



22-02
Minimum Maintenance By-law ~~XXXX~~
(Property Standards)

**To establish standards for the maintenance of property in
the Village of Blacks Harbour**

The Council of the Corporation of the Village of Blacks Harbour ENACTS as follows:

PART I

DEFINITIONS

In this By-law:

1. (1) "accessory building" means a detached building or structure subordinate to a main building or structure and includes any building or structure the use of which is incidental to that of a main building or structure, and shall include garages, drive sheds, barns, and similar storage facilities.
- (2) "basement" means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade.
- (3) "bathroom" means a room which shall contain a toilet and basin and may contain a bathtub or shower.
- (4) "Building Code" shall refer to the National Building Code of Canada.
- (5) "Committee" means the Property Standards Committee established pursuant to the provisions of this By-law.
- (6) "Council" means the council of the Village
- (7) "dwelling unit" means a unit that:
 - (a) consists of a self-contained set of rooms located in a building or structure,
 - (b) is used as a residential premises,
 - (c) contains kitchen and bathroom facilities that are used only by the occupants of the unit,
 - (d) is used as a single housekeeping unit, which includes a unit in which no occupant has exclusive possession of any part of the unit, and
 - (e) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.

- (8) "habitable space" means a room or area used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom;
- (9) "lodging house" means a dwelling in which rooms or room and board are supplied for hire or gain, for more than two persons, but shall not include a hotel, motel or group home.
- (10) "mildew" has its ordinary meaning and includes a whitish growth produced by fungi.
- (11) "mixed use building" means a building containing one or more dwelling units and other uses not accessory to the dwelling units.
- (12) "mould" has its ordinary meaning, and includes any living organism or fungus in damp or decaying environment, which produces a superficial growth and also includes such superficial growth.
- (13) "multiple dwelling" means a building containing two or more dwelling units which are in use.
- (14) "officer" means a Property Standards Officer or other enforcement officer duly appointed by a By-law of the Village to administer and enforce the provisions of this By-law.
- (15) "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 his 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.

- (16) "person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.
- (17) "property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, on which there are no structures of any kind.
- (18) "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.
- (19) "sewage system" means an approved sanitary sewage system or an approved private sewage disposal system which is in compliance with the applicable by-law.
- (20) "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.
- (21) "yard facing a street" means that portion of a yard having the full width or length, as the case may be, of the property between a building and one or more streets adjacent to the property.
- (22) "vehicle" includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.
- (23) "Village" means the corporation of the village of Blacks Harbour.

PART II ADMINISTRATION AND ENFORCEMENT

Administration and Enforcement

2. The Village may from time to time appoint officer and such other staff as may be necessary to carry out the functions of this By-law, including the enforcement thereof.

Property Standards Committee

3. (1) A Property Standards Committee is hereby established and shall be known as the "Property Standards Committee".
- (2) The Committee shall be composed of not less than three (3) and not more than six (6) residents of the Village appointed by Council.
- (3) The term of appointment of Committee members shall be for the term of Council.
- (4) A Committee member shall serve for the term for which the member is appointed or until a successor is appointed by Village Council.
- (5) In the event of a vacancy in the membership of the Committee, Council shall forthwith fill the vacancy.
- (6) A member of Council, an employee of the Village and members of any Village controlled entity is not eligible for appointment to be a member of the Committee.
- (7) A Committee member shall be deemed to have resigned if (s)he fails to attend three (3) consecutive regular Committee meetings.
- (8) Honoraria shall be paid to each members of the Committee at the rate of Fifty Dollars (\$50.00) for each meeting attended by such Committee member.
- (9) The Committee shall have regular meetings once per month, or as required by Council.

PART III

GENERAL PROVISIONS

(This part prescribes the standards for every property situated in the Village of Blacks Harbour)

Duties

4. Every owner shall ensure his property is maintained in accordance with the provisions of this By-law.
5. Every person to whom an order is issued under this by-law shall obey such order as required.

