

THE CORPORATION OF THE TOWNSHIP OF NAKINA

BY-LAW NUMBER 5 1988.

PROPERTY STANDARDS BY-LAW

Being a By-Law to Establish Standards  
for the Maintenance and Occupancy of  
Property Within the Township of Nakina

THE CORPORATION OF THE TOWNSHIP OF NAKINA

BY-LAW NUMBER \_\_\_\_\_ 19\_\_

PROPERTY STANDARDS BY-LAW

I N D E X

<u>SECTION 1: GENERAL</u>	<u>PAGE</u>
1.1 Title	1
1.2 General Duties and Obligations	2
1.3 Compliance with Other Restrictions	2
1.4 Renovations under Part 11 of Ontario Building Code	2
<u>SECTION 2: INTERPRETATION AND DEFINITIONS</u>	
2.1 General	2
2.2 Definitions	2
<u>SECTION 3: ADMINISTRATION AND ENFORCEMENT</u>	
3.1 Application	6
3.2 Property Standards Officer	7
3.3 Inspection	7
3.4 Right to Enter and Inspect	7
3.5 Notice of Violation	7
3.6 Contents of Order	8
3.7 Order to be Sent to Last Known Address	9
3.8 Substituted Service	9
3.9 Registration of Notice	9
3.10 Certificate of Compliance	9
3.11 Power of the Township to Repair or Demolish	10
3.12 Property Standards Committee	10
3.13 Appeal to the Committee	11
3.14 Appeal to the Judge	12
3.15 Scheduling of the Hearing	12
3.16 Judge's Decision	12
3.17 Effect of Decision	12
3.18 Removal of Placards	12
<u>SECTION 4: RESIDENTIAL PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS</u>	
4.1 Maintenance of Yards	13
4.2 Accessory Buildings and Structures	15
4.3 Sewage, Drainage and Water Supply	15
4.4 Exterior Maintenance of Dwellings	16

THE CORPORATION OF THE TOWNSHIP OF NAKINA

BY=LAW NUMBER \_\_\_\_\_ 19 \_\_\_\_\_

I N D E X - Page 2

<u>SECTION 5: RESIDENTIAL PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS (RENTAL)</u>		Page
5.1	Maintenance of yards	18
5.2	Accessory Buildings and Structures	18
5.3	Sewage, Drainage and Water Supply	18
5.4	Exterior Maintenance of Dwellings	18
5.5	Interior Maintenance of Dwellings	18
<u>SECTION 6: NON-RESIDENTIAL PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS (RENTAL AND NON-RENTAL)</u>		
6.1	Maintenance of Yards	22
6.2	Accessory Buildings and Structures	24
6.3	Sewage and Drainage	25
6.4	Exterior Maintenance of Buildings	25
6.5	Interior Maintenance of Buildings	27
<u>SECTION 7: VACANT LAND PROPERTY STANDARDS (ALL PROPERTY)</u>		
7.1	Rubbish and Debris	30
7.2	Drainage	30
7.3	Wrecked or Abandoned Vehicles	30

THE CORPORATION OF THE TOWNSHIP OF NAKINA

BY-LAW NUMBER \_\_\_\_\_

Being a By-Law to establish standards for the maintenance and occupancy of property within the Township of Nakina.

WHEREAS Section 31 of the Planning Act, 1983, authorizes the Council of a municipality that has an Official Plan in effect that includes provisions relating to property conditions, to pass a by-law for prescribing standards for the maintenance and occupancy of property within the municipality and for the prohibiting the occupancy or use of such property that does not conform to the standards; for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition; and for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to the said Section or a by-law passed under the authority of the said Section;

AND WHEREAS The Corporation of the Township of Nakina has an Official Plan that includes provisions relating to property conditions;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF NAKINA ENACTS AS FOLLOWS:

SECTION 1: GENERAL

1.1 TITLE

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

1.2 GENERAL DUTIES AND OBLIGATIONS

No person shall:

- a) use or occupy,
- b) permit the use of occupancy of,
- c) rent from or to, or offer to rent from or to, another person,

any property that does not conform to the standards.

1.3 COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a government authority having jurisdiction to make such restrictions.

1.4 Renovations under Part 11 of Ontario Building Code

Notwithstanding anything elsewhere contained herein, where renovations have been made to an existing building under the authority of a building permit issued pursuant to part 11 of the Ontario Building Code, such renovations shall be deemed to comply with the standards.

