

THE CORPORATION OF THE TOWN OF GERALDTON

BY-LAW NO. 85-1150

- I N D E X -
MAINTENANCE AND OCCUPANCY BY-LAW

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THE CORPORATION OF THE TOWN OF GERALDTON

BY-LAW NO. 85-1150

Being a By-law to establish standards for the maintenance and occupancy of property in the Corporation of the Town of Geraldton.

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 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 Town of Geraldton has an Official Plan that includes provisions relating to property conditions;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GERALDTON 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:

1.2.1 No person shall:

(a) use or occupy,

- (b) permit the use or 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 governmental authority having jurisdiction to make such restrictions.

1.4 Renovations under Part II 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 II 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 substitution 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 otherwise expressly stated, terms shall, for the purpose of this By-law, have the meanings set out in Section 2.2. Where terms are not 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 ordinarily 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 sides 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 the 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) "Corporation" means the Corporation of the Town of Geraldton;
- (h) "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 includes 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;

- (i) "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;
- (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 Regulation 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 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, 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 the land occupied or to be occupied by a building and its accessory buildings together with adjoining open spaces appurtenant thereto and may be composed of several lots or parts thereof according to a registered plan of subdivision;
- (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 purpose of this By-law means a building used in part for residential purposes 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 or 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 a lease, is required to repair and maintain the property in accordance with the standards or any of them;

- (z) "potable 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 the land and premises appurtenant thereto, and all mobile homes, mobile buildings, mobile structures, out buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant land;
- (bb) "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 the standards;
- (cc) "residential property" means any property in which one or more dwelling units is located;
- (dd) "residential rental property" means any residential property in respect of which there exists one or more landlord-tenant relationship;
- (ee) "sewage system" means the sanitary sewage system existent within the boundaries of the Corporation;
- (ff) "standards" means the standards for maintenance and occupancy prescribed by this By-law;
- (gg) "toilet room" means a room containing a toilet;
- (hh) "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;
- (ii) "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 Notice of Violation:

3.1.1 A notice of violation given by an Officer under the Planning Act shall, in addition to all other lawful requirements:

(a) set a date for the owner to appear before the officer;

(b) state:

(i) that the owner or his representative may appear, make representations and present evidence as may be proper and appropriate in the circumstances;

(ii) that, in the event that he does not appear, an Order may be made by an officer in his absence;

(iii) the action that shall be taken to make the property conform to the standards;

(iv) any other information that the officer deems necessary.

3.2 Time of Appearance:

3.2.1 The date for appearance in the Notice of Violation shall not be less than seven (7) days and not more than thirty (30) days after the service of the notice on the owner.

3.3 Occupants to Permit Access:

3.3.1 Where an Order of an officer is directed to an owner to repair or demolish and the property affected is used or occupied by a person or persons other than the owner, the occupant shall afford entry to the owner or his agent at all reasonable times so that the owner or his agent may carry out the required repairs.

3.4 Fees for Certificates:

3.4.1 A fee shall be payable for a certificate issued pursuant to the Planning Act where it is issued at the request of the owner in the amounts to be prescribed by the Council of the Corporation.

3.5 Property Standards Committee:

3.5.1 A Property Standards Committee is hereby established. The Committee shall be appointed by and shall hold office at the pleasure of Council and shall be composed of three (3) ratepayers of the Corporation to be appointed by the Council.

3.5.2 The terms of office for the members of the Committee shall be for three (3) years, with one term expiring annually so that the first appointments shall be for one, two and three years.

3.5.3 Any member may be re-appointed upon the completion of his term of office.

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

3.5.5 The Secretary of the Committee shall be an employee of the Corporation other than an officer.

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

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

3.5.8 A member of Council or an employee of the Corporation or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.

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

3.6 Appeal to Committee:

3.6.1 The Secretary of the Committee, on receipt of a notice of appeal under 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.

3.6.2 The Committee shall give its decision in writing.

3.6.3 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.

3.7 Removal of Placards:

3.7.1 No person shall remove from any premises any sign, notice or placard placed thereon pursuant to 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: STANDARDS FOR MAINTENANCE AND OCCUPANCY
 FOR BUILDINGS ON RESIDENTIAL PROPERTY

This Section prescribes the standards for maintenance and occupancy for all buildings and structures on residential property in the Town of Geraldton other than accessory buildings and structures governed by Section 5 hereof.

