

CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

BY-LAW NO. 2017-05

BEING A BY-LAW for prescribing minimum standards for the maintenance and occupancy of all property within the Corporation of the Township of Black River-Matheson.

WHEREAS under Section 15.1(3) of the Building Code Act S.O. 1992, Chapter 23, as amended, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Corporation of the Township of Black River-Matheson includes provisions relating to property conditions;

AND WHEREAS Section 15.6(1) of the Building Code Act S.O. 1992, Chapter 23, as amended, requires that a by-law passed under Section 15.1(3) of the Building Code Act S.O. 1992, Chapter 23, as amended, shall provide for the establishment of a Property Standards Committee;

AND WHERE AS Section 10(2) Subsections 5&6 of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes Municipalities to pass by-laws respecting the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

AND WHEREAS Section 127 of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes Municipalities to pass by-laws requiring the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings and to regulate when and how such matters shall be done and to prohibit the depositing of refuse and debris on land without the consent of the owner or occupant of the land and to define "refuse" for the purpose of the by-law;

AND WHEREAS Section 128 (1) of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes municipalities to 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 WHERE AS Section 131 of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes Municipalities to prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling then or salvaging parts from them for sale or disposition;

AND WHEREAS Section 446 of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes Municipalities to direct or require a person to do a matter or thing and if such person has defaulted of it being done, the Municipality may have the default remedied at the person's expense and collect such cost in the same manner a property taxes.

NOW THEREFORE the Council of the Corporation of the Township of Black River-Matheson hereby enacts the following:

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PART 1 DEFINITIONS

For the purpose of this by-law, the following definitions shall apply;

- **ACCESSORY BUILDING** means a detached building or structure not used for human habitation that is subordinate to the primary use of the same property.
- **ACT** means an enactment or statute of the Province of Ontario.
- **APPROVED** means acceptance by the Property Standard Officer
- **BASEMENT** means that space of a building which is partly below grade, which has half or more of its height, measured from the floor to ceiling above the average exterior finished grade.
- **BUILDING** means any structure used or intended to be used for supporting or sheltering and any use or occupancy.
- **CELLAR** means a basement that is more than fifty (50) percent below grade.
- **CHIEF BUILDING OFFICIAL** means the Chief Building Official of the Corporation of the Township of Black River-Matheson.
- **COMMITTEE** means a Property Standards Committee established under this by-law.
- **COUNCIL** means the council of the Corporation of the Township of Black River-Matheson.
- **CRAWL SPACE** means an enclosed space between the underside of a floor assembly and the ground cover directly below with a clearance less than 1.8 meters (5.9 feet) in height.
- **DISCARDED VEHICLE** means a vehicle which is unlicensed and which is in disrepair, having missing parts, including tires or damaged or missing glass or deteriorated or removed parts which prevent its mechanical function.
- **DWELLING** means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation.
- **DWELLING UNIT** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.
- **EXTERIOR PROPERTY AREA** means the building lot excluding buildings.

- **FENCE** means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen. It does not include tire fences.
- **FIRE CHIEF** means the Fire Chief of the Corporation of the Township of Black River-Matheson.
- **FIRE RESISTENCE RATING** means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria.
- **FIRST STOREY** means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 meters (6 feet) above grade.
- **GROUND COVER** means any organic or non-organic material so applied, to prevent the erosion of soil, including but not limited to: concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.
- **GUARD** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- **HABITABLE ROOM** means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating or for any other ordinary residential purposes.
- **HIGHWAY** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle including the area between the lateral property lines that is intended for the use of the general public.
- **LAND** includes yards or vacant lots or any part thereof.
- **MAINTENANCE** means the preservation and keeping in good repair of a property and building.
- **MEANS OF EGRESS** means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.
- **MEDICAL OFFICER OF HEALTH** means the Medical Officer of Health of the Porcupine Health Unit.