SECTION 2: INTERPRETATION AND DEFINITIONS

2.1 General

- (a) In this By-law, the word "shall" is mandatory and not directory.
- (b) Unless otherwise expressly stated, reference to legislation shall mean Ontario Legislation and includes the Act, Regulation or provision as amended and revised from time to time and any Act, Regulation or provision enacted in substitute therefor.
- (c) The headings in this By-law have been inserted for convenience and reference only and cannot define, limit or expand the scope or meaning of this By-law or any of its provisions.
- (d) Unless expressly stated, terms shall, for the purpose of this By-law, have the meanings set out in section 2.2. Where terms are not set defined under the provisions of this By-law, they shall have the meanings ascribed to them in the Revised Statutes of Ontario, or if not defined in the Revised Statutes, they shall have ascribed to them their ordinary accepted meaning and such as the context herein may imply.

2.2 Definitions

In this By-law,

- (a) "accessory building" means a subordinate building or structure, or portion of a main building, the use of which is incidental to that of the main building and is on the same lot as the main building and which is not used or intended for use as human habitation;
- (b) "basement or cellar" includes any room in a structure of which not less than one half of the volume is below the finished grade of the ground appurtenant thereto;

- (c) "balustrade" means a protective barrier that acts as a guard around openings in floors or at the open side of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another and such barrier may or may not have openings through it;
- (d) "bathroom" means a room containing a bathtub or shower with or without a toilet and basin;
- (e) "building" means any structure used or intended for shelter, housing or enclosure of any person, animal or chattel;
- (f) "committee" means the Property Standards Committee established pursuant to the provisions of this By-law;
- (g) "dwelling" includes, but is not limited to:
  - (i) a building or structure or part of a building or structure occupied, designed or capable of being occupied in whole or in part for human habitation and include a vacant building or structure that could be occupied for such use except for its state of disrepair, and
  - (ii) tents, trailers, mobile dwelling units, cabins, rooming houses, lodging houses, hostels, group homes and emergency shelters;
- (h) "dwelling unit" means one or more rooms in a dwelling connected together as a separate unit in the same building or structure and constituting an independent housekeeping unit;
- (i) "eaves" mean the lower border of the roof that overhangs the wall and is designed to collect and transport rain water away from the building;
- (j) "fire resistance rating" means the time in hours or fractions thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived therefrom, as prescribed in the Regulations made under the Fire Marshalls Act (Fire Code);

- (k) "fire separation" means a construction assembly that acts as a barrier against the spread of fire and may not be required to have a fire resistance rating or a fire protection rating;
- (l) "ground cover" means material applied to prevent the erosion of the soil and may include materials such as concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;
- (m) "habitable room" means any room in a dwelling unit designed to be used for living, sleeping, cooking or eating purposes, but does not include the following: bathroom, toilet room, laundry room, pantry, lobby, corridor, hall, cellar, attic, stairway, closet, boiler room or other spaces for service or maintenance of the dwelling or access to or vertical travel between floors of the dwelling;
- (n) "land" includes lands whether occupied or unoccupied, but excludes publicly owned land;
- (o) "lot" means a parcel of land, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed or which is a whole lot as shown on a Registered Plan of Subdivision subject to the provisions of the Planning Act, 1983 as amended;
- (p) "main building" means the building which contains the principal use of the lot on which the building is located;
- (q) "maintenance" means the preservation and keeping in repair of a property;
- (r) "means of egress" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other egress facility or combination thereof, for the escape of persons from any point in a building, floor area, room or contained open space to a public thoroughfare and includes both exits and access to exits;
- (s) "mixed use building" for the purposes of this By-law means a building used in part for a residential purpose and in part for non-residential purposes;

- (t) "non-habitable room" means any room in a dwelling or dwelling unit other than a habitable room and includes bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room and space used for service or maintenance of the dwelling, and for access to, and vertical travel between, storeys;
- (u) "non-residential property" means a building or structure or part of a building or structure not occupied for the purpose of human habitation, with the lands and premises appurtenant thereto, and all outbuildings, fences or erections thereon and therein;
- (v) "occupancy" means the use or intended use of a property or part thereof;
- (w) "occupant" means any person or persons over the age of eighteen (18) years in possession of the property;
- (x) "order" means an order issued pursuant to this By-law;
- (y) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would 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 or any of them;
- (z) "portable water" means water deemed fit to drink by the Medical Officer of Health of the Thunder Bay District Health Unit;
- (aa) "property" means a building or structure or part of a building or structure together with land and premises appurtenant thereto, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant land;
- (bb) "property standards officer" means such officer as may from time to time be assigned by the Council the responsibility of administering and enforcing this By-law;



