

THE CORPORATION OF THE TOWNSHIP OF COLEMAN

BY-LAW NO. 23-22

**BEING A BY-LAW FOR THE ADOPTION OF STANDARDS FOR THE MAINTENANCE AND
OCCUPANCY OF PROPERTY WITHIN THE MUNICIPALITY**

WHEREAS under Section 15.1(3) of the Building code Act, S.O. 1992, c.23, as amended, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan includes provisions relating to property conditions is in effect in the municipality; and

WHEREAS the Official Plan of the Township of Coleman includes provisions relating to property conditions; and

WHEREAS the Council of The Corporation of the Township of Coleman desires to pass a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23; and

WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23, requires that a by-law passed under Section 15.1 of the Building Code Act, S.O. 1992, c.23, shall provide for the establishment of a Property Standards Committee.

NOW THEREFORE Council of The Corporation of the Township of Coleman hereby enacts the following as a by-law:

1. That the Council of The Corporation of the Township of Coleman adopts a ***Property Standards By-law*** identified as Schedule 'A', hereto attached and forming part of this by-law, which also contains Terms of Reference for the establishment of a Property Standards Committee.
2. That the effective date of the by-law shall be the date of adoption.
3. That By-law 08-08, By-law 08-20, By-law 19-36, By-law 22-12 and any amendments thereto be hereby repealed.
4. That the Clerk of the Township of Coleman is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or description nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law.

Read **FIRST, SECOND** and **THIRD TIME** and **FINALLY PASSED** this 10th day of July, 2023.

Dan Cleroux, Mayor

Christopher W. Oslund, CAO/Clerk-Treasurer

SCHEDULE A TO BY-LAW 23-22
PROPERTY STANDARDS BY-LAW

PART 1

DEFINITIONS OF WORDS AND PHRASES

1.01 Definitions of words and phrases used in this by-law that are not included in the list of definitions in this Part shall have the meanings as defined in Article 1.4.1.2 of the Ontario Building Code where so provided, and otherwise the meanings which are commonly assigned to them in the context in which they are used in this By-law.

1.02 The words and phrases defined in this section have the following meaning for the purposes of this By-law.

“Accessory Building” means a detached building or structure, not used for human habitation, that is naturally and normally incidental and subordinate to the primary use of the building or structure located on the same property.

“Apartment Buildings” means a building containing two or more dwelling units which have interior access to each other or which share a common access to exit, or common exit through an internal or exterior corridor system, lobby or stair and includes all such buildings whether under single ownership or condominium tenor.

“Approved” means acceptance by the Property Standards Officer or the authority having jurisdiction.

“Basement” means a storey or storeys of a building located below the first storey.

“Building” means “building” as defined in the Building Code Act.

“Building Code Act” means the Building Code Act, S.O. 1992, c.23, as amended.

“Common Area(s)” means those areas of a building, or a Residential Use Property that are not located within a dwelling unit, which are accessible to and for the use of the occupants of the building and or the public, and includes, but is not limited to; interior and exterior stairs, stairways, fire escapes, corridors, hallways, landings, decks, platforms, mezzanines, lobbies, laundry rooms, garbage rooms, exercise rooms, recreational rooms, and toilet rooms.

“Developed Lot” means all property located in Residential, Commercial, Industrial, Recreational zones; and lands adjacent to buildings or structures located in Rural and Agricultural zones.

“Dwelling Unit” means a suite within a building or residential use property operated as a housekeeping unit, used or intended to be used exclusively as a domicile by 1 or more persons and usually contains cooking, eating, living, sleeping and sanitary facilities.

“Exterior Envelope” means those parts of a building normally exposed to the elements and the effects of the sun, rain, snow and wind including the walls, roofs, soffits, fascia, gable ends, windows, doors, and portions of the foundation located above grade.

“First Storey” means *storey* with its floor closest to grade and having its ceiling more than 1.8 meters (5 ft 11 in) above grade.

“Guard” means a protective barrier around openings in a floor, or at the open side or sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other location to prevent accidental falls from one level to another.

“Licensed Vehicle” means any type of motorized vehicle or trailer or variation thereof that was originally manufactured for use on public roads or lands and includes automobiles, trucks, motorcycles, snowmobiles, ATV’s and similar recreational type vehicles.

“Means of Egress” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other exit facility used for the escape of person from any point within a *building*, a floor area, a *suite*, a room, or a contained open space, to a public thoroughfare or an approved area of refuge usually located outside the building.

“Non-Residential Use Property” means a *property* on which there are no *buildings* or structures that contain a dwelling unit, or on which no buildings or structures could lawfully be constructed that contain a *dwelling unit*, other than as permitted in *Industrial Zones*, and includes the lands and premises and accessory buildings, structures, fences or erections thereon or therein.

“Ontario Building Code” means O. Reg 332/12 made under the Building Code Act, S.O. 1992, c. 23 and amendments thereto.