- **MUNICIPALTY** means the Corporation of the Township of Black River-Matheson.
- **MUNICIPAL LAW ENFORCEMENT OFFICER** means the By-law Enforcement Officer of the Corporation of the Township of Black River-Matheson.
- **NON-HABITABLE SPACE** means any room or space in a building or dwelling unit other than a habitable room, and includes a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, closet, storage room, boiler room, furnace room, cellar, accessory space for service and maintenance of the building or a room or space which does not comply with the minimum standards for residential occupancy.
- **NON-RESIDENTIAL PROPERTY** means a building or structure not occupied in whole or in part for the purposes of human habitation and includes the lands and premises appurtenant thereto and all of the outbuildings, fences or erections thereon or therein.
- **OCCUPANCY** means the use or intended use of a building or part thereof for shelter or support of persons, animals or property.
- **OCCUPANT** means any person or persons over the age of 18 years in possession of the property.
- **OFFICER** means a Property Standards Officer who has been appointed under this by-law.
- **OWNER** includes the person for the time being, managing or receiving the rent of the land or premises, whether on his/her own account or as an agent or trustee of any other person or who would 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 the lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property, and shall include a mortgager in possession of the property.
- **PERSON** includes not only an individual, but also a body corporate and any unincorporated association, partnership, contractor, company, owners, or lessee.
- **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.
- **REPAIR** means the making of additions or alterations or taking of such action as may be required so that the property shall conform to the standards established in this By-law.

- **RESIDENTIAL PROPERTY** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces, and fences associated with the dwelling or its yard.
- **SAFE CONDITION** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property and includes a structurally sound condition.
- **SEWAGE** means a liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.
- **SEWAGE SYSTEM** means the municipal sanitary sewage system or a private sewage disposal system approved by the Medical Officer of Health.
- **SIGN** means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise or direct attention to any person, business, service, commodity or use.
- **SNOW DISPOSAL SITE** means only those lands on which snow is placed after being brought to the lot from another lot, and shall not include areas to which snow is moved to one portion of a lot after being cleared from the rest of the lot.
- **SNOW STORAGE SITE** means that portion of lands being used for the storage of snow that has been moved from one portion of a lot after being cleared from another portion or portions of a lot.
- **STANDARDS** means the standards of physical condition and of occupancy prescribed for property by this by-law.
- **VEHICLE** includes a motor vehicle, trailer, boat, motorized snow vehicles, any other vehicles used to carry person (s) and mechanical equipment, whether operable, licensed or not.
- **VERMIN** mean noxious or mischievous animals or insects.
- **WASTE** means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of any kind arising from a residence, belonging to or associated with a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather, whatsoever and without limiting the generality of the foregoing includes:
 - i) Accumulations, litter, remains, trash,

- ii) Discarded furnaces, disused furniture, pipes, pipefittings.
 - iii) Derelict vehicles, discarded vehicles, any vehicle parts and accessories.
 - iv) Vehicle tires mounted on a vehicle or unmounted on rims, mechanical equipment.
 - v) New or used tires for the purpose of a recycling project or for any other use.
 - vi) Material from construction and demolition projects.
 - vii) Paper, cardboard, clothing crockery, glass, cans, and containers.
 - viii) Refrigerators, freezers, stoves, or other appliances and furniture,
 - ix) Or any other object used in a manner for which it was not manufactured.
 - x) Decaying or damaged trees, branches and limbs.
- **YARD** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

PART 2 GENERAL STANDARDS FOR ALL PROPERTY AND USES

2.01 SCOPE

- i. No owner or occupant of a property shall use, occupy, or allow or permit the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.
- ii. No person, being the owner or occupant of a property shall fail to maintain the property in conformity with the standards required in this By-law.
- iii. The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of an emergency or other health and safety hazard and shall leave the property in a graded and level condition.
- iv. All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.
- v. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code, the Municipality's Building By-law and any other applicable law.
- vi. This by-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act,

from carrying out a normal farm practice as provided for and defined under that Act.

