

THE CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BY-LAW No. 2008-17

A By-law to establish a Property Standards Committee for the Corporation of the Town of Smooth Rock Falls, and for prescribing standards for the maintenance and occupancy of all property within the Corporation of the Town of Smooth Rock Falls, and for prohibiting the use of any property that does not conform to the standards and requiring such properties to be repaired, maintained, or cleared of buildings, structures, debris, or refuse, and prohibiting the removal of any notice, sign or placard placed thereon in accordance with this By-law.

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 to establish a Property Standards Committee and for 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 Town of Smooth Rock Falls includes provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of the Town of Smooth Rock Falls is desirous of passing a by-law 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 Corporation of the Town of Smooth Rock Falls hereby enacts the following:

PART I

DEFINITIONS

In this By-law:

- 1.01 “Accessory Building”** means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 “Apartment Building”** means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.03 “Approved”** means acceptance by the Property Standards Officer.

- 1.04 “Basement”** means that space of a building that is partly below grade, which has half or more of its height measured from floor to ceiling above the average exterior finished grade.
- 1.05 “Bathroom”** means a room containing at least one water closet, one wash basin and one bathtub or shower, or two rooms which contain in total at least one water closet, one wash basis and one bathtub or shower.
- 1.06 “Building”** means any structure, whether temporary or permanent, fixed to or supported by the soil and which is designed, used, or intended to be used for the accommodation, storage, or shelter of persons, animals or chattels. A building shall not include a boundary wall, fence, retaining wall, light standard, head stone or sign.
- 1.07 “By-law”** unless otherwise referred to herein means this “Property Standards By-law”.
- 1.08 “Cellar”** means that space of a building that is partly or entirely below grade, which has more than half of its height measured from floor to ceiling below the average exterior finished grade.
- 1.09 “Clerk”** shall mean the CAO, or the Clerk, of the Corporation of the Town of Smooth Rock Falls.
- 1.10 “Committee”** means the Property Standards Committee for the Corporation of the Town of Smooth Rock Falls.
- 1.11 “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 purpose of human habitation.
- 1.12 “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.
- 1.13 “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 (6 ft) above grade.
- 1.14 “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.
- 1.15 “Habitable Room”** means any room in a dwelling unit used for, or capable of being used for, living, cooking, sleeping or eating purposes.
- 1.16 “Means of Egress”** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair,

ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge, usually located outside the building.

- 1.17 “Multiple Dwelling”** means a building containing three or more dwelling units.
- 1.18 “Non-Habitable Room”** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys and basement, or part thereof, which does not comply with the standards of fitness for occupancy set out in this By-law.
- 1.19 “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 and all of the outbuildings, fences or erections thereon or therein.
- 1.20 “Occupant”** means any person or persons over the age of eighteen years in possession of the property.
- 1.21 “Officer”** means a Property Standards Officer appointed by by-law and assigned the responsibility for enforcing and administering this By-law.
- 1.22 “Owner”** means the person, for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether on his/her own account or as agent, trustee, or any other person who would so 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 of Maintenance and Occupancy of the property.
- 1.23 “Person”** means an individual, firm, corporation, association or partnership.
- 1.24 “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 lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences associated with the dwelling or its yard.
- 1.25 “Standards”** means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.26 “Toilet Room”** means a room containing a water closet and a wash basin.
- 1.27 “Yard”** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential, non-residential or agricultural property, and used or capable of being used in connection with the property.

PART II**GENERAL STANDARDS FOR ALL PROPERTY**

2.01 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. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act*, where applicable.

YARDS

2.02 Every yard, including vacant lots, shall be kept clean and free from:

- (a) rubbish or debris and objects or conditions that may create a health, fire or accident hazard;
- (b) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats, unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (c) long grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*;
- (d) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (e) injurious insects, termites, rodents, vermin or other pests; and
- (f) dead, decayed or damaged trees or other natural growth.

SURFACE CONDITIONS

2.03 Surface conditions of yards shall be maintained so as to:

- (a) prevent ponding of storm water;
- (b) prevent instability or erosion of soil;
- (c) prevent surface water run-off from entering basements;
- (d) not exhibit an unsightly appearance;
- (e) be kept free of garbage and refuse;
- (f) be kept free of deep ruts and holes;

- (g) provide for safe passage under normal use and weather conditions, day or night; and
- (h) not create a nuisance to other property.