“Owner” shall mean and include:

- (a) 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 the person’s own account or as agent or trustee of any other person, or who would so receive the rent if such land premise were let; and
- (b) 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 property.

“Officer” means a *Property Standards Officer*.

“Noxious Weeds” means noxious weeds as defined in the Weed Controls Act R.S.O. 1990, c.W.5

“Pesticides Act” means the Pesticides Act, R.S.O. 1990 c.P.11

“Person” means an individual, firm or corporation.

“Property Standards Officer” means an officer who has been assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the *Building Code Act*.

“Property Standards Committee” means the Committee established pursuant to Section 15.6 of the *Building Code Act*.

“Property” means the area of land as further defined in this bylaw as *Residential Use Property, Non-Residential Use Property* and/or Vacant Property.

“Residential Use Property” means a *property* on which is located a *building*, or on which a *building* could lawfully be constructed for the use of a domestic establishment in which sleeping accommodation is provided for one or more persons but who are not harboured or detained there to receive medical care or treatment or who are not involuntarily detained, and includes and lands, and accessory buildings that are appurtenant to such buildings and all stairways, walkways, driveways, parking spaces, and fences associated with the *building* and its *yard*.

“Standards” means the minimum standards of the physical condition of a building to allow occupancy as prescribed for in this Bylaw.

“Suite” means a single room or a series of rooms of complementary use, operated under a single tenancy, and includes, (a) *dwelling units*, (b) individual guest rooms in motels, hotels, boarding and rooming houses and dormitories, and (c) individual stores and individual or complementary rooms for business and personnel services occupancies.

“Toilet Room” means a room containing a water closet and wash basin.

“Tourist Trailer” means a trailer capable of being used for the temporary living, sleeping or eating accommodation of persons (notwithstanding that its running gear is or may be removed).

“Township” means the Township of Coleman

“Undeveloped Property” means land that is not a *Developed Lot*.

“Unlicensed Vehicle” means any vehicle that is not a *licensed vehicle* and includes, but

is not limited to construction and road building equipment, farm use motorized equipment, tractors, implements and allied equipment, boats, trailers and off-road ATV's, that were not originally manufactured for use on public roads or lands.

“Vacant Property” means the area of land situated between the perimeter lot lines of a lot, on which there are no buildings or structures or portions thereof currently constructed or situated.

“Yard” means vacant land on *developed lots* and area of land on *developed lots* between the exterior wall of any buildings or structures that are located on the lot, and the lot lines of said lot.

“Zone(s)” means a designated area of land use as prescribed in the Zoning bylaws currently in effect in the Township of Coleman and amendments thereto.

PART II

GENERAL STANDARD FOR ALL PROPERTIES

2.01 All repairs and maintenance of *property* shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction, renovations or repairs shall conform to the Building Code Act, the Ontario Buildings Code, the Fire Prevention Act, and the Ontario Fire Code where applicable.

YARDS

2.02 Every yard in all Zones shall be kept clean and free from:

(1) rubbish or debris and objects or conditions that may create a health, fire or accident hazard.

(2) wrecked, dismantled, discarded, abandoned or otherwise non-operational unlicensed vehicles that are not necessary for the operation of a business enterprise lawfully situated on the property.

(3) wrecked, dismantled, discarded, abandoned or otherwise non-operational unlicensed vehicles that do not have current registration and mechanical certification by the authority having jurisdiction so as to be deemed roadworthy for use on public streets or highways, that are not necessary for the operation of a business enterprise lawfully situated on the property.

(4) dilapidated, collapsed, partially collapsed or partially constructed *buildings* or structures that are not currently under construction or renovation authorized by a permit issued pursuant to the *Building Code Act*.

(5) *buildings* or structures which have sustained damage due to flood, fire, or the effects of wind, rain or snow that render the *building* unusable for its normal intended use, that are not under renovation authorized by a permit issued pursuant to the *Building Code Act*.

(6) mobile homes, modular homes, or pre-manufactured type buildings cannot be moved onto the property unless a permit to construct such buildings has been issued pursuant to the Building Code Act.

(7) travel trailers may only be used temporarily as a residence or cottage for a maximum of up to 24 months while a permanent residence or cottage is being constructed under an approved building permit. A foundation for the new residence will be required within the first 12 months in order to be allowed to use the travel trailer on the lot for the additional 12 months. Anyone using a travel trailer temporarily under this section must ensure that any wastewater, sewage, blackwater, greywater is disposed of at an approved facility at the owner's expense.

(8) Notwithstanding Section 2.02 (7) above, the use of tourist trailers on developed properties that have an approved building, including approved septic and well, may be used for temporary accommodations to house guests when they are visiting. Any wastewater, sewage, blackwater, greywater must be disposed of at an approved facility at the owner's expense.