2.02 YARDS

1. Every owner of property shall maintain said property clean and free of waste including but not limited to;
 - i. Litter, rubbish, garbage, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health and safety hazard, fire hazard, accident hazard or an unsightly condition.
 - ii. Without restricting the generality of this Section, such maintenance shall include the removal of:
 - a) Rubbish, garbage, waste, litter;
 - b) Trees, bushes and hedges, including any branches or limbs thereof, which are dead, decaying or damaged;
 - c) Injurious insects, termites, rodents, vermin and other pests and any condition which may promote an infestation;
 - d) Wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery, boats or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms to any relevant By-laws, Acts, Statutes or applicable law;
 - e) Dilapidated or collapsed buildings, structures or erections which are not currently under construction as authorized by the provisions of the Building By-law. This also includes the filling in or protecting of any unprotected well.
 - iii. No person shall throw, place or deposit any waste on private property or property of the municipality or any board thereof without the authorization from the owner of such property.
 - iv. Long grass (over 8 inches), brush and noxious weeds, as defined by the provisions of the Weed Control Act, R.S.O. 1990, c.W.5 and amendments thereto.
2. Trees and hedges shall be kept trimmed so as not to overhang Municipal highways and sidewalks that may pose a potential hazard to pedestrians and so as not to obstruct sight lines for vehicular traffic.

2.03 OUTDOOR STORAGE OF MATERIALS – NO IMMEDIATE USE

No person shall store or be allowed to remain in an exterior property area any machinery or parts thereof, or other object or material not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property.

2.04 UNENCLOSED PORCH – BALCONY/DECK

No person shall store in an unenclosed porch, unenclosed balcony, deck or every exterior and common area garbage, waste or appliances.

2.05 DISCARDED VEHICLES AND PARTS

No person shall use land for the storage of wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery, boats or parts thereof except in accordance with the following:

- i. Vehicle or parts of vehicles are to be stored in an enclosed building,
- ii. The vehicle and parts are fully and completely covered with an opaque, weather resistant covering in good repair on property containing a dwelling, in which case no more than one (1) covered vehicle shall be stored.
- iii. Notwithstanding this section, this shall not apply to the storage of vehicles and parts which are reasonably necessary for the conduct of a bona-fid business, lawfully conducted on the property.

2.06 GROUND COVER – EROSION CONTROL

Suitable ground cover shall be provided and maintained to prevent erosion of the soil and so as to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be resodded or reseeded as often as is required to maintain the grass in a living condition.

2.07 LOT GRADING – DRAINAGE

1. All yards shall be provided and maintained:
 - i. with adequate drainage as to prevent the ponding of water;
 - ii. as to prevent the draining and/or ponding of water onto neighbouring properties;
 - iii. as to prevent instability or erosion to soil;
 - iv. as to prevent the entrance of water into a basement or crawlspace;
 - v. as to provide for the safe passage under normal use and weather conditions, day or night.
2. No roof, driveways or other surface drainage, and the drainage from swimming pools shall be discharged on an entranceway, walkway, sidewalk, stair, steps or adjacent property, highway or in such a manner that it will penetrate or damage a building, structure or property.
3. Every roof drainage shall be discharged onto the ground at least one (1) metre from the building or structure, providing that it does not adversely affect adjacent properties or cause erosion. Lot drainage 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.

4. No fill shall be allowed to remain in an unlevelled or an uncovered state on any property for longer than fourteen (14) days unless the property is:
 - i. a construction site for which a building permit is in effect.
 - ii. A property being actively farmed

2.08 WALKWAYS AND DRIVEWAYS

Surface conditions of walkways and driveways shall be installed and maintained in a safe condition so as to:

- i. prevent ponding of storm water;
- ii. not exhibit an unsightly appearance;
- iii. be kept free of garbage and waste;
- iv. be kept free of deep ruts and holes;
- v. provide for the safe passage under normal use and weather conditions, day or night; and
- vi. not to create a nuisance to other property.

2.09 SNOW DISPOSAL – STORAGE

No person shall:

- i. remove and/or store snow in such a manner and location as to cause flooding, erosion and other damage to neighbouring private or public property.
- ii. deposit snow on neighbouring private or public property without the consent of the property owner.

2.10 GARAGE/CARPORTS/ACCESSORY BUILDINGS

- i. Garages, carports and accessory building shall be maintained in a structurally sound condition and in good repair and free from health, fire and accident hazards.
- ii. Roofs shall be maintained in a weather tight condition, free from loose or unsecured objects or materials and shall provide adequate support for all probable loads including snow loads and shall form a suitable base for roof covering.
- iii. Exteriors shall be protected from deterioration, free from loose or unsecured objects or materials by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform color.
- iv. Where a garage, carport or accessory building may harbor noxious insects, rodents or vermin, all necessary steps shall be taken to eliminate the insects, rodents or vermin and to eliminate the condition so as to prevent its recurrence.

