

# THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

## BY-LAW # 8 - 2003

### PROPERTY STANDARDS BY-LAW

**Being a By-law to prescribe standards for the  
maintenance and occupancy of buildings and property.**

**WHEREAS** the Council of the Corporation of the Township of Armour is empowered under Section 15 of the Ontario Building Code Act, as amended, to pass a by-law for;

- 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,
- 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 a graded and neat condition;

**AND WHEREAS** the Official Plan for the Corporation of the Township of Armour includes provisions relating to property conditions;

**NOW THEREFORE** the Council of the Corporation of the Township of Armour enacts as follows:

#### **SECTION 1: GENERAL**

##### **1.1 Short Title**

This By-law may be cited as the "**Property Standards By-law**".

##### **1.2 Defined Area**

This By-law applies to all property within the boundaries of the Township of Armour.

##### **1.3 Scope**

No property shall be used and no building or structure or part thereof, shall be erected, altered, enlarged, maintained, used, or occupied for any purpose within the Township of Armour, except in conformity with the provisions of this By-law.

##### **1.4 Validity**

If any provision of this By-law is declared invalid for any reason, the remaining provisions shall remain in effect.

##### **1.5 Effective Date**

This By-law shall come into full force and effect as of the date of passing.

## **SECTION 2: DEFINITIONS**

Wherein definitions may come in conflict with those contained in the Township Zoning By-law, the Zoning By-law intent and meaning shall take precedence.

### **2.1 Accessory Buildings:**

A detached building subordinate and related to the primary use on the property, not used for human habitation, and located on the same property as the main building.

### **2.2 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 and which are not obnoxious, including the sale on the premises of produce grown or raised on the premises.

### **2.3 Basement:**

That portion of a building or structure within which, 50% or more of the interior wall height is below the finished grade, adjacent to one or more of the exterior walls of the building or structure, but does not include a storey or part of a storey.

### **2.4 Bathroom:**

A room containing a water closet, a basin, and a shower or bathtub.

### **2.5 Building:**

A structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation, or enclosure of, persons, animals, or chattels, and includes any structure defined as a building in The Ontario Building Code Act.

### **2.6 "B.E.O"**

By-law Enforcement Officer appointed by Council and charged with the duty of enforcing the provisions of this By-law, other related By-laws and any amendments thereto.

### **2.7 "C.B.C.O"**

The Certified Building Code Official appointed by the Council and charged with the duty of enforcing the provisions of The Ontario Building Code Act, or any successors thereto, together with any Regulations made thereunder.

### **2.8 Committee:**

The Property Standards Committee appointed to oversee the enactment and administration of this bylaw.

### **2.9 Council:**

The Council of the Corporation of the Township of Armour.

**2.10 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, seasonally, temporarily.

**2.11 Dwelling Unit:**

A room or group of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and which may contain cooking, eating, living, sleeping and sanitary facilities.

**2.12 Finished Grade:**

The level of proposed or finished ground adjoining a building at the exterior walls.

**2.13 Foundation:**

A structure of a building through which the loads from the building are transferred to supporting soil or rock such as a footing, pile or pier.

**2.14 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.

**2.15 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 by reason of deterioration, damage or defacement.

**2.16 Habitable Room:**

Any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping or cooking purposes.

**2.17 Landscaped Open Space:**

(a) An area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and paths, walks, patios, fences and similar appurtenances, but

(b) Does not include parking areas, parking lots, driveways or ramps.

**2.18 Maintenance:**

The preservation and keeping in good repair of a property and building.

**2.19 Means of Egress:**

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 a safe area of refuge usually located outside the building.

**2.20 Multiple Dwelling:**

A building containing two or more dwelling units.

**2.21 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.

**2.22 Noxious Weeds:**

Any weeds classed as noxious by the Weed Control Act R.S.O. 1990, as amended from time to time.

**2.23 Occupancy:**

The use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

**2.24 Occupant:**

Any person or persons over the age of eighteen years in ownership or possession of the property.

**2.25 Outside Weather Elements:**

Includes wind, rain, snow, sleet, or hail, etc.

**2.26 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.

**2.27 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.

**2.28 Property:**

A building or structure or part of a building or structure including the lands and premises appurtenant thereto and all accessory buildings, mobile homes, mobile structures, fences, and

includes vacant land.

### **2.29 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.

### **2.30 Rubbish:**

Any combustible or noncombustible, discarded or waste material, except garbage.

### **2.31 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.

### **2.32 Sewage System:**

A sewage system as defined in The Environmental Protection Act, as amended from time to time.

### **2.33 Standards:**

The standards of physical condition and of occupancy prescribed for property in this By-law.

### **2.34 Storey:**

That portion of a building, other than the attic or basement, included between the surface of any floor, and the surface of the floor, roof deck, or deck ridge, next above it.

### **2.35 Structurally Sound:**

Construction capable of withstanding the forces placed upon the building under normal use.