- (cc) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to standards;
- (dd) "residential property" means any property in which one or more dwelling units is located;
- (ee) "residential rental property" means any residential property in respect of which there exists one or more landlord-tenant relationships;
- (ff) "sewage system" means the Township's sanitary sewage system or a private sewage disposal system approved by the Ministry of the Environment under the Regulations of the Environmental Protection Act and the Regulations thereunder;
- (gg) "standards" means the standards for maintenance and occupancy prescribed by this By-law;
- (hh) "toilet room" means a room containing a toilet;
- (ii) "Township" means the Corporation of the Township of Nakina;
- (jj) "vehicle" includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power;
- (kk) "yard" means the land around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.

### SECTION 3: ADMINISTRATION AND ENFORCEMENT

This section prescribes the procedures for enforcement of standards which are in addition to those procedures prescribed in the Planning Act.

#### 3.1 Application

This By-Law shall apply to all property within the Corporate boundaries of the Township of Nakina as amended from time to time.

3.2 Property Standards Officer

The Council of the Township of Nakina shall, by resolution, appoint a Property Standards Officer, who shall be responsible for the administration and enforcement of this By-Law.

3.3 Inspection

The Property Standards Officer shall attend and inspect any property:

- i) upon receipt of a written complaint submitted in the form and manner prescribed by Council;
- ii) upon instruction by Council;

or

iii) if the Property Standards Officer has reasonable grounds to believe that the property does not comply with the standards of this By-Law.

3.4 Right to Enter and Inspect

An Officer or any person acting under his instruction:

- a) may, at all reasonable times and upon producing proper identification, enter and inspect any property, but
- b) shall not enter any room or place actually used as a dwelling unit without,
  - i) the consent of the occupier, or
  - ii) the authority of a search warrant issued pursuant to the provisions of the Provincial Offences Act.

3.5 Notice of Violation

If, after inspection, the Officer is satisfied that, in some respect, the property does not conform to standards prescribed in this By-Law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all owners of the property shown by the records of the registry office, the land titles office and the sherriff's office to have any interest therein, a notice containing particulars of the non-conformity and

may, at the same time, provide all occupants with a copy of such notice. the notice shall state:

- a) 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;
- b) 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 under section 3.6 of this By-Law;
- c) that the Officer may be contacted for the purpose of requesting information and advice or reporting what action is being taken or will be taken to affect compliance with the By-Law.

### 3.6 Contents of Order

After affording any person served with a notice provided for by Section 3.5 an opportunity to appear before the Officer and to make representations in connection therewith, the Officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing:

- a) the municipal address or legal description of such property;
- b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance to the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the Order, the municipality may carry out the repair or clearance at the expense of the owner; and
- c) the final date for giving notice of appeal from the Order; and
- d) the procedure for appeal of the Order.

3.7 Order to be Sent to Last Known Address

A notice of an Order under section 3.5 or 3.6 when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

3.8 Substituted Service

If the Officer is unable to effect service under section 3.5 or 3.6, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property. The placing of a placard shall be deemed to be sufficient service of the notice or order on the owner or other persons and the date of placing the placard shall be deemed the date of the service.

3.9 Registration of Notice

An order under Section 3.5 may be registered in the proper registry of land titles office, 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 with the order on the date on which the order was served under Section 3.5. When the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied which shall operate as a discharge of such order.

3.10 Certificate of Compliance

Following the inspection of a property, the Officer may, or on the request of the 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. When a certificate of Compliance is issued to the owner, the owner shall pay to the Township of Nakina a fee of \$10.00 which shall be collected by the Officer at the time of the issuance of such certificate. The certificate of compliance referred to in this Section shall be limited to the specific complaint received and shall not be deemed to certify that the property complies with every requirement of this By-Law.

3.11 The Power of the Township to Repair or Demolish

If the owner or occupant of the property fails to demolish the property or to repair in accordance with an order as confirmed or modified by the Township in addition to all other remedies, the Township:

- 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 enter in and upon the property and;
- b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Township under the provisions of this subsection and;
- c) shall have a lien for any amount expended by or on behalf of the Township of Nakina under the authority of this section, together with interest thereon placed upon the property in respect of which amount was expended and the certificate of the Clerk of the Township as to such amount, shall be final.

