

**THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND**

**BY-LAW NUMBER 1999-32**

**BEING A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE CITY OF CLARENCE-ROCKLAND.**

**WHEREAS** Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 and amendments thereto, provides that a Council of a municipality may pass By-laws to:

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

**WHEREAS** there are in effect in the City of Clarence-Rockland Official Plans which include provisions relating to property conditions; now

**THEREFORE** the Municipal Council of the Corporation of the City of Clarence-Rockland hereby enacts as follows.

**SECTION 1 GENERAL**

**1.1 SHORT TITLE**

This By-law may be cited as the "Property Standards By-law" of The City of Clarence-Rockland.

**SECTION 2 DEFINITIONS**

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

- 2.4 **"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.
- 2.5 **"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.
- 2.6 **"Committee"** shall mean the Property Standards Committee as established under this by-law.
- 2.7 **"Corporation"** shall mean the Corporation of the City of Clarence-Rockland.
- 2.8 **"Dwelling"** shall mean a building or structure or part of a building or structure used or intended to be used as a domicile by one or more persons usually containing cooking, eating, living, sleeping and sanitary facilities and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- 2.9 **"Dwelling Unit"** means a room or a suite operated as a house-keeping 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.
- 2.10 **"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.
- 2.11 **"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 it.
- 2.12 **"Habitable Room"** means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 2.13 **"Land leased community"** means a community where buildings or portions of land is individually leased for living accommodation, but does not include mobile parks.
- 2.14 **"Maintenance"** shall mean the preservation and keeping in repair of a property.
- 2.15 **"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 usually located outside the building.
- 2.16 **"Multiple Dwelling"** means a building containing three or more dwelling units.

- 2.17 "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.
- 2.18 "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.
- 2.19 "Occupant"** shall mean any person or persons in possession of the property.
- 2.20 "Officer"** shall mean a Property Standards Officer who has been assigned by Council with the responsibility of administering and enforcing this by-law.
- 2.21 "Owner"** as defined in the Ontario Building Code Act, as amended.
- 2.22 "Person"** shall mean an individual, firm, corporation, association or partnership.
- 2.23 "Property"** shall mean a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore on hereafter erected and includes vacant property.
- 2.24 "Repair"** shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in the by-law. All repairs shall be made in conformity to the Ontario Building Code Act, the Ontario Water Resources Act, the Plumbing Regulations, the Regulations of Hydro Electric Power Commission of Ontario and Regulations made under the Public Health Act of Ontario.
- 2.25 "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.
- 2.26 "Rubble"** shall mean broken concrete, brick, broken asphalt, patio or sidewalk slabs
- 2.27 "Sewage"** shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

- 2.28** "Standards" shall mean the standards of physical conditions and occupancy set out in the by-law.
- 2.29** "Toilet Room" shall mean a room containing a water closet and a wash basin.
- 2.30** "Vehicle" shall mean a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power.
- 2.31** "Yard" shall mean land other than publicly owned land, around and appurtenant to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with said property and includes vacant land.

### **SECTION 3 MAINTENANCE OF ACCESSORY BUILDINGS AND YARDS**

#### **3.1 ACCESSORY BUILDING**

- 3.1.1** Every accessory buildings shall be kept in good repair and free from health, fire and accident hazards.
- 3.1.2** An accessory building or structure used or capable of being used as an out-house or outdoor pit privy is prohibited and shall be removed from any property unless used on a temporary basis and in conjunction with :
- (a) a construction site, or
  - (b) a public event.

#### **3.2 DRAINAGE**

- 3.2.1** Storm water shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement or cellar.
- 3.2.2** All owners or occupants shall prevent the erosion of the soil in the yard.
- 3.2.3** No roof drainage shall be discharged on sidewalks, stairs or neighbouring property.

**3.2.4** No surface or ground water shall be discharged on neighbouring property

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### **3.3 FENCES**

Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards.