### **2.36 Structure:**

A constructed form that is built of elements joined together and located under, on or above grade, but does not include any paved surface located directly on the ground.

### **2.37 Vermin:**

Small common noxious animals that are difficult to control.

### **2.38 Waste or Waste Material:**

Any articles or thing that have been cast aside, discarded, abandoned, or is deemed to be worthless, useless, or of no practical value, or is deemed to be used up in whole or in part or expended or worn out and shall include but is not limited to:

- (a) accumulations or deposits of litter, rubbish, garbage, trash;
- (b) refrigerators, freezers or other appliances or parts thereof;
- (c) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (d) inoperative motor vehicles;
- (e) paper, cartons, fabrics or carpets;
- (f) furniture;
- (g) piping, tubing conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits, or cable; (h) containers or pallets of any size, type or composition;
- (i) material resulting from, or as part of, construction or demolition of projects;
- (j) rubble, inert fill except loose soil, sand or gravel.

### **2.39 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 3: PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS**

### **3.1 General:**

#### **3.1.1 Garbage and Rubbish:**

Every building, dwelling, or dwelling unit, 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 Ministry of Environment and Energy.

#### **3.1.2 Yards:**

(a) Every yard shall be kept clean and free from rubbish or debris and objects or conditions that may create a hazard.

(b) All property is subject to the conditions set forth in the Weed Control Act and amendments thereto.

**3.1.3** All yards shall be kept and maintained free from dangerous holes or excavations.

**3.1.4** No vehicle including a trailer, or any part of such vehicle or trailer, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left outdoors on any property in the Township of Armour with the following exceptions:

(a) where a vehicle or trailer is being repaired by the owner for his or her own use;

(b) where a vehicle or trailer is operable and designated for off road use only by the manufacturer or MTO, this includes any farm equipment used for agricultural purposes;

(c) where a vehicle or trailer is normally licensed for only part of the year.

**3.1.5** 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.

**3.1.6** A building shall be kept reasonably 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.

**3.1.7** All wells shall be capped with a structurally secure material and such caps shall be maintained in good repair in accordance with applicable standards.

## **3.2 Water:**

**3.2.1** Every dwelling shall be provided with an adequate supply of potable water adequate for normal household use from a source that can be approved by the Medical Officer of Health and/or the Ministry of Environment and Energy.

**3.2.2** If for good and valid reason, a non-potable source of water supply exists, it must be signed accordingly and be specifically labeled as unsafe for consumption.

**3.2.3** All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working conditions free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

## **3.3 Temperature Standards:**

Every dwelling shall be provided with a heating system capable of maintaining a habitable room temperature of 21 degrees Celsius.

## **3.4 Heating System:**

Heating systems shall be maintained in good repair, in accordance with applicable standards, so as to be capable of heating the building safely.

## **3.5 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 applicable electrical codes.

## **3.6 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.

### **3.7 Ventilation:**

**3.7.1** Every habitable room shall have an opening or openings for natural ventilation located in the exterior walls or through open able parts of skylights. However, an opening for natural ventilation may be omitted if mechanical ventilation is provided.

#### **3.7.2 Bathroom Ventilation:**

Every bathroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through an open able part of a skylight. However, an opening for natural ventilation can be omitted where a system of mechanical ventilation has been provided.

#### **3.7.3 Ventilation of Attic, Crawlspace, Etc.:**

Every attic and unheated crawlspace shall be adequately vented to the outside air.

### **3.8 Kitchen:**

**3.8.1** Every dwelling 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.

#### **3.8.2 Cooking Capabilities:**

Every kitchen shall have an adequate and approved gas, electrical or other fuel supply for cooking purposes.

### **3.9 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.

### **3.10 Fire Escapes, Alarms and Detectors**

**3.10.1** 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 (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units of individual leased sleeping rooms.

**3.10.2** In addition to the provisions of Section 3.10.1 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 shall be:

(a) equipped with visual or audio indication that they are in operating condition and

(b) mounted on the ceiling or on a wall between 150 and 300 mm (6 to 12 inches) below the ceiling.

**3.10.3** 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 open able window or door.

### **3.11 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 4: DRAINAGE AND SEWAGE**

**4.1** Sewage or organic waste shall be discharged into a sewage system where such a system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in accordance with the policies of the Environmental Protection Act

**4.2** Storm water shall be drained from the property so as to prevent excessive ponding, the entrance of water into a building or in such manner so as to affect adjacent properties.

**4.3** 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.

**4.4** Where eaves troughing is provided, every eaves trough, roof gutter and down spout shall be maintained in good repair. Repair includes the repairing, replacing or restoring of defective or missing parts or components. Where down spouts are not connected to a sewer, provisions shall be made to direct water drainage away from foundations to prevent soil erosion.

## **SECTION 5: STRUCTURAL STANDARDS**

### **5.1 Standards:**

#### **5.1.1 Basements:**

Every basement and crawlspace in a dwelling shall be adequately drained and adequately ventilated to the outside air.

