



By-law No. 2011-117

“A By-law to Require Buildings and Yards to be put in a Safe Condition to Guard Against Fire or Other Dangerous Risks Within the City of Owen Sound”

Originally Passed and Enacted July 4, 2011

Amended by By-law:	Passed On:
Not Amended	

Consolidated Version
Revised and Verified February 7, 2014

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

BY-LAW NO. 2011-117

THE CORPORATION OF THE CITY OF OWEN SOUND

**A BY-LAW TO REQUIRE BUILDINGS AND YARDS
TO BE PUT IN A SAFE CONDITION TO GUARD
AGAINST FIRE OR OTHER DANGEROUS RISKS
WITHIN THE CITY OF OWEN SOUND**

WHEREAS Sections 8 and 10 of the Ontario Municipal Act, S.O. 2001 c.25, as amended, authorize the City to enact by-laws which, among other things, provide for the health, safety and well being of persons;

AND WHEREAS the Council of the Corporation of the City of Owen Sound deems it desirable to pass such a By-law

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-law may be cited as the City of Owen Sound Unsafe Condition By-law.

2. DEFINITIONS

2.1 **City** means the Corporation of the City of Owen Sound.

2.2 **Enforcing Officer** means a Building Inspector, a Fire Prevention Inspector or a By-law Enforcement Officer appointed by the City to enforce the provisions of by-laws, or any other persons appointed from time to time, or a Police Officer as appointed under the Police Services Act.

2.3 **Owner** means the person listed on the last municipal tax roll as the property owner.

2.3 **Person** means an individual, firm, corporation, association or partnership.

3. GENERAL PROVISIONS

3.1 No person shall allow or permit any building or yard to be or remain in an unsafe condition by failing to guard against fire or other dangerous risk of accident.

3.2 The creation, presence or existence of any of the following conditions in or upon any yard, lot or grounds shall be deemed to create an unsafe condition from fire or other dangerous risk of accident:

3.2.1 An unfenced or unprotected excavation;

3.2.2 A building, part or all of which is liable to collapse or has collapsed from snow, wind, human occupancy or other causes;

3.2.3 Machinery, automotive equipment or the like in disuse which is not properly enclosed and protected;

3.2.4 Any other circumstance that creates or is likely to create an unsafe condition from fire or other dangerous risk or accident.

3.3 The Enforcing Officer shall, by written Order, notify the owner of any property, to remedy the unsafe condition immediately.

- 3.4 If an Order is placed on a property, a Work Order fee will be charged to the property owner at the time the Order is issued. This fee will be the same as the Work Order fee in the City of Owen Sound Fees and Charges By-law and will be recoverable in a like manner as taxes.
- 3.5 If any building, yard, lot or grounds is or remains in an unsafe condition ten (10) days after the mailing of the Order by registered mail, addressed to the owner, then the City itself may remedy the unsafe condition in such a manner as it sees fit and charge the cost thereof to the owner. If the owner fails to pay the costs of remedying the Unsafe Condition and the Supervision Rate to the City within thirty (30) days of the mailing of account therefore, the City may add the cost to the municipal taxes to be levied against the property and the same shall be recoverable in a like manner as municipal taxes.
- 3.6 A supervision rate as set in the City of Owen Sound Fees and Charges By-law will apply to all properties that are required to be made safe by City forces and contractors. This fee will be at the same rate as the Property Clean-up Fee.

4. ENFORCEMENT AND PENALTY

- 4.1 This by-law shall be enforced by the Enforcing Officers as defined herein.
- 4.2 Any person that contravenes any provision of this By-law is guilty of an offense and upon conviction therefor is subject to the penalty set out in the Provincial Offences Act.

5.0 SEVERABILITY

- 5.1 The terms and provisions of this By-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the By-law shall continue to be in full force and effect.

6.0 BY-LAWS REPEALED

- 6.1 By-law number 1974-15 is hereby repealed

FINALLY PASSED AND ENACTED this 4th day of July, 2011.

Signature on File

Mayor

Signature on File

Acting Clerk