

**CORPORATION OF THE TOWN OF ARNPRIOR  
PROPERTY STANDARDS BY-LAW NO. 6065-12**



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Being a by-law of the Corporation of the Town of Arnprior to provide standards for the occupancy and maintenance of properties within the municipal boundaries.

**WHEREAS** the Council of the Corporation of the Town of Arnprior is empowered to enact a by-law pursuant to the provision of Section 15.1 of The Building Code Act, R.S.O. 1997 and amendments thereto.

**AND WHEREAS** the Corporation of the Town of Arnprior has an Official Plan that includes provision relating to property conditions;

**NOW THEREFORE** the Council of the Corporation of the Town of Arnprior **HEREBY ENACTS** that all property owners within the Town are required to comply with the following minimum standards of occupancy:

**PART I – GENERAL**

**1.1 Title**

The By-Law may be cited as the **“Property Standards By-Law”**.

**1.2 Definitions**

1.2.1 Non-defined Terms

Definition of words and phrases used in this By-Law that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in this By-Law, taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

1.2.2 Defined Terms

Definitions of words and phrases used in this By-Law that are included in the list of definitions in this Part shall have the meaning which is stipulated herein.

**“Accessory Building or Structure”** shall mean a detached subordinate building or structure not used for human habitation, located on the same lot with the main building, and used incidentally to the main building, and includes a private garage where such garage does not form a part of the main building.

**“Alteration”** (as applying to a building or structure) shall mean a change from one occupancy class or division to another, or a structural change, or the removal of a part of a building or structure, or any change to the structure such as the construction, cutting into or removal of any wall, partition, floor, column, beam, joist or other support, or a change of the equipment or fixtures.

**“Arnprior Downtown Core Area”** shall mean the Town of Arnprior’s downtown area consisting of Daniel Street North, Elgin Street West, John Street North, and Madawaska Street.

“**Attic**” shall mean the space between the ceiling of the top storey and the roof, or between a dwarf wall and a sloping roof.

“**Auxiliary Heaters**” shall mean sources of heat that are secondary to the primary source of heat for a building, and are of insufficient capacity to function as the primary heat source for the building under consideration.

“**Balustrade**” shall mean a row of balusters or spindles surmounted by a railing.

“**Basement**” shall mean a story or storeys of a building located below the first storey.

“**Bathroom**” shall mean an area containing a toilet, urinal, bathtub, shower, washbasin, or combination thereof.

“**Building**” shall mean a permanent structure or part of a structure occupied or capable of being occupied in whole or in part for its intended use, and includes a vacant structure that could be occupied for its intended use except for its state of disrepair.

“**Cellar**” shall mean the portion of a building between two floor levels, which is partly underground and which has more than on half of its height from finished floor to finished ceiling, below adjacent finished grade.

“**Committee**” shall mean the Property Standards Committee as established in the context of this By-Law.

“**Debris**” shall mean refuse, rubbish or junk, and includes disused materials, appliances, devices, vehicles, parts and equipment of any kind whatsoever.

“**Dwelling Unit**” shall mean a suite of habitable rooms which:

- (a) Is located in a building;
- (b) Is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
- (c) Contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and
- (d) Has a private entrance directly from outside the building or from a common hallway or stairway inside the building.

“**Fence**” shall mean any barrier or structure other than a building, erected at grade, which is constructed for the purpose of screening, safeguarding or encasing property or delineating property lines.

“**First Storey**” shall mean the storey with its floor closest to grade and having its ceiling more than 1.8 meters (6 ft, 11 in) above grade.

“**Garage**” shall mean an accessory building or part of a residential building located on a residential lot intended for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit, and shall include a carport.

“**Grade**” shall mean the average elevation of proposed or finished ground adjoining a building at all exterior walls.

“**Ground Cover**” shall mean organic or non-organic material applied to prevent soil erosion in a yard.

“**Habitable Room**” shall mean a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a den, library or enclosed sun room but shall not include a porch, veranda, unfinished attic or unfinished basement.

“**In-Law Suite**” shall mean a self contained dwelling unit that is adjunct to the main residence, the exclusive purpose of which is to function as a living quarters for a family member of the Owner of the residence.

“**Main Building**” shall mean a building intended for the principle use on the lot.

“**Maintenance**” shall mean the preservation and keeping in repair of a property.

“**Shall mean of Egress**” shall mean a continuous, unobstructed path of travel provided for the exit of persons from any point in a building to an exterior open space protected from exposure to hazard in an emergency, and having access to an open public thoroughfare.

“**Non-Habitable Room**” shall mean any room in a building, other than a habitable room, and includes a bathroom, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for servicing or maintaining the building, and for access to and vertical travel between storeys of a building.

“**Non-Residential Property**” shall mean a building or structure not occupied or capable of being occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant thereto.