4.1 Pest Prevention:

- 4.1.1 A dwelling shall be maintained free of rodents and insects at all time and methods used for exterminating rodents or insects or both shall conform with the provisions of the Pesticides Act and the Regulations thereunder.
- 4.1.2 A basement or cellar window used or designed to be used for ventilation, and any other opening in a basement or cellar, shall be screened with wire mesh or such other material as will effectively exclude rodents and insects.
- 4.1.3 During the time of year when insects are likely to enter into a dwelling, each door or window, including a window in a door or other device that opens to the outside shall be screened with wire mesh or such other material as will effectively exclude insects.
- 4.2 Ventilation:
- 4.2.1 Every habitable room and every bathroom and toilet room shall be provided with natural ventilation consisting of an opening or openings to the external air with a minimum aggregate unobstructed free flow area of 900 square centimetres, or shall be provided with mechanical ventilation which shall change the air once each hour.
- 4.2.2 Where an aperture such as a window, skylight, or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open and closed.
- 4.2.3 Mechanical ventilation systems or air-conditioning systems shall be maintained in good working order.
- 4.3 Structural Standard:
- 4.3.1 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that might be put on it through normal use.
- 4.4 Foundation Walls:
- 4.4.1 Every dwelling, unless of the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock, and all footings, foundation walls, piers, and slabs-on-grade shall be of masonry or other suitable material.

4.4.2 Foundation structures shall be maintained in good repair and structurally sound, and shall prevent the entrance of moisture, insects and vermin. Maintenance, where applicable, includes, but is not restricted to, shoring of walls, installing sub-soil drains at the footings, grouting masonry cracks, parging and waterproofing the walls or floor.

4.5 Exterior Walls:

4.5.1 The exterior walls and their components shall be maintained so as to reasonably protect against their deterioration due to weather and insects. Maintenance, where applicable, shall include but not be limited to painting, the application of preservative, restoring or repairing of walls, pointing of joints, waterproofing of the wall itself, coping or flashing, installing or repairing termite shields, and by treating the soil by a suitable means.

4.6 Roof:

4.6.1 A roof of a dwelling, including fascia board, soffit and cornice, shall be maintained in a water-tight condition so as to prevent leakage into the building. Maintenance, where applicable, includes, but is not limited to, repairing of the roof, fascia board, soffit and cornice, and flashing, applying waterproof coatings, installing or repairing eavestroughs and rain water piping.

4.6.2 Dangerous accumulations of snow or ice or both shall be removed from the roof.

4.6.3 Television aerials and other roof structures shall be maintained in a safe condition or shall be removed from the roof.

4.7 Windows and Exterior Doors:

4.7.1 Windows, skylights, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling, and so as to provide proper illumination and security. Maintenance, where applicable, includes, but is not limited to, painting, the application of preservative, renewing rotten or damaged doors, door frames, window frames, sashes and casings, refitting doors and windows, weather stripping and replacing broken window and door glass and defective door and window hardware.

4.8 Egress and Fire Separation:

- 4.8.1. Every dwelling and every dwelling unit within a dwelling shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the exterior of the dwelling at street or grade level.
- 4.8.2. The passage required in Section 4.8.1 shall not pass through a room in another dwelling unit.

4.9 Stairs, Balcony, Porch:

- 4.9.1 Every stairway, balcony, porch or canopy shall be maintained so as to be reasonably free from holes, cracks, excessive wear and warping, and other defects that are accident hazards.
- 4.9.2 Without restricting the generality of Section 4.9.1, the required maintenance includes:
 - (a) repairing or replacing treads, risers or floors that show excessive wear or are broken, warped or loose;
 - (b) repairing renewing or supporting structural members that are rotted, deteriorating or loose; and
 - (c) painting.

4.10 Guardrails:

- 4.10.1 Every open side of a stairway, flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing or stairwell shall have a rigid guardrail not less than 1,000 millimetres high, in good repair and firmly attached so as to provide reasonable protection against accident or injury.

4.11 Interior Walls, Ceilings:

- 4.11.1 Every wall and ceiling in a dwelling shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards.
- 4.11.2 Without limiting the generality of Section 4.11.1, the maintenance required thereby includes, where applicable, repairing or filling holes and cracks, and removing and replacing loose or defective parts.

