

TOWNSHIP OF NIPIGON

By-law No. 1194

A By-law for prescribing standards for the maintenance and occupancy of property within the Township of Nipigon, for prohibiting the occupancy or use of such property that does not conform to the standards, for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the land to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition, and for prohibiting the removal from any premises of any sign, notice or placard which identifies a property as not conforming to Township standards or orders action to be taken to make the property meet Township standards.

WHEREAS the Corporation of the Township of Nipigon desires to enact a by-law pursuant to the provisions of Section 31 of The Planning Act, 1983, and amendments thereto:

AND WHEREAS there is in effect in the Township of Nipigon an Official Plan, which contains provisions relating to property conditions:

THEREFORE the Council of the Corporation of the Township of Nipigon enacts as follows:

SECTION A

GENERAL

A.1 Short Title

This By-law may be cited as the "Property Maintenance and Occupancy Standards By-Law".

A.2 Application and Scope

The provisions of the By-law shall apply to all lands, buildings and structures within the boundaries of the Township of Nipigon as are now or hereafter legally constituted.

A.3 Meaning of Shall

In this By-law, the word "shall" shall always be construed as mandatory.

A.4 Application of Other By-laws

Nothing in this By-law shall serve to relieve any person from the obligation to conform with the requirements of the Zoning By-law, or any other By-law of the Municipality in force from time to time, or the obligation to obtain any licence, permit, authority, or approval required under any By-law of the Municipality.

A.5 Validity

Should any section, clause, or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of this By-law shall not be affected.

SECTION B

DEFINITIONS

- B.1 ACCESSORY, when used to describe a use, building or structure, shall mean a use, a building, or a structure that is normally incidental, subordinate and exclusively devoted to a main use, building or structure and that is located on the same lot and includes a private garage and a dock.
- B.2 BALUSTRADE, shall mean a protective barrier that acts as a guard around the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another.
- B.3 BASEMENT, shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished grade.
- B.4 BATHROOM, shall mean a room containing at least one water closet and bathtub or shower, or two rooms which contain in total at least one toilet and one bathtub or shower.
- B.5 BUILDING, shall include any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a boundary wall or fence.
- a) ACCESSORY BUILDING, means a detached building which is incidental, subordinate and exclusively devoted to a main building or main use and located on the same lot therewith.

- b) MAIN BUILDING, means the building in which is carried on the principal purpose for which the building lot is used and in a Residential Zone the dwelling is the main building.
- B.6 BUILDING, MULTIPLE USE, shall mean a building containing both a dwelling unit and a non-residential property.
- B.7 CELLAR, shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling below adjacent finished grade.
- B.8 COMMITTEE, shall mean the Property Standards Committee as established under this By-law.
- B.9 CORPORATION, shall mean the Corporation of the Township of Nipigon.
- B.10 DOCK, shall mean a structure on land or in the water to be used for transferring goods or passengers to or from a boat or airplane.
- B.11 DWELLING, shall mean a building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently but does not include hotels, boarding houses, rooming houses, motels, group homes or crisis residences.
- B.12 DWELLING, DUPLEX, shall mean the whole of a two-storey building divided horizontally into two separate dwelling units, each of which has an independent entrance.
- B.13 DWELLING, MULTIPLE, shall mean a building used, designed, or intended to be used for occupancy as three or more dwelling units independently of each other.
- B.14 DWELLING, SEMI-DETACHED, shall mean a building that is divided vertically into two dwelling units each of which has an independent entrance.
- B.15 DWELLING UNIT, shall mean a room or suite of two or more rooms designed or intended for use by an individual or family in which culinary and sanitary conveniences are provided for the exclusive use of such individual or family and with a private entrance from outside the building or from a common hallway or stairway inside.
- B.16 FAMILY, shall mean an individual, or two or more persons who are related by blood or marriage or legal adoption, or a group of not more than three unrelated persons, inclusive of servants, occupying a dwelling unit, and may include not more than two persons who receive their lodging, board or both for compensation.

- B.17 FIRE RESISTANCE RATING, shall mean the time in hours, or fraction thereof, that a material, construction or assembly will withstand the passage of flame and 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 Ontario Building Code, as amended from time to time.
- B.18 HABITABLE ROOM, shall mean a room commonly used for living purposes, including a bedroom and a kitchen but not including any space in a dwelling used as a lobby, hallway, closet, or bathroom or any room having floor space of less than 4.7 square metres.
- B.19 LAST KNOWN ADDRESS, shall mean the address which appears on the assessment rolls of the Corporation.
- B.20 LESSEE, shall mean a person holding the property under provision of a lease, oral or written.
- B.21 MAINTENANCE, shall mean the preservation and keeping in repair of property.
- B.22 MEANS OF EGRESS, shall mean a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space and includes exits or access to exits.
- B.23 MEDICAL OFFICER OF HEALTH, shall mean the Medical Officer of Health of the Thunder Bay Health Unit and agents.
- B.24 MOBILE HOME, shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer as otherwise designated. Any such dwelling unit shall have a minimum floor space of 42 square metres.
- B.25 MUNICIPALITY, shall mean the Corporation of the Township of Nipigon.
- B.26 NON-HABITABLE SPACE, shall mean any space in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance or common use, or for access to and vertical travel between storeys and any unfinished basement.
- B.27 OCCUPANT, shall mean any person or persons over the age of eighteen years in possession of the property.
- B.28 OCCUPANCY, shall mean to reside in as owner or tenant on a permanent or temporary basis.
- B.29 OFFICER, shall mean a Property Standards Officer.
- B.30 ORDER, shall mean an Order to Conform.