Manner of Making Repairs

6. (1) All repairs shall be made in a good and workmanlike manner with materials that are suitable for the purpose and free from defects.
- (2) Without limiting Section 6.1(1), the phrase "good and workmanlike manner" includes:
 - (a) ensuring the component repaired can perform its intended function; and
 - (b) finishing the repair in a manner reasonably compatible in design and colour with the adjoining decorative finishing materials.
- (3) The requirement that repairs be made with "materials that are suitable for the purpose" includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

Yard

7. (1) A yard shall be kept clean and free from:
 - (a) hazardous objects or materials,
 - (b) domestic animal excrement,
 - (c) rubbish or other debris,
 - (d) holes, ruts and excavations that are actual or potential health, fire or safety hazards, or
 - (e) anything that may attract or harbour rodents or insects.

- (2) Lawns shall be kept trimmed and from becoming unreasonably overgrown. Hedges and trees shall be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility or passage of the general public.
- (3) Domestic storage, such as firewood, building materials, garden equipment and materials must be stored:
 - (a) neatly; and,
 - (b) not in a yard facing a street.
- (4) A yard shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.
- (5) Every yard shall be kept clean and free from rodent and insect infestation and dead, decayed or damaged trees or other natural growth and the branches and limbs thereof which may fall and cause an accident.
- (6) Dead, decayed damaged trees, hazards to an adjoining property or structure, branches or other natural growth which may constitute an actual or potential health, fire or safety hazard must be removed and disposed of.
- (7) No vehicle which is in a wrecked, discarded, dismantled or inoperative condition or is unlicensed shall be parked, stored, or left in the yard unless such vehicle is required for business.
- (8) No vehicle shall be parked on any yard, except on a paved or appropriately finished surface.
- (9) Swimming pools, including safety fences and gates, shall be kept in good repair, clean and free from health and safety hazards, including the pool water therein.
 - (a) Outside storage shall be maintained so as to prevent an unsafe or unsightly condition out of character with the surrounding environment.
 - (b) the provision and maintenance of a surrounding fence shall be appropriate to
 - (c) the nature of the adjacent uses to minimize the visual impact of nuisances to persons at grade adjacent to the property.
- (10) All areas used for vehicular traffic, parking and facilities for loading and

unloading, including loading spaces or bays shall be:

- (a) kept free from dirt, surface dust and refuse;
 - (b) maintained in good repair;
 - (c) properly drained and;
 - (d) provided with curb stops or other restraining devices to prevent vehicular damage to structures on this or adjoining property.
- (11) Whenever landscaping hedges, trees, fences, curbs, retaining walls or similar changes to property have been required by the Village as a condition of development or redevelopment, such works shall be undertaken and maintained so as to ensure continuous compliance with the requirements of this by-law, and development restrictions imposed by the Village in connection with the development of the property and any other by-law in force by the Village.

Sewage and Drainage

8. (1) All sewage shall be discharged into an approved sewage system which is in compliance with the applicable by-law.
- (2) No roof drainage shall be discharged or channelled onto walkways, stairs, onto adjacent lands, or into the sewage system maintained by the Village.
- (3) Storm water, sump or swimming pool discharge, and water artificially brought on the land, shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement, cellar, or onto adjacent lands.
- (4) Adequate drainage shall be installed where there is recurring excessive ponding caused by surface water.

Walks

9. Every driveway, parking area and walk shall be surfaced with stone, gravel, asphalt, concrete or other material capable of providing a hard surface.

Safe Passage

10. Steps, walks, driveways and parking areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

Fences

11. All fences, retaining walls and structures appurtenant to a property, shall be kept in good repair, free from hazards, and where required, protected by paint, preservative or other weather resistant material unless the characteristics of the fence, retaining wall, screen or enclosure are designed to be enhanced by the lack of such material. All fences, retaining walls and other such structures shall be constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining property.

Graffiti

12. Objectionable markings, graffiti, or other defacement of fences, retaining walls and structures appurtenant to a property shall be removed and the surface restored.