4.12 Floors:

4.12.1 Every floor in a dwelling shall be maintained so as to be free of loose, warped, protruding, broken or rotten boards, holes or cracks, or other defects that are fire or accident hazards.

4.12.2 Without restricting the generality of Section 4.12.1, the maintenance includes installing, repairing, refinishing and replacing a floor or floor covering that will provide the required conditions.

4.13 Cleanliness:

4.13.1 Every floor, wall, ceiling, fixture and appliance in a dwelling shall be maintained in a clean and sanitary condition.

4.13.2 Every dwelling shall be kept free from rubbish, debris or any condition which constitutes a fire, accident or health hazard.

4.14 Fireplaces, Woodstoves, Solid Fuel Appliances:

4.14.1 Every fireplace, woodstove or other solid fuel burning appliance used, capable of being used or intended to be used in a dwelling for burning fuel in an open fire shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures and shall be effectively vented to the outside air by means of a chimney, a flue, a smoke pipe, a vent pipe or a similar duct.

4.14.2 Without limiting the generality of Section 4.14.1, where applicable the maintenance required thereby includes securing connection to a chimney that complies with the standards of this By-law, lining and repairing and relining with fire resistant material and installing, repairing and replacing the hearth.

4.15 Chimney:

4.15.1 Every chimney, smoke pipe, flue and vent in a dwelling shall be maintained so as to prevent gases from leaking into the dwelling, and at all times shall be kept in good repair and maintained free from loose bricks and mortar, or any other defects, including prevention of the heating of adjacent combustible materials and structural members to unsafe temperatures.

4.15.2 Without limiting the generality of Section 4.15.1, where applicable the maintenance required includes clearing the flue of obstructions, sealing open joints, repairing masonry, using other suitable means, or where necessary, complete rebuilding.

4.16 Electrical Service:

4.16.1 The electrical wiring and all electrical fixtures located or used in a dwelling shall be installed and maintained in good working order and in conformity with the Ontario Electric Safety Code.

4.16.2 Subject to Section 4.23, an adequate supply of electrical power shall be available at all times in all parts of every occupied dwelling unit.

4.16.3 Where a hazardous condition exists, or is likely to exist because of their use, extension cords are prohibited.

4.16.4 Fuses or overload devices shall not exceed limits set in the Ontario Electric Safety Code.

4.16.5 The electrical wiring, circuits, fuses, circuit-breakers and electrical equipment in a dwelling shall be maintained at all times in good repair and working order, free from fire and shock hazards.

4.17 Plumbing:

4.17.1 All plumbing, drain pipes, water pipes and plumbing fixtures in every dwelling, and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.

4.18 Water Supply, Plumbing Fixtures, Toilets and Bathrooms:

4.18.1 Every dwelling shall be provided with an adequate supply of potable water from a source approved by the Medical Officer of Health in accordance with the provisions of the Environmental Protection Act and the Regulations thereunder.

4.18.2 Every toilet, sink, wash basin, bathtub or shower required by this By-law shall have an adequate supply of hot and cold running water (except the toilet for

which only cold running water is necessary) and shall be maintained in good working order.

- 4.18.3 All hot water systems shall be capable of supplying hot water from taps as required in this By-law at a temperature of not less than forty-five (45^o) Centigrade.
- 4.18.4 Where a toilet is used by the occupants of more than one dwelling unit, there shall be one toilet, in good working order, available for each ten (10) persons occupying such dwelling, and the room or rooms in which such fixtures are located shall be accessible only from a common hall.
- 4.18.5 No toilet or urinal shall be located within a room that is used or intended to be used for the preparation, cooking, storing or consumption of food, or for sleeping purposes.
- 4.18.6 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.
- 4.18.7 Every dwelling unit, except as provided by Section 4.18.4, shall contain plumbing fixtures consisting of at least a toilet, kitchen sink, wash basin, and a bathtub or shower.
- 4.18.8 All bathroom and toilet rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.
- 4.18.9 A wash basin served by running water draining into the sewage system shall be located in the same room as the toilet room, and where this is not possible, the wash basin shall be located in a room conveniently adjacent to the room containing the toilet room.
- 4.19 Heating Systems:
- 4.19.1 Every dwelling shall be provided with a heating system capable, at all times of the year, of safely maintaining a room temperature of twenty (20^o) Centigrade in all parts of all habitable rooms, bathrooms and toilet rooms.
- 4.19.2 The heating system shall be maintained in good repair and working condition.