“**Occupant**” shall mean any person over the age of eighteen years in current possession of the property.

“**Officer**” shall mean a Property Standards Officer who has been appointed by Council for the purposes of administering and enforcing this By-Law.

“**Owner**” shall mean the person or persons in possession of title of the property.

“**Person**” shall indicate a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

“**Property**” shall mean a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto, and also includes vacant land.

“**Repair**” shall mean the provision of such facilities and the making of such alteration or the taking of such action as may be required so that the property conforms to the standards established in this By-Law.

“**Residential Property**” shall mean a property that is used or is intended to be used for residential purposes, and includes property that has been used for residential purposes and that is vacant.

“**Residential Zone**” shall mean a residential zone as designated in the *Zoning By-Law* of the Town, and all amendments made thereto.

“**Sanitary Sewage**” shall mean water borne waste of industrial, commercial or domestic origin, including bathroom, kitchen and laundry waste.

“**Sign**” shall mean any surface upon which there is printed, projected or attached any announcement, declaration or insignia used for direction, information, identification, advertisements, business promotion or promotion of products, activity or services and includes a structure, whether fixed or portable.

“**Standards**” shall mean the standards of maintenance and occupancy prescribed in this By-Law for property within the Town.

“**Storey**” shall mean that portion of a building that is situated between the top of any floor immediately above it or the roof above it, provided that if that portion of the building is partly below grade level, it shall not be deemed a storey unless its ceiling is at least 2 meters (6 ft, 7 in) above grade.

“**Stormwater**” shall mean surface water flow resulting from rainfall or the melting of snow or ice.

“**Structure**” shall mean any permanent or temporary thing constructed or erected which requires location on the ground or attachment to something located on the ground, which is not adapted for occupancy. For the purpose of this By-Law, structure shall include a tent, platform, staging, wall, retaining wall, antenna, shed, garbage bin, fence, sign and every other construction or erection of a thing that is not a building.

“**Suite**” shall mean a room or a combination of rooms of complementary use within a dwelling unit operated under a single tenancy or occupancy.

“**Town**” shall mean the Town of Arnprior.

“**Vehicle**” shall mean a motor vehicle as defined by the *Highway Traffic Act*, and includes a trailer, boat, motorized snow machine, mechanical equipment and any vehicle drawn, propelled or driven by any kind of mechanical power.

“**Vacant Lot**” shall mean any property on which there are no building or structures of any kind but shall not mean land zoned as areas of environmental or recreational significance, or land utilized for agricultural production.

“**Wastewater**” shall mean any liquid wastes normally collected in a sewer system and conveyed to a treatment plant for processing.

“**Yard**” shall mean any open, uncovered, unoccupied space appurtenant to a building on a residential or non-residential property used or capable of being used in connection with the property, and includes driveways, parking areas, walkways, gardens, play-grounds and swimming pool areas.

**1.3 Scope and Purpose of By-Law**

1.3.1 Provisions of this By-Law shall apply to all properties within the boundary limits of the Town of Arnprior.

1.3.2 This By-Law is enacted to ensure that all properties within the Town are developed and maintained in harmony with the *Ontario Building Code*. The general purpose of the By-Law is to provide a safe and pleasant environment for living, working, shopping and recreation.

**1.4 Responsibility of the Owner**

1.4.1 Except where otherwise provided in this By-law, the Owner of a Property to which this By-Law applies shall ensure compliance with the maintenance standards set out in this By-Law.

**1.5 Structural Standards**

1.5.1 Every building or structure, or part of a building or structure, shall be structurally sound and maintained in a condition so that it has sufficient structural integrity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, having due regard for its expected use.

1.5.2 If in the opinion of the Officer, the integrity of any building or structure is in doubt; the Officer may require the Owner (at the Owner’s expense) to submit an inspection report, prepared, signed and sealed by a Professional Engineer qualified and licensed by the Association of Professional Engineers of Ontario, certifying that the building or structure is safe and structurally sound.

**1.6 Repair and Maintenance Standards**

1.6.1 Buildings, structure, materials or equipment that have been damaged or show evidence of deterioration shall forthwith be repaired or replaced.

1.6.2 All parts of a building or structure shall be free from loose or improperly secured objects or materials.

- 1.6.3 Repairs to any premises shall be made in accordance with good workmanship in the respective building trades and with materials that are suitable and sufficient for the purpose.

**1.7 Damaged Material**

- 1.7.1 In the event of damage by fire, explosion, wind, flood or other disaster, measures shall be taken promptly to bring the damaged building to current building code standards.
- 1.7.2 Upon completion of investigation by Police and Fire Authorities, damaged or partially-damaged materials shall be forthwith removed from the property and replaced with new materials so as to be in harmony with adjoining undamaged surfaces and with the general environment.
- 1.7.3 Building surfaces that have become significantly marked or damaged by smoke, water or other causes shall be restored or replaced.