SURFACE CONDITIONS YARDS

2.03 Surface conditions of *yards* on developed lots shall be maintained so as to:

- (1) prevent ponding of storm water;
- (2) prevent instability or erosion of soil;
- (3) prevent surface water run-off from entering *basements*;
- (4) not exhibit an unsightly appearance in comparison to adjacent property;
- (5) be kept free of deep ruts and holes;
- (6) provide for safe passage under normal use and weather conditions, day or night;
- (7) not to create a nuisance to other property;
- (8) kept free of *noxious weeds*;
- (9) kept free of dead, decayed or damaged trees or other natural growth;

(10) kept free of injurious insects, termites, rodents, vermin or other pests;

(11) kept free of garbage and refuse.

SEWAGE AND DRAINAGE

2.04 sewage shall be discharged into an approved sewage system

2.05 sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

2.06 Roof drainage shall not be discharged onto sidewalks, stairs or adjacent property.

SURFACE CONDITIONS OF DRIVEWAYS, PARKING AREA AND WALKWAYS

2.07 The surface condition of yards on developed lots used for vehicular traffic, driveways, parking areas or pedestrian walks shall be of asphalt, concrete, concrete paving stones, compacted stone or gravel and shall be kept in good repair free of dirt and litter so as to afford safe passage under normal use and weather conditions day or night.

2.08 *Accessory buildings*, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

2.09 *Accessory buildings*, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

GARBAGE DISPOSAL

2.10 Every building, dwelling and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the normal garbage collection days as established in the Township garbage collection by-law. Such receptacles shall be constructed of watertight material, provided with a tight-fitting cover and shall be maintained in a clean odor free condition at all times.

2.11 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the Township garbage collection by-law where applicable.

2.12 All garbage storage areas shall be screened in a manner that does not allow viewing of the garbage from any location not on the same property.

COMPOSTING

- 2.13** All properties shall be permitted one compost pile in accordance with the health regulations, provided that pile has an area not exceeding 2 square meters (21.5 square feet) and a height not exceeding 2 meters (6 foot and 6 inches), is enclosed on all sides by concrete block or lumber, or is contained in a metal or plastic barrel, a metal frame building with a concrete floor, or a commercial container designed for composting.
- 2.14** No animal or human feces shall be deposited into a compost pile.
- 2.15** No animal-based waste shall be deposited into a compost pile.

PART III

RESIDENTIAL STANDARDS

GENERAL CONDITIONS FOR THE EXTERIOR ENVELOPE AND THE COMMON AREAS OF RESIDENTIAL PROPERTY

- 3.01** Every owner of a building on a residential use property shall maintain the exterior envelope and the common areas of the buildings located on the property in accordance with this Part.

PEST PREVENTION

- 3.02** Openings in the exterior envelope of buildings on residential use property that may permit the entry of rodents, insects, vermin or other pests shall be appropriately screened and sealed.
- 3.03** Buildings on the residential use property shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act and all Township bylaws.

STRUCTURAL SOUNDNESS

- 3.04** Buildings on residential use property shall be maintained in a structurally sound condition so as to be capable of withstanding the live and dead loads that it may be exposed to and the anticipated effects of wind, rain, snow to which it may be exposed.
- 3.05** Foundation wall supporting buildings on residential use property shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, and the installation of sub soil drains at the footing level, grouting masonry cracks, and the damp proofing and waterproofing of walls and floor where necessary.

EXTERIOR ENVELOPE

- 3.06** The exterior envelope of buildings on residential use property, including siding or cladding, masonry, soffits, fascia, and trim components shall be maintained in good repair, free from loose or improperly secured objects or materials. Paint or other suitable preservatives or coatings must be applied where necessary so as to prevent deterioration due to weather conditions, insects or other hazards.
- 3.07** The exterior envelope of a building on residential use property shall be kept free of signs, painted slogans, graffiti and similar defacements that have not be approved by the Township.

WINDOWS AND DOORS

- 3.08** Windows, doors, skylights and basement hatchways in the exterior envelopes of buildings on residential use property shall be maintained in good repair, weather tight and draught free, so as to prevent heat loss and infiltration by the elements. Maintenance includes painting and the repair or replacement of damaged doors, door frames, window frames and sashes, and replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 3.09** Windows and doors in a required *means of egress* shall be equipped with hardware that can be readily opened from the interior without keys, special devices or special knowledge and shall be maintained in operable condition.
- 3.10** Doors between the common areas of buildings and individual suites shall be equipped with dead bolt type locking device.
- 3.11** Where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 3.12** All windows located above the second storey in the exterior envelope of a building on residential use property that have a sill height less than 1,000 mm (3 ft 3 in) from the adjacent floor level shall be equipped with an approved safety device that prevents any part of the window from being opened to a position that would permit the passage of a 100 mm diameter (4 inches) sphere, or the window shall be protected by a guard described in Part III Sections 3.22 of this by-law.
- 3.13** Notwithstanding section 3.12, where exterior balcony is constructed the full length of the window and this balcony is equipped with an approved guard system, the safety device described in section 3.12 need not be installed on the window.