- 4.19.3 Auxiliary heaters shall not be used as a primary source of heat.
- 4.19.4 A room heater shall not be placed so as to cause a fire hazard to walls, curtains, furniture, or other combustible materials, or impede the free movement of persons within the room where the heater is located.
- 4.19.5 A furnace that services three (3) or more dwelling units and is located adjacent to a habitable room, shall be enclosed with walls, ceiling and door having a fire resistance rating of not less than one (1) hour.
- 4.19.6 A space that contains a heating unit shall be provided with sufficient combustion air from the outside.
- 4.19.7 Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- 4.19.8 An adequate supply of fuel shall be available at all times.
- 4.19.9 Fuel burning equipment shall be vented to a duct by means of rigid connections leading to a chimney or a vent flue.
- 4.19.10 All fuel burning appliances, equipment, accessories and installations in a dwelling to which the Energy Act applies shall be installed and maintained in compliance with the provisions of that Act and the Regulations thereunder.
- 4.20 Light:
- 4.20.1 Every habitable room in a dwelling shall contain one or more windows or skylights that are wholly above the adjoining finished grade that opens directly to the outside air, and that has a total light transmitting area of not less than five (5%) per cent of the floor area of the room. The glass area of a door may be considered as a portion of the required window area.
- 4.20.2 Whenever walls or other portions of structures are facing and located less than 900 millimetres from a window, such a window shall not be deemed to face directly to the outside, or included as contributing to the required minimum window area of the room.

4.20.3 In a dwelling, adequate lighting equipment shall be provided and maintained in good working order at all times in every stairway, hall, bathroom, shower-room, toilet room, basement or cellar, laundry room, furnace room, similar non-habitable work room and kitchen.

4.20.4 All public halls and stairs in multiple dwellings shall be adequately lighted at all times by the owner.

4.21 Basement, Cellar, Crawl Space:

4.21.1 Every basement, cellar or unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings, the area of which shall not be less than one (1%) per cent of the floor area.

4.21.2 No basement or cellar space shall be used as a dwelling unit or as a habitable room except where, in addition to other standards prescribed in this By-law, the following requirements are met:

- (a) floors and walls shall be so constructed as to be impervious to leakage of underground and surface run-off water and treated against dampness;
- (b) each habitable room shall be separated from the heating equipment or other hazardous equipment or material, by a full height partition having a fire resistance rating of at least one (1) hour;
- (c) access to each habitable room shall be gained without passage through a furnace room or boiler room.

4.22 Habitable Rooms:

4.22.1 A non-habitable room shall not be used as a habitable room.

4.22.2 The maximum number of residents in a dwelling unit shall not exceed one (1) person per 9 square metres of habitable room floor area.

4.22.3 For the purpose of computing the habitable room space in Section 4.22.2:

- (a) the floor area under a ceiling which is less than 1.4 metres high shall not be counted, and

(b) if a finished ceiling is not applied to the underside of the joists, then the bottom of the joists shall be deemed to be a ceiling for the purpose of establishing this measurement.

4.22.4 The minimum height of a habitable room shall be 2.3 metres over at least one-half (1/2) of the floor area.

4.22.5 No room in a dwelling unit shall be used for sleeping purposes unless there is a minimum width of 1.8 metres and a minimum floor area of 5.5. square metres.

4.22.6 The minimum floor area of a room used by two or more persons for sleeping shall be 3.7 square metres for each person so using the room.

4.22.7 No hallway shall be used as a bedroom.

4.23 Utilities Not to be Shut Off:

4.23.1 No owner or occupant of a dwelling which is used for the purpose of human habitation shall disconnect, shut off, remove, otherwise discontinue or cause or permit the disconnection, shutting off, removal or other discontinuance of gas, water, steam, electric power, fuel oil or other service or utility servicing the dwelling except where necessary to safely make repairs, replacements or alterations in, at or upon the dwelling and then only during the reasonable minimum time required to take such action; except when the person liable for rates for such service or utility shall be deemed to have caused or permitted the discontinuance, removal or shut off thereof where the same occurs on account of non-payment.

