Heritage Act and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or
- iii. in a by-law designating a heritage conservation district passed under Section 41, Part V of the Ontario Heritage Act and identified as a **Heritage Attribute**, value reason for designation or otherwise; 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; or
- v. 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 Attributes** and without which the **Heritage Attributes** may be at risk;

“Heritage Permit” means a permit issued by the **City** related to alteration work on **Heritage Property**;

“Heritage Property” means real property, including all buildings, structures and features thereon:

- i. that has been designated by the **City** 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. that is located within a heritage conservation district which has been designated by the **City** under Section 41 of the Ontario Heritage Act;

“Highway” means a common and public **Highway** and includes any bridge, trestle, viaduct or other structure forming part of the **Highway** within the **City** and includes the **Boulevard** and other un-travelled portions;

“Home Occupation” means a secondary use of a dwelling unit and its **Accessory Buildings** by at least one of the permanent residents of such dwelling unit to conduct a gainful occupation or business activity;

“Household Waste” shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling and, for greater certainty without limiting the generality of the foregoing, may include:

- a) all kitchen and table waste, of animal or vegetable origin, resulting from the preparation or consumption of food; and,
- b) yard clippings, tree and garden cuttings, brush or leaves; and,
- c) paper, cardboard, or clothing; and,
- d) cans, glass, or plastic containers, or dishes; and,
- e) furniture, appliances, and fixtures;

“Inoperable Vehicle” shall mean a motor vehicle as defined by the Highway Traffic Act, R.S.O. 1990, c.H. 8, as amended, that is not in good repair and capable 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, as amended;

“Land” shall mean grounds, yards and vacant and developed lots;

“Landscaping” means vegetation in the form of lawns, grasses, shrubs, flowers, ornamental plantings, or any combination thereof;

“Larvicide” means any chemical, mechanical or bacterial agent that is used to impair or destroy mosquito larvae;

“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;

“Manager, Heritage Planning” means the Manager, Heritage Planning of the **City**, or his/her designate;

“Municipal Law Enforcement Officer (Officer)” shall mean an employee of the **City** who has been appointed by By-law to enforce the provisions of **City** By-laws;

“Natural Body Of Water” shall mean a creek, stream, bog, marsh, river, pond or lake normally created by the forces of nature, but which may be created or caused to be created by man, and which contains water on a regular basis;

“Natural Garden” shall mean 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;

“Ontario Heritage Act” shall mean the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended, and any successor legislation;

“Owner” shall mean the registered **Owner**, **Owner** in trust, a mortgagee in possession, a person who is managing or receiving the rent of the **Property** a lessee 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);

“Person” includes an individual, association, organization, partnership, municipality or other corporation and includes an agent or employee of any of them;

“Property” shall mean 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 **Property**;

“Record” means the Official Street Number Record for the **City**;

“Reflective Plate” means a plate or sign on which is affixed a street number and which has reflective properties;

“Standing Water” means any water found on property, other than a natural, moving body of water that exists on a permanent basis;

“Street Line” means the boundary between a **Lot** and a **Highway**;

“Street Number” means the street number for a property, as entered in the Official Street Number Record, and includes a reflective plate;

“Vacant Heritage Property” means any buildings and structures located on property designated under Section 29 or 34.5 of the **Ontario Heritage Act**, and any property situated within a heritage conservation district designated under section 41 of the **Ontario Heritage Act** and either is or appears to an **Officer** to be vacant, partially vacant, or unoccupied for more than ninety (90) days;

“Vacant Listed Heritage Property” means any buildings and structures located on a non-designated property listed on the Markham Register of Heritage Properties of Cultural Heritage Value or Interest and either is or appears to a **Municipal Law Enforcement Officer** to be vacant, partially vacant, or unoccupied for more than ninety (90) days;

“Waste Material” shall mean any garbage, refuse, debris, litter, **Household Waste** and yard waste and without limiting the generality of the foregoing, shall include garbage, junk, tin cans, old or decayed lumber, discarded or inoperable machinery including automobiles and parts, furniture, household fixtures and construction materials;

“Work Order” shall mean an order issued under this By-law to the **Owner** of a **Property** requiring the **Owner** who contravened the By-law or who caused or permitted the contravention or the **Owner** of the **Land** on which the contravention occurred to do work to correct the contravention.