2.11 FENCES

1. Every fence on a property or separating adjoining properties shall be maintained:
 - i. In good repair (free from loose or insufficiently secured, rotten, warped or broken materials) and in a safe and structurally sound condition,
 - ii. By the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform color.
2. Every fence shall be kept free from objectionable markings, painted slogans, stains or other defacements.

2.12 SIGNS

All permanent signs and billboards shall be maintained in good repair and any signs, which have excessively weathered or faded, or those upon which paint has excessively weathered or faded or those which the paint has excessively peeled or cracked, shall, with their supporting members, be removed or put into a state of repair.

PART 3 EXTERIOR PROPERTY AREAS

3.01 STRUCTURAL ADEQUACY – CAPACITY

1. All repairs and maintenance of property required by the standards prescribed in this Bylaw shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
2. Every part of a property shall be maintained in good repair and in a structurally sound condition so as to:
 - i. be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - ii. be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - iii. prevent the entry of moisture that would contribute to damage, fungus growth, mold, decay or deterioration; and
 - iv. be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

3.02 FOUNDATION WALLS – BASEMENTS

1. All foundation walls and the basement, cellar, crawl space floors shall be maintained in good repair free from major cracks, breaks or other defects and shall be structurally sound.

2. All foundation walls and the basements, cellar, crawl space floors shall be adequately drained and shall be adequately maintained in a watertight condition as to prevent the infiltration of water and moisture.

3.03 EXTERIOR WALLS – SURFACES -CLADDING – MASONARY

All exterior walls and surfaces, including soffits and fascia, of every building or structure shall:

- i. be sound, plumb, and weathertight, free from loose or unsecured objects and maintained in good repair;
- ii. be free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, loose or unsecured objects; and,
- iii. be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weathertight finishing or the installation of insect shields, if required.

3.04 DOORS – WINDOWS -CELLAR – HATCHWAYS

1. Windows, exterior doors, skylights and frames, basement or cellar hatchways, attic access doors shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent;
 - i. the entrance of wind, snow or rain into the building;
 - ii. excessive drafts and to minimize heat loss through infiltration;
2. Rotted or damaged doors, door frames, window frames, sashes and castings, weather stripping, broken glass and missing or defective door and hardware shall be repaired or replaced.
3. All windows capable of being opened shall be equipped with a screen to prevent passage of insects and the screen shall be maintained in a good condition.

3.05 CANOPIES – MARQUESS – AWNINGS

All canopies, marquees and awnings shall be properly anchored so as to be kept in a safe and sound condition and shall be protected from decay and rust by a periodic application of weather-coating material.

3.06 ROOFS

1. Every roof and all of its components shall be maintained in good repair, in a structurally sound condition and shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

2. All roof construction and its components shall provide adequate support for all probable loads including snow loads and shall form a suitable base for roof coverings.
3. Dangerous accumulations of snow or ice or a combination of both shall be removed from the roof of a building or structure.
4. on flat or low-sloped roofs, roof drains shall be installed so as to prevent the accumulation of water.

3.07 EAVES TROUGH SYSTEM – FLASHING

Eaves troughs, roof gutter, rainwater pipe, downspouts and flashing shall be installed on all roofs, be properly secured free from loose unsecured objects, free from obstructions and health hazards, weather-tight, free of holes, maintained in good repair and the drainage of water shall comply with Section 2.07(3).

3.08 CHIMNEY FLUES

1. Chimney, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained free from obstruction and shall prevent:
 - i. the entrance of smoke or gases into a building;
 - ii. the heating of adjacent combustible materials, walls and structural members to unsafe temperatures; and
 - iii. fire, health or other hazards.
2. Any fuel burning heating or cooking equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.

PART 4 INTERIOR OF BUILDINGS, STRUCTURES AND DWELLINGS

4.01 INTERIOR STRUCTURE – COLUMNS – BEAMS

In every building, all structural components, including but not limited to, all joists, beams, studding and roof rafters shall be of sound material and adequate for the load to which they are subjected.