4.24 Sewage and Drainage:

4.24.1 All owners of property shall cause all necessary connections to be properly made with the Corporation sewage system.

4.24.2 Roof drainage or surface and storm water shall be drained from the yard so as to prevent recurrent ponding or entrance of water into a basement or cellar, and shall not be channelled to discharge on sidewalks, stairs, or neighbouring property.

4.24.3 Untreated or inadequately treated sewage shall not be discharged onto the surface of the ground whether into a natural or artificial drainage system or otherwise.

4.25 Garbage Disposal:

4.25.1 Every dwelling and dwelling unit shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes. Such receptacles shall be provided with a tight fitting cover and maintained in a clean state.

4.25.2 Garbage, ashes and rubbish shall be promptly stored in receptacles and made available for removal in accordance with By-law No. 79-967 of the Corporation and all amendments thereto, or any By-law enacted in substitution therefor.

4.26 Mixed Use Buildings:

4.26.1 In mixed-use buildings, wherein noxious fumes or gases are or could be present, all surfaces separating the non-residential portion from the residential portion shall be of gas-tight construction and maintained in a good state of repair to effectively prevent the passage of noxious fumes or gases through the separation.

4.26.2 In a mixed-use building, all openings provided for ductwork, pipes and electrical service shall be close fitting to adequately prevent the passage of fire or smoke.

SECTION 5: RESIDENTIAL PROPERTY STANDARDS - MAINTENANCE AND OCCUPANCY OF YARDS AND ACCESSORY BUILDINGS

5.1 This Section prescribes the maintenance and occupancy standards for yards and accessory buildings being on or part of residential property situate in the Town of Geraldton.

5.2 Yard Kept Clean:

5.2.1 A yard shall be kept clean and free from rubbish or other debris and any objects or conditions that may create a health, fire or accident hazard.

5.3 Obnoxious Undergrowth:

5.3.1 Heavy or obnoxious undergrowth shall be eliminated from the yard.

5.4 Erosion of Soil:

A yard shall be cultivated or protected by a suitable

ground cover which prevents the erosion of the soil.

5.5 Trees and Shrubs:

5.5.1 All trees on the property shall be kept pruned and maintained so as to be free from dead or dying branches. Dead or dying trees and shrubs shall be removed from the property.

5.6 Wrecked Vehicles, Equipment and Parts:

5.6.1 No vehicle or accessory thereto or remnant or part thereof, or mechanical equipment which is in a wrecked, discarded, dismantled, inoperative, or abandoned condition shall be parked, placed, stored or left in a yard for a period longer than thirty (30) days.

5.7 Sewage and Drainage:

5.7.1 Section 4.24 applies with all necessary modifications to property governed by this Section 5.

5.8 Passageways:

5.8.1 Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained in good repair so as to afford safe passage therealong.

5.9 Fences:

5.9.1 Fences, barriers and retaining walls shall be kept in good repair, free from accident hazards, and protected where necessary by paint, preservative or other weather-resistant material.

5.10 Accessory Buildings:

5.10.1 An accessory building shall be kept in good repair, free from health, fire and accident hazards, and protected by paint, preservative or other weather-resistant material.

5.11 Insects or Vermin:

5.11.1 Accessory buildings and yards shall be kept free of noxious insects and vermin and of conditions that are likely to cause or permit their presence.

5.12 Inflammable Materials:

5.12.1 No materials of an inflammable nature shall be on the property unless they are safely and lawfully stored.

5.13 Children's Play Areas:

5.13.1 Children's play areas shall be kept in good repair, clean and free from rubbish or other debris that may create a health, or accident hazard.

SECTION 6: NON-RESIDENTIAL PROPERTY - STANDARDS
OF MAINTENANCE AND OCCUPANCY FOR BUILDINGS

6.1 This Section prescribes the maintenance and occupancy standards for all buildings and structures on non-residential property situated in the Town of Geraldton.

6.2 Pest Prevention:

6.2.1 All non-residential property shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects shall be in accordance with the provisions of the Pesticides Act and the Regulations thereunder.

6.2.2 A basement or cellar window used or required for ventilation and any other opening in a basement or cellar shall be screened with wire mesh, metal grill or other durable material as will effectively exclude rodents.