- B.31 OWNER, shall mean the person for the time being paying the Municipal taxes or 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 for the maintenance and occupancy of the property.
- B.32 PROPERTY, means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, out buildings, fences and erections thereon whether theretofore or hereafter erected, and includes vacant property and is divided into:
- a) NON-RESIDENTIAL PROPERTY, SHALL MEAN A property which is not occupied or capable of being occupied for the purpose of human habitation.
 - b) RESIDENTIAL PROPERTY, shall mean property which contains a building capable of being used, in whole or in part, as a dwelling.
 - c) VACANT LAND, shall mean property on which there are no structures of any kind.
- B.33 PUBLIC BUILDING, shall mean a building which is staffed by Federal, Provincial and /or Municipal government personnel for the purposes of servicing the public.
- B.34 REPAIR, shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in this By-law. All repairs shall be made in conformity to the Ontario Building Code, as amended from time to time, the Ontario Water Resources Act, plumbing regulations, the regulations of Ontario Hydro and regulations made under the Public Health Act of Ontario.
- B.35 SEWAGE, shall mean any liquid waste containing animal, vegetable, or mineral matter in suspension or solution, but does not include roof water or other storm runoff.
- B.36 SEWERAGE SYSTEM, shall mean the sanitary sewage system owned, operated or used by the Municipality or a private sewage disposal system approved by the Ministry of the Environment.
- B.37 SMOKE ALARM, shall mean a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite.
- B.38 SMOKE DETECTOR, shall mean a device for sensing the presence of visible or invisible particles produced by combustion and automatically initiating a signal indicating this condition.

- B.39 STANDARDS, shall mean the standards of physical condition and of occupancy prescribed for property by this By-law.
- B.40 SUITE, shall mean a single room or series of rooms of complimentary use, operated under a single tenancy, and includes dwelling units, individual guest rooms, motels, hotels, boarding houses, rooming houses and dormitories, as well as individual stores and individual or complimentary rooms for business or personal service occupancies.
- B.41 TOILET ROOM, shall mean a room containing a water closet and a wash basin.
- B.42 TRAVEL DISTANCE, shall mean the distance from any point in the floor area to an exit measured along the path of exit travel, except that where a room or suite is separated from the remainder of the floor area by a fire separation, having a fire resistant rating of a least 3/4 hour, the travel distance may be measured from an egress door of the room or suite to the nearest exit.
- B.43 VEHICLE, shall include a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power.
- B.44 WATER CLOSET, shall mean a toilet bowl and its accessory parts or components.
- B.45 YARD, shall mean space, appurtenant to a building structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as specifically permitted elsewhere in this By-law and in Comprehensive Zoning By-Law 1139.

SECTION C

PROPERTY STANDARDS

C.1 Structural Standards

- C.1.1. Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subjected.
- C.1.2 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- C.1.3 The exterior walls, and other parts of any building shall be free from loose, rotted, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.
- C.1.4 All buildings shall be maintained in appearance by such measures as painting, repairing, cleaning and covering.
- C.1.5 Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards that might cause an accident and all defective floor boards shall be repaired.
- C.1.6 Foundations shall be free of defective mortar joints or masonry and be adequate to support the building loads.

C.2 Dampness, Watertightness, and Weatherproofing

- C.2.1 The interior floors, ceilings, and walls of all buildings shall be kept free from dampness arising from the entrance of moisture through an exterior wall, or a roof, or through a basement, cellar or crawlspace.
- C.2.2 The exterior surfaces of all buildings shall be of materials which provide adequate protection from the weather and shall have an acceptable cladding or covering, free of holes, cracks or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability and shall be so maintained by the painting, restoring or repairing of the walls, roofing, coping, or flashing, fascia board, soffit and cornice and by the waterproofing of joints and of the walls themselves.

- C.2.3 All exterior openings for doors or windows shall be fitted with doors or windows.
- C.2.4 Windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the building.
- C.2.5 Rotted or damaged doors, door frames, window frames, sashes and casings, weather stripping, broken glass or missing and defective door and window hardware shall be repaired or replaced.
- C.2.6 Basement or cellar walls shall be waterproofed to prevent the entry of moisture or water into the basement, cellar, or crawl spaces.
- C.2.7 Every basement, cellar and crawl space shall have a floor of concrete, masonry or other impervious material complete with vapour barrier, underfloor drainage and with a floor drain located at the lowest point in the floor, connected by means of a water seal trap to a sewer. The space under a mobile home shall not be considered to be a crawl space.

C.3 Cleanliness

Every floor, wall, ceiling and fixture in any building shall be maintained in a clean and sanitary condition and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.