ROOFS

- 3.14** Roofs and their components on *buildings* on a *residential use property* shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 3.15** Roofs shall be kept clear of accumulations of ice or snow where the such accumulations could result in hazard as a result of the ice or snow falling from the roof, or could affect the structural integrity of the *building* as determined by the *Property Standards Officer*.
- 3.16** Wherever eave troughs or roof gutters are provided, they shall be kept in good repair, free from obstructions and property secured to the *building*.

INTERIOR WALLS, CEILINGS AND FLOORS

- 3.17** Every wall, ceiling and floor in the common area of a building on a residential use property shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects and were any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

INTERIOR AND EXTERIOR STAIRS, PORCHES, BALCONIES, LANDINGS, MEZZANINES AND FIRE ESCAPES

- 3.18** Every stair, porch, balcony, landing, mezzanine and fire escape located in the common area or on the exterior envelope of a building on a residential use property shall be maintained in good repair and where any components thereof a broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

GUARDS

- 3.19** Every open side of a stair, porch, balcony, landing, mezzanine or fire escape that is located in the common area or the exterior envelope of a building on a residential use property, in which there is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface within 1.2 m (3 ft. 11) from the walking surface has a slope or more that 1 in 2, shall be protected by a guard constructed to the standards as described in Sections 3.20 of this by-law.
- 3.20** *Guards* where required elsewhere in the By-law shall:
- a) not have any component that facilitates climbing between 100 mm (4 in.) and 900 mm (35 in.) above the floor level of the stair, porch, balcony, landing, mezzanine or fire escape that the guard is designed to protect;

- b) be not less than 900 mm (35 inches) in height, measured vertically from a line drawn through the outside edges of the stair nosing or from the surface of a ramp;
- c) be not less than 1 metre (39.4 inches) in height above a surface described in Sec. 3.19 or Sec. 5.09 of this By-law;
- d) not have any openings which will allow the passage of a spherical object having a diameter of more than 100 mm (4 in); and
- e) be capable of supporting a horizontal load applied inward or outward at the top of 3.0 kN/m (200 lb/ft), a vertical load of 1.5 kN/m (100 lb/ft), and a concentrated horizontal load of .5 kN (113 lb) applied to individual elements whether they be panels or pickets. These loads need not be considered to act simultaneously with the horizontal load.

HANDRAILS

- 3.21** Every ramp and stairway with 3 risers or more in the common area and exterior envelope of a building on a residential use property, shall have a handrail on at least one side, and where 1.5 meter (59 in) or more in width, shall have handrails on both sides. Handrails shall be constructed to the standard as described in Section 3.22 of this by-law.
- 3.22** Handrails where required elsewhere in this by-law shall be continuously graspable along their entire length and shall:
- a) have a circular cross-section with an outside dimension of not less than 30 mm (1-3/16 in) and not more than 50 mm (2 in) or be any non-circular shape with graspable portion that has perimeter not less than 100 mm (4 in) and not more than 155 mm (6-1/8 in) and whose largest cross-sectional dimension is not more than 57 mm (2-1/4 in);
 - b) be not less than 800 mm (2 ft 7 in) and not more than 965 mm (3 ft. 2 in) high, measured vertically from a line drawn through the outside edges of the stair nosing from the surface of the ramp;
 - c) be continuous throughout the length of the stairway, including landings, except interrupted by doorways or newels at changes of direction;
 - d) have a clearance of not less than 40 mm (1-9/16 in) between that handrail and any wall to which it is fastened; and
 - e) shall be designed and constructed to withstand the loading values obtained from the non-concurrent application of:

- i) a concentrated load not less than 0.9 kN (200 lb) applied at any point and in any direction for all handrails; and
- ii) a uniform load not less than 0.7 kN (47 lb/ft) applied in any direction to handrails.

ELECTRICAL SERVICE

- 3.23** Every building on a residential use property that has access to hydro shall be wired for electricity and shall be connected to an approved electrical supply system unless it can be shown that an alternate method of supply is being provided.
- 3.24** The electrical wiring, fixtures, switches, receptacles, and appliances located or used in a building in a residential use property shall be installed and maintained in a good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporation Act, as amended.
- 3.25** Lighting fixtures and appliances installed in common areas of building on a residential use property shall provide an average level not less than in Table 3.25 at the floor or tread level and at angles and intersections and changes of level where there are stairs or ramps.

Table 3.25 Lighting for Common Areas
Forming part of Section 3.25

Rooms or spaces	Minimum Illumination, lx (ft-candle)	Minimum Lighting Power Density, W/M ² (W/ft ²) of floor area (incandescent lighting)
Storage rooms	50 (4.6)	5 (0.46)
Service Rooms and laundry areas	200 (18.6)	20 (1.86)
Garages	50 (4.6)	5 (.046)
Service hallways and stairways	50 (4.6)	5(.046)
Recreation rooms	100 (9.3)	10 (0.93)
Public water-closet rooms	100 (9.3)	10 (0.93)

KITCHENS

- 3.26** Every dwelling shall contain a kitchen area equipped with:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water
- (b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- (c) a counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink and covered with a material that is impervious to moisture and grease and is easily cleanable;
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

TOILET AND BATHROOM FACILITIES

3.27 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.