3.12 Property Standards Committee

3.12.1 A Property Standards Committee is hereby established and continued. The Committee shall be appointed by and shall hold office at the pleasure of Council of the Township and shall be composed of three (3) ratepayers of the Township to be appointed by the Council of the Township as their terms of office expire.

3.12.2 The terms of office for the members of the Committee shall be for three (3) years from the date of appointment hereunder or from the date of appointment to the end of the current term of Council under which this By-law was passed.

3.12.3 Any member may be re-appointed upon completion of their term of office.

3.12.4 All members shall serve beyond their terms of office as required until re-appointed or replaced by the Township Council.

3.12.5 The Secretary of the Committee shall be an employee of the Township other than a Property Standards Officer.

3.12.6 In the event of a vacancy in the membership of the Committee Council shall forthwith fill the vacancy.

3.12.7 Two (2) members of the Committee shall constitute a quorum.

3.12.8 A member of the Council of the Township or an employee of the Township or of a local Board thereof is not eligible to be a member of the Committee with the exception of the Secretary mentioned in section 3.12.5 of this By-law.

3.12.9 The Secretary shall keep on file minutes and all records of all applications and the decisions thereon and all other official business of the Committee.

3.13 Appeal to the Committee

3.13.1 The Secretary of the Committee, on receipt of a notice of appeal under section 31(16) of the Planning Act shall:

(a) determine the date, place and time of the hearing of the appeal which shall commence not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and

(b) give notice in writing of the date, place and time of the hearing to:

(i) the appellant;

(ii) the officer who issued the order; and

(iii) any other interested persons who appeared before the officer;

and such notice shall be served personally or by registered mail.

3.13.2 The Committee shall give its decision, in writing, within fourteen days of the date of the hearing.

3.13.3 The Secretary of the Committee shall notify:

(a) the appellant;

(b) the officer who issued the order; and

(c) any other person who appeared at the hearing of the appeal;

of the decision by causing a copy to be served personally or by registered mail, within seven (7) days of the receipt of the written decision from the Committee.

3.14 Appeal to Judge

The Township or any owner or occupant or person affected by a decision under section 3.13 may appeal to a Judge by so notifying the Clerk of the Township of Nakina in writing and applying for an appointment within fourteen days after the sending of a copy of the decision of the Committee.

3.15 Scheduling of the Hearing

The Judge shall, in writing, appoint date, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.

3.16 Judge's Decision

The judge on such appeal has the same powers and functions as the Committee.

3.17 Effect of Decision

The order, as deemed to have been confirmed pursuant to Section 3.5 or as confirmed or modified by the Committee pursuant to Section 3.13, or, in the event of an appeal to the Judge pursuant to Section 3.15, 3.16, or 3.17 as confirmed or modified by the Judge shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

3.18 Removal of Placards

No person shall remove from any premises any sign, notice or placard placed thereon pursuant to Section 31 of the Planning Act or this By-Law except an officer or other person acting within the scope of his powers or duties hereunder, or under the said Act, or a person acting with the authority of such officer or other person.

SECTION 4: RESIDENTIAL PROPERTY MAINTENANCE AND OCCUPANCY  
STANDARDS

4.1 Maintenance of Yards

4.1.1 Garbage and Rubbish

Yards shall be free from garbage, rubbish, brush, discarded materials and other debris, except that which is stored in suitable clean receptacles for removal by the Township.

4.1.2 Weeds

Yards shall be free from the excessive growth of weeds and grasses.

4.1.3 Pests

Yards shall be kept free of materials which would attract rodents and injurious insects.

4.1.4 Trees

All trees shall be kept pruned so as to be free from dead and dying branches, the collapse of which would be capable of causing injury or damage. Dead trees and shrubs shall be promptly removed from the premises. All hedges and ornamental shrubs shall be pruned and trimmed so as not to present an unsightly appearance.

4.1.5 Vehicle Storage

No machinery, vehicle, or other chattels, including a boat, trailer or mobile home or parts thereof, which are in a wrecked, discarded, dismantled or partially dismantled or abandoned condition shall be parked, stored or left in a yard.

4.1.6 Miscellaneous Storage

No machinery, vehicle, other object, or material not associated with the normal occupancy and use of a residential property, including among other things appliances, paper, cartons, boxes or building materials such as lumber, masonry units or glass other than that intended for immediate use shall be stored or allowed to remain in a residential yard.



4.1.7 Outdoor Storage

All permitted vehicles, machinery and material stored on a property shall be stored in a neat, orderly manner preferably in an enclosed structure and in such a way that it does not create a negative impact on adjacent properties.