3.0 ENFORCEMENT

3.1 Municipal Law Enforcement Officers are hereby authorized and empowered to enforce the provisions of this By-law.

3.2 No **Owner** or **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

3.3 Municipal Law Enforcement Officers and **Persons** under their direction may at any reasonable time enter onto any **Lands** within the **City** to determine if the provisions of this By-law are being complied with or may enter onto to any **Lands** within the **City** to carry out the remedial actions required to bring the property into conformity with the By-law.

3.4 Municipal Law Enforcement Officers are empowered 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, including the removal of the documents for the purposes of making copies or extracts; and,
- b) 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 inspection; and,
- c) require information from any **Person** concerning a matter related to the inspection.

4.0 General Provisions

4.1 No **Owner** or **Person** shall permit the **Ground Cover** on their **Lands** to exceed a height greater than 15 centimetres (6 inches), except as provided in Subsections 4.2.

4.2 Height of **Ground Cover** need not be maintained in:

- a) areas that are designated as Open Space, Environmental Protection or Agricultural under the applicable **City** Zoning By-law unless involving a **Heritage Property**; the property **Owner** shall be required to maintain the **Ground Cover** around their portion of the **Heritage Property** that was normally maintained while in use;
- b) **Natural Gardens**; and
- c) **City** owned parks, storm water management ponds and open spaces.

4.3 Every **Owner** shall remove all objectionable markings, 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.

4.4 Every **Owner** shall keep their **Property** clear of objects or conditions that create or might create a health, fire or accident hazard.

4.5 Every **Owner** shall grade their **Land** to minimize the ponding of water unless such area constitutes:

- a) a storm water management pond approved by the **City**;
- b) a **natural body of water**;
- c) a swimming pool enclosed in compliance with the **City's** Swimming Pool Enclosure By-law 2015-96 as amended.

4.6 Every **Owner** shall maintain their **Property** clear of all **Waste Material**.

4.7 Every **Owner** shall maintain their **Lands** clear of all **Inoperable Vehicles** except where the **City's** Zoning By-law permits a related **Land** use.

4.8 Every **Owner** shall store **Household Waste** in rigid covered containers (except for recycle materials) when stored outdoors and **Household Waste** shall not be stored in the front yard of a residential **Property** where the **Property** has a garage, side yard or designated storage facility.

- 4.9** Except as provided in Subsection 4.10, every **Owner** shall ensure that their **Land** is treated to prevent the raising of dust or loose particles and the accumulation of mud.
- 4.10** **Land** described in subsection 4.9 need not be treated to prevent the raising of dust or loose particles and the accumulation of mud in:
- a) **Lands** subject to an active site plan or subdivision agreement;
 - b) areas zoned open space, environmental protection or agricultural under the **City's** Zoning By-law; and
 - c) **City** owned parks and open spaces.
- 4.11** Every **Owner** shall maintain all hedges, bushes and shrubs on their **Lands** from becoming overgrown and unkempt.
- 4.12** 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 **Lands**.
- 4.13** Every **Owner** shall remove snow and ice from the roofs of their building(s) that pose a health or safety hazard to persons or the **Property** in the normal use of adjacent walkways, driveways, parking areas and entrances to the building(s).
- 4.14** Every **Owner** shall keep their **Property** leveled, graded and protected by suitable **Ground Cover**.

5.0 Abutting Boulevard

5.1 Every **Owner** shall:

- a) clean and clear the **Abutting Boulevard** of all debris, waste, refuse and litter, and conform to the provisions;
- b) clean and clear the **Abutting Boulevard** of any abandoned items, machinery, equipment or other thing;
- c) maintain **Ground Cover** on any **Abutting Boulevard** at a height which is not greater than 15 centimetres (6 inches) in height;
- d) maintain the **Landscaping** on any **Abutting Boulevard** so that **Landscaping** materials do not encroach over that portion of an adjacent **Highway** that is travelled or designed to be travelled by vehicles, adjacent driveway or sidewalk;
- e) maintain any hedges or fences on their property so that the hedges or fences do not encroach onto the **Abutting Boulevard**; and,
- f) keep **Abutting Boulevard** levelled, graded and protected by suitable ground cover.

