

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 075-02

A By-Law of The Corporation of the Town of Innisfil to prescribe standards for the Maintenance and Occupancy of property.

WHEREAS Section 15.1(3) of the Building Code Act, S.O. 1992, C.23, as amended, authorizes the council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS an official plan that included provisions relating to property conditions is in effect in the Town of Innisfil;

NOW THEREFORE, the Council of The Corporation of the Town of Innisfil enacts as follows:

PART 1

1. TITLE AND SCOPE

Section 1

1.1_ Short Title

1.1.1_ This By-Law may be referred to as “The Property Standards By-Law”.

Section 2

1.2 Scope

1.2.1. The standards for maintenance and occupancy or property set forth in this By-Law are hereby prescribed and adopted as the minimum standards for all property within the Town of Innisfil.

1.2.2. No person shall occupy or use, or permit the occupancy or use, of any property that does not conform to the standards prescribed in this By-Law.

1.2.3. All property within the municipality that does not conform with the standards contained in this by-law shall be repaired and maintained to conform with the standards or the site should to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

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PART 2

2. APPLIED MEANING OF WORDS AND TERMS

Section 1

2.1. Interpretations

- 2.1.1. **Nomenclature:** Throughout this By-Law, the following numbering system is used: The By-Law is divided into Five (5) Parts, each of which is divided into sections. The Sections may further be divided into Subsections. Thus, 3.6.8. is to be interpreted as meaning Part 3, Section 6, Subsection 8. The Sections and Subsections may also be Subdivided into Paragraphs (designated (1), (2), etc) and Sentences (designated (a), (b), etc.), and Clauses (designated (i), (ii), etc.);
- 2.1.2. **Interchangeability:** Words used in the present tense include the future, and words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular;
- 2.1.3. **Terms Defined:** Unless otherwise expressly stated, terms shall for the purpose of this By-Law, have the meaning indicated in Part 2, Section 2 of this By-Law;
- 2.1.4. **Terms Not Defined:** Where terms are not defined under the provisions or this By-Law, they shall have the meanings ascribed to them in the Ontario Building Code or, if not defined in the Ontario Building Code, they shall have the meaning ascribed in the Ontario Fire Code or, if not defined in the Ontario Fire Code, they shall have ascribed to their ordinarily accepted meanings, and such as the context herein may imply.

Section 2

2.2. Definitions

- 2.2.1. **Accessory Structure** means a building or structure, the use or occupancy of which is incidental to the main use or occupancy of any other building on the premises, or which, if there is no other building on the premises, is incidental to the use of the premises;

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- 2.2.2. **Approved** means, as applied to a grade, material, device or method of construction, approved by the Property Standards Officer under the provisions of this By-Law; approved by the Chief Building Official under the provisions of the Building Code; approved by the Fire Chief under the provisions of the Fire Code; or approved by other authority designated by law to give approval to the matter in question;
- 2.2.3. **Brush** means the severed portions of limbs or branches of trees or shrubs;
- 2.2.4. **Chief Building Official** means a person appointed by the Council of Any Municipality for the enforcement of the Building Code Act 1992, c.23 s. 3(2)
- 2.2.5. **Committee** means a property standards committee established under Section 15.6 of the Building Code Act S.O. 1992, c.23., appointed by by-law, passed by Council, composed of three persons appointed by Council from time to time to hold office for such terms and on such conditions as the by-law may establish.
- 2.2.6. **Corporation** means the Corporation of the Town of Innisfil.
- 2.2.7. **Dwelling Unit** means two or more rooms, providing cooking and sanitary facilities, used or capable of being used for the purpose of domestic use of an individual or individuals living together as a group;
- 2.2.8. **Exterior Property Areas** means the premises, exclusive of buildings and accessory structures;
- 2.2.9. **Fence** means a structure, at grade, erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting ingress or egress to an open space;
- 2.2.10. **Ground Cover** means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;
- 2.2.11. **Habitable Room** means a room, or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposes, but excludes a bathroom, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, storage room, furnace room or other accessory space used for service, maintenance or access within a building;

