

# **The Corporation of the Municipality of West Perth**

## **By-law No. 013-2013**

**Being a By-law to provide for prescribing the standards for the maintenance and occupancy of property within the municipality.**

**WHEREAS** under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, 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 Municipality of West Perth includes provisions relating to property conditions;

**AND WHEREAS** the Council of the Municipality of West Perth is desirous of passing a By-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

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

**NOW THEREFORE** the Council of the Municipality of West Perth hereby enacts the following:

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**PART 1**  
**DEFINITIONS**

**1.01 In this By-law:**

1. **“Accessory Building”** – means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
2. **“Act”** – means an enactment of statute of the Province of Ontario.
3. **“Approved”** – means acceptance by the Property Standards Officer.

4. **"Basement"** – shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from the finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building.
5. **"Building"** – means any structure used or intended to be used for supporting or sheltering any use or occupancy.
6. **"Building Code"** – means the Building Code Act and any regulations made under that Act.
7. **"Chief Building Official"** – means the Chief Building Official appointed under Section 3 of the *Building Code Act, 1992 c.23* and having jurisdiction for the enforcement thereof.
8. **"Citation – Property Standard By-law"** - This Chapter may be cited as the "Property Standards By-law".
9. **"Municipality"** - shall mean The Corporation of the Municipality of West Perth unless the context requires otherwise.
10. **"Code"** - means a regulation of the Province of Ontario known;
  - a) with respect to matters relating to building, as the Building Code;
  - b) with respect to matters relating to electricity, as the Electrical Safety Code;
  - c) with respect to matters relating to fire, as the Fire Code;
  - d) with respect to matters relating to plumbing, as the Building Code Div. B Part 7.
11. **"Committee"** – means a Property Standards Committee established under this Chapter.
12. **"Council"** - shall mean the Council of the Municipality of West Perth.
13. **"Dwelling"** - means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or apart of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or intended to be used for such purposes, except for its state of disrepair.
14. **"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. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment.
15. **"Exterior property area"** - means the building lot excluding buildings.
16. **"Fence"** - means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress from property, providing security or protection to property or acting as a visual or acoustical screen.
17. **"First Storey"** - means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (5.91 ft) above grade.
18. **"Ground cover"** - means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
19. **"Guard"** – means a protective barrier installed around openings in floor areas or in 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.
20. **"Habitable room"** - means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.
21. **"Non-habitable space"** - means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy.
22. **"Non-Residential Property"** - means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant to and including all of the outbuildings, fences or erections thereon or therein.
23. **"Occupant"** - means any person or persons over the age of eighteen years in possession of the property.

24. **“Officer”** - means a Property Standards Officer who has been assigned by the Council the responsibility of administering and enforcing the provisions of this By-law.
25. **“Owner”** – includes the owner in trust, a mortgagee in possession, the person for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were left, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
26. **“Person”** – means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.
27. **“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.
28. **“Repair”** – includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.
29. **“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.
30. **“Sewage system”** – means the Municipality of West Perth system of storm sewers, sanitary sewers and combined sewers or a private sewage disposal system approved by the Chief Building Official within the Municipality of West Perth.
31. **“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.
32. **“Snow disposal site”** – means only those lands on which snow is placed after being brought to the lot from another lot,
33. **“Snow storage site”** – means that portion of lands being used for the storage of snow that has been removed to one portion of a lot after being cleared from another portion or portions of a lot.
34. **“Vehicle”** – includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.
35. **“Visual barrier”** – shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material approved by the Chief Building Official.
36. **“Waste”** – means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of any type arising from the residence, belonging to or associated with a house or use of 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.
37. **“Yard”** – means the land other than the 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

1. No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards of the By-law.
2. 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 emergency, or other safety or health hazard and shall leave the property in a graded and level condition.

3. 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.

4. All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.

5. 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, 1998, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.

## **2.02 YARDS**

Shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.

1. Every property shall be kept free from garbage, rubbish, waste, or accumulation of such materials that prevent access to or exit from the property.