4.02 WALLS – CEILINGS

1. Every interior surface and finishes of walls and ceilings shall be maintained:
 - i. so as to provide a surface which is reasonably smooth, clean, tight, easily cleaned and in good repair;
 - ii. to be free from holes, cracks, loose plaster, loose coverings or other materials;
 - iii. in a safe condition; and

- iv. so as to possess the fire-resistant properties required by the Ontario Building Code and the Ontario Fire Code.
2. In any bathroom, the walls to a height of forty-eight (48) inches above the rims of bathtubs equipped with showers, sixteen (16) inches above the rims of bathtub not equipped with showers or seventy-two (72) inches above the floor in shower stalls shall be maintained as to be water resistant and readily cleaned.

4.03 FLOORS

1. Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
2. Where floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.
3. Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and readily cleaned.
4. Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Ontario Building Code, to ensure water drainage and to guard against the entry of vermin.

4.04 STAIRS – HANDRAILS – GUARDS

1. Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards and shall be maintained in a safe state of repair and kept free of ice and snow.
2. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound and capable of supporting the loads imposed through their normal use.
3. Handrails shall be installed and maintained in good repair on all exterior stairs that have more than three (3) risers and on all interior stairs within dwelling units that have more than two (2) risers.

4.05 MEANS OF EGRESS

1. Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
2. The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.

3. Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.

4.06 HEATING

1. Every dwelling and building containing a residential dwelling unit or units shall be provided with a heating system capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees Fahrenheit). This temperature shall be capable of being maintained when the outside temperature is equivalent to the average mean outdoor temperature for January in the Corporation of the Township of Black River-Matheson.
2. It is the responsibility of the owner of the building that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
3. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
4. No dwelling unit shall be equipped with a portable heating appliance as the primary source of heat.
5. Solid fuel burning appliances shall conform to the standards as set out in the Ontario Building Code. Fireplaces and similar construction used for or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
6. Where heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided, maintained and properly constructed so as to be free from fire or accident hazards. All storage of fuel shall be at least 1.5 metres from the heating appliance and the storage of liquid fuel shall comply with the standards and requirements set out in provincial acts and regulations covering the storage of such fuels.
7. Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

4.07 ELECTRICAL

1. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
2. The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.

3. Extension cords shall not be permitted on a permanent basis.

4.08 VENTILATION

1. Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours, and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
2. Every ventilation system shall be cleaned regularly and maintained in good working order and repair.
3. Every basement, cellar, crawl space and attics or roof spaces shall be adequately ventilated and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects.

4.09 LIGHTING

Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order and shall provide sufficient illumination to avoid health or accidents hazards in normal use.

4.10 PLUMBING

1. All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
2. Every building and dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the governing body in charge.
3. All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.11 WATER SUPPLY

Every dwelling unit and every building to which water is available under pressure through piping shall be provided and maintained:

- i. with an adequate supply of hot water with a temperature range from 45 degrees Celsius to 60 degrees Celsius (113 degrees Fahrenheit to 140 degrees Fahrenheit), and
- ii. with piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area, and
- iii. with piping for cold water connected to every toilet and hose bib.

4.12 SEWAGE SYSTEM

1. Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
2. Sewage or organic waste shall not be discharged onto the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

4.13 VERMIN CONTROL

Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

PART 5

ADDITIONAL REQUIREMENTS FOR RESIDENTIAL OCCUPANCY

5.01 OCCUPANCY STANDARDS

1. A non-habitable room shall not be used as a habitable room.
2. No kitchen shall be used as a bedroom.
3. The maximum number of occupants in a dwelling unit or suite shall not exceed two (2) persons per sleeping room or sleeping area.
4. The minimum area and height of any habitable room, including a bedroom, in an dwelling unit shall be in accordance with the provisions of the Ontario Building Code.
5. No basement or portion thereof shall be used as a dwelling unit unless it meets the requirements and provisions as set out in the Ontario Building Code, the Municipality's Zoning By-law, this By-law and any other applicable law.

5.02 TOILET AND BATHROOM FACILITIES

1. Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin, bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
2. All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed so as to provide privacy for the occupant and shall be located and be accessible from within the building.
3. No toilet or urinal shall be located within a room that is used for the preparation, storing or consumption of food or sleeping purposes.
4. All bathrooms and toilet rooms shall be installed in accordance with the provisions as set out in the Ontario Building Code.