C.4 Plumbing

- C.4.1 Sewage shall be discharged into the sewerage system or a system approved by the Medical Officer of Health.
- C.4.2 All waste pipes shall be connected to the sewerage system through water seal traps.
- C.4.3 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewerage system shall be maintained in good working order and be protected from freezing.
- C.4.4 The plumbing system shall provide a satisfactory water supply, drainage, venting and operation of fixtures.
- C.4.5 Every water heater shall have sufficient capacity to provide an adequate supply of hot water with a temperature range from 60°C to 75°C at all times in all parts of every building, dwelling, or shared facility.
- C.4.6 All plumbing fixtures and piping shall conform to Federal and Provincial legislation and regulations and to Municipal By-laws.

C.5 Heating

- C.5.1 Dwelling units shall have a heating system capable of maintaining a temperature of 22°C when the outside temperature is -40°C in all habitable rooms, bathrooms, toilet rooms, and rooms containing only a water closet.
- C.5.2 Non-residential buildings intended for occupancy in winter months on a continuing basis, shall be insulated and shall be equipped with heating facilities capable of maintaining a minimum air temperature of 18 C or commensurate with the use of the building when the outside temperature is -40°C.
- C.5.3 The heating systems in all buildings shall be maintained in good working order and shall be free of fire and accident hazards and shall conform to the Ontario Building Code, as amended from time to time.
- C.5.4 Where a heating system, or part of it, burns solid or liquid fuel, a space for the storage of the fuel and any residue shall be provided in a convenient location and shall be properly constructed and maintained so as not to be a fire or accident hazard.
- C.5.5 Any heating apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smokepipe, ventpipe or similar adequate chimney, as provided in the manufacturer's installation instruction and in accordance with The Ontario Building Code. It shall be smoke tight, gas tight and flame tight.
- C.5.6 A space containing a heating unit shall have a sufficient air supply to allow adequate combustion. The air may be supplied by natural or mechanical means.
- C.5.7 No heating appliance or device shall be located closer to any combustible material than the distances set out in Section 9.34.9 of the Ontario Building Code, and as may be amended from time to time, nor placed so as to impede the free movement of persons within the room in which it is located.
- C.5.8 Fireplaces and similar constructions shall be constructed and maintained in accordance with the Ontario Building Code, as amended from time to time, and shall not create a fire or accident hazard.
- C.5.9 Where buildings contain two or more dwelling units, fuel-fired heating appliances shall be located, enclosed or separated from the remainder of the building in conformity with the Ontario Building Code, as amended from time to time.

C.6 Electrical Facilities

- C.6.1 All electrical facilities shall have sufficient capacity to provide, without overloading, electrical energy for lighting, appliances, outlets and equipment installed in the building.
- C.6.2 Every dwelling unit shall be wired for electricity, and all electrical installations, including the service capacity and the number and distribution of circuits, shall conform to the Ontario Building Code and the Ontario Electrical Safety Code, as amended from time to time.
- C.6.3 Where, in the opinion of the Property Standards Officer, a hazardous condition exists, extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis.
- C.6.4 Fuses or overload devices shall not exceed limits set by Ontario Electrical Safety Code.

C.7 Lighting Requirements

- C.7.1 Living rooms and dining rooms, with or without electrical lighting, shall have a minimum unobstructed window glass area of 10 percent of the floor area served.
- C.7.2 The unobstructed window glass area of a door or sky light is considered equivalent to that of a window.
- C.7.3 Bedrooms and other finished rooms, except living rooms, dining rooms, kitchens, basement recreation rooms, laundry rooms, bathrooms, toilet rooms, and rooms containing only a water closet shall have a minimum unobstructed window glass area of 5 percent of the floor area served, whether or not they have electric lighting. At least one window in each bedroom shall have an unobstructed openable area or an unobstructed glazed area of at least 0.35 square metres and no dimension less than 380 millimetres.
- C.7.4 An exterior lighting outlet with fixture, controlled by a wall switch located within the building, shall be provided at every entrance to buildings of residential occupancy.
- C.7.5 Every stairway and hallway shall be lighted. Three-way wall switches located at the head and foot of every stairway, shall be provided to control at least one lighting outlet with fixture for stairways with four or more risers in dwelling units. The stairway lighting to basements and cellars that do not contain a finished space or lead to an outside entrance or built-in garage and which serve not more than one dwelling unit, may be controlled by a single switch located at the head of the stairs.

- C.7.6 Emergency lighting requirements for all buildings shall conform to the Ontario Building Code, as amended from time to time.

C.8 Ventilation

- C.8.1 Every space in a building, except for clothes closets and storage rooms shall have an opening to the outdoors for natural ventilation or shall be provided with a means for mechanical ventilation.
- C.8.2 An opening or openings for natural ventilation in habitable rooms shall have a minimum unobstructed area of not less than 0.28 square metres and shall be located in the exterior walls or through openable parts of skylights.
- C.8.3 Where kitchen space is combined with a living area, natural or mechanical ventilation shall be provided in the kitchen area.
- C.8.4 Bathrooms, toilet rooms, and rooms containing only a water closet which are within dwelling units and which are naturally ventilated shall have openings with a minimum unobstructed area of not less than 0.09 square metres and shall be located in the exterior walls or through openable parts of skylights.
- C.8.5 Unfinished basement or cellar space, crawlspaces, and rooms not classified as habitable, other than those mentioned in subsection C.8.4; which are within dwelling units and which are ventilated naturally shall have openings with a minimum unobstructed area of not less than 0.2 percent of the floor area.
- C.8.6 Mechanical ventilation systems in habitable rooms and other spaces in residential and non-residential buildings, shall be capable of providing at least one air change per hour.
- C.8.7 Rooms and spaces in non-residential buildings which are ventilated naturally shall have sufficient air change to provide healthful conditions in these rooms and spaces.