2. Without restricting the generality of this Section, such maintenance includes the removal of:

- (a) rubbish, garbage, litter and waste;
- (b) injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation.
- (c) trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush.
- (d) noxious weeds pursuant to the Weed Control Act and any excessive growth of other weeds, grass and bushes.
- (e) wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct salvage, wrecking or repair business and then only if such establishment conforms with any relevant By-laws, Chapters or statutes; and
- (f) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

## **2.03 OUTDOOR STORAGE OF MATERIALS – NO IMMEDIATE USE**

No 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, shall be stored or allowed to remain in an exterior property area.

## **2.04 GARBAGE RECEPTACLES**

Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes or waste, which accumulates on the property and such materials, shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.

1. Receptacles for garbage shall be:

- a) made of watertight construction,
- b) provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded,
- c) maintained in good condition without holes or spillage; and
- d) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.

2. Plastic bags shall be considered acceptable receptacles under subsection above provided they are:

- a) adequately secured so as to prevent spillage,
- b) not stored outdoors unless protected from access by animals or vermin; and
- c) otherwise are maintained in compliance with (1) above.

3. Paper receptacles are not acceptable under this Section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection By-laws.

4. Where commercial, industrial, or high density residential on site garbage containers are visible from the public street or land, or residential properties, the area where the receptacles are stored shall be screened from view.

#### **2.05 UNENCLOSED PORCH – BALCONY**

Every unenclosed porch or unenclosed balcony, and every exterior and common area shall be kept free of garbage, waste, or appliances.

#### **2.06 GRASS – TREES – BUSHES – HEDGES – LANDSCAPING**

1. Grass, trees, bushes, hedges and other landscaping, shall be maintained to prevent an unsightly or unreasonable overgrowth in relation to the neighbouring environment.

2. Grass, trees, bushes, hedges and other landscaping, non-organic ground cover and site facilities shall be provided and maintained in living condition or a safe condition.

#### **2.07 GROUND COVER – erosion control**

1. 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 living condition.

#### **2.08 LOT GRADING – DRAINAGE**

1. All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.

2. No roof, driveways or other surface drainage, and the drainage of water from swimming pools shall be discharged on an entranceway, walkway, sidewalk, stair, steps or adjacent property, or on to any highway or public roadway in such a manner that it will penetrate or damage a building, structure or property.

3. Every roof drainage system shall be discharged onto the ground at least 1 metre (39.4 inches) 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 soils or drained to an approved swale or ditch.

4. No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property is a construction site for which a building permit is in effect.

5. No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:

- a) a construction site for which a building permit is in effect,
- b) a property being subdivided under subdivision agreement with the Municipality of West Perth, or
- c) a property being actively farmed.

#### **2.09 WALKWAYS AND DRIVEWAYS**

1. Surface conditions of walkways, driveways and yards shall be installed and maintained in as safe condition with non-organic ground cover so as to:

- a) prevent ponding of storm water,
- b) not exhibit an unsightly appearance,
- c) be kept free of garbage and waste,
- d) be kept free of deep ruts and holes,
- e) provide for the safe passage under normal use and weather conditions, day or night, and not to create a nuisance to other property.

#### **2.10 PARKING LOTS**

1. Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions and be

free from health and other hazards.

2. Parking lots, driveways and other similar public access areas of a yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.

#### **2.11 SNOW DISPOSAL – STORAGE**

1. A property owner shall cause any snow storage site on that property to be maintained in such a manner and location on that property so as to prevent a hazard, flooding, erosion, and other damage to neighbouring private or public lands.

#### **2.12 EXTERIOR LIGHTING**

1. Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.

2. Facilities for lighting shall be maintained in a good state of repair.

3. Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes or other interior window coverings.

#### **2.13 RETAINING WALL**

1. All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

#### **2.14 WELLS – CISTERN – CESSPOOL – PRIVY VAULT – PIT OR EXCAVATION**

1. A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, where upon they shall be sealed or secured as required above.

#### **2.15 ACCESSORY BUILDINGS**

1. The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:

- a) constructed with suitable materials,
- b) maintained in good repair,
- c) protected for deterioration by the application of paint or other suitable protective materials.

#### **2.16 FENCE**

1. A fence erected on a property or separating adjoining properties shall be maintained:

- a) in good repair, free from loose or insufficiently secured, rotten, warped or broken materials;

- b) in a safe and structurally sound condition so as to be capable of sustaining safely, its own weight together with any load to which it might reasonably be subjected to,

- c) shall be free of dangerous objects, and

- d) reasonably plumb, unless specifically designed to be other than vertical.

