

**THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN**

BY-LAW NO. 2001-34

**BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE
AND OCCUPANCY OF BUILDINGS AND PROPERTY**

WHEREAS the Council of the Corporation of the Municipality of Powassan is empowered under Section 15 of the Building Code Act as amended to pass a by-law for;

- (a) Prescribing standards for the maintenance and occupancy of property within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards,
- (b) Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition;

AND WHEREAS there is in effect in the Municipality of Powassan an Official Plan that includes provisions relating to property conditions;

THEREFORE the Council of the Corporation of the Municipality of Powassan enacts as follows:

Section 1

Short Title:

- 1. This by-law may be cited as the “Property Standards By-law”.

Section 2

General:

- 2.1 Where a provision of this by-law conflicts with a provision of another by-law, regulation or legislation in force in the Municipality of Powassan, the provisions that establish the higher standards prevail.
- 2.2 If any provision of this by-law is declared invalid for any reason, the remaining provisions shall remain in effect.

Section 3

Definitions:

- 3.1 Accessory Buildings: A detached building subordinate and related to the primary use on the property not used for human habitation, located on the same property as the main building.
- 3.2 Agricultural Use: Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises of produce grown or raised on the premises.

- 3.3 Basement: A storey or stories of a building located below the first storey.
- 3.4 Bathroom: A room containing a water closet and basin and contain a shower and/or bathtub.
- 3.5 Building: (a) A structure occupying an area greater than ten square metres consisting of a wall, roof and floor, or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenance thereto.
- (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto.
- (c) plumbing not located in a structure, or
- (d) structures designated in the building code.
- 3.6 Building Code: Regulations made under Section 34, Chapter 23, R.S.O. 1990.
- 3.7 Brush: Severed portions or branches of trees or shrubs.
- 3.8 Committee: The Property Standards Committee.
- 3.9 Council: The Council of the Corporation of the Municipality of Powassan.
- 3.10 Dwelling: A building or part of a building occupied or capable of being occupied in whole or in part for the purposes of human habitation either continuously, permanently, temporarily or transiently.
- 3.11 Dwelling Unit: A suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- 3.12 Exterior Property Area: The property excluding the buildings and includes fences thereon.
- 3.13 First Storey: The storey of a building with its floor closest to grade and having its ceiling more than 1.8 metres above grade.
- 3.14 Garbage: The animal or vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food and drink, as well as other solid waste materials and goods resulting from residential, commercial, institutional and industrial operations.
- 3.15 Good Repair: A building, structure or appurtenance thereof including mechanical equipment shall be maintained in such a condition so as to be free from accident or fire hazards, not unsightly by reason of deterioration, damage or defacement.
- 3.16 Grade: The average level of proposed or finished ground adjoining a building at all external walls.
- 3.17 Habitable Room: Any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping or cooking purposes.

- 3.18 Insect: Any of numerous invertebrate animals, (as spiders, centipedes, cockroaches, etc.)
- 3.19 Last Known Address: The address which appears on the last revised assessment roll of the Corporation.
- 3.20 Maintenance: The preservation and keeping in good repair of a property and building.
- 3.21 Medical Officer of Health: The North Bay and District Health Unit Officer.
- 3.22 Non Habitable Room: Any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, water closet room, laundry room, lobby, corridor, stairway, closet, unfinished basement, boiler room, or space for service and maintenance of the dwelling.
- 3.23 Noxious Weeds: Any weeds classed as noxious by the Weed Control Act R.S.O. 1990, Chapter W.5.
- 3.24 Occupancy: The use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 3.25 Occupant: Any person or persons over the age of eighteen years in ownership of the property.
- 3.26 Officer: The Property Standards Officer who has been assigned the responsibility of administering and enforcing the Property Standards By-law.
- 3.27 Outside Weather Elements: Includes wind, rain, snow, sleet, or hail, etc.
- 3.28 Owner: Includes 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 own account or as agent or trustee of any person or who would so receive the rent if such land and premises were let. The term shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair or maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 3.29 Person: Any human being, association, firm, partnership, incorporated company, corporation, agent, trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 3.30 Property: A building or structure or part of a building or structure including the lands and premises appurtenant thereto and all mobile homes, mobile structures, accessory buildings, fences, and includes vacant land.
- 3.31 Repair: 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, and in conformity with all other legislation.
- 3.32 Rodents: Any of an order (Rodentia) or relatively small gnawing mammals as a mouse, a squirrel or a rat, etc.
- 3.33 Rubbish: Any combustible or noncombustible, discarded or waste material, except garbage.

- 3.34 Sewage: Sanitary sewage or storm sewage,
(a) Sanitary sewage means liquid or water borne waste of industrial or commercial origin, or of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.