C.9 Water

- C.9.1 Every dwelling unit and non-residential building intended for occupancy, other than an accessory building, shall be provided with an adequate supply of potable water from a source approved by the Medical Officer of Health.
- C.9.2 Every sink, wash basin, bathtub or shower required by this By-law shall have an adequate supply of potable water.
- C.9.3 An adequate supply of water shall be supplied to every water closet.

C.10 Bathroom and Toilet Facilities

- C.10.1 Every dwelling unit, except as provided in subsection C.10.2, shall contain at least one water closet, one sink, one wash basin, one bathtub of not less than 1.5 metres nominal length or shower and a sewage disposal system approved by the Medical Officer of Health and/or the Ministry of the Environment.
- C.10.2 In a rooming house there shall be a water closet, wash basin and bathtub or shower for not more than eight persons and these facilities shall be located on the same storey as, or on the next storey up or down from the storey on which the room or dwelling unit is located.
- C.10.3 All bathrooms, toilet rooms, and rooms containing only a water closet shall be located within and be accessible from the building it serves.
- C.10.4 All bathrooms, toilet rooms, and rooms containing only a water closet shall be fully enclosed and have a door capable of being locked so as to provide privacy for the occupant.
- C.10.5 The number and nature of washroom facilities and fixtures in non-residential occupancies shall conform to Provincial legislation. Each non-residential building shall contain at least one water closet and one wash basin.
- C.10.6 All rooms containing any fixture mentioned in subsection C.10.1 shall be kept clean and free from health hazards.
- C.10.7 Rooms containing a water closet shall be provided with toilet paper and rooms with wash basins shall be provided with soap and a means of drying.

C.11 Kitchens and Food Preparation Facilities

- C.11.1 Every kitchen area shall be equipped with a sink served with potable water and shall have food storage facilities, space for a refrigerator and a countertop work area.
- C.11.2 A countertop with an impervious surface shall be provided around the kitchen sink.
- C.11.3 Every kitchen shall have an operable cooking appliance maintained in good condition so as to not create a health, fire or accident hazard. An adequate and approved gas, electrical, or other fuel supply shall be supplied to this appliance.
- C.11.4 There shall be at least 750 millimetres clear space above any exposed cooking surface.
- C.11.5 No facilities for the preparation, cooking, storage or consumption of food shall be within a room that contains a water closet.

C.12 Stairs, handrails, and Guards

- C.12.1 All buildings shall be provided with stairs, handrails, and guards, as required by the Ontario Building Code, as amended from time to time.
- C.12.2 Every inside or outside stair and ramp and every porch or landing appurtenant to it, shall be maintained so as to be free of holes, cracks, and other defects which constitute accident hazards, and all treads or risers that are broken, warped or loose, and all supporting structural members that are rotten or deteriorated, shall be repaired or replaced.
- C.12.3 Guards of at least 1.07 metres shall be provided around the open sides of all exterior landings, porches, balconies, mezzanines, galleries, raised walkways, raised floors, window wells, stairways with more than 6 risers and bridges where the difference in elevation exceeds 600 millimetres, around any roof to which access is provided for other than maintenance purposes, and around openings into smoke shafts which are less than 1.07 metres above the floor.

C.13 Means of Egress

- C.13.1 Exits shall be provided from every floor area and shall conform in dimension, fire protection requirements, and other specifications to the Ontario Building Code, as amended from time to time, and shall be kept free from obstructions and hazards.
- C.13.2 A secondary means of exit shall be required from a suite, other than a dwelling unit, should the "maximum floor area" and "maximum travel distance to an egress door" requirements of the Ontario Building Code, as amended from time to time, be applicable.
- C.13.3 Required access to exit from suites, shall not be through any other dwelling unit, service room or other occupancy.
- C.13.4 In non-residential buildings, all floor areas shall have two exits spaced so that the travel distance to the nearest exit is not greater than 40 metres in the case of business and personal service occupancies and 30 metres for all other occupancies. Where the floor area is sprinklered, the travel distance may be increased to 45 metres for all occupancies. A single exit shall be permitted from each storey of buildings of one and two storeys in building height, provided the "maximum floor area" and "maximum travel distance to an egress door" requirements of the Ontario Building Code, as amended from time to time, are complied with and the occupant load served by an exit facility does not exceed 60 persons.