**1.8 Debris or Littering**

- 1.8.1 Every Owner or Occupant of a property shall keep the property free and clear of debris.
- 1.8.2 No person shall throw, place, deposit, or permit to be thrown, placed or deposited, debris on or beside any street, sidewalk or boulevard within the Town except when placed for collection in accordance with the Town's *Waste Management By-Law*.

**1.9 Storage and Disposal of Garbage**

- 1.9.1 Every building and every dwelling unit shall use sufficient weather resistant receptacles to contain all garbage or refuse, as required by the Town's *Waste Management By-Law*.
- 1.9.2 Garbage and refuse shall be stored in approved receptacles within a building or structure, or in the rear yard where it will be screened from the view of neighbours or passers-by until collected for disposal.
- 1.9.3 Refuse containers shall be kept on the premises occupied by owners and shall not be left, whether in use or not, upon any street or public place except when on the day specified for collection of garbage and refuse. The containers shall not be placed upon any street or public place for collection prior to sundown on the day before collection except in the "Arnprior Downtown Core Area" where the same shall not be placed for collection prior to 6:00 a.m. on the day of collections; and in all areas the owners of such containers shall take same from off the street or public place on the day of collection.

**1.10. Pests**

- 1.10.1 Every property shall be kept free of rodents, birds, insects or other vermin which cause or may cause a nuisance to the occupants of the property or of neighbouring properties.
- 1.10.2 The methods used for exterminating pests shall be in accordance with the provisions of the *Pesticides Act, R.S.O. 1990, Chapter P.11* and all regulations pursuant thereto.
- 1.10.3 When an exterior opening of a building is used for ventilation, drainage or illumination and is not required to be fitted with a door, window or other closure; it shall be covered with screening, grills, or other protection so as to effectively prevent the entry of any vermin.

**PART II – STANDARDS FOR ALL PROPERTY**

**2.1 Maintenance of Yards**

2.1.1 Yards shall be kept clean and free from:

- 1) Objects or conditions such as holes and excavations that might create a fire, health or accidental hazard;
- 2) Heavy undergrowth, long grass and noxious weeds as defined by the *Weed Control Act*;
- 3) Dead, decayed or damaged trees or vegetation that create an unsafe or unsightly condition or that may cause damage.
- 4) Dilapidated, collapsed or unfinished structures;
- 5) Any vehicles, equipment, machinery or trailers which are wrecked, discarded, dismantled, inoperative, unlicensed or abandoned, except where such articles are required and used for business purposes permitted under the *Town's Zoning By-Law*, and where such articles are placed, stored or left in a manner which avoids an unsafe or unsightly condition deleterious to the neighbourhood;
- 6) Old or dilapidated furniture, or any appliances (e.g.- freezers, refrigerators, stoves, etc.); and/or
- 7) Stored or accumulated objects or materials that create a nuisance and are unsightly.

2.1.2 Yards shall be maintained so as to:

- 1) Prevent excessive or recurrent accumulation of water;

- 2) Prevent the flow of water into any building or structure, either on the same lot or on an adjacent lot; and;/or
- 3) Prevent instability or erosion of soil.

2.1.3 No materials shall be stored in a front yard or exterior side yard (i.e. - adjacent to a public street) unless adequately screened from view by a fence or hedge.

## **2.2 Drainage**

- 2.2.1 Except for established ponds and drainage wards approved by the Town of Arnprior, recurrent ponding which creates a health, safety, or accident hazard or creates a nuisance shall be eradicated by grading, filling or otherwise draining the land.
- 2.2.2 Every property containing a building with a basement or cellar shall be graded and drained as to prevent the entry of water into the basement or cellar.
- 2.2.3 Storm water collected from a roof (i.e. – roof drain or eaves trough), pool backwash water, driveway or any other surface shall be maintained so as to discharge water run-off away from the building, and to prevent flooding and erosion on neighbouring properties. Discharge shall not be permitted to the sanitary sewer system or storm water collection/ drainage system.
- 2.2.4 No roof drainage or drainage of water from swimming pools shall be discharged on sidewalks, steps, neighbouring property or into the sanitary sewer system and shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.
- 2.2.5 Internal down pipes must be fitted with a trap/filter (i.e. - scupper). All internal down pipes and discharge lines from sump pumps shall be drained to a storm water collection/drainage system. If a storm water collection system is not available, permission may be granted to drain into the sanitary sewer system if sufficient capacity is available. If sufficient capacity is not available, drainage shall be constructed in a manner to direct flows to the surface or a grey water pit.
- 2.2.6 Sewage or organic waste (i.e. - wastewater) shall be discharged into a municipal sewage system where such system exists. Where a municipal sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code (i.e. - on-site sewage disposal system).