### **3.4 GARBAGE DISPOSAL**

**3.4.1** Sufficient receptacles shall be provided to contain all garbage, rubbish, ashes and waste. The receptacles shall be made of metal or plastic, made of watertight construction, be provided with a tight fitting cover and be maintained in a clean state.

**3.4.2** Every property shall be kept free of refuse or litter.

**3.4.3** Every non-residential building shall provide sufficient receptacles to contain all refuse and litter as may be left by customers or other members of the public.

**3.4.4** The occupant of a residential property may provide for a compost heap in accordance with the health regulations and by-laws of the corporation.

### **3.5 LANDSCAPING**

**3.5.1** Suitable ground cover shall be provided to prevent erosion of the soil. Where grass forms a part of the ground cover, and such grass has been killed, such dead areas shall be re-sodded or seeded as often as required so as to restore the grass to living condition.

**3.5.2** Areas within the yard not covered by buildings or structures, sidewalks, driveways and parking areas shall be maintained to a standard at least compatible with the abutting and adjoining properties.

### **3.6 SAFE PASSAGE**

**3.6.1** Steps, walks, driveways parking spaces and similar uses of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

- 3.6.2** 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.

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### **3.7 SEWAGE**

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. This section does not apply to applications of sewage under normal farming practices.

- 3.7.1** All signs permitted under by-laws of the Corporation shall be maintained in a good state of repair.
- 3.7.2** Signs which are damaged or broken or which are excessively weathered or faded or upon which the finish is worn, peeled or cracked, shall, with their fastenings and supporting members, be removed or refinished and put in a good state of repair.

### **3.8 YARDS**

- 3.8.1** All yards shall be kept clean and free from rubbish, rubble or other debris and from objects or conditions that might create a health, fire or accident hazard, or an unsightly condition out of character with the surrounding environment.
- 3.8.2** Wrecked, dismantled, inoperative or unused vehicles or machinery or any part thereof or unlicensed vehicles where the said vehicle would require a licence under the Highway Traffic Act, shall not be parked, stored or left in any yard except in an establishment licenced or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition. This shall not prevent the occupant of any premises from repairing a vehicle for his own use but not for commercial purposes, while such repair is actively carried on.
- 3.8.3** All yards shall be kept free of weeds, and heavy undergrowth shall be eliminated.
- 3.8.4** Lawns shall be kept trimmed neatly and shall not be overgrown or unsightly.
- 3.8.5** Dilapidated or collapsed structures or partially constructed structures which are not currently under construction or erection and any unprotected well or unsafe condition or unsightly condition, shall be remedied or removed from yard.

**3.8.6** Water in a swimming pool shall be kept and maintained in a condition which is not a health or safety hazard, or is malodorous, or is a breeding place for insects.

**3.8.7** All yard shall be kept clean and free from any dead, decayed or damaged tree and branches or limbs thereof which create an unsafe or unsightly condition.

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**3.8.8** Any excavated hole in any yard shall be filled up unless enclosed by a temporary barrier at least 122 centimetres (48 inches) in height in such a manner as to prevent an unsafe condition.

**3.8.9** Where a dwelling unit or accessory building has a solid fuel burning device, the storage in a yard of fire wood shall:

- (a) not be permitted in any front yard;
- (b) be arranged in one area, neatly piled;
- (c) not exceed a quantity which is placed in an area no greater than 16 feet in length, 8 feet in width and 4 feet in height.
- (d) be at least (1) one metre from the property line.

**3.8.10** A boat which exceeds an overall length of 18 feet shall not be stored or placed in any front yard;

**3.8.11** A boat or boat and trailer combination which exceeds an overall height of 11½ feet as measured from the ground to the highest point of the boat shall not be stored or placed in any yard within fifteen (15) feet from the property line;

**3.8.12** The provision of section 3.9.11 of this By-law shall not apply where the yard or land abuts a navigable body of water.