- C.13.5 Where more than one exit is required from a floor area, at least two exits shall be independent of each other and placed remote from each other.
- C.13.6 Every dwelling unit shall have a sufficient number of exits or egress doors so that it shall not be necessary to travel up or down more than one storey to reach a level served by an exit or egress door to a public corridor or exterior passageway.
- C.13.7 Where an egress door from a dwelling unit opens onto an enclosed exit stairway that serves more than one dwelling unit, the dwelling unit shall be provided with a second and separate means of egress.
- C.13.8 Every mobile home shall have two useable exits.

C.14 Fire Protection, Safety and Warning Devices

- C.14.1 Where dwelling units or a dwelling and a non-residential occupancy are separated vertically, the dividing walls shall form a continuous barrier from the floor to the underside of the roof and shall be tightly sealed by caulking, mineral wool, or similar non-combustible material.
- C.14.2 All walls and floors in buildings shall conform to the appropriate fire resistance ratings contained in the Ontario Building Code, as amended from time to time, and shall be free from holes, loose coverings, or other defects which would permit flames or excessive heat to enter the concealed space.
- C.14.3 An acceptable fire alarm system shall be installed in every building that contains more than three storeys, including storeys below the first storey, and all residential buildings which provide sleeping accommodations for ten or more persons, except as provided in subsection C.14.4.
- C.14.4 No fire alarm system shall be required in a residential occupancy where an exit or public corridor serves not more than four suites in a building, or each suite has direct access to outdoors by a door near ground level, or to a balcony with an exit stair to ground level.
- C.14.5 Where a fire alarm system is required, every public corridor in residential buildings and every exit stair shall be provided with smoke detectors.
- C.14.6 Where a fire alarm system is required to be installed, every recirculating air handling system shall be designed to prevent the circulation of smoke upon a signal from a duct-smoke detector where such system supplies more than one suite on the same floor, or serves more than one storey.

C.14.7 Approved smoke alarms shall be installed in each dwelling unit and in each sleeping room not within a dwelling unit.

C.14.8 The smoke alarm shall be audible within bedrooms and sleeping areas when intervening doors are closed and shall be installed between bedrooms or the sleeping areas and the remainder of the dwelling unit, such as any hallway or corridor serving such bedrooms or sleeping areas.

C.14.9 All required fire alarm and related detection systems shall be maintained in good working order.

C.14.10 Storage tanks for fuel for vehicles shall be located underground and maintained so as to be free of fire, accident and health hazards. Storage tanks for propane shall be permitted on the ground surface provided they are surrounded by barriers.

C.15 Insulation

C.15.1 All exterior windows and doors, except garage doors, in dwelling units shall be provided with storm windows and storm doors or other means of minimizing heat loss and infiltration.

C.15.2 Walls and ceilings shall be insulated in accordance with the requirements of the Ontario Building Code, as amended from time to time.

C.16 Garbage Disposal

C.16.1 All garbage, rubbish and other debris from a property shall be promptly stored in receptacles and made available for removal or removed in accordance with the regulations of the Township of Nipigon.

C.16.2 Plastic bags used for garbage disposal shall not be stored outdoors, unless protected from damage, including damage by animals.

C.16.3 Where private containerized garbage pick-up is provided, such containers shall be placed behind the building line and kept in a neat and tidy condition.

C.17 Waste Disposal

C.17.1 Sewage or organic waste, with the exception of animal waste, shall be discharged into a sewerage system where such a system exists. Where a sewerage system does not exist such sewage or organic waste shall be disposed of in a manner acceptable to the Medical Officer of Health and/or the Ministry of the Environment.

C.17.2 Sewage of any kind shall not be discharged directly into a natural or artificial surface drainage system of any kind.

C.18 Drainage

C.18.1 Storm water, roof drainage, and surface water shall be drained from all property so as to prevent recurring ponding or the entrance of water into a basement or cellar should a building occupy part of the property.

C.18.2 Roof drainage and weeping tile drainage shall not be discharged into the sanitary sewage system.

C.19 Pest Protection

C.19.1 All property shall be kept free of rodents, vermin, and insects at all times and methods used for exterminating rodents, vermin or insects shall be in accordance with the Pesticides Act, R.S.O., 1980 and as amended and all regulations passed pursuant thereto.

C.19.2 Basement and cellar windows, ventilators used or required for ventilation and any other openings in a basement or cellar including a floor drain, that might permit the entry of rodents shall be screened with wire mesh, a metal grille, or other durable material which will effectively exclude rodents.

C.20 Safe Passage

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

C.21 Rubbish, Weeds and Vehicles

C.21.1 All property shall be kept free from rubbish or other debris and from objects, material or conditions that might create a health, fire or accident hazard.

C.21.2 Weeds, undergrowth and other vegetation on a property shall be cut, removed or trimmed so as to not create a fire, health or accident hazard. Noxious plants shall be cleared from all property.

C.21.3 On residential property and vacant land any vehicle including a trailer, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in said yard but this shall not prevent the occupant of any premises from repairing one vehicle for his own use but not for commercial purposes, while such repair is actively carried on.

C.21.4 On non-residential property, except that on which a lawful vehicle repair or vehicle wrecking yard is being operated, any vehicle, including a trailer, which is in wrecked, discarded, dismantled, inoperative, or abandoned condition shall not be parked, stored, or left in the yard.