4.1.8 Safety

All yards shall be maintained free from dangerous dangerous holes or excavations.

4.1.9 Structures

All collapsed or delapidated buildings or structures shall be removed from the premises.

4.1.10 Grass

All sodded and grass covered area shall be kept in a good living condition and properly maintained including adequate cutting or mowing so as not to present an unsightly appearance.

4.1.11 Damaged Structures

Where any structure has been damaged by fire, explosion, or by any other natural or man-made force, all damaged materials shall be removed from the premises, dwelling or any accessory buildings or temporarily placed within a building which shall be locked and barricaded to prevent entry within 30 days of such damage.

4.1.12 Wells

All wells shall be capped with a structurally secure material such as concrete or similar material and shall be maintained in good repair.

4.1.13 Safe Passage

Steps, walks and driveways of rental properties shall be maintained so as to afford safe passage under normal use and weather conditions.

4.2 Accessory Buildings and Structures

4.2.1 Fences

All fences, radio and television towers and other structures and all accessory buildings shall be kept in good repair.

4.2.2 Exterior Maintenance of Accessory Buildings

All fences and the exterior of any accessory building shall be weather-resistant through the use of a proper weather-resistant material including paint or other preservatives, unless the aesthetic character is enhanced by the lack of such material.

4.2.3 Pests

All accessory buildings shall be kept free from conditions which would attract rodents and injurious insects.

4.3 Sewage, Drainage and Water Supply

4.3.1 Sewage Disposal

Sewage or organic waste shall be disposed of in a manner acceptable to the Thunder Bay District Health Unit.

4.3.2 Surficial Sewage Disposal

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.

4.3.3 Surface Water

Roof drainage or surface water shall:

- a) be drained from the lands so as to prevent recurrent ponding or entrances of water into a basement or cellar, and
- b) not be channelled to discharged onto neighbouring property.

4.3.4 Water Supply

Every dwelling shall be provided with an adequate supply of portable water from a source approved by the Thunder Bay District Health Unit and/or the Ministry of the Environment.

4.3.5 Protection of Water Pipes

All water pipes and appurtenances thereto shall be protected from freezing.

4.4 Exterior Maintenance of Dwellings

4.4.1 The exterior walls and components of a dwelling shall be maintained so as to be weather-tight, free from loose or insecure objects and in good repair. Where necessary they shall be so maintained by the painting, restoring, or repairing of the walls; coping or flashing; waterproofing of joints and of the wall itself; installing or repairing of termite shields; and treating the soils with chemicals or using other suitable means.

4.4.2 Roof and Roof Structures

A roof on a dwelling including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the dwelling.

4.4.3 Foundations

The foundation walls of a dwelling shall be structurally sound and maintained in good repair free from cracks, breaks or other defects and where necessary shall be so maintained by shoring of the walls and joists, grouting masonry cracks, parging and waterproofing the walls or floor and installing subsoil drains at footing levels.

4.4.4 Basements

Every basement, cellar and crawl space in a dwelling shall be adequately drained and adequately ventilated to the outside air.

4.4.5 Exterior Stairs

All outside stairs, verandahs, porches and every other outside appurtenance shall be maintained in good repair. All balustrades, handrails and supporting structures shall be adequate to safely support persons using the same.

4.4.6 Windows and Exterior Doors

Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair and all openable windows and all exterior doors shall have hardware so as to be capable of being securely closed in order to prevent the entrance of wind, rain and snow into the building. Rotted or damaged doors, door frames, window frames, sashes and casing, defective doors, window hardware and broken window-glass shall be repaired or replaced.

4.4.7 Eavestroughing

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 preservative.

4.4.8 Chimneys

Every chimney, smoke pipe, flue and gas vent shall be maintained so as to prevent the leakage of gases into a building. All joints shall be sealed and broken or loose masonry repaired or kept free from obstructions so as to be in a safe and fire resistant condition.

4.4.9 Household Garbage Storage

All household garbage shall be stored in a sanitary manner in containers or durable, leak-proof and non-absorbent material or plastic garbage bags effectively closed with a wire tie or otherwise and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time which might constitute a health hazard. In addition, plastic garbage bags shall not be stored outside a building unless contained in an enclosed structure or capped container. The

outside storage of plastic garbage bags other than within an enclosed structure or capped container shall however be permitted with a period of time not exceeding 24 hours prior to municipal garbage collection.

4.4.10 Pest Prevention

Every dwelling shall be kept free from conditions which would attract rodents or injurious insects.