6.0 Dumping

- 6.1** No **Person** shall dump, place, deposit or permit to be dumped, placed or deposited on any grounds, yards or vacant lots within the **City** any **Household Waste** or **Waste Material**.

- 6.2** No **Person** shall throw, place or deposit any refuse or debris, garbage, waste on private property or on any **Lands** owned by the **City** or any local board thereof, unless such person has been authorized by the **Owner** or occupant to do so.
- 6.3** No **Person** shall aid or assist any person to throw, place or deposit any refuse of debris, garbage, and waste on private property or public **Lands** or permit the use of his or her property to be utilized for such a purpose.
- 6.4** No **Person** shall dump, place, deposit or permit to be dumped, placed, or deposited garbage, waste on a **Highway** within the **City** except when placed out in accordance with the **City** By-laws respecting garbage collection.
- 6.5** Any **Person** who has violated sections 6.2, 6.3 or 6.4 of this By-law shall immediately remove or cause to be removed all refuse or debris to the satisfaction of the **City**.

7.0 Standing Water

7.1 No Owner shall:

- a) permit **Standing Water** on a **Property** in any depression or **Equipment**;
- b) permit **Standing Water** on a **Property** to accumulate in a catch basin unless the catch basin has been effectively treated with a **Larvicide**;

7.2 Any **Owner** of property may be required by an **Officer** to take all necessary steps to remove or dispose of standing water where located on the property. Such steps may include, but are not limited to, draining, filling of excavations and depressions in which standing water has or may collect, screening or netting of equipment as to prevent the breeding of mosquitoes, or the treatment of the property or any part thereof with a larvicide.

7.3 Where on any **Property**, there is any accumulation of **Standing Water** in any depression, excavation or **Equipment**, the **Owner** or occupant of the **Property** shall remove such **Standing Water** by, draining it or implementing a strategy for reducing mosquito breeding approved by an **Officer** for prevention of West Nile virus.

8.0 Vacant Heritage Property

8.1 In addition to the minimum standards for the maintenance and security of property in the **City** as set out in this By-law, the following minimum standards listed in Sections 8.2 to 8.5 apply to the maintenance and security of all buildings and structures on properties that are:

- a) designated under Section 29 or 34.5 of the **Ontario Heritage Act**, or
- b) situated within a heritage conservation district, designated under Section 41 of the **Ontario Heritage Act**.

8.2 Despite any other provisions of this By-law, in the case of buildings and structures located on properties that have been designated under Section 29, 34.5 or 41 of the Ontario Heritage Act, no **Owner** shall alter the **Property** or permit the alteration of the **Property** if the alteration is likely to affect the property's **Heritage Attributes**, unless the **Owner** has acquired a **Heritage Permit** or other form of written consent from the **City**.

8.3 The **Owner** of a **Vacant Heritage Property** shall protect such **Property** including any buildings or structures located thereon, and the **Heritage Attributes** of 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 pests by boarding up and securing any openings to the building of the **Vacant Heritage Property** including any buildings or structures located thereon. 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, fibreboard 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 the **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 the **Manager, Heritage Planning**;
- 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) interior doors, except those in fire separations, should be fixed ajar at least 4 inches to allow air to circulate throughout in order to help prevent interior deterioration through excess humidity;
- j) 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;
- k) 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 **Manager, Heritage Planning**;
- l) 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 **Manager, Heritage Planning**, and
- m) the exterior of the building, including eaves trough and downspouts, shall be maintained in order to prevent moisture penetration and damage from the elements that may have an adverse impact on the **Heritage Attributes**.

8.4 The **Owner** of a **Vacant Heritage Property** shall:

- a) ensure that 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) ensure that 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.