6.3 Ventilation:

6.3.1 Every workroom shall have an opening or openings for natural ventilation which openings shall have a minimum aggregate unobstructed free flow area of 900 square centimetres, and be located in the exterior walls or through openable parts of skylights.

6.3.2 In lieu of complying with Section 6.3.1, mechanical ventilation which changes the air once each hour may be provided.

6.4 Structural Standard:

6.4.1 Every part of a non-residential property shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any load that might be put on it through normal use.

6.5 Foundation Walls:

6.5.1 Foundation walls shall be maintained in good repair and structurally sound, and where applicable, the maintenance includes, but is not limited to, shoring the walls, installing subsoil drains at the footings, grouting masonry cracks, parging and waterproofing the walls or floor.

6.5.2 Every building, except an accessory building or slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.

6.6. Exterior Walls and Objects:

6.6.1 The exterior walls and their components shall be maintained so as to reasonably protect against their deterioration due to weather or insects, and maintenance, where applicable, shall include but not be limited to, painting, the application of preservative, restoring or repairing of the walls, coping, or flashing, or the waterproofing of the wall and joints.

6.6.2 All canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, exhaust ducts and similar equipment, attachments, extensions and their supporting members shall be maintained in good repair, properly and safely anchored and protected from the elements and against decay and rust by the periodic application of a weather-coating material, unless constructed of materials inherently resistant to deterioration.

6.6.3 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or walkways.

6.6.4 All air conditioners and mechanical ventilating systems and their supporting members shall be maintained in good repair and in a safe mechanical and electrical condition.

6.7 Roofs:

6.7.1 Roofs, cornices and flashings shall be kept weather-tight and free from leaks.

6.7.2 Roofs shall be kept free from loose or unsecured objects and materials, dangerous accumulation of snow or ice, and all other fire or accident hazards.

- 6.7.3 Eavestroughs and downpipes shall be kept in good repair and working order, watertight and free from leaks, and health and accident hazards.
- 6.7.4 Where a rain water collector system is not provided, roof drainage shall discharge in such a manner as not to create a concentrated flow of water which may penetrate the building or structure.
- 6.8 Doors and Structures:
- 6.8.1 Exterior doors, windows, skylights and hatchways shall be maintained in good repair and weathertight.
- 6.8.2 Without limiting the generality of Section 6.8.1, the maintenance, where applicable, includes painting, repairing or replacing any doors, door frames, window frames, sashes, casings, thresholds and weatherstripping.
- 6.9 Egress:
- 6.9.1 All means of egress shall be maintained in good repair, and free of objects or conditions which constitute an accident or fire hazard.
- 6.10 Stairs, Porches and Balconies:
- 6.10.1 Stairways, balconies, porches and supporting structural members shall be in a safe, clean and sanitary condition, in good repair and free from rust, holes, cracks, excessive wear and warping and other defects that are accident hazards.
- 6.11 Balustrades and Handrails:
- 6.11.1 A handrail shall be installed and maintained in good repair on every open side of a balcony, porch, landing and stairwell with a rise of between 750 millimetres and 1,500 millimetres; and a stairway with a rise of over 750 millimetres.
- 6.11.2 A barrier such as a balustrade shall be installed and maintained in good repair on the open side of a balcony, porch, landing, stairwell and other similar openings with a rise of 1,500 millimetres or more.
- 6.11.3 Sections 6.11.1 and 6.11.2 shall not apply to platforms and ramps for loading or receiving goods in the normal course of business.

6.12 Walls and Ceilings:

- 6.12.1 Every wall and ceiling shall be maintained in good condition and free from holes, cracks, loose coverings, other defects and health, fire or accident hazards.

6.13 Floors:

- 6.13.1 Floors shall be maintained in a clean and sanitary condition, smooth and level, and free of loose, warped, protruding, broken or deteriorating boards, or other defects that are health, fire or accident hazards.

- 6.13.2 Where floors are covered, the covering shall be maintained in a safe condition, free from worn, torn, damaged or holed parts in which dirt collects or which form a health, fire or accident hazard.

- 6.13.3 Every toilet room shall have a floor of water repellant construction.

6.14 Cleanliness:

- 6.14.1 The building shall be kept free from rubbish, debris, or any condition which constitutes a fire, health or accident hazard.