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- 2.2.12. **Medical Officer** of Health means the Medical Officer of Health for the County of Simcoe.
- 2.2.13. **Municipality** means the Corporation of the Town of Innisfil.
- 2.2.14. **Noxious Weed** means any weed classed as noxious by the Weed control Act of the Province of Ontario;
- 2.2.15. **Openable Area** means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors;
- 2.2.16. **Officer** means the Property Standards Officer assigned for the purpose of administering and enforcing this By-Law.
- 2.2.17. **Person** includes an individual, firm, corporation, association or partnership;
- 2.2.18. **Premises** means that portion of real property which is owned by a specific person, and includes all buildings and structures thereon;
- 2.2.19. **Residence Building** means a building containing within its walls, one or more residences, rooming or dwelling units, and which may, in addition contain other uses;
- 2.2.20. **Residence Unit** means one or more rooms arranged for the use of one or more individuals living together with living and sleeping facilities, and includes a dwelling unit and a rooming unit;
- 2.2.21. **Rooming Unit** means one or more habitable rooms with shared sanitary, cooking or eating facilities, or with no cooking or eating facilities, which are rented or capable of being rented to a person for gain;
- 2.2.22. **Salvage yard** includes a scrap yard, junk yard and wrecking yard, whether or not an active business is carried on therein, or such yard is used for storage purposes;
- 2.2.23. **Sewage** means water-carried wastes, together with such ground, surface and storm waters as may be present;
- 2.2.24. **Sign** includes an advertising device or notice and means any medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information or advertising purposes;

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- 2.2.25. **Unsafe Condition** means any condition that would cause undue or unexpected hazard to life, limb or health of any person authorized or expected to be on or about the premises;

PART 3

3.0 ENVIRONMENTAL REQUIREMENTS INTENDED PRIMARILY TO PROTECT PERSONS WHO MAY BE ON OR ADJACENT TO THE PREMISES AND TO MAINTAIN PROPERTY VALUES

Section 1

3.1. Exterior Property Areas
(Excluding buildings and accessory structures)

3.1.1. General Requirements

- i) Exterior property areas shall be kept in a neat and tidy condition, and free from:
 - (a) rubbish, garbage, brush, waste, litter, and other debris;
 - (b) noxious weeds and excessive growths of other weeds and grass;
 - (c) unsightly and unreasonably overgrown, in relation to their environment, ground cover, hedges and bushes;
 - (d) dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which created an unsafe condition;
 - (e) wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles or trailers, except in an establishment licenced or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment, or where the vehicle is at least 20 years of age and has been restored or is in a state of being restored as an antique vehicle that is substantially unchanged or unmodified from the original manufacturer's product;

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- (f) machinery or other parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an unsafe condition or unsightly condition out of character with the surrounding environment;
 - (g) dilapidated or collapsed structures or erections and any unprotected well or other unsafe condition.
- ii) Suitable ground cover shall be provided to prevent erosion of the soil;
 - iii) Hedges, planting, trees or other landscaping, required by the municipality as a condition of site development, redevelopment or rearrangement, shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out their intended function and maintain an attractive appearance;

3.1.2. Drainage

- (i) Exterior property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water thereon, and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil. All catch basins and swales shall be installed and maintained so as to not impede the natural flow of water;

3.1.3. Health

- (i) On a street or road, on which a municipal sanitary sewer has been laid, all sewage shall thereafter be discharged into the sanitary sewer;
- (ii) On a street or road on which a municipal sanitary sewer has not been laid, all sewage shall be discharged into a private sewage disposal system approved by the Ontario Building Code and the Ministry of the Environment.