2.2.7 Every on-site sewage system shall be maintained so that:

- (i) The construction of the sewage system remains in accordance with the basis on which the construction and use of the sewage system was approved or required under the Building Code Act or predecessor legislation, as the case may be and the requirements of the manufacturer of the sewage system.
- (ii) All components of the sewage system function in their intended manner.

2.2.8 The land in the vicinity of an on-site sewage system shall be maintained in a condition that will not cause damage to or impair the functioning of the sewage system.

2.2.9 No person shall, directly or indirectly, discharge or deposit matter of any type into a sanitary sewer, combined sewer, storm sewer, watercourse, whether municipal or privately owned where it may cause or result in:

- (i) A health or safety hazard to any person, animal, fish or fish habitat, property or vegetation;
- (ii) An offense under the Ontario Water Resources Act (OWRA) or the Environmental Protection Act (EPA);
- (iii) A failure to meet the objectives and criteria listed in the Ministry of Energy and the Environment publication entitles "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land", dated March 1996, as amended from time to time;
- (iv) An offensive odour, without limiting the generality of the sewage/wastewater (i.e. ammonia in such quantity as it may cause an offensive odour);
- (v) Damage to sewage works;
- (vi) An obstruction or restriction to flow;
- (vii) The presence of toxic gases, vapours or fumes.

2.2.10 All persons discharging sewage or waste must have regard for the Town of Arnprior By-Law 5758-09, being a Sewer Use By-law to regulate the control of waste discharges to municipal sewers and sewage works within the Limits of the Town of Arnprior.

**2.3 Parking Areas, Driveways and Walkways**

- 2.3.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, interlocking brick or other solid material and shall be kept in good repair, free of potholes, uneven sections, snow, ice, dirt, debris, dust or litter. Areas which have an existing gravel covering or approval to install same as of the effective date of this by-law are grandfathered.
- 2.3.2 All areas on the property used for pedestrian traffic shall be maintained at all times so as to provide safe passage under normal use and weather conditions.
- 2.3.3 Proper drainage shall be provided in all parking areas, driveways and walkways to prevent the pooling of water on the site and the run off of water onto adjacent lands.
- 2.3.4 All lighting used to illuminate a parking area, driveway, walkway or the exterior of a building shall be maintained in a safe, structurally-sound condition and in working order. All fixtures shall be installed so as to deflect the light away from adjacent properties.
- 2.3.5 Where speed bumps have been installed in driveways and parking areas, they shall be distinctively marked so as to be clearly visible to approaching traffic.

**2.4 Fences, Barriers and Retaining Walls**

2.4.1 Fences, barriers and retaining walls shall be maintained:

- (i) Safe and structurally sound; and
- (ii) In good condition, protected by the application of paint or some other suitable protective coating of uniform colour, or constructed of a material that is resistant to deterioration.

**2.5 Gantries, Towers, Masts and Antennae**

2.5.1 Gantries, towers, masts and antennae and structures of a similar character shall be maintained in good repair and in a structurally-sound condition so as not to become unsafe or hazardous.

**2.6 Foundations**

2.6.1 The foundations and the foundations walls of a building or structure shall be structurally sound and maintained in that condition throughout the service life of the building or structure.

- 2.6.2 Foundations that have settled shall be adequately repaired to ensure that the stability of the superstructure is not compromised by the settlement.
- 2.6.3 All foundation footings shall be provided with adequate subsoil drainage to prevent the infiltration of moisture.
- 2.6.4 All cracks in concrete or masonry walls shall be properly grouted.
- 2.6.5 All exterior surfaces of foundation walls below grade shall be properly dampen proofed.

**2.7 Roofs**

- 2.7.1 The roof of every building or structure shall be structurally sound, weather-proof, and free of loose or unsecured objects, obstructions, hazards and excessive accumulations of ice and snow. Improperly secured objects and materials shall either be made secure or shall be removed.
- 2.7.2 All roof flashing, gutters, valleys, snow and ice guards, eaves troughs, and down-pipes shall be secured, free of rust, and maintained in a serviceable condition.
- 2.7.3 All soffit and fascia components of a building shall be secured and maintained in good repair, and properly painted or otherwise treated.

**2.8 Chimneys**

- 2.8.1 Every chimney, smoke pipe, vent, flue or similar apparatus serving a heating device or system shall be:
  - (i) In good repair, securely anchored and plumb;
  - (ii) Installed and maintained so as to prevent the escape of smoke or gases into the building;
  - (iii) Free from loose or broken masonry;
  - (iv) Free from open joints; and/or
  - (v) Clear of obstructions.
- 2.8.2 Chimneys which are no longer in use shall continue to be maintained to the standards prescribed in Section 2.8.1 until such time as they are removed and the roof opening properly sealed.