PART 6
NON-RESIDENTIAL PROPERTY STANDARDS

6.01 YARDS

1. Every owner and every occupant in that part of non-residential property that is occupied or controlled by the occupant shall maintain to the standards as described in Part 2 of this By-law.
2. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion as not to create a fire or accident hazard or any unsightly condition and shall provide un-obstructive access for emergency vehicles.

6.02 MEANS OF EGRESS

All means of egress within non-residential property shall be maintained free from all obstructions or implements, and:

- i. provided with clear, unobstructed and readily visible, illuminated exit signs for every required exit, even during a power outage; and
- ii. provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building, even during a power outage.

6.03 STAIRS – HANDRAILS – GUARDS

1. Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards and shall be maintained in a safe state of repair and kept free of ice and snow.
2. All handrails and balustrades, stairways, fire escapes, balconies, landings, ramps and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound and capable of supporting the loads imposed through their normal use.
3. Handrails shall be installed and maintained in good repair on all exterior stairs that have more than three (3) risers.
4. Every landing, porch, balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 600mm. All guards shall be installed and maintained in good repair and constructed to the standards set out in the Ontario Building Code.

6.04 PARKING AREA – WALKWAYS – DRIVEWAYS

All parking areas, walkways and driveways shall be maintained to the standards as described in Section 2.08 of this By-law.

6.05 STRUCTURAL STANDARD

Every part of a building or structure shall be maintained to the standards as described in Part 3 of this By-law.

6.06 LIGHTING

All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

6.07 SALVAGE YARDS

All salvage yards shall be effectively screened from public view by a visual barrier.

PART 7 VACANT – DAMAGED – DEMOLITION

7.01 VACANT LAND

1. Vacant land shall be maintained to the standards as described in Part 2 of this By-law.
2. Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

7.02 VACANT BUILDINGS

1. Where any property is unoccupied, the owner or his agent shall protect it against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons.
2. Where a property remains vacant for a continuous period of ninety days or more, the owner or his agents shall ensure that the property is sufficiently secured, to the satisfaction of the Property Standards Officer, with all windows and doors boarded to prevent entry by unauthorized persons. All materials used for boarding up unoccupied buildings shall be covered and maintained with a preservative which is colour coordinated to the exterior finish of the building.
3. Where a building remains vacant for a continuous period of ninety (90) days, the owner or his agent shall insure that all utilities serving the building are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property. This paragraph does not apply where such utilities are necessary for the safety or security of the building.

7.03 DAMAGE BY FIRE – STORM – OTHER CAUSES – DEMOLISHED BUILDINGS

1. In the event of fire, explosion, storm or other cause, damaged or partially burned materials shall be forthwith removed from the property, except that such material may

be stored within barricaded fire damaged building or unit for a period nor exceeding sixty (60) days or until investigations are completed by the fire authorities.

2. All buildings, structures or accessory structures which are beyond repair, collapsed, dilapidated shall be cleaned and clear and the land left in a graded, level and tidy condition.
3. Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

PART 8 ADMINISTRATION AND ENFORCEMENT

8.01 BY-LAW

This by-law shall apply to all property within the jurisdiction of the Corporation of the Township of Black River-Matheson.

8.02 NON-COMPLIANCE/ORDERS

1. The owner and/or occupant of any property which does not conform to the standards as set out in this by-law shall repair and/or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, waste or refuse and left in a levelled and graded condition.
2. Where an officer finds that a property does not conform to any of the standards prescribed in this by-law, the officer may issue a letter, Informal Notice (Schedule "A") and/or an Order to Remedy Violation of Standards of Maintenance and Occupancy (Schedule "B") requiring the owner and or occupant, within a time specified, to bring the property into compliance with the standards set out within this by-law.
3. Where any person fails to comply with an order, as deemed confirmed or as confirmed or modified by the Committee or judge, the municipality may cause the required work to be done at the cost of the person. The cost of such work shall be added to the tax roll and collected in the same manner as property taxes. The Municipality shall have priority lien status as set out in Section 1 of the Municipal Act.

8.03 PROPERTY STANDARDS COMMITTEE

1. The Council of the Corporation of the Township of Black River-Matheson shall establish, by by-law, a property standards committee.
2. The Clerk of the municipality shall act as secretary of the Property Standards Committee and shall keep on file minutes and records of applications and the decisions thereon, and all other official business of the Committee.