SECTION 5 RESIDENTIAL PROPERTY MAINTENANCE AND OCCUPANCY  
STANDARDS (RENTAL)

5.1 Maintenance of Yards

The provisions of section 4.1 shall apply hereto.

5.2 Accessory Buildings and Structures

The provisions of section 4.2 shall apply hereto.

5.3 Sewage, Drainage and Water Supply

The provisions of section 4.3 shall apply hereto.

5.4 Exterior Maintenance of Dwellings

The provisions of section 4.4 shall apply hereto.

5.5 Interior Maintenance of Dwellings

5.5.1 Floor and Ceilings

The floors, ceilings and walls of every dwelling shall be kept in good repair, free from such dampness or moisture which may constitute a danger to health or safety.

5.5.2 Fire Protection

Every wall and ceiling finish shall be maintained in a clean condition and free from holes, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space. Where fire resistant walls exit between separate dwelling units, they shall be maintained in a condition which maintains their fire resistant quality.

5.5.3 Sanitary Conditions

Every floor, wall, ceiling furnishing and fixture in a building shall be maintained in a sanitary condition and the building shall be kept free from rubbish or other debris.

5.5.4 Fuel Burning Appliances

All fuel burning appliances and equipment whether for heating, cooking, or airconditioning located in or attached to a dwelling shall be installed, maintained and properly vented in order to :

- a) operate in a manner as to present no preventable safety hazard to the dwelling, its occupants, components or contents;
- b) prevent the heating of combustible material and structural members above a safe temperature;
- c) prevent the entrance of gases or fumes into the dwelling.

5.5.5 Plumbing Standards

Every dwelling and dwelling unit shall contain the following: a wash basin, bathtub or shower and a standard flush-type toilet. These requirements shall not prevent the occupants of a residential property from sharing a toilet or wash basin or shower and bathtub as long as provided access to the above facilities can be had without going through a room or rooms of another dwelling unit or rooming unit and provided that at least one toilet, wash basin and shower or bathtub is supplied per family or in the case of a rooming or boarding house for each six persons or fraction thereof.

5.5.6 Plumbing

All plumbing, including every drain pipe, water pipe, water closet, and other plumbing fixture in a dwelling and every connecting line to the sewage system or other approved disposal method shall be maintained in good repair.

5.5.7 Water

Every Dwelling shall be provided with an adequate supply of portable water from a source approved by the Thunder Bay District Health Unit and/or the Ministry of the Environment.

5.5.8 Protection of Water Pipes

All water pipes and appurtenances thereto shall be protected from freezing.

5.5.9 Temperature Standards

Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 20 degrees Celcius (68 f.)

5.5.10 Heating Systems

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

5.5.11 Electric Service

Electrical facilities complying with the requirements of Ontario Hydro shall be provided for all dwellings. Existing wiring and electrical equipment shall be in good, servicable and safe condition, as required by Ontario Hydro.

5.5.12 Light

Every habitable room, except 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.

5.5.13

Other

Every stairway, hall, cellar and basement and every laundry, furnace, bathroom, kitchen and non-habitable work room in a dwelling shall have a permanently installed lighting fixture that shall be maintained in good working order.

5.5.14

Ventilation

Every habitable room, except a living room or dining 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.

5.5.15

Bathroom Ventilation

Every bathroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of a skylight. However, an opening for natural ventilation can be omitted where a system of mechanical ventilation is provided.

5.5.16

Ventilation of Attic, Crawl Space, Etc.

Every attic, basement, cellar and unheated crawl space shall be adequately vented to the outside air. These areas shall be deemed to be adequately vented when in a basement or cellar, windows which can be opened or screened openings are provided.

5.5.17

Kitchens

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



5.5.19 Egress

Every dwelling unit shall have a direct access so as 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 every dwelling unit 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.

5.5.20 Secondary Egress

A secondary means of egress may be required for a dwelling unit, if in the opinion of the 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 one (1) hour fire separation between it and any adjacent dwelling units.

5.5.21 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 in good repair.

SECTION 6 NON-RESIDENTIAL PROPERTY MAINTENANCE AND OCCUPANCY  
STANDARDS (RENTAL AND NON-RENTAL)

6.1 Maintenance of Yards

6.1.1 Garbage and Rubbish

Yards shall be free from garbage, rubbish, brush, discarded materials and other debris, except that which is stored in suitable clean receptacles for removal by the Municipality.

6.1.2 Weeds

yards shall be free from the excessive growth of weeds, and grasses.