3.28 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

3.29 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

PLUMBING

3.30 Each washbasin, bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 F).

3.31 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of health.

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

3.33 All plumbing fixtures shall be connected to the sewerage system through water seal traps.

3.34 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts is hard, smooth, impervious to hot and cold water, readily

accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

3.35 The common area of a building on a residential use property located within the interior of the exterior building envelope shall be provided with a heating system and those areas shall be maintained with a minimum ambient temperature of 18 degrees Celsius (64° F.)

3.36 The heating required in Section 3.35 shall be maintained in an operational condition at all times.

3.37 Notwithstanding Section 3.35, the minimum ambient temperature requirement does not apply to storage rooms, service rooms or recreation rooms.

ELEVATING DEVICES

3.38 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems in the common areas of a building on a residential use property shall at all times be operational and maintained in good condition and approved.

DISCONNECTED UTILITIES

3.39 Owners of residential use property or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnect any service or utility supplying heat, electricity, gas, refrigeration or water to the common area of a building on a residential use property, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service utility.

PART IV

VACANT LANDS AND BUILDINGS

VACANT LANDS

4.01 Vacant land shall be maintained to the standards as described in Part II of this By-law and with the requirements of this Part.

VACANT BUILDINGS

4.02 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

4.03 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with a minimum of 13.7 mm (1/2 inch) weatherproof plywood or 11.1 mm (7/16 in) oriented strand board, securely fastened to the building and painted a colour compatible with the surrounding walls.

PART V NON-RESIDENTIAL USE PROPERTY STANDARDS

YARDS

- 5.01** Yards in non-residential use property shall be maintained to the standards as described in Part II of this By-law.
- 5.02** The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire, accident, hazard or an unsightly condition. Where conditions are such that a neat and orderly fashion is achieved, however the sight is still offensive to view from a location not on property, as determined by the Property Standards Officer, the offensive area shall be suitably enclosed by a solid wall or painted board or privacy type fence not less than 1.800 meter (6 ft) in height, which shall be maintained in good repair.

PARKING AREAS AND DRIVEWAYS

- 5.03** All areas used for vehicular traffic and parking on a non-residential use property shall have a surface covering of asphalt, concrete, compacted stone or gravel sufficient to support the loads it will be subjected to and the covering shall be kept in good repair, free of dirt and litter. Notwithstanding the foregoing, where a non-residential use property abuts a residential use property, all areas used for vehicular traffic and parking on the non-residential parking located within 30 meters (100 feet) of the residential use property shall have surface covering of asphalt or similar hard surface, or such measures as required shall be undertaken to eliminate the effects of dust, sand or gravel particles originating on those areas from being displaced onto the adjoining residential use property by the effect of wind or rain.
- 5.04** All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

STRUCTURAL SOUNDNESS

- 5.05** Every part of a building or structure on a non-residential use property shall be maintained in a sound condition so as to be capable of withstanding the anticipated

live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed under normal use, having a level of safety required by the Ontario Building Code. Structural member or materials that have been damaged or indicate evidence of deterioration shall be repaired and replaced.

EXTERIOR WALLS

- 5.06** Exterior walls and their components on buildings on non-residential use property shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim and shall be free of unauthorized signs, painted slogans, graffiti and preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

ROOFS

- 5.07** Roofs and their components on buildings on non-residential use property shall be maintained in a weather tight condition, free from loose or unsecured objects or material and shall be kept clear of accumulations of ice or snow where such accumulation may have a detrimental effect on the structural integrity of the building or where such accumulations otherwise creates a hazard.
- 5.08** Where eaves trough or roof gutters are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

GUARDS

- 5.09** Every open side of a stair, porch, balcony, landing, mezzanine or fire escape that is located on the exterior or interior of a building on a non-residential use property, and in which there is a difference in elevation of 60 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface is within 1.2 m (3 ft 11 in) from the walking surface and has a slope of more than 1 in 2 shall be protected by a guard constructed to the standards as described in Sections 3.20 of this By-law.
- 5.10** Notwithstanding section 5.09, if it can be shown that children will unlikely be present except under strict supervision, guards on a building of Industrial Occupancy may be built with openings that will prevent a spherical object having the diameter of 200 mm (7-7/8 inches) from passing through.
- 5.11** Notwithstanding section 5.09, if it can be shown that children will unlikely be present except under strict supervision, guards in a building on a non-residential use property are not required at loading docks, maintenance pits or at such locations where the presence of the guard would detrimental to the functionality of the business currently operating in the building.