C.22 Yards, Parking and Storage Areas

C.22.1 Lawns, hedges, and bushes shall be kept trimmed and shall not be overgrown.

C.22.2 All yards shall contain sufficient parking spaces or driveway space for all vehicles kept on the property.

C.22.3 Property used for storage of any purpose shall be kept in an orderly manner, neat in appearance and free from health, fire and accident hazards.

C.23 Fences

- C.23.1 All fences, barriers, and retaining walls shall be kept in good repair, free from accident hazards.
- C.23.2 Where a non-residential property is used for outdoor storage, the storage area shall be defined and enclosed with a fence which has a minimum height of 1.2 metres.
- C.23.3 Swimming pools shall be surrounded by a fence which has a minimum height of 1.8 metres. The fence shall be constructed so as to prohibit the entrance of anyone into the pool area through the fence. The fence shall have a minimum of one gate and such gate(s) shall have lock(s) which restrict access into the pool area by unauthorized persons.
- C.23.4 All outdoor salvage yards shall be obscured from surrounding property by a fence or screening which shall be of a uniform construction and a minimum of 1.8 metres in height.

C.24 Swimming Pools

In addition to having the proper fencing, as set out in subsection C.23.3, all swimming pools shall be kept in a clean and sanitary condition, free from health and accident hazards.

C.25 Accessory Buildings

- C.25.1 Accessory buildings shall be kept in good repair, free from health, fire and accident hazards, and shall be protected by paint, preservatives, or other weather-resistant material.
- C.25.2 Where the accessory building or property is a dwelling, the provisions of this by-law relating to residential occupancies shall apply.

C.26 Occupancy Standards for Dwellings

- C.26.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- C.26.2 The maximum number of occupants in a dwelling unit shall not exceed one person per 9.4 square metres of habitable room floor area.
- C.26.3 For the purpose of computing the maximum number of occupants, any child under twelve years of age shall be deemed to be one-half person.
- C.26.4 For the purpose of computing the habitable room floor area, the floor area under a ceiling which is less than 2.1 metres high shall not be counted.
- C.26.5 No facilities for sleeping shall be within a room that contains a water closet. Jails and detention facilities are exempted from this clause.

SECTION D

PROCEDURES FOR

ADMINISTERING AND ENFORCING

THE PROPERTY STANDARDS

D.1 Application of the By-law

- D.1.1 This By-law shall apply to all property in the Township of Nipigon.
- D.1.2 Where a provision of this By-law conflicts with a provision of another By-law in force in the Township, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

D.2 Property Standards By-Law and Property Standards Committee

- D.2.1 This By-law shall be administered by a Property Standards Officer and a Property Standards Committee appointed by Council.
- D.2.2 The Property Standards Committee shall be composed of three individuals who shall hold office for three years provided that on the first appointment the members shall hold office as follows:
 - a) One member until the first day of January of the year following the date of appointment;
 - b) One member until the first day of January of the second year following the date of appointment;
 - c) One member until the first day of January of the third year following the date of appointment.
- D.2.3 When a vacancy occurs in the membership of the Committee, Council shall forthwith fill the vacancy. Committee members appointed to replace a Committee member who did not complete his term shall hold office for the duration of his predecessor's term.
- D.2.4 All Committee members shall serve beyond their terms of office as required until reappointed or replaced by Council.
- D.2.5 The members of the Committee shall select one of themselves as chairman, and when the chairman is absent through illness or otherwise, the Committee may appoint another member as acting chairman. The Committee shall make provision for a secretary for the Committee. Any member of the Committee may administer oaths.

D.2.6 The secretary shall keep on file minutes and records of all applications and decisions thereon and of all other official business of the Committee, and Section 78 of The Municipal Act applies with necessary modifications to such documents.

D.2.7 A majority of the Committee constitutes a quorum, and the Committee may adopt its own rules of procedure but before hearing an appeal shall give notice or direct that notice be given of the hearing to such persons as the Committee considers should receive such notice.

D.3 Inspection

D.3.1 Except as provided in subsection D.3.2, an Officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.

D.3.2 The Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupant, first having informed the occupant that the right of entry may be refused and entry made only under the authority of a search warrant issued under section 142 of The Provincial Offences Act.

D.4 Notice of Non-Conformity

D.4.1 If, after inspection, the Officer is satisfied that a property does not conform with the standards described in this By-law, the Officer shall issue a Notice.

D.4.2 The Notice shall:

- a) Contain the municipal address or legal description of the property;
- b) State that the property does not comply with the standards prescribed by the By-law;
- c) Specify the particulars of the non-conformity;
- d) Specify the action required to be taken to bring the property into conformity with the By-law giving reasonable particulars, or that the land should be cleared and left in a graded and levelled condition;
- e) Stipulate a reasonable time for completion of the work;
- f) State that any owner who desires to make representation in respect of the property or the work to be done has the right to an appearance before the Officer or may make such representations in writing;

g) State that any request for an appearance before the Officer shall be made in writing to the Officer within 14 days of the serving of the Notice and that any written representation shall be made within the same time, failing which an Order may be issued under subsection D.9 of this By-law;

h) State the name of the Officer giving the Notice and his address.