8.5 The Owner of a Vacant Heritage Property shall ensure that the following security measures are taken with respect to the building or structure:

- a) lock all doors and windows and ensure on-going maintenance;
- b) install and maintain an exterior lighting fixture on a timer in an area adjacent to the front entrance to enhance the safety and security of the building;
- c) close all basement hatches, openings, walkways and windows;
- d) remove ladders, tools, equipment and other materials that might be used to gain interior access;
- e) remove rubbish, garbage, flammable and other hazardous materials, parts of vehicles and other equipment, discarded 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 fire escapes and ladders to a height of at least four meters, and by removing or cladding towers that may be used to access the **Vacant Heritage Property**;
- g) significant trees, plantings, grass, lawns, flower beds, hedgerows, bushes, vines and other vegetation on grounds surrounding **Vacant Heritage Properties** and other resources shall be maintained and protected at all times in accordance with all relevant **City 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 **Vacant Heritage Property**. The fence shall be 2 metres 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 Markham Fire Department, Markham By-Law Enforcement Department, York Regional Police and the **Manager, Heritage Planning** that the building is vacant and boarded;
- k) inspect the property and the building on a monthly basis.

8.6 The Owner of a Vacant Heritage Property shall:

- a) post "No Trespassing" signs on all exterior elevations, including all points of access to the property, and on gates and property fencing; and
- b) post a heritage notice that complies with **City** planning application graphics and signage standards and states:

HERITAGE NOTICE:

The structure on this property is a designated heritage resource protected under the **Ontario Heritage Act** and applicable municipal law.

Please help us protect and conserve Markham's heritage for future generations.

For more information contact City Heritage staff at 905-475-4861.

- 8.7** Where the minimum standard imposed by sections 8.3 and 8.5 has, more than once, failed to exclude unauthorized entry, and further where the **Owner's** control, attendance or lack of security measures to protect the **Vacant Heritage Property** suggest that a more secure option be used, then the **Owner** shall supply such measures, including such improved security of closures, as may be required by a **Municipal Law Enforcement Officer**.

9.0 Abandoned Building/Vacant Listed Heritage Property

- 9.1** In addition to the minimum standards for the maintenance of a property, the **Owner** of an **Abandoned Building** 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 pests by boarding up and securing any openings to the **Abandoned Building**. For the purpose of securing an **Abandoned Building** provisions of subsection 8.3 (a), (b), (c), (d), (e), (f), (h), (i), and (j) and must be complied with.

- 9.2** In addition to the minimum standards for the maintenance of a property, 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 pests 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 subsection 8.3 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), 8.4, 8.5 and 8.6 (a) must be complied with.

- 9.3** Where the minimum standard imposed by sections 8.3 and 8.5 has, more than once, failed to exclude unauthorized entry, and further where the **Owner's** control, attendance or lack of security measures to protect the **Vacant Listed Heritage Property** suggest that a more secure option be used, then the **Owner** shall supply such measures, including such improved security of closures, as may be required by a **Municipal Law Enforcement Officer**.

10.0 Street Number Sign

- 10.1** The **Street Number** for each **Property** on a public **Highway** shall be as entered in the **Record** logged at the municipal offices of the **City**.
- 10.2** No **Street Number** for a **Property** shall be posted other than the number appearing on the **Record** for such **Property**.
- 10.3** Every **Owner** shall affix or cause to be affixed the **Street Number** for such **Property** to a wall of building, or other location, which faces a public **Highway** so as to ensure clear visibility of the number at all times from the public **Highway**. Such number shall be a minimum of ten (10) centimetres in height.
- 10.4** Every **Owner** of a residential building that has access to the **Property** through a laneway, shall firmly affix or cause to be affixed the **Street Number** for such **Property** to a wall of building, or other location, which faces the laneway so as to ensure clear visibility of the number at all times from the laneway. Such number shall be a minimum of ten (10) centimetres in height.

10.5 Notwithstanding subsection 7.3, the **Street Number** address for **Commercial Properties** shall be:

- a) a minimum of thirty (30) centimetres in height; and,
- 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**.