#### **5.1.2 Foundations:**

The foundation walls shall be maintained in good repair and structurally sound.

#### **5.1.3 Cleanliness:**

Where a public corridor or exit serves more than one dwelling unit, it shall be kept free of rubbish, debris, or conditions which constitute a fire, accident or health hazard.

#### **5.1.4 Occupancy Standards:**

No person shall use, or permit the use of a non habitable room in a building for a habitable purpose.

## **5.2 Structural Capability:**

**5.2.1** Every building and every structural member of 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.

**5.2.2** 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 any persons.

**5.2.3** Every stair, porch, balcony or landing shall be maintained in good repair so as to be free of any defects which constitute possible accident hazards.

**5.2.4** 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.

**5.2.5** 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.

**5.2.6** A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair for 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 in a rigid nature, as defined in The Ontario Building Code.

## **SECTION 6: RENTAL PROPERTIES**

**6.1** All rental properties shall be maintained according to the requirements set forth in the Tenant Protection Act and amendments thereto and in accordance with the provisions of this By-law.

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

**7.1** Vacated lands and buildings shall be maintained to the standards described in this By-law.

## **SECTION 8: ADMINISTRATION AND ENFORCEMENT**

This section prescribes the procedure for the enforcement of the standards and shall be carried out according to The Ontario Building Code Act.

### **8.1 Property Standards Committee**

A Property Standards Committee shall be established to receive complaints made under this By-law and to forward valid complaints to the appropriate official of the Township of Armour. The Committee shall be comprised of no fewer than three (3) persons of the municipality for a three year term of office. The term of office of the Property Standards Committee shall begin in the second year of the term of office of the Council. The C.B.O. and B.E.O. shall be considered ex-officio members of this Committee.

**8.1.1** All complaints must be submitted in writing, signed by the complainant, and submitted to

the Secretary of the Property Standards Committee.

**8.1.2** The Secretary shall, within a predetermined period of time, call a meeting of the Property Standards Committee.

## **8.2 Non-Compliance**

The owner of any property which does not conform to the standards as set out in this By-law shall repair and/or maintain said property to comply with the standards or the property shall be cleared of the non-conforming buildings, structures, debris or refuse and left in a neat and graded condition.

## **8.3 Notice of Violation**

The notice shall be sent to the last known address of the owner and shall state:

**8.3.1** 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.

**8.3.2** That after a certain date to be specified in the notice of non-compliance by the Officer, the property will be subject to a reinspection at which time the Officer may issue an Order.

**8.3.3** 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 this By-law.

## **8.4 Appeal of Notice**

The following process shall be followed on all appeals:

**8.4.1** 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.

**8.4.2** The Secretary of the Property Standards Committee, in receipt of the notice of appeal shall:

(1) determine the date, place and time of the hearing of 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;

(2) give notice in writing of the date, place and time of the hearing referred to in paragraph 8.4.3, to both the appellant and the Officer who issued the order.

**8.4.3** The Property Standards Committee shall hold the hearing at the date, place and time set out in this notice.

**8.4.4** The Property Standards Committee may:

(1) confirm the order;

(2) modify or quash the order, or;

(3) extend the time for complying with the order provided that the general intent and purpose of this By-law is maintained.

**8.4.5** The Property Standards Committee shall give its decision in writing.

## **SECTION 9: ENFORCEMENT**

This By-law shall be enforced on a complaint basis and pursuant to the provisions of Section 15 of The Ontario Building Code Act, as amended.

## **SECTION 10: PENALTIES**

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

## **SECTION 11: RECOVERY OF EXPENSE**

In addition to any other remedy and to any other penalty imposed under this By-law or under The Ontario Building Code Act, as amended, where any person is in default in doing any matter or thing directed or ordered to be done pursuant to this By-law, such matter or thing may be done by the Corporation at the expense of such person and the Corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes.

## **SECTION 12: CERTIFICATE OF COMPLIANCE**

### **12.1 Issuance**

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.

### **12.2 Fees**

Where a certificate of compliance referred to in Section 15 of the Ontario Building Code Act is issued at the request of the owner, the owner shall be required to pay a fee to the Corporation of the Township of Armour.

## **SECTION 13: OTHER REMEDIES PROTECTED**

The imposition of a penalty under this By-law shall not be a bar to further prosecution under this By-law and shall not preclude any other proceeding or remedy against a person or a building which does not conform to the standards of this By-law.

## **SECTION 14: OTHER BY-LAWS**

If a provision of this By-law conflicts with a provision of another By-law of the Corporation, the provision which established the higher standard to protect the health, safety and welfare of the occupants and of the general public shall prevail.

## **SECTION 15: ENACTMENT**

Read a first this 28<sup>th</sup> day of January, 2003.

Read a second time this 11<sup>th</sup> day of February, 2003.

Read a third, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 11<sup>th</sup> day of February, 2003