



By-law 2017-27

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.O.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 **Municipal Law Enforcement 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 No **Owner** or **Person** shall permit the **Ground Cover** on their **Lands** that contains any invasive plant species as identified in the Invasive Species Act, 2015.
- 4.4 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.
- 4.5 Every **Owner** shall keep their **Property** clear of objects or conditions that create or might create a health, fire or accident hazard.
- 4.6 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.
- 4.7 Every **Owner** shall maintain their **Property** clear of all **Waste Material**.
- 4.8 Every **Owner** shall maintain their **Lands** clear of all **Inoperable Vehicles** except where the **City's** Zoning By-law permits a related **Land** use.
- 4.9 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.
- 4.10 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.
- 4.11 **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.
- 4.12 Every **Owner** shall maintain all hedges, ivy, bushes and shrubs on their **Lands** from becoming overgrown and unkempt.

4.13 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**.

4.14 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).

4.15 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 8.7 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, ivy, 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) 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 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 **Work 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 **Work 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 2012-119 (Keep Markham Beautiful By-law), 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 on April 25, 2017.

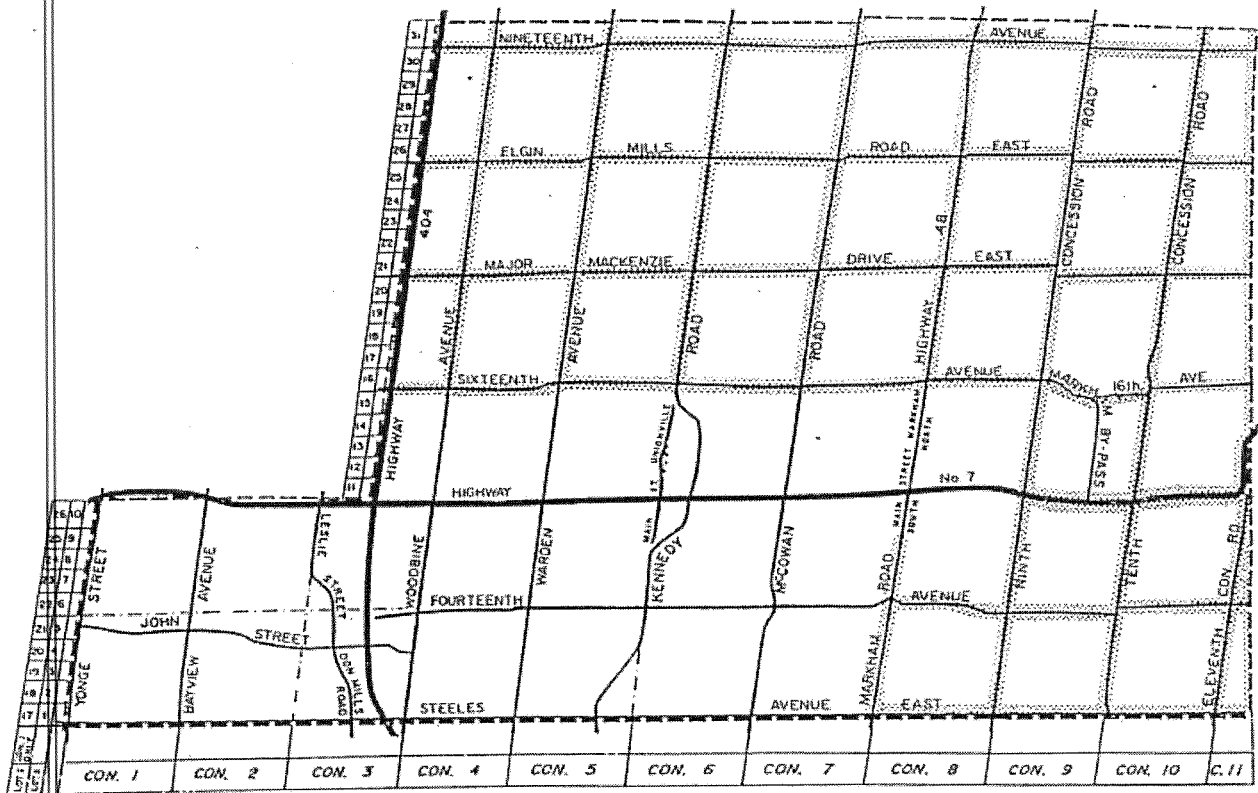


Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor

SCHEDULE “A”



CITY OF MARKHAM

<div data-bbox="362 1567 461 1596" data-label="Image"></div> <p>DESIGNATED HIGHWAYS, PURSUANT TO SECTION 7.6 OF BY-LAW NO 2017-27 (WHERE SHADING IS SHOWN ON ONE SIDE OF HIGHWAY, ONLY THAT SIDE IS SUBJECT TO SECTION 7.6)</p>	<div data-bbox="1385 1548 1417 1602" data-label="Image"></div> <p>NOTE:</p> <ol style="list-style-type: none">1) DIMENSIONS IN METRES2) FOR ACCURACY, REFERENCE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK <p>NOT TO SCALE</p>
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