6.15 Plumbing:

- 6.15.1 All installed plumbing, including plumbing fixtures, drains, vents, waterpipes, toilets and connecting lines to the water and sewer systems, shall be maintained in good working order and repair, free from leaks or other defects, and in compliance with the applicable legislation.

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

6.16 Electrical Systems:

- 6.16.1 The electrical wiring and all electrical fixtures, including fuses, circuit breakers and electrical heating systems, located or used in a building shall be installed and maintained in good working order and shall be in compliance with the Power Commission Act and the Regulations thereunder.

6.17 Light:

- 6.17.1 Sufficient windows, skylights and electrical lighting

fixtures shall be provided and maintained in order to furnish illumination in all passageways, halls and stairways, whenever the building is in use, and at all times in every stairway provided for use in case of fire or other emergency.

6.18 Heating Systems:

6.18.1 Where persons are employed in sedentary duties and operations in an enclosed space or room within a building, the heating equipment shall be capable of providing sufficient heat in such spaces or rooms to maintain a temperature of not less than twenty (20⁰) degrees Centigrade during normal working hours.

6.18.2 The heating system required by Section 6.18.1 shall be maintained in good working condition so as to be capable of safely attaining and maintaining the required standard.

6.18.3 Where a heating system, heating equipment or part thereof or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and safely maintained in a convenient location and properly constructed so as to be free from fire or accident hazard.

6.18.4 Every vent pipe, exhaust hood, chimney, smoke pipe, flue and vent shall be maintained so as to prevent gases from leaking into the building or property, shall be free of any defects that are a fire or accident hazard, and shall prevent the heating of adjacent combustible materials and structural members to unsafe temperatures.

6.19 Toilet Facilities:

6.19.1 Buildings where people work shall have a minimum of one (1) toilet and one (1) wash basin supplied with an adequate supply of hot and cold running water readily accessible and in an enclosed room located on the same property.

6.19.2 All toilet rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.

6.19.3 All toilet facilities and toilet rooms shall be kept neat and clean at all times.

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- 6.19.4 Each toilet room shall be provided with toilet paper, soap and individual towels or other means of drying.
- 6.19.5 Every toilet room shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 900 square centimetres.
- 6.19.6 An opening for natural ventilation may be omitted from a toilet room where a system of mechanical ventilation has been provided which changes the air once each hour.
- 6.19.7 Where mechanical ventilation is used, the ventilation duct which is on the exterior wall shall be located not less than two (2) metres from a window located in an adjoining building.
- 6.20 Dampness:
 - 6.20.1 The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a cellar, basement or crawl space floor.
- 6.21 Basements and Cellars:
 - 6.21.1 Basements or cellars which are serviced by a stairway leading from the building or from outside the building shall have a concrete floor, with a floor drain located at the lowest point of the said floor and connected to a sewage system.
 - 6.21.2 A concrete floor in a basement or cellar shall be free from cracks, breaks or similar conditions which constitute an accident hazard or allow the entrance of water into the basement or cellar.
- 6.22 Garbage Disposal:
 - 6.22.1 Sufficient receptacles shall be provided to contain all garbage, rubbish, ashes and trade or industrial waste.
 - 6.22.2 Without restricting the generality of Section 6.22.1, property shall be kept free of refuse or litter as may be left by customers, employees or other members of the public and containers shall be provided for the disposal of such refuse or litter.

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6.22.3 Receptacles shall be provided with a tight-fitting cover, and maintained in a clean state.

6.22.4 Garbage, ashes and rubbish shall be promptly stored in receptacles and made available for removal.

6.23 Sewage and Drainage:

6.23.1 Section 4.24 applies with all necessary modifications to property governed by this Section 6.

SECTION 7: NON-RESIDENTIAL PROPERTY - STANDARDS OF MAINTENANCE AND OCCUPANCY FOR YARDS AND ACCESSORY BUILDINGS

7.1 This Section prescribes the standards of maintenance and occupancy of yards and accessory buildings being on or part of non-residential property situated in the Town of Geraldton.

7.2 Yards:

7.2.1 Yards shall be kept clean and free from rubbish or other debris and any objects or conditions that may create a health, fire or accident hazard.