**3.8.13** Bulk storage tank shall not be stored in any front yard and shall conform with the Ontario Gasoline Handling Act as amended.

**3.8.14** Furnaces, water and fuel tanks, household furniture, refrigerators, freezers, stoves or similar appliances whether operable or inoperable or any part thereof shall not be stored or left in any yard except in an establishment licenced or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition.

### **3.9 AIR CONDITIONERS**

All air conditioners shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits of the property by reason of noise or condensation drainage.

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### **3.10 BURNT MATERIAL & DEMOLISHED MATERIAL**

- 3.10.1** In the event of fire or explosion, damaged or partially burnt material, demolished material shall be forthwith removed from the premises, except that such material may be temporarily stored for a maximum period of thirty (30) days within the barricaded fire damaged building or unit.
- 3.10.2** Any foundation left after a fire, explosion or the demolition of a structure shall be filled up within thirty (30) days, in such a manner as to prevent an accident hazard.
- 3.10.3** For the purpose of any lawful investigation conducted by a recognised agency, section 3.11 of this by-law does not apply until the conclusion of the investigation.

## **SECTION 4 RESIDENTIAL STANDARDS FOR RENTAL UNITS**

- 4.1** Sections 4.3 to 4.20 apply to any residential property or dwelling occupied by persons other than the property owner for which compensation is paid to the property owner or his or her agent. The other sections of this by-law also apply to rental residential property as described in Section 4.1.
- 4.2** Investigation of infractions of standards set in Sections 4.3 to 4.20 of this by-law shall be initiated upon receipt of a written complaint from one of the parties involved or another government agency or without any complaint received.

### **4.3 GENERAL CONDITIONS**

- 4.3.1** Every tenant or occupant 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.

**4.3.2** Every tenant or occupant 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.

**4.3.3** Accumulations or storage of garbage, refuse, appliances or furniture in means of egress shall not be permitted.

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#### **4.4 PEST PREVENTION**

**4.4.1** 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.

**4.4.2** Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

#### **4.5 FOUNDATIONS**

Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, when necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints and floors.

#### **4.6 WINDOWS AND DOORS**

**4.6.1** 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.

**4.6.2** In a rental 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.

**4.6.3** Solid core doors shall be provided for all entrances to dwellings and dwelling units.

**4.6.4** 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.

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**4.6.5** 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 a 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.

#### **4.7 WALLS, CEILINGS AND FLOORS**

**4.7.1** 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.

**4.7.2** 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.

**4.7.3** 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.

#### **4.8 GUARDS**

**4.8.1** Guards shall be installed and maintained wherever,

- (a) there is a vertical drop of more than 600 millimetres (including along the open sides of stairs, ramps, balconies, mezzanines and landings; and
- (b) they would be required for a newly constructed or renovated area under the Ontario Building Code made under the Building Code Act, 1992.

**4.8.2** A guard required by Subsection 4.8.1 shall provide reasonable protection from

accidental falls for any person on the premises.

#### **4.9 KITCHENS**

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;

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- (b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- (c) a counter or work area at least 0.61 m (2 ft.) in width by 1.22 m (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 the suitable electrical or gas connections.

#### **4.10 TOILET AND BATHROOM FACILITIES**

**4.10.1** Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin and a bathtub or suitable shower unit. Every wash basin 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.

**4.10.2** 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.

**4.10.3** Where toilet or bathroom facilities are shared by occupants or 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.

#### **4.11 PLUMBING**

**4.11.1** Each wash basin, 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).

**4.11.2** Every dwelling unit shall be provided with an adequate supply of potable running water from the water treatment plant of the Corporation or another source of potable water approved by the Medical Officer of Health.

**4.11.3** 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.

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**4.11.4** All plumbing fixtures shall be connected to the sewage system through water seal traps.

**4.11.5** 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 defect that may harbour germs or impede thorough cleansing.

## **4.12 ELECTRICAL SERVICE**

**4.12.1** Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system as required under the Electrical Safety Code of Ontario.