(b) Storm sewage means water that is discharged from a surface as a result of rainfall, snow melt or snowfall.
- 3.35 Sewage System: A sewage system as defined in Part V111 of the Environmental Protection Act.
- 3.36 Standards: The standards of physical condition and of occupancy prescribed for property in this by-law.
- 3.37 Structurally Sound: Construction capable of withstanding the forces placed upon the building under normal use.
- 3.38: Structure: A constructed form that is built of elements joined together and located under, on or above grade.
- 3.39 Municipality: The Corporation of the Municipality of Powassan.
- 3.40 Vermin: Small common harmful or objectionable animals that are difficult to control.
- 3.41 Yard: Any land appurtenant to a building or structure and used or intended to be used or capable of being used in connection therewith.

Section 4

Administration and Enforcement:

- 4.1 Application: This by-law shall apply to all property within the boundaries of the Municipality as amended from time to time.
- 4.2 Property Standards Committee: A Property Standards Committee is hereby established to review orders issued by the Property Standards Officer and shall comprise members of council, not fewer than three, as the council considers advisable.
- 4.3 When an owner or occupant upon whom an order has been served in accordance with this by-law is not satisfied with the terms or conditions of the order, he may appeal, by registered mail, to the Secretary of the Property Standards Committee within fourteen (14) days after service of the order and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- 4.4 The Secretary of the Property Standards Committee, in receipt of the notice of appeal, shall:
- 4.4.1 Determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice, and
- 4.4.2 Give notice in writing of the date, place and time of the hearing referred to in paragraph 4.4.1 to:

- 4.4.2.1 The appellant,
 - 4.4.2.2 The Officer who issued the Order.
- 4.5 The Property Standards Committee shall:
 - 4.5.1 Hold the hearing at the date, place and time set out in the notice.
 - 4.5.2 Have all the powers and functions of an Officer.
- 4.6 The Property Standards Committee may:
 - 4.6.1 Confirm the order,
 - 4.6.2 Modify or quash the order, or
 - 4.6.3 Extend the time for complying with the order provided that the general intent and purpose of this by-law is maintained.
- 4.7 The Property Standards Committee shall give its decision in writing.
 - 4.7.1 The Secretary of the Property Standards Committee shall notify:
 - 4.7.1.1 The Appellant,
 - 4.7.1.2 The Officer who issued the Order
- 4.8 Property Standards Officer: The Council shall, by resolution appoint a Property Standards Officer, who shall be responsible for the administration and enforcement of this by-law.
- 4.9 Notice of Violation: The notice shall be sent to the last known address of the owner and shall state:
 - 4.9.1 That the property does not comply with the standards prescribed by this by-law and shall specify the standards with which the property does not comply.
 - 4.9.2 That after a certain date to be specified in the notice of non-compliance by the Officer, the property will be subject to a re-inspection at which time the Officer may issue an Order.
 - 4.9.3 That the Officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with the by-law.

Section 5

Property Maintenance and Occupancy Standards:

5.1 Maintenance of Yards

- 5.1.1 Garbage and Rubbish: Every dwelling shall be equipped with sufficient receptacles to contain all garbage, rubbish and ashes in a sanitary manner. Yards shall be free from garbage, rubbish, brush, and other debris, and from objects or conditions that might create a health, fire or accident hazard, except that which is stored in a manner acceptable to the local Ministry of Environment and Energy.

- 5.1.2 All yards shall be kept free from excessive growth of noxious weeds and grasses. Plants designated as noxious weeds under the Weed Control Act shall be eliminated from all yards. All trees and shrubs shall be kept pruned so as to be free from dead branches, etc., the collapse of which would be capable of causing injury or damage and that dead trees and shrubs should be promptly removed from premises.
- 5.1.3 All yards shall be kept and maintained free from dangerous holes or excavations.
- 5.1.4 All vehicles or trailers parked on a lot must be in running order and carry a valid license sticker. This shall not prevent the occupant from storing operable unlicensed vehicles or trailers strictly for the use of off road operation on any lot. Nor shall it prevent an occupant of any premises from repairing a vehicle or trailer for his or her own use and not for commercial purposes while such repair is carried on. Vehicles normally licensed for only part of the year may be stored on the same property for which the use is associated.
- Vehicles or implements with re-usable parts, strictly intended for agricultural use may be stored in a safe and orderly fashion.
- 5.1.5 Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.
- 5.1.6 A building shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the current Provincial Pesticides Act and all regulations passed pursuant thereto. Any continuous openings in a dwelling shall be screened with wire mesh or other such materials in order to exclude vermin, insects and rodents.
- 5.1.7 All wells shall be capped with a structurally secure material and such caps shall be maintained in good repair.
- 5.2 Water: Every dwelling shall be provided with an adequate supply of potable water from a source that can be approved by the Medical Officer of Health and/or the Ministry of Environment and Energy.
- 5.3 Temperature Standards: Every dwelling shall be provided with a heating system capable of maintaining a habitable room temperature of 22 degrees Celsius and a heated crawlspace temperature of 15 degrees Celsius.
- 5.4 Heating System: Heating systems shall be maintained in good repair, in accordance with recognized standards, so as to be capable of heating the building safely.
- 5.5 Electric Service: Where a building is supplied with electrical service, existing wiring and electrical equipment shall be in good, serviceable and safe condition, as required by Ontario Hydro and the Ontario Building Code.
- 5.6 Light: Every habitable room, except for the kitchen and bathroom, shall have a window or windows, skylights or translucent panels that face directly to the outside. The glass area of a sash door may be considered as a portion of the required window area.