10.6 **Property** which has direct access to a public **Highway** that is designated on Schedule “A” to this by-law shall be required post a **Reflective Plate** for a **Property** on which is situated any of the following:

- a) a dwelling;
- b) a business premises;
- c) a school;
- d) a place of public assembly;
- e) a place of worship; or
- f) any building associated with an agricultural use where such building is not situated on a **Property** with a dwelling or business premises.

10.7 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 public **Highway** on which the address has been assigned so that the **Reflective Plate** is clearly visible at all times from the public **Highway**;
- d) the distance between the post supporting the **Reflective Plate** and the right of way of the public **Highway** shall not exceed 5.0 metres;
- e) the **Reflective Plate** shall be posted on the same side of the public **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**.

10.8 Every **Reflective Plate** shall satisfy the following requirements:

- a) the **Street Numbers** shall be minimum of 10 (ten) centimetres and a maximum of 15 (fifteen) centimetres in height;
- b) the **Street Numbers** shall be of white reflective engineer grade material and shall contrast with the surface of the **Reflective Plate**, so that the **Street**

Numbers are clearly visible from the public **Highway** when illuminated by the headlights of a motor vehicle;

- c) the **Street Numbers** shall be affixed on each side of the **Reflective Plate**;
- d) the dimensions of the **Reflective Plate** shall be a minimum of a 11 (eleven) centimetres and a maximum of 16.5 centimetres in height; and
- e) the surface of the **Reflective Plate** shall be of a green reflective material.

10.9 Once installed, every **Reflective Plate**, 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 Notwithstanding subsection 7.3, where no building is situated within 30 metres from a public **Highway** the **Owner** shall affix the **Street Number** to a permanent sign or structure located as close as practicable to the front lot line of the **Property**, and in any case, not more than 5 (five) meters from the public **Highway**.

10.11 Any such number affixed to a sign or structure erected in the front yard shall be affixed at least 1.4 metres and no more than a 1.6 metres between the average grade of the **Property** directly in front of the number and the top of the number.

10.12 The **Owner** of a townhouse complex that has one or more main points of access and where the Building or Buildings front onto an Internal Private Road(s) shall:

- a) firmly affix to and maintain on the front of the individual units, of the Building or Buildings, the unit number which shall be at least 4 inches (100 millimetres) high, and shall be located so as to be clearly visible from the Internal Private Road on which the unit has its access; and
- b) at the point(s) of access where the Internal Private Road(s) intersects the Street(s) the Owner is to place and maintain a permanent sign(s) constructed of durable material, displaying the Municipal Address Number(s) of the Building or Buildings in the complex and the range of unit numbers. Where there are two or more Internal Private Roads within the complex the sign(s) is to contain a map that depicts the layout of the Internal Private Roads, the layout of the Buildings and the unit numbers contained in each Building. The numbers shall be at least 4 inches (100 millimetres) high and the sign(s) is to be located so as to be clearly visible from the Street.

10.13 No **Street Number** shall be affixed to the **Property** of the **City** or a public utility, including street lamps, telephone poles or hydro poles.

10.14 Every **Owner** of a building shall affix or cause to be affixed a **Street Number** in accordance with the provisions of this By-law within 14 days of the issuance of the building permit, or the issuance of a foundation permit, whichever occurs first.

10.15 Notwithstanding subsection 7.14, where an **Owner** has made alternative arrangements with the **City** for the purchase or manufacture of a **Reflective Plate** an additional period of 30 days shall be allowed for the erection of **Reflective Plate** on any **Property**.

10.16 During the construction of a building, an **Owner** may also identify his **Property** by affixing the correct lot number of the **Property** to such building, provided that the number is clearly identified as a lot number as distinct from the **Street Number**.

11.0 Shielding - required - all outdoor light fixtures

11.1 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.

11.0 Enforcement

11.1 Municipal Law Enforcement Officers(heritage staff may also want to enforce) are hereby authorized to enforce the provisions of this By-law.

11.2 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 By-law.