**2.9 Overhanging Extensions**

2.9.1 Balconies, porches, canopies, marquees, awnings, screens, grills, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained properly and safely anchored, protected against deterioration, rust or decay, and free from rubbish and debris.

**2.10 Stairs, Fire Escapes and Ramps**

2.10.1 Stairs, fire escapes and ramps shall be maintained in good repair, free from holes, cracks, loose materials, debris, and defects that may constitute possible hazards.

2.10.2 Storage of any kind is prohibited on any stairway, fire escape or ramp.

2.10.3 Every exterior stairway containing more than six (6) risers and every exterior landing more than 0.6 m above the adjacent level shall be equipped with a rigid handrail, guard or balustrade that is in conformance with the *Ontario Building Code*, and which shall be maintained in good repair at all times.

**2.11 Elevators**

2.11.1 All elevating devices requiring a licence shall have a valid and current license as issued in accordance with the *Elevating Devices Act, R.S.O. 1990, Chapter E.8*, as amended.

**2.12 Exterior Walls**

2.12.1 The exterior walls of every building or structure, or part of a building or structure, must be structurally sound, weatherproof, free of cracks, loose or unsecured objects or materials and reasonably resistant to entry by vermin.

2.12.2 All exterior-exposed surfaces shall be maintained in good repair and the paint or cladding renewed when it becomes damaged or deteriorated.

**2.13 Interior Walls and Ceilings**

2.13.1 Every wall and ceiling in a building shall be maintained so as to be free of holes, cracks, loose or torn coverings or other defects that may be a safety hazard.

2.13.2 All paint or other wall covering which is stained or deteriorated shall be repainted or repaired. Missing wall/ceiling tiles shall be replaced.

**2.14 Floors**

- 2.14.1 Every floor in a building shall be reasonably smooth and level, and shall be maintained so as to be free of broken or rotted boards, protruding damaged or deteriorating surfaces in a dangerous condition, or surfaces that might admit vermin into a room.
- 2.14.2 Every floor in a building shall be maintained so as to be free of moisture or dampness through infiltration from the exterior.

**2.15 Heating and Mechanical Systems**

- 2.15.1 In every occupied building, a heating system shall be provided capable of supplying, during normal hours of occupancy, sufficient heat to maintain a minimum air temperature of 21 degrees Celsius. Said requirement does not apply to areas not normally heated.
- 2.15.2 Heating systems, hot water systems, ventilation/air conditioning systems and other mechanical systems shall be maintained and operated in good working order and in a safe condition.
- 2.15.3 Furnaces, stoves and fireplaces shall be kept clear of obstructions so as to prevent any combustible material from being heated to unsafe conditions.
- 2.15.4 Except in the event of an emergency, auxiliary heaters shall not be used as the primary source of heat within a building. Auxiliary heaters shall not be located so as to present a fire or safety hazard or to impede the free movement of persons within the building or room where the heater is located.
- 2.15.5 Every fuel burning appliance shall be properly connected, exhausted and vented to the exterior to ensure its safe operation.
- 2.15.6 A space that contains a heating unit shall have natural or mechanical means of providing the required combustion air.
- 2.15.7 Containment for the storage of the fuel shall be properly constructed and maintained in a convenient location so as to be free from hazards.

**2.16 Electrical Systems**

- 2.16.1 The connection of an electrical supply system to a building and the system of circuits and outlets distributing the electrical supply within a building shall provide adequate capacity for the use and intended use of a building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto, shall be maintained in good working order, in a safe condition and in compliance with the requirements of the *Ontario Electrical Code*.

**2.17 Fire Prevention Equipment**

2.17.1 All fire prevention equipment, including sprinkler systems, fire hydrants, enunciator panels, fire hoses and nozzles, smoke detectors, fire alarms and fire extinguishers shall be maintained in good working order and free of encumbrances so as to effectively perform their intended function. Said equipment shall be installed and maintained in strict conformity with the requirements of the *Ontario Fire Code* and the Arnprior Fire Department.

2.17.2 No owner or occupant shall:

- Throw, place, bring or deposit snow or ice on or immediately adjacent to a fire hydrant, sprinkler connection or fire escape;
- In any manner obstructs access to a fire hydrant, sprinkler connection or fire escape.
- Place plant or place vegetation that will obstruct or restrict access to a fire hydrant, sprinkler connection or fire escape.
- Construct or place any apparatus immediately adjacent to a fire hydrant, sprinkler connection, or fire escape, in a manner that obstructs access to a fire hydrant, sprinkler connection or fire escape.

2.17.3 Private fire hydrants and sprinkler connections shall be maintained by the owner in operating condition and shall be readily available and unobstructed for use at all times. The Town will not undertake to clear snow on any private hydrants, sprinkler connections or fire escapes.