HANDRAILS

- 5.12** Every ramp and stairway with 3 risers or more in a building on a non-residential use-property shall have a handrail on at least one side, and where 1.5 meter (60 in) or more in width, shall have handrails on both sides. Such handrails shall be constructed to the standards as described in Section 3.22 of this By-law.

LIGHTING

- 5.13** Every building on non-residential use property shall have sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.
- 5.14** Notwithstanding Section 5.14, interior or exterior lighting on non-residential use property shall not be positioned or directed in manner that causes any impairment of use or enjoyment of neighboring properties or causes a hazard to pedestrian or vehicular traffic on public streets, highways, or pedestrian walkways

MUNICIPAL ROADS

- 5.15** No person shall deposit snow or other debris (leaves, grass cuttings, tree branches, etc.) on or near any Township road.
- 5.16** Persons found guilty of this offence will be subject to a fine of no less than \$50.00 for the first offence and no more than \$150.00 for each subsequent offence.

PART VI ADMINISTRATION AND ENFORCEMENT

- 6.01** This By-law shall apply to all property within the limits of the Township of Coleman.
- 6.02** Only the values provided with metric units of measure which appear in this By-law are official. Imperial equivalent values that appear in brackets are included for convenience only.

CERTIFICATE OF COMPLIANCE

- 6.03** Where an officer has inspected a property and is of the opinion that the property complies with the standards established in the By-law, he/she may issue a Certificate of Compliance to the owner.
- 6.04** An officer shall issue a Certificate of Compliance to the owner of a property who has requested one, where the Officer has inspected the property and is of the opinion that the property complies with the standards established in the by-law, and the owner has paid the fee established by Council pursuant to section 15.5(3) of *The Building Code Act*.

- 6.05** The fee for issuance of a certificate of Compliance with the standards established in this by-law by an Officer shall be One Hundred and Fifty Dollars (\$150.00).

OFFICERS

- 6.06** The Council of the Township of Coleman shall appoint, by by-law, a Property Standards Officer(s) to be responsible for the administration and enforcement of this by-law.

PROPERTY STANDARDS COMMITTEE

- 6.07** Council shall appoint, by by-law, members to the Property Standards Committee for a term of office concurrent with Council in accordance with the Terms of Reference laid out in Appendix 5 of this Schedule.
- 6.08** Every person who initiates an appeal of an order made under section 15.2 (2) of the *Ontario Building Code Act*, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and in the manner as prescribed in section 15.3 (1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment of one hundred dollars (\$100).

COMPLIANCE

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

PENALTY

- 6.10** If an article of this By-law is for any reason held to be invalid remaining articles shall remain in effect until repealed.
- 6.11** Where a provision of the by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

FORMS

- 6.12** The form for use as an "Informal Notice" shall be on Forms PS-A-01 as laid out in Appendix "1" to this Schedule.

ORDERS

- 6.13** Where an "Informal Notice" has been provided, ***"AN ORDER TO REMEDY"***

VIOLATION OF STANDARDS OF MAINTENANCE AND OCCUPANCY” issued pursuant to Section 15.2 (2) of the Building Code Act shall be on Form PS-A-02 as laid out in Appendix “2” to this Schedule.

6.14 Where no “Informal Notice” has been provided, ***“AN ORDER TO REMEDY VIOLATION OF STANDARDS OF MAINTENANCE AND OCCUPANCY”*** issued pursuant to Section 15.2 (2) of the Building Code Act shall be on Form PS-A-03 as laid out in Appendix “3” to this Schedule.

6.15 A ***“NOTICE OF APPEAL TO THE PROPERTY STANDARDS COMMITTEE”*** issued pursuant to Section 15.3 (1) of the Building Code Act shall be on Form PS-A-04 as laid out in Appendix “4” this Schedule.

**APPENDIX 1
TO SCHEDULE A OF BY-LAW 23-22
(INFORMAL NOTICE – FORM PS-A-01)**

Corporation of the Township of Coleman
937907 Marsh Bay Road, R.R. # 1
Coleman, Ontario. P0J 1C0

**THE CORPORATION OF THE TOWNSHIP OF COLEMAN
INFORMAL NOTICE**

Date: _____

Owner's Name and Address

Dear Sir/Madam

RE: _____

Roll No.: 5401_____

Be advised that on _____ an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-law 23-22.

Schedule "A", attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the By-Law.

Be advised that By-law 23-22 gives the municipality the authority to issue an **ORDER TO COMPLY** pursuant to Section 15.2(2), *Ontario Building Code Act, S.O. 1992, c.23*

It is desired that you will comply with this informal notice so that the aforementioned procedural step will not be necessary.

A follow-up inspection of this property will take place on or about _____ to ascertain compliance.