**4.12.2** The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order to as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.

**4.12.3** Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 sq. ft.) of floor space, and for each additional 9.3 square metres (100 sq. ft.) of floor area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.

**4.12.4** Every bathroom, toilet room, kitchen, laundry room, furnace room, basement cellar and non-habitable work or storage room shall be provided with a permanent light fixture.

- 4.12.5** Lighting fixtures and appliances installed throughout a residential building, including dwelling units, stairways, hallway corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.
- 4.12.6** This section does not apply to a residential complex that has never been connected to an electrical power system.

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#### **4.13 HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

- 4.13.1** Every dwelling and building containing a residential dwelling unit 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 heat the individual dwelling units to the required standard.
- 4.13.2** 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 and, or other applicable legislation.
- 4.13.3** Where a heating system or part thereof requires solid or liquid fuel to operate a place or receptacle for such fuel, it shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 4.13.4** Every dwelling shall be 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.
- 4.13.5** 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.
- 4.13.6** 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.

**4.13.7** 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.

#### **4.14 FIRE ESCAPES, ALARMS AND DETECTORS**

**4.14.1** A listed fire alarm and a 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 persons, except that such systems need not be provided where a public corridor or exit serves not more than four dwelling units or individual leased sleeping rooms.

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**4.14.2** In addition to the provisions of article 4.14.1 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;

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

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

#### **4.15 EGRESS**

**4.15.1** 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.

**4.15.2** Each dwelling containing more than one dwelling unit shall have a least two exists,

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 0.558 metres, (42 x 22 inches) with a sill height of not more than 0.914 metres (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.

#### **4.16 NATURAL LIGHT**

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.

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#### **4.17 VENTILATION**

**4.17.1** 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 provide hourly air exchanges.

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

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

#### **4.18 ELEVATING DEVICES**

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.

#### **4.19 OCCUPANCY STANDARDS**

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

**4.19.2** No room shall be used for sleeping purposes unless it has a minimum width of two metres and a floor area of at least seven square metres. A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres per person.

**4.19.3** 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) floor 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;

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- (d) access to each habitable room shall be gained without passage through a service room.

## **SECTION 5 MOBILE HOME PARKS AND LAND LEASE COMMUNITIES**

**5.1** Sections 5.3 to 5.8 apply to mobile home parks and land lease communities.

**5.2** The other sections of this by-law also apply to mobile home parks and land lease communities.

### **5.3 WATER**

A supply of potable water and water pressure that are sufficient for normal household use shall be available for each rental unit in a mobile home park or land lease community.

### **5.4 PRIVATE ROADS**

**5.4.1** Private roads within a mobile home park or land lease community shall be;

- (a) kept free of holes and cleared of snow and obstructions;

- (b) maintained to control dust; and
- (c) kept passable for pedestrians and vehicular traffic.

**5.4.2** Excavations made for repairs shall be filled in and the ground returned to its previous condition.

**5.5** Mailboxes and the approaches to them shall be kept free of snow and other obstructions.

**5.6** Where the distance between mobile homes is three metres or more, that distance shall not be reduced to less than three metres through the addition of a deck, ramp or by any other means, unless a lesser distance provides an adequate degree of fire safety.

## **5.7 SEWAGE**

Sewage holding tanks in a mobile home park or land lease community shall be emptied whenever necessary.

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## **5.8 ELECTRICAL**

Electrical supply and connections in a mobile home park or land lease community supplied by the landlord shall be maintained free of conditions dangerous to persons or property.

## **SECTION 6 RESIDENTIAL STANDARDS**

**6.1** Sections 6.2 to 6.5 apply to all residential property.

### **6.2 ROOFS**

**6.2.1** Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

**6.2.2** The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.

**6.2.3** Where eaves trough and or, roof gutters are provided, it shall be kept in good repair,

free from obstructions and properly secured to the building.

### **6.3 STAIRS, PORCHES AND BALCONIES**

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.