3.1.4. Buffering

- (i) Premises which, because of their use of occupancy, or for other reasons, create a nuisance to adjacent premises or to the neighbourhood or to users of streets or parks, shall be buffered from such premises or public areas so as to minimize the effect by the:
- (ii) provision and maintenance of an effective barrier or prevent wind-blown waste, wrappings, debris and the like from encroaching on

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the adjacent premises;

- (ii) provision and maintenance of a visual screen, appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade or adjacent to the property.

Section 2

3.2. Buildings and Accessory Structures

3.2.1. Structural Capacity

- (i) A building, accessory structure, or any part thereof shall be capable of resisting, with at least the factor of safety specified in the Building Code, its own weight and the load that may be applied to it through natural causes, viz., snow, wind and all other such causes, all as set out in the Building Code, and without exceeding the soil capacity and the maximum differential or the settlement as specified therein. An inspection report prepared, stamped and signed by an engineer qualified in the pertinent field and licenced in the Province of Ontario, at the owners expense and shall be submitted for approval when the structural capacity of any part of a building or accessory structure, in the opinion of the Building Inspector, is in doubt.

3.2.2. Fire and Accident Protection

- (i) When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or about the exterior property areas of a premises, the Building Code shall apply to the extent necessary to abate the unsafe condition;
- (ii) In the event that strict application of the Building Code is not practical, the Chief Building Official may accept alternative measures, provided the standard of safety that results is generally equivalent to the standard provided by the detailed Building Code.

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3.2.3. Fire Prevention

- (iii) When an unsafe condition exists to persons on or about the exterior property areas of a premise, and such condition is regulated by the Fire Code, the Fire Code shall apply to the extent necessary to abate the unsafe condition.

3.2.4. Health

- (i) All buildings and accessory structures on premises shall be kept free of garbage, refuse, and pests, such as termites and injurious insects.

3.2.5. Retaining Walls

- (i) Retaining walls shall be maintained in good repair and free from accident hazards;
- (ii) Without restricting the generality of Paragraph (1), the maintenance includes:
 - (a) redesigning, repairing or replacing of all deteriorated, damaged, misaligned or missing portions of the wall, or railings and guards appurtenant thereto;
 - (b) installing subsoil drains where required to maintain the stability of the wall;
 - (c) grouting masonry cracks;
 - (d) applying a coating of paint or equivalent preservative to all metal or wooden exposed components.

3.2.6. Foundations

- (i) Every foundation forming part of a building or an accessory structure shall be maintained in good repair so as to prevent settlement detrimental to the appearance of the building, or the entrance of moisture, insects or rodents into the building.

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- (ii) Without limiting the generality of Paragraph (1), the maintenance of a foundation includes:
 - (a) the jacking-up, underpinning or shoring of the foundation where necessary;
 - (b) the extension of footings and foundations below grade or regrading to provide adequate frost cover;
 - (c) installing subsoil drains at the footing where such would be beneficial;
 - (d) the grouting of masonry cracks;
 - (e) waterproofing the wall and joints;
 - (f) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building;
 - (g) repairing or replacing decayed, damaged or weakened sills, piers, posts or the supports;
 - (h) making sills, piers, posts or other supports insect-proof by the application of suitable materials;
 - (i) coating with an approved preservative.

3.2.7. Exterior Walls, Columns and Beams

- (i) the components of every exterior wall of a building or an accessory structure, and the exterior wall shall be maintained:
 - (a) in good repair;
 - (b) weather tight;
 - (c) free from loose or unsecured objects or materials;
 - (d) so as to prevent the entrance of insects or rodents;
 - (e) so as to prevent deterioration due to weather, insects and animals;
 - (f) so as to prevent deterioration detrimental to the appearance of building.

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- (i) Without restricting the generality of Paragraph (1), maintenance of the exterior wall includes:
 - (a) the applying of approved materials to preserve all exterior wood and metal work or other materials not inherently resistance to weathering;
 - (b) the restoring, repairing or replacing of:
 - (i) the wall;
 - (ii) the masonry units and mortar;
 - (iii) the stucco, shingles or other cladding;
 - (iv) the coping;
 - (v) the flashing and waterproofing of the wall and joint.
- (ii) Exterior columns and beams shall be maintained in a good state of repair and any decorative trim shall be maintained in a safe condition. Where necessary, such columns, beams and trim shall be restored, repaired or replaced and suitably protected against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the building.