Should you require further information pertaining to this matter, please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer

**APPENDIX 2
TO SCHEDULE A OF BY-LAW 23-22
(ORDER TO REMEDY – FORM PS-A-02)**

Corporation of the Township of Coleman
937907 Marsh Bay Road, R.R. # 1
Coleman, Ontario. P0J 1C0

**THE CORPORATION OF THE TOWNSHIP OF COLEMAN
ORDER TO REMEDY VIOLATION OF STANDARDS OF MAINTENANCE AND OCCUPANCY
*Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23***

Date: _____

Owner's Name and Address

Dear Sir/Madam

RE: _____

Roll No.: 5401_____

WHEREAS on _____ you were served with an Informal **NOTICE** that required you to remedy certain violations of standards of maintenance and occupancy at your property, described above;

AND WHEREAS you have failed to remedy the noted violation(s) as set out in **Schedule "A"** attached hereto and which forms part of this **ORDER**.

THEREFORE, IT IS HEREBY CHARGED THAT the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law 23-22 on or before _____.

TAKE NOTICE that if such violations are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE

*If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, the owner may appeal to the committee by sending a **NOTICE OF APPEAL** by registered mail to the Secretary of the committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed*

FINAL DATE FOR APPEAL: _____

Property Standards Officer

**APPENDIX 3
TO SCHEDULE A OF BY-LAW 23-22
(ORDER TO REMEDY – FORM PS-A-03)**

Corporation of the Township of Coleman
937907 Marsh Bay Road, R.R. # 1
Coleman, Ontario. P0J 1C0

**THE CORPORATION OF THE TOWNSHIP OF COLEMAN
ORDER TO REMEDY VIOLATION OF STANDARDS OF MAINTENANCE AND OCCUPANCY
*Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23***

Date: _____

Owner's Name and Address

Dear Sir/Madam

RE: _____

Roll No.: 5401_____

Be advised that on _____ an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-law 23-22.

The violation(s) are set out in **Schedule "A"** attached hereto and forming part of this **ORDER**.

IT IS HEREBY CHARGED THAT the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law 23-22 on or before _____.

TAKE NOTICE that if such violations are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE

*If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, the owner may appeal to the committee by sending a **NOTICE OF APPEAL** by registered mail to the Secretary of the committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed*

FINAL DATE FOR APPEAL: _____

Property Standards Officer

**APPENDIX 4
TO SCHEDULE A OF BY-LAW 23-22
(NOTICE OF APPEAL – FORM PS-A-04)**

**NOTICE OF APPEAL
TO THE PROPERTY STANDARDS COMMITTEE OF
THE CORPORATION OF THE TOWNSHIP OF COLEMAN
*Pursuant to Section 15.3 (1) of the Ontario Building Code Act, S.O. 1992, c.23***

Date: _____

To: The Secretary of the Property Standards Committee
Corporation of the Township of Coleman
937907 Marsh Bay Road, R.R. # 1
Coleman, Ontario. P0J 1C0

**RE: ORDER TO REMEDY VIOLATION OF STANDARDS OF MAINTENANCE AND
OCCUPANCY AT** _____

Dear Sir/Madam

TAKE NOTICE of the appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above referenced Order to Remedy Violation of Standards of Maintenance and Occupancy served upon the undersigned on _____.

Name:

Address:

Telephone Number:

APPEAL TO PROPERTY STANDARDS COMMITTEE

*An owner or occupant who has been served with an Order made un The Building Code Act, S.O. 1992, Chapter 23, Section 15.2 (2) and who is not satisfied with the terms or conditions of the Order may appeal to the Committee by sending **NOTICE OF APPEAL** by registered mail to the Secretary of the Committee within fourteen days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed.*

Owner of Authorized Agent

**APPENDIX 5
TO SCHEDULE A OF BY-LAW 23-22
(PROPERTY STANDARDS BY-LAW)**

**TERMS OF REFERENCE
PROPERTY STANDARDS COMMITTEE**

Purpose

The Property Standards Committee is established under the authority of the Building Code Act, 1992 SO. 1992 c. 23 and the Township's Property Standards By-law No. 23-22.

The members of the Property Standards Committee are appointed by the Council of the Township of Coleman to hear the appeal of any owner or occupant who has been served with an Order issued under the Property Standards By-law and who is not satisfied with the terms or conditions of the Order.

Mandate

The Property Standards Committee is a quasi-judicial body that hears appeals by property owners or their agents who have received an order of the By-law Enforcement and/or Property Standard Officer from the Township.

The responsibilities of the Committee will be to:

- Confirm the Property Standards Order; or
- Modify the Property Standards Order; or
- Quash the Property Standards Order; or
- Extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the Property Standards By-law is maintained.

Delegated Authority

The Property Standards Committee shall work within the scope of their responsibilities as set out in this Terms of Reference, the Township's Property Standards By-law and the Building Code Act.