### **6.4 STRUCTURAL SOUNDNESS**

**6.4.1** 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 to that as required by the Ontario Building Code.

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

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### **6.5 EXTERIOR WALLS**

**6.5.1** 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.

**6.5.2** Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

## **SECTION 7 VACANT BUILDINGS AND LANDS**

**7.1** 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.

**7.2** The owner 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 inch) weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened.

**7.3** Vacant land shall be maintained to the standards as described in Section 3 Article 3.9, of this By-law.

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

## **SECTION 8 NON-RESIDENTIAL PROPERTY STANDARDS**

### **8.1 YARDS**

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 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 ft.) in height and maintained in good repair.

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### **8.2 PARKING AREAS AND DRIVEWAYS**

**8.2.1** 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.

**8.2.2** 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.

### **8.3 STRUCTURAL SOUNDNESS**

**8.3.1** 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, having 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.

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

#### **8.4 EXTERIOR WALLS**

**8.4.1** Exterior walls of a building or a structure and their components, including soffits, fascia, window 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.

**8.4.2** Exterior walls of a building or a structure and their components, shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

#### **8.5 GUARDS**

**8.5.1** Guards shall be installed and maintained wherever;

- (a) there is a vertical drop of more than 600 millimetres (including along the open sides of stairs, ramps, balconies, mezzanines and landings; and
- (b) they would be required for a newly constructed or renovated area under the Ontario Building Code made under the Ontario Building Code Act, 1992.

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**8.5.2** A guard required by Subsection 8.5.1 shall provide reasonable protection from accidental falls for any person on the premises.

#### **8.6 LIGHTING**

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

## **9.1 APPLICATION OF BY-LAW**

- 9.1.1** This by-law shall apply to all property within the boundaries of the Corporation of the City of Clarence-Rockland.
- 9.1.2** Where a provision of this by-law conflicts with a provision of another by-law in force in the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public, shall prevail.
- 9.1.3** If any section, clause or provision of this by-law is for any reason held by a court of competent jurisdiction to be invalid, the validity of the remaining sections shall continue to be in effect until repealed.

## **9.2 PROPERTY STANDARDS OFFICER AND PROPERTY STANDARDS COMMITTEE**

- 9.2.1** The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-law.
- 9.2.2** Council shall appoint at large, by resolution or by By-law of Council no fewer than three (3) persons of the municipality to the Property Standards Committee for the term of office concurrent with Council.
- 9.2.3.** Each member of the Property Standards Committee, appointed by Council, shall be entitled to a honorarium of fifty dollars (\$50) per meeting for their attendance at the Committee meetings.
- 9.2.4.** Every person who initiates an appeal of an Order made under Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment of seventy five dollars (\$75).

### **9.3 ISSUANCE OF CERTIFICATE OF COMPLIANCE**

**9.3.1** Following the inspection of a property, the Officer may, or on the request of the Owner, issue to the Owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards of this by-law.

**9.3.2** If a Certificate of Compliance is issued at the request of the Owner, the Owner shall pay a fee of twenty-five dollars (\$25).

### **SECTION 10 COMPLIANCE**

**10.1** All owners or occupants of property shall comply with the standards prescribed in this by-law and any Property Standards Order as confirmed or modified.

**10.2** All property within the municipality that does not conform with the standards contained in this by-law shall be repaired and maintained to conform with the standards of the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

### **SECTION 11 AUTHORITY**

**11.1** That By-law 1981-16 (Town of Rockland) is hereby repealed.

**11.2** This by-law shall come into force on the date it is passed by the Council of the Corporation of the City of Clarence-Rockland.

**READ A FIRST, SECOND AND DULY PASSED UPON THE THIRD READING, THIS  
14 TH DAY OF SEPTEMBER 1999.**

**(SIGNED) Jean Pierre Pierre**

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**MAYOR**

**(SIGNED) Daniel Gatién**

**CLERK**

