

BY-LAW NUMBER 76, 1970

of THE CORPORATION OF THE TOWN OF PELHAM

A BY-LAW TO AUTHORIZE THE PULLING DOWN, REPAIRING
OR RENEWING OF BUILDINGS OR OTHER ERECTIONS THAT
ARE IN AN UNSAFE CONDITION.

WHEREAS paragraph 16 of subsection 31 of The Planning Act provides that by-laws may be passed by the councils of municipalities for authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident; and

WHEREAS paragraphs 38, 41 and 43 of subsection 1 of section 379 of The Municipal Act provide that by-laws may be passed by the councils of local municipalities for requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident; for suppressing fires and for pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire; and for making such other regulations for preventing fires and the spread of fires as the council may deem necessary; and

WHEREAS it is deemed expedient to pass a by-law pursuant to the said provisions of The Planning Act and The Municipal Act.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:-

1. In this by-law,

(a) "Building Inspector", means the Building Inspector of the Town of Pelham and for the purpose of exercising any of the powers or duties of the Building Inspector under this By-law shall include any employee of the Corporation authorized by the said Building Inspector to exercise any such powers or duties;

(b) "Corporation" means The Corporation of the Town of Pelham;

2. Whenever any building, fence, scaffolding or erection, is, by reason of its ruinous or dilapidated state, faulty construction or otherwise, in an unsafe condition as regards danger from fire or risk of accident, the Building Inspector may give to the owner of such building, fence, scaffolding or erection, or his agent, notice in writing specifying wherein such unsafe condition exists and the time within which such unsafe condition must be remedied and the said owner, or his agent, shall within the time specified in such notice put such building, fence, scaffolding or erection in a safe condition or demolish same.

3. Upon default of compliance with the terms of the notice referred to in section 2, the Building Inspector may obtain the authorization from the Council of the Corporation to pull down, repair or renew or cause to be pulled down, repaired or renewed any such building, fence, scaffolding or erection at the expense of the owner or to take such other action as may be deemed expedient to put any such building, fence, scaffolding or erection in a safe condition to guard against fire or other dangerous risk or accident at the expense of the owner, and the cost of any such pulling down,

repairing, renewing or other action may be recovered from such owner by action or may be recovered in like manner as municipal taxes.

4. When, in the opinion of the Building Inspector, any building, fence, scaffolding or erection, is in such condition that immediate precautionary measures must be taken in order to avert an accident, the Corporation may, through its Building Inspector, pull down, repair or renew any such building, fence, scaffolding or erection at the expense of the owner whether or not notice has first been given to such owner or his agent and such expense may be recovered from such owner by action or may be recovered in like manner as municipal taxes.

5. The notice to be given pursuant to section 2 of this by-law shall be sent by registered mail to the last known address of the person or persons appearing by the last revised assessment roll to be the owner or owners of the land upon which the building, fence, scaffolding or erection referred to in such notice is situated or to the agent of such person or persons or shall be delivered personally to such owner or owners or his or their agent.

6. Every person who contravenes any of the provisions of this by-law shall, upon conviction thereof, forfeit and pay at the discretion of the convicting Magistrate a penalty not exceeding (exclusive of costs) the sum of \$300.00 for each offence.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 30th.
DAY OF December , 1970.


MAYOR


CLERK

DATED: December 30, 1970.

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BAKER & SWAYZE
Barristers & Solicitors
163 Division Street
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THB:vk