3.2.8. Exterior Doors, Windows and Other Openings

- (ii) Shutters, doors, hatchways and all other exterior openings in a building or an accessory structure shall be kept weather tight, and reasonably draft free.
- (iii) Without restricting the generality of Paragraph (1), the maintenance includes:
 - (a) the repair, replacement or renewing of damaged, decaying or defective:
 - (i) doors;
 - (ii) door frames and casings;
 - (iii) window sashes;
 - (iv) window frames and casings;
 - (v) shutters
 - (vi) screens
 - (b) refitting doors, windows, shutters or screens;
 - (c) repairing or replacing defective or missing doors;
 - (d) reglazing or fitting with an approved translucent substitute;

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- (e) rescreening;
- (f) using other approved means of weatherproofing;
- (g) where the opening is used for or required for ventilation or illumination and is not protected by a window, door or similar closure:
 - (i) screening with wire mesh, metal grills or other equivalent durable material; or
 - (ii) other protection so as to effectively prevent the entry of rodents and vermin.
- (iii) Glazed doors, windows and other transparent surfaces shall be kept reasonably clean so as to permit unimpeded visibility and unrestricted passage of light.
- (iv) Nothing in Article 3.2.8. shall be construed as preventing doors, windows and other openings in an unoccupied building or accessory structure from being protected from damage or to prevent entry, for such time as a building or accessory structure remains unoccupied;

3.2.9. Exterior Stairs, Verandas, Porches, Decks, Loading Docks and Balconies:

- (iv) Every exterior stair, veranda, porch, deck, loading dock, balcony and every appurtenance attached thereto shall be maintained, reconstructed or repaired so as to be safe to use and capable of supporting the loads to which it may be subjected, as specified in the Building Code, and shall be kept in sound condition and good repair, free of all accident hazards and other deterioration or objects detrimental to the appearance of the building or accessory structure;
- (v) Without restricting the generality of Paragraph (1), the maintenance, reconstructing or repairing includes:
 - (a) repairing or replacing treads, risers or floors that show excessive wear or are broken, warped, loose or otherwise defective;
 - (b) repairing, renewing or supporting structural members that are rotted, deteriorated or loose;
 - (c) providing, repairing or renewing guard rails, railings and balustrades;

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3.2.10. Roofs and Roof Structures

- (vi) The roof of a building or accessory structure shall be weather tight and free from:
 - (a) leaks;
 - (b) loose or unsecured or unsafe objects and materials;
 - (c) all other accident and fire hazards;
 - (d) dangerous accumulations of ice and snow;
 - (e) other unsightly objects and conditions detrimental to the appearance of the building;
- (i) Roof decks and related guards shall be kept in a good state of repair;
- (ii) The Drainage from all roof surfaces shall discharge into a eaves trough or roof gutter and thence to a downpipe;
- (iii) Every eaves trough roof gutter and downpipe shall be kept:
 - (a) in good repair;
 - (b) in good working order;
 - (c) water tight and free from leaks;
 - (d) free from health and accident hazards;
- (iv) Chimneys, smoke or vent stacks and other roof structures shall be maintained plumb and in good repair so as to be free from:
 - (a) loose bricks, mortar and loose or broken capping;
 - (b) loose or rusted stanchions, guy wires, braces and attachments;
 - (c) any fire or accident hazard;

3.2.11. Exterior Maintenance

- (vii) Appropriate measures shall be taken to remove any objectionable markings, stains or other defacement, occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the markings, stains or defacement occurred;

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- (viii) In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure compatible with its environment. Without restricting the generality of the foregoing, such measures include:
 - (a) making the building or accessory structure safe;
 - (b) repairing of damaged surfaces exposed to view;
 - (c) cleaning any damaged surfaces exposed to view;
- (iii) In the event the building or accessory structure is beyond repair, a demolition permit shall be obtained, and the land shall be cleared of all remains and left in a graded level and tidy condition.