6.1.3 Pests

Yards shall be kept free of conditions which would attract rodents or injurious insects.

6.1.4 Trees

All trees shall be kept pruned so as to be free from dead and dying branches, the collapse of which would be capable of causing injury or damage. Dead trees and shrubs shall be promptly removed from the premises. All hedges and ornamental shrubs shall be pruned and trimmed so as not to present an unsightly appearance.

6.1.5. Vehicle Storage

No machinery, vehicle, or other chattels, including a boat, trailer or mobile home or parts thereof, which are in a wrecked, discarded, dismantled or partially dismantled or abandoned condition shall be parked, stored or left in a yard unless it is necessary for the operation of a business enterprise lawfully situated on private property.

6.1.6. Outdoor Storage

Where a business requires outdoor storage for any purpose, the area shall be defined and enclosed with a fence or a planting strip which has a minimum height of 1.2 metres (4 feet). In addition, all outdoor salvage yards shall be obscured from surrounding property by screening, which shall be of uniform construction and a minimum height of 1.8 metres (6 feet).

6.1.7. Safety

All yards shall be maintained free from dangerous holes or excavations.

6.1.8. Structures

All collapsed or delapidated buildings or structures shall be removed from the premises.

6.1.9. Damaged Structures

Where any structures has been damaged by fire, explosion, or by any other natural or man-made force, all damaged materials shall be immediately removed from the premises, dwelling or any accessory buildings or temporarily placed within a building which shall be locked and barricaded to prevent entry within 30 days of such damage.

6.1.10 Safe Passage

Steps, walks driveways, and leading spaces shall be maintained so as to afford safe passage under normal use and weather conditions.

6.1.11 Grass

All sodded and grass covered areas shall be kept in a good living condition and properly maintained including adequate cutting or mowing so as not to present an unsightly appearance.

6.2 Accessory Buildings and Structures

6.2.1 Repair

All fences, radio and television towers and other structures and all accessory buildings shall be kept in good repair.

6.2.2. Exterior Maintenance of Accessory Buildings

All fences and the exterior of any accessory building shall be weather-resistant through the use of proper weather-resistant material including paint or other preservatives.

6.2.3. Pests

All accessory buildings shall be kept free of conditions which would attract rodents, termites or other injurious insects.

6.3 Sewage and Drainage

6.3.1. Sewage Disposal

Sewage or organic waste shall be discharged into a municipal sewage system where such a system exists.

Where a municipal system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the Ministry of the Environment.

6.3.2. Surficial Sewage Disposal

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.

6.3.3. Surface Water

Roof drainage or surface water shall;

a) be drained from the lands so as to prevent recurrent ponding or entrances of water into a basement or cellar, and

b) not be channelled to discharge on sidewalks, stairs, or neighbouring property.

6.3.4. Water Supply

An adequate supply of portable water from a source approved by the Ministry of Environment shall be provided.

6.3.5. Protection of Water Pipes

All water pipes and appurtenances thereto shall be protected from freezing.

6.4 Exterior Maintenance of Buildings

6.4.1. Exterior Walls

The exterior walls and overhang extensions (e.g. marquees, signs, awnings etc.) of a building shall be maintained so as to be weather-tight, free from loose or insecure objects and in good repair. Where necessary they shall be so maintained by the painting, restoring, or repairing of the walls; coping or flashing; waterproofing of joints and of

the wall itself; installing or repairing of termite shields; and treating the soil with chemicals or using other suitable means.

6.4.2. Roof and Roof Structures

A roof on a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building.

6.4.3. Foundations

The foundation walls of a building shall be structurally sound and maintained in good repair free from major cracks, breaks or other defects and where necessary shall be so maintained by shoring of the walls and joists, grouting masonry cracks, parging and water-proofing the walls or floors and installing subsoil drains at footing levels.

6.4.4. Basements

Every basement, cellar and crawl space in a building shall be adequately drained and adequately ventilated to the outside air.

6.4.5. Exterior Stairs

All outside stairs, balconies, verandahs, porches and every other outside appurtenance shall be maintained in good repair. All balustrades, handrails and supporting structures shall be adequate to safely support persons using the same.

6.4.6. Windows and Exterior Doors

Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair and all openable windows and all exterior doors shall have hardware so as to be capable of being securely closed in order to prevent the entrance of wind, rain and snow into the building. Rotted or damaged doors, door frames, window frames, sashes and casings, defective doors, window hardware and broken window-glass shall be repaired or replaced.