2. The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain a visual barrier not less than 1.2 metres (4 feet) and not more than 2.0 metres (78 inches) in height where such property is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from enjoyment and appearance of an abutting residential property.

#### **2.17 TOWERS – GANTRIES – MASTS – ANTENNAE**

1. Towers, gantries, masts, antennae and structures of similar character and any attachments thereto shall be maintained:

- a) reasonably plumb, unless specifically designed to be other than vertical,

- b) in good repair, and
- c) in a safe and structurally sound condition.

## **2.18 SIGNS**

1. A sign and any structure connected therewith shall be installed and maintained:
  - a) in good repair without any visible deterioration when viewed from any property other than the property on which the sign is situated,
  - b) in a safe and structurally sound condition, and
  - c) in a reasonably vertical plane unless otherwise approved by the Chief Building Official of the Municipality of West Perth. An unused or discarded sign shall be removed from the property.

## **PART 3 EXTERIOR PROPERTY AREAS**

### **3.01 STRUCTURAL ADEQUACY – CAPACITY**

1. All repairs and maintenance of property required by the standards prescribed in this By-law 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:
  - a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected to,
  - b) to be capable of safely accommodating all normal structural movements without damage, decay or deformation,
  - c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration, and
  - d) to 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, or crawl space floors shall be maintained in good repair and structurally sound.
2. Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

### **3.03 EXTERIOR WALLS – SURFACES – CLADDING – MASONRY**

All exterior walls and surfaces of every building or structure shall be sound, plumb, and weather-tight, free from loose or unsecured objects and maintained in good repair:

1. In good repair 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
2. Shall 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 weather-tight finishing, or the installation of termite shields, if required.
3. All exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
4. Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

### **3.04 DOORS – WINDOWS – CELLAR HATCHWAYS**

1. Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors and storm windows shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so

as to prevent the entrance of wind, snow, or rain into the building and to minimize heat loss through infiltration.

2. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from the inside and outside the dwelling unit.

3. All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from the inside.

4. All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

### **3.05 WINDOW SCREENS**

1. When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:

- a) mesh screening, metal grills, or other equivalent durable rust proof material; or
- b) other protection so as to effectively prevent the entry of rodents, large insects or vermin.

### **3.06 CANOPIES – MARQUEES – AWNINGS**

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

### **3.07 ROOFS**

1. Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.

2. Without restricting the generality of this section, such maintenance includes;

- a) removal of loose, unsecured or rusted objects or materials,
- b) removal of dangerous accumulations of snow or ice,
- c) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building, and
- d) keeping all roof related structures plumb unless specifically designed to be other than vertical.

### **3.08 EAVESTROUGH SYSTEM – METAL DUCT – FLASHING**

1. Eavestrough, roof gutter, rain water pipe, downspout, flashing and all exterior ducts shall be properly secured from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.

2. Metal eavestroughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.

3. Every roof drainage system shall be discharged onto the ground at least 1 metre (39.4inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties or cause erosion.

### **3.09 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:

- a) the entrance of smoke or gases into a building,
- b) the heating of adjacent combustible materials, wall and structural members to unsafe temperature, and
- c) fire, health or other hazards.

2. Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe, or chimney.

### **3.10 GARAGE – CARPORT**

1. The construction between an attached or built-in garage or carport and a dwelling unit shall provide an effective barrier to gas and exhaust fumes.

2. A door between an attached or built-in garage and a dwelling unit shall be tight-fitting and weather-stripped to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self closing device.

3. Garages and carports, including floors, shall be maintained in good repair and free from hazards.

## **PART 4 INTERIOR OF BUILDINGS, STRUCTURES AND DWELLINGS**

### **4.01 INTERIOR STRUCTURE – COLUMNS – BEAMS**

1. In every building, all structural components, including but not limited to all joist, 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:

- a) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned,
- b) free of holes, cracks, loose plaster or other material,
- c) in a safe condition; and
- d) so as to possess the fire resistant properties required by the Building and Fire Codes.

2. In any bathroom, the walls to a height of 1.067 metres (42 inches) above a bathtub equipped with a shower or 1.83 metres ( 72 inches) above the floor of a shower stall, 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 rotten boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.

2. Where a floor covering has become worn or torn so that it retains dirt or may create and 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 be capable of being cleaned.

4. Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the 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.

2. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair:

- a) so as to be free of holes and other defects which may constitute accident hazards,
- b) shall be properly anchored so as to be kept in a safe and secured condition,
- c) shall be structurally sound and capable of supporting the loads imposed through their normal use; and
- d) if of metal, shall be protected from rust or similar decay by a periodic application of paint.

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 2 risers.

4. Required guards shall be installed and maintained in good repair on all balconies, porches, landings, mezzanines, decks and appurtenances with the requirements of the Building Code.

#### **4.05 ELEVATORS**

1. Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.

2. All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:

- a) in good working order and good repair; and
- b) in a safe condition.

#### **4.06 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. Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.

3. The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.

4. In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in operating condition.

5. 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 dwellings.

6. All means of egress within a non-residential property shall be maintained free from all obstructions or impediments;

- a) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
- b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

#### **4.07 HEATING – AIR CONDITIONING**

1. Every residential dwelling shall have a heating system capable of maintain a temperature of 21° Celsius (71° Fahrenheit).

2. It is the responsibility of the owner 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 rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.

5. Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used 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. If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.

7. Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions.

8. Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

#### **4.08 AIR CONDITIONING**

1. Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained to a safe mechanical and electrical condition.

2. Cooling water for water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such a manner that it may cause damage to the walls, foundations or other parts of a building.

3. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all government regulations.

#### **4.09 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 areas 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 are not permitted on a permanent basis.

#### **4.10 VENTILATION**

1. Ventilation shall be provided to, 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 and maintained in good working condition and good repair.

3. When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this By-law.

4. An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.

5. Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects.

#### **4.11 LIGHTING**

1. 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 a safe condition and in good working order.

2. Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

#### **4.12 PLUMBING**

1. All plumbing, waste and vent pipes, water pipes and plumbing fixtures in every building;

- a) shall be connected to a sewage system through water seal traps,
- b) shall be maintained in good working order and good repair free from leaks and defects, and
- c) shall be maintained in a safe condition protected from freezing.

2. Plumbing systems on a property shall be provided, installed and maintained in compliance with the respective requirements of any applicable Act or the Building Code.

#### **4.13 WATER SUPPLY**

1. Every dwelling and every building to which water supply is required, potable supply shall be provided through pressurized piping where;
  - a) an adequate supply of hot water with a temperature range from 60 to 73.8 Celsius shall be provided and maintained in all dwelling units;
  - b) the piping for hot and cold water is connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
  - c) the piping for cold water is connected to every water closet and hose bib.

#### **4.14 SEWAGE SYSTEM**

1. Every plumbing fixture in every building shall discharge the water, liquid or sewage into drainage piping, which shall be connected to a municipal sewage system, or a private sewage system approved by the authority having jurisdiction and in accordance with all applicable law.
2. Sewage or organic waste shall not be discharged to 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.
3. The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

#### **4.15 VERMIN CONTROL**

1. 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 persons residing in a dwelling unit shall not exceed one person for each 9 square metres (97 square feet) of habitable room floor area.
4. The minimum dimension of any habitable room shall be 2.1 metres (6.92 feet).
5. The minimum area of a bedroom in a dwelling unit used as a bedroom only by one person shall be 6 square metres (64.5 square feet) where built-in cabinets are provided.
6. The minimum area of a bedroom in a dwelling unit used as a bedroom by two or more persons shall be 4 square metres (43 square feet) for each person.
7. Every habitable room shall have a ceiling height of at least 2.29 metres (7.5 feet). For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7.5 feet) and the area of that part of the room where the ceiling is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.

8. No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:

- a) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
- b) each habitable room shall comply with all requirements for ingress, egress, light, ventilation and ceiling height set out in this By-law; and
- c) floors and foundation walls are constructed so as to be impervious to leakage of underground or surface run-off water.

#### **5.02 TOILET AND BATHROOM FACILITIES**

1. Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.

2. All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.

3. All bathroom and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.

4. No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

### **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 and:

- a) in a sanitary and safe condition, free from litter, refuse and waste including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
- b) free from objects or conditions which are health, fire or safety hazards; and
- c) free from rodents, insects or vermin.

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 so as to not create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 feet) in height and maintained in good repair.

#### **6.02 MEANS OF EGRESS**

1. All means of egress within a non-residential property shall be;

- a) maintained free from all obstructions or impediments;
- b) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
- c) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

#### **6.03 GUARDRAILS**

1. A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm. (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies and mezzanines.