D.4.3 The Officer shall serve the Notice by personal service, or cause the Notice to be served by personal service, or send the Notice by prepaid registered mail to, the owner of the property, all persons shown by records of the land registry office and sheriff's office to have any interest therein, and any occupants responsible for the repairs or clearance of the property, and may, at the same time, provide all occupants with a copy of such Notice.

D.4.4 The Notice when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

D.5 Placarding of the Notice

If the Officer is unable to affect service of the Notice he shall place a placard containing the terms of the Notice in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the Notice on the owner or other persons responsible for the condition of the property.

D.6 Date of Service of Notice

When a Notice has been served by an Officer, the date of service shall be deemed to be the date upon which the Notice is delivered for registered mailing to the Post Office, or the date upon which the Notice is personally served by a Property Standards Officer or his agent upon any person, or the date of the placarding of the property in accordance with The Planning Act, 1983, as amended from time to time.

D.7 Responsibility of the Lessee With Regard to the Notice

D.7.1 Where a Notice is directed to any owner to repair or demolish and the property in question is used or occupied by a person or persons holding such property under the provisions of a lease, oral or written, the occupant of the said property shall afford entry to the owner or his agent at all reasonable times so that the owner may inspect the conditions specified in the Notice and/or carry out the required repairs.

D.7.2 The occupant of any property to the extent that he is made responsible by the lease or agreement under which he occupies the property, shall be required to repair or maintain the property in accordance with the standards or to demolish the whole or any part of the property.

D.8 Date of Appearance Before the Officer

Any appearance before the Officer requested by an owner or lessee responsible for repairs and clearance under the provisions of section D.4.2 shall be held by the Officer within 21 days of the receipt of the request by the Officer. Such owner or lessee shall have the right to make such representations and present such evidence as he desires at the appearance before the Officer.

D.9 Orders to Conform

D.9.1 If the repairs described in the Notice or in the appearance before the Officer are not completed by the stipulated deadline, the Officer shall issue an Order at any reasonable time after such deadline.

D.9.2 The Order shall:

- a) Contain the municipal address or legal description of the property;
- b) State the reasonable particulars of the repairs to be affected or state that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- c) State the period in which there must be compliance with the terms and conditions of the Order;
- d) State that if such repair or clearance is not carried out within the time specified in the Order, the Municipality may carry out the repair or clearance at the expense of the owner;
- e) State that the owner or lessee responsible for the repair or clearance has 14 days after the service of the Order to send a notice of appeal by registered mail to the secretary of the Property Standards Committee and that if no appeal is taken, the Order shall be deemed to have been confirmed.
- f) State the name of the secretary of the Property Standards Committee and his address.

D.9.3 The Officer shall serve the Order, cause the Order to be served by personal service, or send the Order by prepaid registered mail to, the owner of the property, all persons shown by the records of the land registry office and the sheriff's office to have any interest therein, and all occupants responsible for the repairs and clearance of the property, and may, at the same time, provide all occupants with a copy of such Order.

D.9.4 The Order when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

D.10 Placarding of the Order

If the Officer is unable to affect service of the Order he shall place a placard containing the terms of the Order in a conspicuous place on the Property, and the placing of the placard shall be deemed to be sufficient service of the Order on the owner or other persons responsible for the condition of the property.

D.11 Date of Service of the Order

When an Order has been served by an Officer, the date of service shall be deemed to be the date upon which the Order is delivered for registered mailing to the Post Office, or the date upon which the Order is personally served by a Property Standards Officer or his agent upon any person, or the date of the placarding of the property in accordance with The Planning Act, 1983, as amended from time to time.

D.12 Responsibility of the Lessee with Regard to the Order

D.12.1 Where an Order is directed to an owner to repair or demolish and the property in question is used or occupied by a person or persons holding such property under the provisions of a lease, oral or written, the occupant of said property shall afford entry to the owner or his agent at all reasonable times so that the owner may inspect the conditions specified in the Order and/or carry out the required repairs.

D.12.2 The occupant of any property to the extent that he is made responsible by the lease or agreement under which he occupies the property, shall be required to repair or maintain the property in accordance with the standards or demolish the whole or any part of the property.

D.13 Registration of the Order

An Order may be registered in the Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under subsection D.11 and, when the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the Land Titles Office, a certificate that such requirements have been satisfied, and this shall operate as a discharge of the Order.

D.14 Appeal to the Property Standards Committee

When an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order, he may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the Property Standards Committee within 14 days of having been served with the Order. If no appeal is taken the Order shall have been deemed to have been confirmed.

D.15 Hearing of an Appeal to the Property Standards Committee

- D.15.1 Where an appeal has been taken, the Committee shall hear the appeal within 30 days after the receipt of the notice of appeal by its secretary.
- D.15.2 The hearing shall be conducted according to the rules of procedure for hearings adopted by the Property Standards Committee.
- D.15.3 The Committee shall give notice or direct that notice be given concerning a hearing to such persons as the Committee considers should receive such notice.

D.16 Decision of the Property Standards Committee on Appeal

Where an appeal has been taken, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the Order to demolish or repair or may modify or quash it or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of the By-law and of the Official Plan are maintained.