- 5.7 Ventilation: Every habitable room shall have an opening or openings for natural ventilation located in the exterior walls or through openable parts of skylights. However, an opening for natural ventilation may be omitted if mechanical ventilation is provided.
- 5.8 Bathroom Ventilation: Every bathroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through an openable part of a skylight. However, an opening for natural ventilation can be omitted where a system of mechanical ventilation has been provided.
- 5.9 Ventilation of Attic, Crawlspace, Etc.: Every attic and unheated crawlspace shall be adequately vented to the outside air.
- 5.10 Kitchen: Every dwelling and dwelling unit shall contain a kitchen area equipped with a sink, serviced with potable water and an approved drainage system, and include storage facilities, a counter top work area, and space for a stove and refrigerator.
- 5.11 Cooking Capabilities: Every kitchen shall have an adequate and approved gas, electrical or other fuel supply for cooking purposes.
- 5.12 Egress: Every dwelling shall have a direct means of egress to provide a safe continuous and unobstructed exit from the interior of the building to the street or grade level. In addition, there shall be a secondary means of egress for dwelling units located on each floor above the second floor, and for two (2) or more dwelling units located in the basement, so as to provide a safe and convenient means of egress in case of emergency.
- 5.13 Secondary Egress: A secondary means of egress may be required for a dwelling unit, if, in the opinion of an Officer, there exists a hazardous condition. In addition where there is only one (1) means of egress from a basement containing one (1) dwelling unit, there shall be a three-quarter (3/4) of an hour fire separation between it and any adjacent dwelling units.
- 5.14 Equipment Maintenance: All safety equipment relative to exits and means of egress, such as doors, closures, smoke seals and pressurized vestibules, latching devices, hinges, exits and the like, shall be maintained and in good repair.

Section 6

Drainage and Sewage

- 6.1 Sewage or organic waste shall be discharged into a sewerage system where such a system exists. Where a sewerage system does not exist, sewage or organic waste shall be disposed of in accordance with Part 8 of the Building Code Act.
- 6.2 Storm water shall be drained from the property so as to prevent excessive ponding, the entrance of water into a building or as in such manner as to affect adjacent properties.
- 6.3 Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede

natural flow of water.

- 6.4 Where eavestroughing is provided, every eavestrough, roof gutter and down pipe shall be maintained in good repair. Repair includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservatives. Where down spouts are provided and are not connected to a sewer, provisions shall be made to prevent soil erosion.

Section 7

7.1 Structural Standards:

- 7.1.1 Basements: Every basement and crawlspace in a dwelling shall be adequately drained and adequately ventilated to the outside air.
- 7.1.2 Foundations: The foundation walls shall be maintained in good repair and structurally sound.
- 7.1.3 Cleanliness: Every floor, wall, ceiling and fixture in a dwelling shall be kept free of rubbish, debris, or conditions which constitute a fire, accident or health hazard.
- 7.1.4 Occupancy Standards: No person shall use, or permit the use of a non habitable room in a building for a habitable purpose.

7.2 Structural Capability:

- 7.2.1 Every building and every structural member of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Material which has been damaged or shows evidence of rot, or other deterioration shall be repaired or replaced.
- 7.2.2 Every exterior wall, roof, porch, chimney or appurtenance of a building shall be maintained in a manner so as to prevent the collapse of same or injury to the occupants of the dwelling or to the public.
- 7.2.3 Every outside stair, porch, balcony or landing actually in use or available for use shall be maintained in good repair so as to be free of holes, cracks or other defects which constitute possible accident hazards.
- 7.2.4 Windows, roofs, exterior doors and basement hatchways shall be maintained in good repair so as to prevent the entrance of outside weather elements into the building.
- 7.2.5 The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and shall be so maintained by the painting, restoring or repairing of the walls.

Section 8

Certificate of Compliance

- 8.1 Following the inspection of a property, the Officer may or on the request of an owner, shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this by-law.

8.2 Where a certificate of compliance referred to in Section 31, Subsection 21 of the Planning Act is issued at the request of the owner, the owner shall be required to pay a fee to the Corporation of the Municipality of Powassan.

Section 9

Penalties:

Any person who contravenes any provision of this by-law or any part thereof shall be guilty of an offence and be liable to a penalty recoverable under the Provincial Offences Act.

Section 10

Enactment:

Resolution Number 2001-06 Moved by Fred Busch

Seconded by Carole Dobbs

Be it resolved that the Council of the Corporation of the Municipality of Powassan approves the first and second reading of By-Law Number 2001-26 to By-Law Number 2001-42 with the exception of By-Law Number 2001-32 and approves the third reading and final passing of said by-laws.

Carried.

Mayor

Clerk