Garbage Disposal

13. (1) Garbage receptacles shall
 1. be made of metal or plastic;
 2. be of watertight construction;
 3. be provided with a tight-fitting cover; and
 4. be maintained in a clean state.
- (2) No person shall place any container, receptacle, garbage, rubbish, refuse or recyclable materials out for collection prior to the day of collection.
- (3) No person shall leave any container, receptacle, garbage, rubbish, refuse or recyclable materials out after dusk on the day of collection.
- (4) No garbage or refuse shall be stored on any lot in any zone except within the principal building or any accessory building or structure on such lot or in a container in a side yard or rear yard of such lot.
- (5) Every garbage or refuse storage area located in a Commercial, Recreation, Institutional or Industrial Zone"(as defined in the Village's zoning by-law)", which is visible from an adjoining site zoned Residential or Recreation, shall have a visual screening consisting of fencing constructed from wood, chain link with slates to provide a visual screen or masonry.

Antennae

14. Crane ways, lightning arrestors, television and radio antennae and structures of similar character shall be maintained in good repair and free of fire and hazards and properly anchored and plumb, unless specifically designed to be other than vertical.

Exterior Walls

15. (1) The exterior walls and their components, including eavestroughs, downpipes, soffits and fascias, shall be maintained so as to prevent their deterioration due to weather or insects, and shall be maintained by painting, restoring, cleaning, or repairing of the walls, coping or flashing, by the waterproofing of joints.
- (2) Objectionable markings, graffiti, or other defacement of exterior surfaces shall be removed and the surface restored.
- (3) All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts, air conditioners and similar overhang extensions shall be:
 - (a) maintained in good repair;
 - (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.

Roof

16. (1) A roof including flashings shall be kept in good repair and be maintained in a watertight condition so as to prevent leakage of water into the building. The attic shall be ventilated in conformance with the building code.
- (2) 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.

Dampness

17. The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a cellar, basement or crawl space floor.

Exterior Doors and Windows

18. (1) Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling.
- (2) Rotted or damaged doors, door frames, window frames, shutters, screens, sashes and casings, weather stripping, broken glass, and defective door and window hardware shall be repaired or replaced.

Handrails and Guards

19. Handrails and guards must follow the current edition of National Building Code as adopted by the Province of New Brunswick.

Note: The building code requirements for guards are complex and this by-law makes no effort to summarize them.

Lighting

20. Outdoor lighting shall be of a low-level, low-intensity nature; directed in a manner which will minimize glare and the undue intrusion of light on abutting properties, dwellings and streets.

Stairs and Porches

21. An outside stair and any porch appurtenant to it shall be maintained so as to be free of defects which may constitute possible hazard, and all treads or risers that show excessive wear or are broken, warped or loose and all

supporting structural members that are rotted or deteriorated shall be repaired or replaced.

Exterior Walls and Surfaces

22. (1) The exterior walls, roofs and other parts of the building shall be free from loose, rotted, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.
- (2) All exterior surfaces shall be of materials which provide adequate protection from the weather.

Pest Prevention

23. (1) Property shall be kept free of infestation by 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 any relevant legislation.
- (2) All windows and openings used or required for ventilation or exhaust and any opening in a basement or cellar, including a floor drain that may permit the entry of rodents, vermin or insects, shall be screened with wire mesh, metal grille or other durable material as will effectively exclude any of the above pests.

VACANT LAND

24. (1) Vacant land shall be kept clean and free from rubbish or other debris, and from objects or conditions that may create a health, fire or other hazard.
- (2) Ground vegetation and grass shall be kept cut to afford a reasonable and neat appearance.
- (3) No vehicle which is in a wrecked, discarded, unlicensed, dismantled, or inoperative condition shall be parked, stored or left on vacant land.
- (4) Vehicles, equipment, and materials not appurtenant to the property shall not be stored on vacant land.

- (5) Vacant land shall be graded, filled up, or otherwise drained so as to prevent ponding of storm water except on land used for agricultural
- PART VII

OFFENCES

25. (1) Any person who violates any provision of this by-law is guilty of an offence and is liable on conviction to a fine.
- (2) The minimum fine for an offence committed under this by-law is one hundred and forty dollars (\$140.00) and the maximum fine for an offence committed under this by-law is two thousand one hundred dollars (\$2,100.00)
- (3) If an offence committed under this by-law continues for more than one (1) day:
- The minimum fine that may be imposed is the minimum fine established in this by-law multiplied by the number of days during which the offence continues; and
 - The maximum fine that may be imposed is the maximum fine established in this by-law multiplied by the number of days during which the offence continues.