SEWAGE AND DRAINAGE

- 2.04** Sewage shall be discharged into the sewage system, as defined by Section 1.1.3.2 of the Ontario Building Code.
- 2.05** Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 2.06** Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

PARKING AREAS, WALKS AND DRIVEWAYS

- 2.07** All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete or compacted stone or gravel, and shall be kept in good repair free of dirt and litter.
- 2.08** Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES

- 2.09** Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

GARBAGE DISPOSAL

- 2.10** Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.

- 2.11** All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection By-law where applicable.
- 2.12** Garbage storage areas shall be screened from public view.

COMPOST HEAPS

- 2.13** The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height, and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic or wood container designed for composting.

PART III

RESIDENTIAL STANDARDS

GENERAL CONDITIONS

- 3.01** Every owner, occupant, tenant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition, and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.
- 3.02** Every owner, occupant, tenant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including corridors, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3.03** Accumulations or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.

PEST PREVENTION

- 3.04** Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*.
- 3.05** Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests, shall be appropriately screened or sealed.

STRUCTURAL SOUNDNESS

- 3.06** Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- 3.07** Walls, roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

FOUNDATIONS

- 3.08** Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing subsoil drains, when necessary, at the footings, grouting masonry cracks, dampproofing and waterproofing walls, joints, and floors.
- 3.09** Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

EXTERIOR WALLS

- 3.10** Exterior walls of a dwelling and their components, including soffits and fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.11** Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

WINDOWS AND DOORS

- 3.12** Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors, it shall also be maintained in good repair.

- 3.13** In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 3.14** Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 3.15** In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door, and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 3.16** Every window in a leased or rented dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of 100 mm. diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

ROOFS

- 3.17** Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 3.18** The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.
- 3.19** Where eavestroughing and roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

WALLS, CEILINGS AND FLOORS

- 3.20** Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 3.21** Every floor in a dwelling shall be reasonably smooth and level, and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 3.22** Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be maintained so as to be impervious to water, and readily cleaned.

STAIRS, PORCHES AND BALCONIES

3.23 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose, and any supporting structural members that are rotted or deteriorated, shall be repaired or replaced.

GUARD-RAILS

3.24 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 where there is a difference in elevation 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 and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

KITCHENS

3.25 Every dwelling shall contain a kitchen area equipped with:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) a suitable storage area of not less than 0.23 cubic metres (8 cubic ft.);
- (c) a counter or work area at least 610 mm. (2 ft.) in width by 1,220 mm. (4 ft.) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- (d) a space provided for cooking and refrigeration appliances, including suitable electrical or gas connections, and/or solid fuel burning appliances.

TOILET AND BATHROOM FACILITIES

3.26 Where a dwelling or dwelling unit contains a bathroom, it shall consist of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin and 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.

- 3.27** Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.
- 3.28** Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

PLUMBING

- 3.29** Each washbasin, bathtub or shower, and kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110°F).
- 3.30** Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 3.31** All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures, shall be maintained in good working condition, free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.32** All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 3.33** Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing, and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

ELECTRICAL SERVICE

- 3.34** Where electrical services and facilities are installed in residential accommodations, they shall conform to the regulations established by the *Power Corporations Act*, as amended.
- 3.35** Existing wiring and electrical facilities in residential accommodations shall conform to the *Power Corporations Act*, as amended.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 3.36** Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient

temperature of 21 degrees Celsius (70° F) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling units to the required standard.

- 3.37** All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards provided by the *Energy Act*, as amended, or other applicable legislation.
- 3.38** Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition, and in a convenient location so as to be free from fire or accident hazard.
- 3.39** Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation, into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- 3.40** All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 3.41** Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 3.42** Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

FIRE ESCAPES, ALARMS AND DETECTORS

- 3.43** A listed fire alarm and fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.
- 3.44** In addition to the provisions of Article 3.46 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such

bedrooms or sleeping area. The products of combustion detector referred to shall be:

- (a) equipped with visual or audio indicating that they are in operating condition; and
- (b) mounted on the ceiling or on a wall between 152.4 to 304.8 mm. (6 to 12 inches) below the ceiling.