7.2.2 Yards shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.

7.3 Heavy Undergrowth:

7.3.1 Heavy undergrowth shall be eliminated from any yard.

7.4 Trees and Shrubs:

7.4.1 All trees on the property shall be kept pruned and maintained so as to be free from dead or dying branches. Dead or dying trees and shrubs shall be removed from the property.

7.5 Wrecked Vehicles, Equipment and Parts:

7.5.1 Except as part of and to the extent reasonably necessary for, the conduct of a bona fide business lawfully carried on on the property, specifically zoned for such use, no vehicle or remnant or part thereof, or mechanical equipment which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left in a yard for a period longer than thirty (30) days.

7.6 Passageways:

- 7.6.1 Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained in good repair so as to afford safe passage therealong.

7.7 Fences:

- 7.7.1 Fences, barriers and retaining walls shall be kept in good repair, free from accident hazards, and protected by paint, preservative or other weather-resistant material.

7.8 Accessory Buildings:

- 7.8.1 Accessory buildings shall be kept in good repair, free from health, fire and accident hazards, and protected by paint, preservative or other weather-resistant material.

7.9 Insects and Vermin:

- 7.9.1 Accessory buildings and yards shall be kept free of noxious insects and vermin and of conditions that are likely to cause or permit their presence.

7.10 Inflammable Materials:

- 7.10.1 No materials of an inflammable nature shall be on the property unless they are safely and lawfully stored.

7.11 Signs and Billboards:

- 7.11.1 All signs and billboards shall be maintained in good repair and any signs which are weathered and faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a state of good repair.

7.12 Sewage and Drainage:

- 7.12.1 Section 4.24 applies with all necessary modifications to property governed by this Section 7.

SECTION 8: MAINTENANCE AND OCCUPANCY STANDARDS FOR
VACANT BUILDINGS AND VACANT PROPERTY

- 8.1 This Section prescribes the standards of maintenance of

vacant buildings and vacant property situate in the Town of Geraldton.

8.2 Fire and Accident Hazards:

8.2.1 All vacant buildings shall be kept free of conditions or objects that might create a fire, health or accident hazard.

8.2.2 All vacant lands shall be kept free of conditions or objects that might create a fire or health hazard.

8.3 Recurrent Ponding:

8.3.1 All vacant lots shall be graded, filled up or otherwise drained so as to prevent recurrent ponding of storm water.

8.4 Soil Erosion and Undergrowth:

8.4.1 All vacant lots shall be cultivated or protected by suitable ground cover which reasonably protects against the erosion of the soil, and all heavy and obnoxious undergrowth shall be eliminated.

8.5 Disposal of Waste:

8.5.1 No vacant lands shall be used for the dumping or disposal of waste and owners shall remove any waste dumped or disposed of on his property, whether by his permission or not.

8.5.2 No person shall dump or dispose of waste on any vacant lands.

8.5.3 Notwithstanding Sections 8.5.1 and 8.5.2, nothing in this By-law shall be deemed to interfere with the filling or raising of land with earth or rock fill, or the disposal of waste on any lands which have been designated for that purpose.

8.6 Boarding Up:

8.6.1 The owner of a vacant building shall protect every such building against risk of fire, accident or other danger by effectively preventing the entrance thereto by all unauthorized persons. All openings through which entry can be obtained shall be covered with at least 12.5 millimetre weatherproof plywood securely fastened by screws or nails.

8.7 Retaining Walls:

8.7.1 All retaining walls shall be kept in a good state of repair and capable of sustaining all loads imposed thereon.

8.8 Sewage and Drainage:

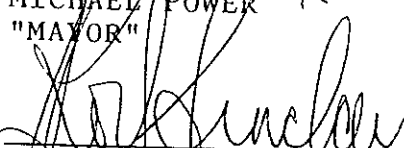
8.8.1 Section 4.24 applies with all necessary modifications to property governed by this Section 8.

ENACTED AND PASSED this 25th day of February, A.D., as witnessed by the Seal of the Corporation and the hands of its proper Officers.

READ A FIRST AND SECOND time this 11th day of February, A.D., 1985.



MICHAEL POWER
"MAYOR"



ROY T. SINCLAIR
"CLERK-ADMINISTRATOR"

READ A THIRD time short and finally passed this 25th day of February, A.D., 1985.



MICHAEL POWER
"MAYOR"



ROY T. SINCLAIR
"CLERK-ADMINISTRATOR"