#### **6.04 SEPARATIONS**

1. Every dwelling unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from a part of the building that is not used for human habitation into other parts of the dwelling unit.

## **6.05 VENTILATION**

1. All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions detrimental to their health or safety.
2. Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.
3. Mechanical ventilating equipment and its supports shall be maintained in good repair and in safe mechanical condition.

## **6.06 LIGHTING**

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

# **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 BUILDING**

1. If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
2. The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm. (0.5 inches) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.
3. If a building remains vacant for a period of more than **ninety (90) days**, the owner or agent thereof shall ensure that all utilities serving the building are properly disconnected or otherwise and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

## **7.03 DAMAGE BY FIRE – STORM - OTHER CAUSES**

1. In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded, damaged building or structure, provided that such storage does not exceed ninety (90) days duration.
2. Fire damaged buildings or portions thereof, with proper documentation; shall be repaired to their original condition or shall be demolished accordingly.

## **7.04 DEMOLISH BUILDING**

1. Where a building, accessory building, fence or other structure is being demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood and other materials and left in a graded condition.
2. 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** This By-law shall apply to all property within the limits of the municipality.

**8.02** The imperial measurements contained in this By-law are given for reference only.

**8.03 NON-COMPLIANCE**

1. The owner 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 leveled and graded condition.

2. Where any person fails to comply with an order issued, the municipality may cause the required work to be done at the cost of the person. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

**8.04 CONFLICTS – BY-LAWS – STANDARDS – REGULATIONS**

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

**8.05 VALIDITY**

1. If any provision or article of this By-law is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Chapter and the remaining provision or article shall remain in effect until repealed.

**8.06 PENALTY**

1. Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

**8.07 SEVERABILITY**

1. It is hereby declared that each and every of the forgoing provisions of this By-law is severable and that, if any provisions of this By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

**8.08 TRANSITIONAL RULES**

1. After the date of the passing of this By-law, By-law No. 123-1998 as amended, shall apply only to those properties in which an Order to Comply 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 Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

**8.09 TITLE**

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

NOW THEREFORE the Council of the Corporation of the Municipality of West Perth enacts as follows;

1. That Schedule "A" attached to this by-law shall be the schedule of set fines for any contravention of this by-law.
2. That this by-law shall come into force and takes effect on the date of its final passing.
3. That By-law No. 043-2012 is hereby repealed.
4. That the Mayor and the Clerk are hereby authorized to sign this By-law;

Read a first and second time this 28<sup>th</sup> day of January 2013.

  
\_\_\_\_\_  
Mayor Walter McKenzie

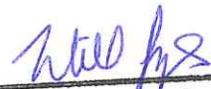
  
\_\_\_\_\_  
Clerk Susan Cronin

Read a third and final time and finally passed this 28<sup>th</sup> day of January 2013.

  
\_\_\_\_\_  
Mayor Walter McKenzie

  
\_\_\_\_\_  
Clerk Susan Cronin

This photocopy conforms to the original document.

  
\_\_\_\_\_  
(Deputy) Clerk  
\_\_\_\_\_  
Date  
March 1, 2013

**MUNICIPALITY OF WEST PERTH  
BY-LAW NO. 010-2013**

**Property Standards and Maintenance  
Schedule "A"**

**Part 1 Provincial Offences Act Schedule of Fines**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Fail to maintain land free from rubbish or debris	2.02 (2)(a)	\$300.00
2	Fail to maintain land free from injurious insects/termites/rodents/vermin or other pests	2.02 (2)(b)	\$250.00
3	Fail to maintain land free from dead/decayed or damaged trees or other natural growth	2.02 (2)(c)	\$250.00
4	Fail to keep property free of noxious weeds and excessive growth of vegetation	2.02 (2)(d)	\$150.00
5	Fail to maintain land free from wrecked/ dismantled/or abandoned machinery, vehicles, trailers or boats	2.02 (2)(e)	\$300.00
6	Fail to maintain land free from dilapidated/ collapsed structure	2.02 (2)(f)	\$300.00
7	Permit unsightly/overgrowth of vegetation	2.06 (1)	\$150.00
8	Permit vegetation in unsafe condition	2.06(2)	\$150.00