11.3 Municipal Law Enforcement Officers and Persons under their direction may at any reasonable time enter onto any lands to determine if the provisions of this By-law are being complied with or may enter onto to any lands to carry out any remedial actions required to bring the property into conformity with the By-law.

11.4 Municipal Law Enforcement Officers are authorized for the purposes of inspection to determine compliance with the By-law to:

11.4.1 require the production for inspection of documents or things relevant to the inspection, including the removal of the documents for the purposes of making copies or extracts;

11.4.2 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 inspection; and,

11.4.3 require information from any Person concerning a matter related to the inspection.

12.0 Work Order – Premises Not Maintained

12.1 A **Municipal Law Enforcement Officer** may enter upon any **Land** 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.

12.2 Where a **Property or Land** is not maintained in accordance with the requirements of this By-law:

a) the **City** may serve the **Owner(Person)** a **Work Order** in writing directing the **Owner** of the **Property or Land** to bring the **Property or land** into conformance with the requirements of this By-law; and

b) the **Owner(Persons)** shall repair, remove or clean up all contraventions identified on the **Work Order** within the time specified in the **Work Order** provided 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**.

13.0 Work Order – Delivery- When Deemed Served

13.1 The **Work Order** from the **City** 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.

- 13.2** If served by regular mail, a **Work Order** under subsection 10.1 shall be deemed to have been served on the fifth day after mailing.

14.0 Failure to Comply – Work Done By Corporation

- 14.1** Where an **Owner**, having been served with a **Work Order**, fails to comply with the **Work Order** within the time specified, a **Municipal Law Enforcement Officer** or the **City's** employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto **Land** at a reasonable time and carry out any or all of the work described in the **Work Order**.

15.0 Service Fees

- 15.1** The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the **City's** Fees By-law and any revisions thereto.
- 15.2** Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by a **Municipal Law Enforcement Officer**.

16.0 Recovery of Costs

- 16.1** Where the **City**, its employees or authorized agents have performed the work required to bring the **Property** into compliance with the By-law, all expenses incurred by the **City** in doing the work as well as any related fees, shall be deemed to be a debt to the **City** and may be collected by action or the costs may be added to the tax roll for the **Property** and collected in the same manner as taxes.

17.0 Offences

- 17.1** Any person who contravenes any provision of this by-law or an Order issued pursuant to Section 12 of this By-law is guilty of an offence.
- 17.2** No person shall fail to comply with any conditions or term of any Order issued under this By-law
- 17.3** 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.
- 17.4** 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.

18.0 Penalties

- 18.1** Pursuant to Section 429 of the Municipal Act, every **Person** who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, to a fine of not less than \$300.00 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 \$400.00 and not more than \$100,000.00;

- c) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may not exceed \$100,000.00.

18.2 Where a **Person** convicted of an offence is a corporation, the corporation is liable to a fine not less than \$300.00 and not exceeding \$100,000.00.

19.0 Collection of Unpaid Fines

19.1 Pursuant to Subsection 441.1 of the Municipal Act, 2001, the treasurer of a municipality 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 to the tax roll for any property in the local municipality of which all of the owners are responsible for

20.0 Severability

20.1 Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an Order to the contrary.

21.0 Interpretation

21.1 The provisions of the Legislation Act, 2006, shall apply to this Bylaw

22.0 Repeal of By-Law

22.1 That By-law 73-89 (Abandoned and Vacant Buildings), By-law 56-92 (Street Numbering of Properties) and By-law 2003-122 (Standing Water) be repealed.

23.0 Force and Effect

23.1 That this By-law shall come into force and effect on the date of its final passing.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XXTH DAY OF 2017.