2.17.4 Owners and occupants are urged to ensure that fire hydrants, sprinkler connections and fire escapes on or adjacent to their property, are clear of snow accumulation.

**2.18 Ventilation**

2.18.1 Proper ventilation shall be provided and maintained within a building so as to prevent the accumulation of heat, dust, fumes, gases, vapours or other contaminants that may create a fire, explosion or health hazard.

2.18.2 Every attic, basement, cellar and unheated crawl space shall have adequate ventilation.

**2.19 Lighting**

2.19.1 Sufficient windows, skylights or electrical lighting fixtures shall be provided and maintained to furnish illumination in public or common hallways and stairways, whenever the building is in use, and in all passages provided for use as an emergency exit.

**PART III - STANDARDS FOR RESIDENTIAL PROPERTY**

**3.1 Standards of Occupancy**

- 3.1.1 No person shall use or occupy, permit the use or occupancy of, or rent any residential property that does not conform to the standards of this By-Law.
- 3.1.2 A non-habitable room shall not be used as a habitable room.
- 3.1.3 The maximum number of occupants in a dwelling unit shall not exceed the capacity of the plumbing system as acceptable to the District Health Unit.

**3.2 Means of Egress**

- 3.2.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to the exterior of the building at grade level.
- 3.2.2 Where a communication system between the dwelling units and the front lobby have been provided in a building containing two (2) or more dwelling units, such systems shall be maintained in good operative condition.
- 3.2.3 All means of egress within a bed-and-breakfast establishment, group home, home for the aged, or a building containing five (5) or more dwelling units shall be provided with clear, unobstructed and readily visible exit signs maintained in good working order and in conformance with the *Ontario Fire Code*.

**3.3 Doors, Windows and Security**

- 3.3.1 Windows, doors and hatchways shall be maintained in good repair and be weather tight. Rotted or damaged doors, doorframes and their components, window frames, sashes and casing shall be replaced; and defective hardware, weather stripping, torn screens and broken window glass shall be repaired.
- 3.3.2 All exterior doors in a dwelling unit shall have a solid core and shall have hardware capable of being locked or secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.
- 3.3.3 All windows that are intended to be opened shall have suitable hardware so as to allow the window to be locked from inside the dwelling unit.
- 3.3.4 All windows located about the first storey of a dwelling unit shall be maintained so as to be safe against accidental hazards to children.
- 3.3.5 All security intercom equipment must be kept free of defects and in good working order.
- 3.3.6 Where mailboxes are supplied for the use of occupants, they shall be maintained in good condition and free from defects.

**3.4 Plumbing Systems**

- 3.4.1 Every dwelling unit shall be provided with an adequate supply of potable running water supplied from the Town's water distribution system or, where this is unavailable, from a source approved by the District Health Unit.
- 3.4.2 Hot and cold running water shall be supplied for the bathtub/shower, washbasin and kitchen sink.
- 3.4.3 All water pipes and associated plumbing fixtures shall be protected from freezing.
- 3.4.4 The sanitary facilities of all buildings shall be connected to the Town's sewer collection system or, where this is unavailable, it shall be connected to a proper septic system acceptable to the District Health Unit.
- 3.4.5 All plumbing and plumbing fixtures in every building shall be free from leaks and defects and shall, at all times, conform to the *Ontario Building Code*.

**3.5 Bathroom and Laundry Facilities**

- 3.5.1 Every dwelling unit shall be provided with at least one bathroom containing a toilet, a washbasin and a bathtub or shower.
- 3.5.2 All bathrooms shall be located within and be accessible from within the dwelling unit.
- 3.5.3 All bathrooms shall be fully enclosed, with a door capable of being locked so as to provide privacy for the occupant.
- 3.5.4 All bathroom fixtures shall be maintained in good working order.
- 3.5.5 Each bathroom shall be provided with at least one source of natural or mechanical ventilation conforming to the *Ontario Building Code*.
- 3.5.6 No toilet or urinal shall be located in a room that is used or intended to be used for preparation, cooking, storage, or consumption of food or for sleeping purposes.
- 3.5.7 All laundry rooms shall be kept clean and free from health, fire or accident hazards.
- 3.5.8 Floors, walls and ceiling in bathrooms and laundry rooms shall be of material that is impervious to water and easily cleaned and sanitized.

**3.6 Kitchens**

- 3.6.1 Every self contained dwelling unit shall have a kitchen area equipped with cupboards for storing food, a counter top work area, a stove and a refrigerator, and a sink supplied with hot and cold running water. The kitchen area and all appliances shall be kept safe and functional.
- 3.6.2 Counter-top work areas shall be impervious to moisture and grease, and shall be kept in good condition, free from defects that may cause accidents or lead to health problems.
- 3.6.3 Floors, walls and ceilings in kitchens shall be of material that is impervious to water and easily cleaned and sanitized.