3.45 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

EGRESS

3.46 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage, from the interior of the dwelling and the dwelling unit, to the outside at street or grade level.

3.47 Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common, or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window, having an unobstructed opening of not less than 1,067 by 559 mm. (42 x 22 inches) with a sill height of not more than 914 mm. (36 inches) above the inside floor. A single exit is permitted from a dwelling unit where the means of egress is through an exterior door located at or near ground level, and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

NATURAL LIGHT

3.48 Every habitable room, except a kitchen, bathroom or toilet room, shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space, and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms, and five percent of the floor area for bedrooms and other finished rooms.

VENTILATION

3.49 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of

air of at least 0.28 square metres (3 sq. ft.), or an approved system of mechanical ventilation, such that provides hourly air exchanges.

3.50 All systems of mechanical ventilation shall be maintained in good working order.

3.51 All enclosed areas, including basements, cellars, crawl spaces and attics or roof spaces, shall be adequately ventilated.

ELEVATING DEVICES

3.52 Elevators and other elevating devices, including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems, shall be operational and maintained in good condition.

DISCONNECTED UTILITIES

3.53 Owners of residential buildings, or any person or persons acting on behalf of such owner, shall not disconnect or cause to be disconnected, any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

OCCUPANCY STANDARDS

3.54 The number of occupants residing on a permanent basis in an individual dwelling unit shall not exceed one person for every nine square metres (97 sq. ft.) of habitable floor area. For the purpose of computing habitable floor area, any area with a minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered as habitable.

3.55 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.

3.56 Any basement or portion thereof used as a dwelling unit shall conform to the following requirements:

- (a) each habitable room shall comply with all the requirements set out in this By-law;

- (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code; and
- (d) access to each habitable room shall be gained without passage through a service room.

PART IV

VACANT LANDS AND BUILDINGS

4.01 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. All new construction or repairs shall conform to the Ontario Building Code where applicable.

VACANT LANDS

4.02 Vacant land shall be maintained to the standards as described in Part II, Article 2.02, of this By-law.

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

VACANT BUILDINGS

4.04 Vacant buildings shall be kept cleared of all garbage, rubbish and debris, and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

4.05 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) with weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

PART V**NON-RESIDENTIAL PROPERTY STANDARDS**

- 5.01** 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. All new construction or repairs shall conform to the Ontario Building Code where applicable.

YARDS

- 5.02** The yards of non-residential property shall be maintained to the standards as described in Part II, Article 2.02 of this By-law.
- 5.03** 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 not to create a fire or accident hazard or any unsightly condition, and shall provide unobstructive 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 ft.) in height and maintained in good repair.

PARKING AREAS AND DRIVEWAYS

- 5.04** All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel, and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, and all areas used for vehicular traffic and parking, shall have a surface covering of asphalt, or similar hard surface, or gravel and dust from the gravel surfaces, shall be applied with dust retardants.
- 5.05** All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

STRUCTURAL SOUNDNESS

- 5.06** Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load, and any additional load to which it may be subjected through normal use, shall have a level of safety

required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

- 5.07** Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

EXTERIOR WALLS

- 5.08** Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 5.09** Exterior walls of a building or a structure and their components, shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

GUARD-RAILS

- 5.09** 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 where there is a difference in elevation of 600 mm. (24 inches) between adjacent levels. Guardrails shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, mezzanines and similar areas. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

LIGHTING

- 5.10** All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures necessary for the safety of all persons attending the premises, or as may be required by the *Occupational Health and Safety Act* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

PART VI

ADMINISTRATION AND ENFORCEMENT

- 6.01** This By-law shall apply to all property within the limits of the Municipality.

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

OFFICERS

6.03 The Council of the Municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-law.

6.04 An officer or any person acting under his/her instructions may, at reasonable times, and on producing proper identification, enter and inspect any property.

6.05 An officer or any person acting under his/her instructions shall not enter any room or place actually used as a dwelling, without the consent of the occupier, except under the authority of a Search Warrant issued under Section 21 of the *Building Code Act*.

ORDER TO COMPLY

6.06 Where an Officer finds that a property does not conform with any of the standards prescribed in this By-law, the Officer may make an Order:

- (a) stating the municipal address or the legal description of such property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse, and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the owner's expense; and
- (d) indicating the final date for giving notice of appeal from the Order.