D.17 Appeal to Judge

The Municipality or any owner or occupant or person affected by a decision under subsection D.16 may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the Clerk of the Corporation in writing and by applying for an appointment within 14 days after the sending of a copy of the decision, and,

- a) The judge shall, in writing, appoint a day, 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;
- b) The appointment shall be served in the manner prescribed by the judge;
- c) The judge on such appeal has the same powers and functions as the Committee.

D.18 Order Final and Binding

The Order, as deemed to have been confirmed by no receipt of a notice of appeal by the secretary of the Property Standards Committee, or as confirmed or modified by the Property Standards Committee following an appeal, or as confirmed or modified by a judge shall be final and binding upon the owner or occupant responsible for the repairs or clearance who shall then make the repairs or affect the clearance within the time and in the manner specified within the Order.

D.19 Power of Corporation to Repair or Demolish

- D.19.1 If the owner or occupant of a property fails to demolish the property or to repair in accordance with an Order as confirmed or modified, the Corporation in addition to all other remedies,
- a) shall have the right to demolish or repair the property accordingly and for this purpose may enter in and upon the property with its servants and agents from time to time;
 - 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 Corporation under the provisions of this subsection.
- D.19.2 Where a Municipality demolishes or repairs property in accordance with subsection D.19.1 the Municipality may recover the expense incurred in respect thereof by any or all methods provided for in section 325 of The Municipal Act, as amended from time to time, except that amount which, according to the determination of a judge, is to be borne by the Municipality.

D.20 Certificate of Compliance

- D.20.1 Following the inspection of a property, the Officer may, or on request of an owner or occupant responsible for the repairs or clearance shall, issue to such owner or occupant a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-law.
- D.20.2 If the certificate of compliance is issued at the request of an owner or occupant, the owner or occupant shall pay a fee of ten (\$10.00) dollars.

D.21 Penalties

An owner or occupant responsible for the repair or clearance of a property who fails to comply with an Order that is final and binding is guilty of an offence and on conviction is liable to a fine of not more than five hundred (\$500.00) dollars for each day that the contravention has continued.

D.22 Emergency Order

Despite any other provisions of this By-law, if upon inspection of a property the Officer is satisfied there is non-conformity with the standards prescribed in this By-law to such extent as to pose an immediate danger to the health or safety of any person the Officer may make an Order containing particulars of the non-conformity and require remedial repairs or other work to be carried out forthwith to terminate the danger.

D.23 Emergency Powers

After making an Order under subsection D.22, the Officer may, either before or after the Order is served, take or cause to be taken any measures he considers necessary to terminate the danger, and for this purpose the Municipality has the right, through its servants and agents, to enter in and upon the property from time to time.

D.24 No Compensation for Reasonable Use of Emergency Powers

The Officer, the Municipality or anyone acting on behalf of the Municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under subsection D.23.

D.25 Service of Order and Statement

D.25.1 Where the Order was not served before measures were taken by the Officer to terminate the danger, as mentioned in subsection D.23, the Officer shall forthwith after the measures have been taken, serve or send copies of the Order, in compliance with subsections D.9.3, D.9.4 and D.10, on or to the owner of the property, all persons shown by the records of the land registry office and the sheriff's office to have any interest therein, and to any occupants who are responsible for repairs and clearance of the property and each copy of the Order shall have attached to it a statement by the Officer describing the measures taken by the Municipality and providing details of the amount expended taking the measures. The Officer may also send all occupants of the property a copy of the Order and its attached statement.

D.25.2 Where the Order was served before measures were taken the Officer shall forthwith after the measures have been taken serve or send a copy of the statement, in compliance with subsections D.9.3, D.9.4 and D.10, on or to the owner of the property, all persons shown by the records of the land registry office and the sheriff's office to have any interest therein, and to occupants responsible for the repair and clearance of the property. The Officer may also send a statement to all occupants of the property.

D.26 Application to Judge

Forthwith after the requirements of subsections D.25.1 or D.25.2 have been complied with the Officer shall apply to a judge of the county or district court of the judicial district in which the property is situated for an order confirming the Order made under subsection D.22, and

- a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- b) The appointment shall be served in a manner prescribed by the judge; and
- c) the judge in disposing of the application may confirm the Order or may modify it or quash it and shall make a determination as to whether the amount expended by the Municipality in taking the measures to terminate the danger may be recovered by the Municipality in whole, in part or not at all.

D.27 Disposition by Judge is Final

The disposition by the judge of the application under subsection D.26 (c) is final and binding.

D.28 Recovery of Expense by Municipality

Where a Municipality takes measures to terminate a danger as mentioned in subsection D.22 the Municipality may recover the expense incurred in respect thereof by any or all methods provided for in section 325 of The Municipal Act, as amended from time to time, less that amount which is to be borne by the Municipality as a result of a judge's determination under subsection D.26 (c).

D.29 Illegal to Remove Placards

Any sign, notice or placard placed on a property pursuant to this by-law shall not be removed by any person except by written direction by the Officer, the Committee or a judge.

This By-law shall come into force and take effect upon the final passage hereof.

Enacted and passed this 20th day of August, A.D. 1985.

 REEVE