**3.7 Accessory Buildings**

- 3.7.1 Accessory buildings and all other structures appurtenant to the property shall be maintained in a structurally-sound condition and in good repair.
- 3.7.2 Accessory buildings and all other structures shall be maintained in a safe, hazard-free condition, free from clutter or the accumulation of rubbish and debris.
- 3.7.3 All exterior, exposed surfaces of accessory buildings or structures not inherently resistant to deterioration shall be maintained so as to provide adequate protection from weather or vermin.
- 3.7.4 Accessory buildings and all other structures shall be kept so as not to present an unsightly appearance.

**3.8 Garages and Carports**

- 3.8.1 All areas of a garage shall be kept clear of the accumulation of rubbish and debris or conditions that might create a fire, health or accident hazard.
- 3.8.2 Garages shall be provided with a clear and unobstructed exit.
- 3.8.3 Attached or built-in garages shall be constructed and maintained so as to prevent noxious gases from entering the habitable areas of the residence.

**3.9 Recreational Facilities**

- 3.9.1 Recreational areas, rooms and other facilities for the indoor or outdoor use of the occupants of a building shall be kept neat, clean and free of clutter or rubbish.
- 3.9.2 Playground equipment and structures shall be repaired as necessary to maintain them in a safe condition and in good working order.

**3.10 Swimming Pools**

- 3.10.1 Swimming pools, wading pools and ponds and any appurtenances thereto shall be maintained in good repair, free from leaks, and free from health and safety hazards, in accordance with the Town's *Swimming Pool By-Law*.
- 3.10.2 Swimming pools, wading pools and ponds shall be kept clean of stagnant water and any such areas that are unkempt or unused shall be drained of all water found therein.
- 3.10.3 Plumbing fixtures and hydraulic lines servicing swimming pools shall be installed in accordance with the *Ontario Building Code*.
- 3.10.4 Electrical fixtures and power lines servicing swimming pools shall be installed in accordance with the *Ontario Electrical Code*.

**PART IV – STANDARDS FOR NON-RESIDENTIAL PROPERTY**

**4.1 General**

- 4.1.1 Commercial, industrial and institutional properties shall be maintained in conformance with the general standards prescribed in this By-Law.
- 4.1.2 Conditions of occupancy of commercial, industrial and institutional buildings shall be in accordance with all applicable provincial regulations pertinent to their intended use and application.
- 4.1.3 Commercial, industrial and institutional properties shall be maintained in accordance with their site plan control agreements with the Town.

**4.2 Signs**

- 4.2.1 Signs shall be maintained in good repair, and any signs that are excessively weathered, faded or cracked shall be repaired or removed.
- 4.2.2 Exterior signs that are unused, uncared for or discarded shall be removed forthwith from the property, or shall be stored within a building on the property.
- 4.2.3 **All signage shall adhere to the Town's *Sign and Merchandise Display By-law*.**

**PART V – STANDARDS FOR VACANT LANDS AND BUILDINGS**

**5.1 Vacant Lands**

- 5.1.1 Vacant land shall be maintained to the standards as described in Part II, Section 2.1 of this By-Law.

- 5.1.2 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

**5.2 Vacant Buildings**

- 5.2.1 Vacant or unoccupied buildings shall be protected against the risk of fire, accident or other damage.
- 5.2.2 Vacant buildings shall be kept cleared of all garbage, rubbish and debris; and shall have all water, electrical and other services disconnected except those services that are required for the security and maintenance of the property.
- 5.2.3 The Owner of a vacant building shall board up the building to the satisfaction of the Officer by covering all openings through which entry may be attained with weatherproof plywood which is at least 12.7 mm (1/2 in) in thickness, securely fastened to the building and painted a colour compatible with the surrounding walls.
- 5.2.4 Any part of a vacant building that cannot be boarded up due to its physical condition shall be removed forthwith.

**5.3 Demolition**

- 5.3.1 No person shall commence, conduct or permit to be commenced or conducted any work in the nature of demolition or removal of a building or part thereof, unless a permit is obtained therefore from the Chief Building Official in compliance with the *Building Code Act*, and such permit shall be posted in a prominent position on the demolition site.
- 5.3.2 The Owner of any building or part thereof being demolished, shall leave any remaining wall or walls (including any former party walls or walls, whether separately or jointly owned) structurally sound and weather tight, in a safe condition and in conformity with the standards in the Building Code.
- 5.3.3 Upon completion of demolition, the entire site shall be cleared and cleaned of all debris, left free from holes or excavations and provided and maintained with a suitable ground cover.

**PART VI - ADMINISTRATION AND ENFORCEMENT****6.1 General**

- 6.1.1 The Town shall administer and enforce this By-Law as prescribed by the *Ontario Building Code Act; S.O. 1992, c.23 Section 15* as amended.
- 6.1.2 The Officer may prohibit the occupancy or use of any property that does not conform to the standards prescribed in this By-Law.