6.07 An Order issued in accordance with Article 6.06 shall be served on the owner of the property and such other persons affected by it as the Officer determines. It shall be served personally or by registered mail sent to the last known address of the person to whom the Order is being given.

6.08 If the Officer is unable to effect service under Article 6.07, he/she shall place a placard containing the terms of the Order in a conspicuous place on the property, and the placing of the placard shall be deemed as sufficient service of the Notice or Order on the owner or other persons.

REGISTRATION OF ORDER

6.09 An Order made under Article 6.06 may be registered against title to the subject property by registration of an Electronic Document in accordance with the Electronic Registration procedures in the Province of Ontario, and upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served under Article 6.06, and when the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry Office, a Certificate that such requirements have been satisfied which shall operate as a discharge of the Order.

PROPERTY STANDARDS COMMITTEE

6.10 There shall be, and is hereby established, a Property Standards Committee consisting of no fewer than three members, appointed by by-law of the Council of the Corporation of the Town of Smooth Rock Falls, to hold office for the term established by Council.

6.11 Each member of the Property Standards Committee appointed by Council, shall be paid such an honorarium per meeting for their attendance at Committee meetings as Council may provide.

6.12 When the owner or occupant, upon whom an Order has been served in accordance with Article 6.06, is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of Appeal by registered mail to the Secretary of the Committee, within fourteen days after service of the Order. In the event that no appeal is taken, the Order shall be deemed to have been confirmed.

6.13 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the authority and functions of the Officer, and may confirm, modify, or quash the Order, or may extend the time period for compliance, provided that in the opinion of the Committee, the general intent of the By-law and of the Official Plan or policy statement are maintained.

6.14 The Council of the Municipality shall fill any vacancy that occurs in the membership of the Committee as soon as possible.

6.15 The members shall elect a Chair from among themselves, and when the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.

6.16 A majority of the members constitutes a quorum for transacting the Committee's business.

6.17 The members shall provide for a Secretary for the Committee.

- 6.18** The Secretary shall keep on file, records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and Section 74 of *the Municipal Act* applies with necessary modifications to the minutes and records.
- 6.19** The Committee may, subject to subsection (9) of *The Building Code Act S.O. 1992*, adopt its own rules of procedure, and any member may administer oaths.
- 6.20** The Committee shall give notice or direct that notice be given of the Hearing of an Appeal to such person as the Committee considers advisable.

PENALTY

- 6.21** No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. Should the owner or occupant fail to demolish or repair the property in accordance with an Order, as confirmed or modified, the municipality in addition to other remedies:
- (a) shall have the right to demolish or repair the property accordingly and for this purpose, with its servants and agents, from time to time, to enter in and upon the property;
 - (b) shall not be liable to compensate such owner, occupant or another person having interest in the property, by reason of anything done by or on behalf of the Municipality under the provisions of this Article;
 - (c) if an Order of an Officer under subsection 15.2(2) is not complied with in accordance with the Order, as deemed confirmed or as confirmed or modified, by the Committee or a Judge, the Municipality may cause the property to be repaired or demolished accordingly; and
 - (d) may cause a prosecution to be brought against any person who is in breach of such an Order, and upon conviction, such person shall forfeit and pay, at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provisions of Section 36 of the *Building Code Act*, S.O. 1992, c23.

VALIDITY

- 6.22** If an Article of this By-law is, for any reason, held by a Court of law or other Administrative Tribunal to be invalid, the remaining Articles shall remain in effect until repealed.

6.23 Where a provision of this By-law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

TITLE

6.24 This By-law may be referred to as “The Property Standards By-law”.

REPEALS

6.25 By-law No. 80-2 of the Town of Smooth Rock Falls shall hereby be repealed.

6.26 By-laws of the Corporation of the Town of Smooth Rock Falls which are inconsistent with this By-law shall hereby be repealed.

GENERAL

6.27 If any provision of this by-law is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the by-law shall continue in force.

6.28 This By-law shall come into force and effect only upon the repeal of By-law Number 80-2.

6.29 This By-law shall come into full force and effect immediately upon the passing thereof.

READ a first and second time this 7th day of July, 2008.

MAYOR

CLERK

READ a third time and finally passed this 7th day of July, 2008.

MAYOR

CLERK