Committee Composition and Appointment

- a) Committee members will be appointed by Township Council.
- b) Three (3) members of the public are appointed for a term coinciding with the term of Council.
- c) Applicants for appointment to the Committee must be:
 - i. A Canadian Citizen
 - ii. 18 years of age and over,
 - iii. Either the owner or tenant of land, or the spouse of an owner or tenant of land, within the municipality; and
 - iv. Not employees of the municipality
- d) Prior experience in the following would be considered an asset:
 - i. Persons with legal tribunal governance experience

- ii. Persons with land use experience
 - iii. Persons with real estate experience
- e) Only members, appointed by Council, may vote on any issue.
- f) Other parties, with interest, such as subject matter experts, may be invited to the meetings, as required, but without voting privileges.
- g) Members are eligible for re-appointment at the discretion of Council.
- h) When a member resigns from the Committee before the expiration of his/her term, Council shall appoint another eligible person for the unexpired portion of that term.
- i) If a Committee member fails to attend three (3) consecutive meetings of the Committee without reason, his/her position shall be deemed to be vacant.
- j) The Committee shall elect, annually, a Chairperson and such other officers as may be required from its members. In the Chairperson's absence, the Committee shall appoint another member as acting chair.
- k) At any meeting of the Committee, a quorum shall consist of two (2) members of the Committee.

Committee Support

The Chief Administrative Officer/Clerk-Treasurer is designated as the staff resource/Secretary of the Committee.

Responsibilities of Clerk:

- a) Agenda preparation and distribution
- b) Ensure all public notices, as required under the Act are issued;
- c) Completion of Notice of Decision and Notice of No appeal, and distribute accordingly;
- d) Record meeting minutes, and distribute minutes to Committee Members;
- e) Ensure the Committee Chair has signed the adopted meeting minutes, and filed in the CAO/Clerk-Treasurer's Office.
- f) Assist the Chairperson as required.

Additional staff resources may be utilized as required. Staff resources shall be non-voting.

Code of Conduct & Conflict of Interest

All members will conduct themselves in a professional manner at all times while a member, and will govern under the Code of Conduct as adopted by Council.

If a member has, at any time, a conflict of interest in relation to a particular issue or interest they must declare this conflict of interest under the agenda order of business. The conflict of interest is to be properly documented by the Secretary, and recorded in the minutes.

Records

The Property Standards Committee will provide Council with minutes of meetings and report on specific matters as necessary. That the records of the Property Standards Committee shall be retained and preserved in accordance with the provisions of the Township of Coleman's Records Retention By-law.

Term

The term of the members of the Committee shall be four years coinciding with the term of the Council that has made the appointment.

Council may, by resolution and when required in order to maintain the requisite number and composition of members on the Committee, select and appoint new members to the Committee for the duration of the term.

Council may by resolution, at any time, and from time-to-time at its sole discretion remove any member, voting or non-voting, from the Committee, as it deems advisable.

Resignations from the Committee must be in writing to the Township Chief Administrative Officer/Clerk-Treasurer. Appointments will be in accordance with the policies and practices adopted by Council from time to time.

Roles and Responsibilities

Chairperson: One member will be chosen by majority vote of the Committee at the first meeting of each New Year to Chair the meetings and oversee the business of the Committee for that year.

Acting-Chair: A Vice-Chair for the same duration will be chosen by majority vote of the Committee, as needed. The role of Acting-Chair is that of Chair when assuming the role of Chair.

Chairperson

- Provide leadership to the Committee;
- Chair Committee meetings in accordance with the Municipality's Procedural By-law;
- Responsible to ensure decorum and proper procedure occurs during meetings;
- Inviting specialists or other guests as required;
- Presiding over meeting and guiding it as per the agenda;
- Ensuring a decision is reached on all agenda items;
- Ensuring the Committee carries out its functions and meets its obligations;
- Ensures that all recommendations of the Committee are brought forward to Township Council;
- Ensure that the Municipality's By-laws and Policies are adhered to with respect to all matters.

All Committee members

- Attend regular Committee meetings
- Advise the Chairperson if unable to attend a meeting
- Review applications sent to them in advance of the meeting
- Visit the site of each application prior to the meeting
- Attend the Property Standards hearings, consider the application and make decisions in public regarding applications
- Be objective, possess relevant education component or equivalent experience and have an open mind in order to fully consider the evidence provided.
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate.

Indemnities to Committee Members and Others

Committee members shall be covered by the municipality's general liability insurance policy as it relates to Committees of Council activities.

Meetings

Meetings shall be conducted with an agenda that is prepared by Staff and reviewed by the Committee Chairperson and all meetings shall be open to the public.

Property Standards Committee will be called upon as needed. They do not meet regularly or routinely.

Marketing and Media

Prior to the release of any publication or Committee initiative, the Township of Coleman's Chief Administrative Officer/Clerk-Treasurer will be provided with a Draft version for review. Only once approval has been granted by the Township should the Committee proceed.

All media enquiries shall be referred to the Chief Administrative Officer/Clerk-Treasurer.

Budget and Resources

Committee members receive a remuneration of \$100.00 per year, but may receive reimbursements if prior authorization is received by Council.

The Committee and/or Committee members shall not, while serving in such capacity, incur any financial expenses not previously passed by a resolution of Council.