- 6.1.3 The Officer may utilize various reports and forms in the administration and enforcement of this By-law which can be revised as deemed required by the Officer, including but not limited to
  - o An inspection report;
  - o Re-inspection report;
  - o Order to Remedy Violation;
  - o Order to Comply;
  - o Notice to Appeal;
  - o Decision Following Appeal; or
  - o Other such report or form

**6.2 Property Standards Officer**

- 6.2.1 Council may, from time to time, appoint Officers to carry out the administrative function of this By-Law. On appointment, the Officers shall have full responsibility and authority of administration as provided by the *Building Code Act*.
- 6.2.2 Any building inspector, plumbing inspector, electrical inspector, public health inspector, fire prevention officer or by-law enforcement officer of the Town is hereby authorized and directed to act from time to time as an assistant to the Officer.
- 6.2.3 The Property Standards Officer, or any person acting under his direction, may at all reasonable times, upon producing proper identification, enter and inspect any property. The Officer or his designate shall not enter any room or place actually used as a dwelling without the consent of the Occupant except under the authority of a search warrant issued under Section 21 of the *Building Code Act*.
- 6.2.4 No person shall obstruct or attempt to obstruct an Officer or a person acting under the Officer's instruction, in the exercise of his duties.

**6.3 Property Standards Committee**

- 6.3.1 Council shall appoint at large, by a resolution of Council, three (3) citizens to the Property Standards Committee for a term of office concurrent with Council. Two members shall constitute a quorum for transacting the Committee's business.
- 6.3.2 Council shall maintain the full membership of the Property Standards Committee by replacing any member who, for any reason, may fail to serve out his or her term of office.
- 6.3.3 A member of Council or an employee of the Town or of a local board thereof is not eligible to be a member of the Property Standards Committee.
- 6.3.4 The duties and responsibilities of the Property Standards Committee shall be as dictated in the *Ontario Building Code Act*.

**6.4 Appealing an Order**

6.4.1 Every person wishing to appeal an Order made under Subsection 15.2 (2) of the *Building Code Act, R.S.O. 1992, c.23* as amended, shall submit a notice of appeal in the manner and within the time frame as prescribed in Subsection 15.3-(1) of the Building Code Act. All notices of appeal shall be accompanied by a non-refundable payment of one hundred fifty dollars (\$150.00).

**6.5 Power of the Corporation to Repair or Demolish**

6.5.1 If the Owner or Occupant of a property fails to repair or to demolish the property in accordance with an Order, the Town may cause the property to be repaired or demolished accordingly.

6.5.2 For the purposes of Subsection 6.5.1 employees or agents of the Town may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

6.5.3 The Town will not be liable to compensate an Owner, Occupant or any other person having an interest in the property by reason of any action performed by or on behalf of the Town under the provisions of this By-Law.

6.5.4 The Town shall have a lien on the land for the amount spent on the repair or demolition under Subsection 6.5.1, and the amount shall be deemed to be municipal real property taxes and may be added by the Town Clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

**6.6 Emergency Powers**

6.6.1 Notwithstanding any other provisions in this By-Law, if upon inspection of a property, the Officer is satisfied that there is a non-conformity with the standards prescribed in the By-Law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an Order containing particulars of the non-conformity and requiring immediate remedial repairs or other work to be carried out forthwith to terminate the danger.

6.6.2 After making an Order under Section 6.6.1, the Officer may, either before or after the Order is served, take or cause to be taken any measures considered necessary to terminate the danger; and for this purpose, the Town has the right, through its employees or agents, to enter upon the property at any reasonable time.

6.6.3 The Officer, Town, or anyone acting on behalf of the Town is not liable to compensate the Owner, Occupant, or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its power under Section 6.6.2.

**6.7 Penalties**

6.7.1 A person who fails to comply with an Order that is final and binding under this By-Law is guilty of an offence under Section 36 (1) of the *Building Code Act*, S.O. 1992, c.23 as amended, and is liable to a penalty or penalties as prescribed in Section 36 of the Act.

**6.8 Validity**

6.8.1 If an article of this By-Law is held to be invalid for any reason, the remaining provisions in the By-Law shall remain in effect until repealed.

6.8.2 Where the provisions of this By-Law conflict with the provisions of another by-law in force in the Town, the provisions that establish the higher standards of health, safety and welfare of the general public shall prevail.

**This by-law shall come into full force and take effect upon the passing thereof.**

**BE IT FURTHER ENACTED**, that all By-laws, or parts thereof, and all or any Resolutions Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

**ENACTED and PASSED** in Open Council this 26<sup>th</sup> day of March, 2012.

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**Mayor**

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**Clerk**