3. The rules and practices as set out in Section 15.3 of the Build Code Act S.O. 1992, as amended, shall apply to all Appeal hearings.

8.04 APPEAL

1. Any person receiving an order under this by-law may appeal to the Property Standards Committee within the timeline specified in the order, by sending a "Notice to Appeal", as set out in Schedule "C" of this by-law and the administration fee of one hundred dollars (\$100.00), to the Secretary of the Property Standards Committee within fourteen (14 days) by registered mail.
2. Upon receipt of the Notice of Appeal, the Secretary shall arrange for an appeal hearing to take place not less than fourteen (14) days and not more than forty-five (45) days from the receipt of the Notice of Appeal and shall give notice of the date, time and place of the appeal to the applicant, the Committee members and the Officer.
3. After the appeal hearing, the Secretary shall notify the applicant of the Committees decision.
4. The owner or occupant affected by the decision of the Committee may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within fourteen (14) days after the copy of the decision is sent.

8.05 EMERGENCY ORDERS AND POWERS

1. If upon inspection of a property, the officer is satisfied that there is non-conformity with the standards in this By-law to such an extent as to pose an immediate danger to health and safety of any person, the officer may make an order (Schedule "D") containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.
2. If the officer finds that a building is beyond the point of repair or a dwelling is uninhabitable, the Chief Building Official may post a notice (Schedule "E") Condemning such building and no person, firm or corporation shall enter or occupy/use the building without written permission of the Chief Building Official. Entry may granted to those persons who are authorized to carry out the remedial repairs in order to bring the building into conformity.
3. It shall also be unlawful for any persons to remove or deface the notice.

8.06 INSPECTION OF UNSAFE PROPERTY

1. An officer may enter upon any land and into buildings at any reasonable time without a warrant for the purpose of inspecting a building to determine:
 - i. whether the property or building is unsafe and conforms with the standards prescribed in the by-law; or
 - ii. Whether an order has been complied with.

2. An Officer may require an engineer's report assessing the building or structure including recommended remedial measures, at the expense of the owner, if in their opinion the building or structure is not structurally sound or possesses a potential health and safety concern for occupants or others. The owner shall be responsible for any rehabilitation/repair or demolition, as per the recommendations outlined in the engineer's report and/or as required by the Officer.

8.07 OBSTRUCTION

No person shall hinder, interfere with or otherwise obstruct, either directly or indirectly with an officer of the Municipality in the lawful exercise or power or duty under this By-law.

8.08 CERTIFICATE OF COMPLIANCE

At the request of the owner or occupant, the officer shall issue a certificate of compliance (Schedule "F") to the owner or occupant if in the officer's opinion the property is in compliance with the standards established under this By-law.

8.09 CONFLICTS – BYLAWS – STANDARDS – REGULATIONS

Where provisions of this By-law conflicts with the provisions of another By-law, Act or Regulation in force within the municipality, the provision which establishes the higher standard to protect the health, safety and welfare of the occupants and the general public shall prevail.

8.10 PENALTIES

Any 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 and is liable to a penalty or penalties as set out in Section 36 of the Act.

8.11 VALIDITY

If any section, clause or provision of this by-law, including anything contained in any schedule attached hereto, is for some reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have to be declared invalid.

8.12 TRANSITIONAL RULES

After the date of passing this By-law, By-law 51-2008, as amended, shall apply only to those properties in which an Order to Remedy Violation has been issued prior to the date of passing of this By-law and then only to such properties until such time as the work required by such an Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance or repair carried out by the municipality have been concluded.

8.13 SCHEDULES

All schedules attached hereto shall form part of this By-law.

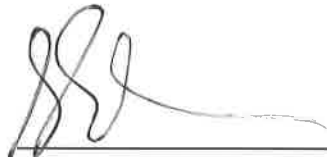
8.14 TITLE

This By-law may be referred to as "The Property Standards By-law"


8.15 EFFECTIVE DATE OF BY-LAW

This By-law shall come into force and effect upon the date of its final passage and By-law 51-2008 is hereby repealed.

READ A FIRST AND SECOND TIME, READ A THIRD TIME AND FINALLY PASSED THIS 18th DAY OF April, 2017.



MAYOR



CLERK