3.2.12. Signs

- (ix) Signs and sign structures shall be maintained:
 - (a) so as to not cause any unsafe condition;
 - (b) in a vertical plane unless otherwise erected and approved, in which case such sign shall be maintained as erected and approved;
 - (c) without any visible deterioration of the sign and its structure when viewed from any premises other than the premises on which the sign is situated;
 - (d) as may additionally be required by the Sign By-Law of the municipality, if enacted;
- (ii) Signs and sign structures that are discarded or unused shall be removed from the premises.

3.2.13. Fences

- (ii) A fence on a premises or separating adjoining premises shall be kept:
 - (a) in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
 - (b) in good repair and free of accident hazards;

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3.2.14. Craneways Gantries, Lightning Arresters, Television and Radio Antennae and Structure of Similar Character

(iii) Craneways, gantries, lightning arresters, television and radio antennae and structures of similar character shall be maintained:

- (a) plumb, unless specifically designed to be other than vertical;
- (b) in good repair and free of fire and accident hazards;

PART 4

4. REQUIREMENTS INTENDED PRIMARILY TO PROTECT OCCUPANTS AND USERS OF BUILDING AND ACCESSORY STRUCTURES

Section 1

4.1. Exterior Property Areas
(excluding buildings and accessory structures)

4.1.1. Application

(iv) Exterior property areas of occupied premises shall comply with the requirements of Section 1 of Part 4, in addition to complying with the requirements of Section 1 or Part 3 of this By-Law.

4.1.2. General Requirements

- (i) Sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using existing walkways, and to alert persons with respect to anyone who may be loitering adjacent to an area which the occupants of the premises or the public are likely to use;
- (ii) Artificial lighting standards and fixtures shall be kept in a safe condition, in working order;
- (iii) Communal walkways, driveways, ramps, parking areas and outside stairs and landings shall be promptly cleared of snow and appropriate measures shall be taken to minimize the risk of persons slipping or vehicles skidding on icy surfaces;

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- (iv) Areas used for vehicle traffic and parking shall be paved with bituminous concrete or equivalent surfacing, or shall be surfaced with crushed stone or other suitable and reasonably dust-free substance, and shall be free from ponding and puddles and otherwise in good repair;
- (v) Paved communal parking areas shall be provided with suitable markings, such as painted lines, to indicate parking spaces, entry and egress for vehicles, maintained so as to be clearly visible;
- (vi) Walkways shall be repaved, resurfaced or regraded as often as necessary to be maintained reasonably smooth, slip-free and safe.

Section 2

4.2. Buildings and Accessory Structures

4.2.1. Application

- (i) Occupied buildings and accessory structures shall comply with the requirements of Section 2 of Part 4, in addition to complying with the requirements of Section 2 of Part 3 of this By-Law.

4.2.2. Structural Capacity

- (i) A building, accessory structure or any part thereof shall be capable of resisting, with the factor of safety specified in the Building Code, its own weight and all the loads that may be applied thereto as a result of its existence and use all as set out in the Building Code and without exceeding the soil capacity and the maximum differential or other settlement as specified therein. An inspection report, prepared, stamped and signed by an engineer qualified in the pertinent field and licenced in the Province of Ontario, shall be submitted for approval when the structural capacity of any part of a building or accessory structure, in the opinion of the Building Inspector, is in doubt.