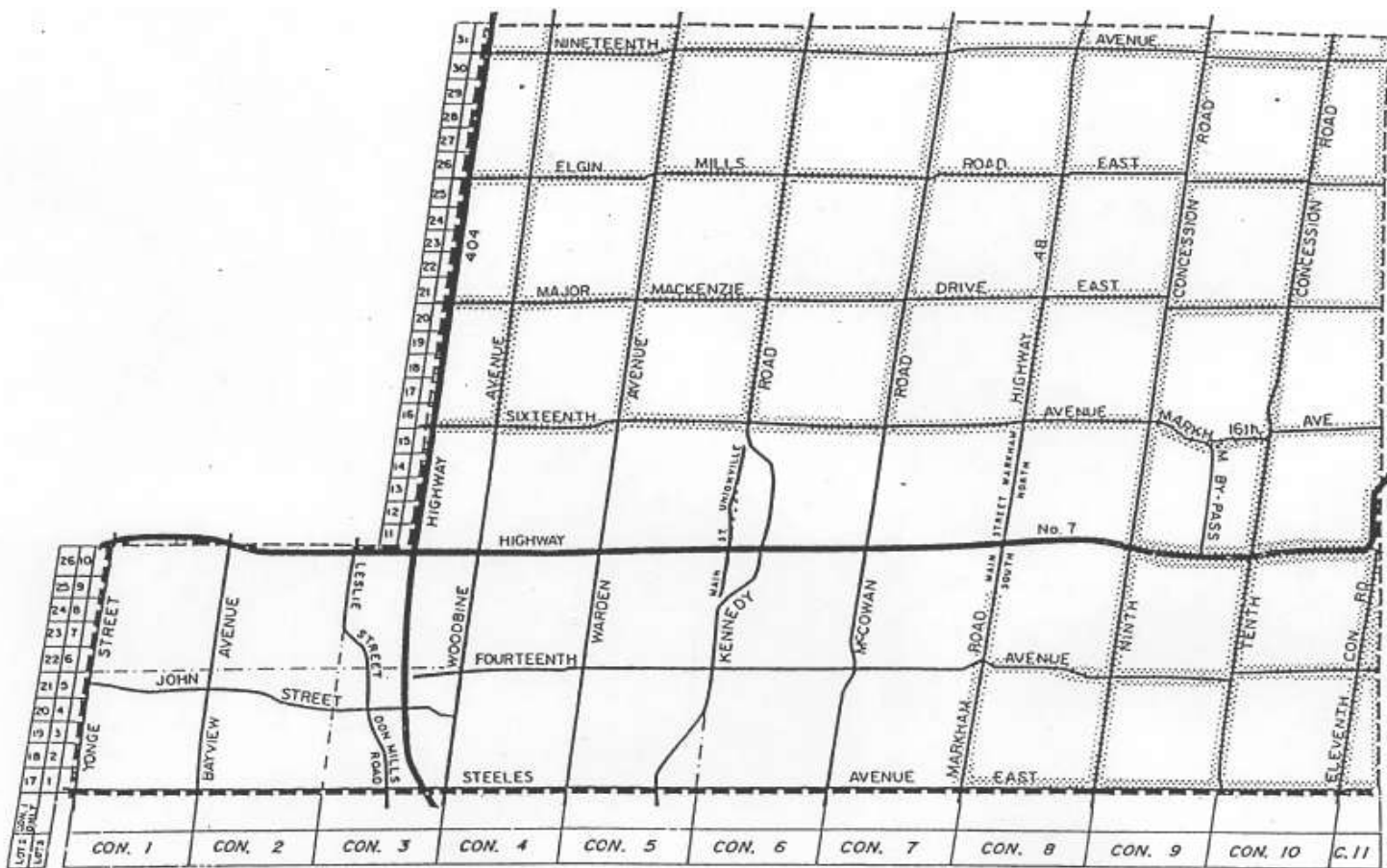
"Kimberley Kitteringham"

"Frank Scarpitti"

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

SCHEDULE "A"



CITY OF MARKHAM

DESIGNATED HIGHWAYS, PURSUANT TO SECTION 7.6 OF BY-LAW NO XXXX-XXX (WHERE SHADING IS SHOWN ON ONE SIDE OF HIGHWAY, ONLY THAT SIDE IS SUBJECT TO SECTION 7.6)

NOTE:

- 1) DIMENSIONS IN METRES
- 2) FOR ACCURACY, REFERENCE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK

NOT TO SCALE