6.4.7. Eavestroughing

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 of components and the application of paint or other preservative.

6.4.8. Chimneys

Every chimney, smoke pipe, flue or gas vent shall be maintained so as to prevent the leakage of gases into a building. All joints shall be sealed and broken or loose masonry repaired and kept from obstructions so as to be in a safe and fire resistant condition.

6.5. Interior Maintenance of Buildings

6.5.1. Floors and Ceilings

The floors, ceilings and walls of every building shall be kept in good repair, free from such dampness or moisture which may constitute a danger to health or safety but this shall not apply to non-habitable rooms wholly or partly below grade.

6.5.2. Sanitary Conditions

Every floor, wall, ceiling furnishing and fixture in a building shall be maintained in a sanitary condition as is appropriate to the use which is being made of the building. In addition, the building shall be kept free from rubbish, debris or any condition which constitutes a fire, health or accident hazard.

6.5.3. Garbage and Rubbish Storage

All garbage and rubbish shall be stored in a suitable clean receptacle for removal from the property. Suitable receptacles are plastic bags or other containers that are of water-tight construction, provided with a tight fitting cover and maintained in a clean state.

6.5.4. Suitable Storage Areas

Every building shall be provided with rodent proof storage space for garbage and trade waste.

6.5.5. Plumbing

All plumbing, including every drain pipe, water pipe, water closet, and other plumbing fixture in a building and every connecting line to the sewage system or other approved disposal method shall be maintained in good repair.

6.5.6. Bathroom Facilities

Buildings where people work shall have a minimum of one water closet and one wash basin supplied with an adequate supply of hot and cold running water located in an enclosed room and accessible from within the building. The room shall be fully enclosed and have a door capable of being locked.

6.5.7. Heating Systems

Where persons are employed in duties and operations in an enclosed space or room within a building and not engaged in physical activity, the heating equipment shall be capable of providing sufficient heat in such rooms to maintain a temperature of not less than 20 degrees Celsius.

6.5.8. Standard of heating System

The system referred to above shall be maintained in good working order so as to be capable of heating the building safely to the required standard.

6.5.9 Fuel Storage

Where a heating system burns solid or liquid fuel, a place for the storage of the fuel shall be provided in a convenient location which is properly constructed so as to be free from fire or accident hazards.

6.5.10 Electrical Service

The electrical wiring and all electrical fixtures, located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of Ontario Hydro.

6.5.11 Capacity

The capacity of the electrical service connection to a building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use of the building.

6.5.12 Light

Sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish illumination in all passageways and stairways whenever the building is in use, and in all stairways provided for use in case of fire or other emergency.

6.5.13 Ventilation

Every room, where people work, shall have an opening or openings for natural ventilation located in exterior walls or through openable parts of skylights.

However, an opening for natural ventilation may be omitted if mechanical ventilation is provided.

6.5.14 Bathroom Ventilation

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

6.5.15 Ventilation of Attic, Crawl Space, Etc.

Every attic, basement, vellar and unheated crawl space shall be adequately vented to the outside air. These areas shall be deemed to be adequately vented when, in a basement or cellar, windows which can be opened or screened openings are provided.



6.5.16 Egress

There shall be provided two means of egress from every floor area. all means of egress shall be maintained in good repair and free from objects or conditions which constitute an accident or fire hazard.

6.5.17 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 in good repair.

SECTION 7 VACANT LAND PROPERTY STANDARDS (ALL PROPERTY)

7.1. Rubbish and Debris

All vacant land shall be kept free from garbage, rubbish and debris and conditions that may create a health, fire or accident hazard.

7.2. Drainage

All vacant land shall be graded and drained to prevent the recurrent ponding of storm water.

7.3. Wrecked or Abandoned Vehicles

No vehicle including a trailer or any part of such vehicle or trailer which is in a wrecked, discarded, dismantled or partially dismantled, inoperative or abandoned condition shall be parked, stored or left on any vacant lot within the Township of Nakina.

This By-Law shall come into force and take effect upon the day of its final passing.

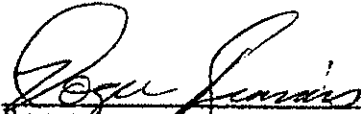
Read a first and second time  
this 19<sup>th</sup> of may, 1988.


  
Reeve

  
Clerk-Treasurer

By-Law Number \_\_\_\_\_  
Page 31 of 31

Read a third time and finally  
passed this 16<sup>th</sup> of JUNE, 1988.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Clerk-Treasurer