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4.2.3. Fire and Accident Protection

- (i) When an unsafe condition exists to persons in a building or accessory structure, the Building Code shall apply to the extent necessary to abate the unsafe condition. In the event that strict application of the Building Code is not practical, the Chief Building Official may accept alternative measures provided the standards of safety that results is generally equivalent to the standards provided by the detailed Building Code;
- (ii) Without limiting the generality of Paragraph (1), the abating of an unsafe condition includes:
 - (a) the provision and repair of means of egress and exit facilities commensurate with the use and occupancy of the building, accessory structure, room, suite of rooms or space;
 - (b) the provisions and repair of appropriate fire and gas separations and fire protection;
 - (c) the provision of adequate and appropriate early warning devices, fire extinguishment and fire fighting equipment and devices;
 - (d) the provisions of smoke control measures appropriate to the use and occupancy of the building, accessory structure, room, suite of rooms or space, and to the existing construction and building services;
 - (e) the provision or repair of exit lighting and emergency lighting;
 - (f) the provision or repair of stairs, balustrades, railings, guards and screens so as to minimize the risk of accident;
 - (g) the elimination of other conditions which, in themselves are a hazard to the life or which risk serious injury to persons normally in or about the subject building, accessory structure, room, suite of rooms or space;
- (iii) Article 4.2.3. does not apply with respect to unsafe conditions, as such would relate to the property of persons.

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4.2.4. Fire and Accident Prevention

- (i) When an unsafe condition exists to persons in a building of accessory structures and such condition as regulated by the Fire Code, the Fire Code shall apply to the extent necessary to abate the unsafe condition;
- (ii) Without limiting the generality of Paragraph (1), the abating of an unsafe condition includes:
 - (a) the elimination of fire and accident hazards;
 - (b) the maintenance of exits and means of egress to permit clear passage and safe egress from anywhere within the building or accessory structure to a location of safety;
 - (c) the proper handling, storage and discharge of flammable liquids;
 - (d) the proper handling, storage and discharge of dangerous materials and chemicals;
 - (e) the storage of combustible materials so as to minimize fire spread and permit effective fire control;
 - (f) the control of hazardous industrial processes and operations and the prevention of explosions;
 - (g) the proper maintenance of fire extinguishers and all other provided early warning fire extinguishment and fore control equipment and devices;
- (iii) Wrecked, dismantled, discarded, unused or unlicensed vehicles or trailers shall be removed from parking garages where such vehicles create an unsafe condition.

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4.2.5. Health and Refuse Disposal

- (i) Every residence building floor, having a common access corridor to individual apartments, shall be equipped with a garbage or refuse room accessible to all tenancies on the floor, and every residence building exceeding two stories in height shall have a garbage chute, connecting the aforesaid rooms to a common room, or to an approved container at grade or, in the alternative to the foregoing, a compacting or garbage grinding disposal unit shall be installed in each tenancy and an approved central storage and disposal facility provided;
- (ii) In all other buildings and accessory structures, sufficient rooms, containers and receptacles shall be provided to safely contain all garbage, rubbish, ashes, waste and other refuse, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with the by-laws of the municipality;
- (iii) The facilities required by Paragraphs (i) and (ii) shall be designed, installed and maintained in the manner required by the Building Code;
- (iv) In the event that strict application of Paragraphs (i) and (ii) and (iii) above are not practical, the Chief Building Official may accept alternative measures provided that the resultant standard is generally equivalent to the standard herein required;
- (v) External containers and receptacles described in Paragraph (ii) shall be screened from view and shall be provided with covers so that the material contained therein need not be exposed to view or to insects or other pests. Such covers shall at all times prevent the aforesaid exposure, except when the receptacles are actually being filled or emptied;
- (vi) Garbage chutes, disposal rooms, containers and receptacles shall be washed down and disinfected as necessary to as to maintain a clean and odour free condition;
- (vii) Injurious insects, termites, vermin, rodents and other pests shall be exterminated and appropriate measures shall be taken to prevent their re-entry.

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- (viii) In a residence unit, openings in the exterior walls or roof shall be fitted and maintained as to protect all habitable space from water and weather entry, and so as to make such space reasonably free from drafts;
- (ix) No residence unit shall be occupied or be permitted to be occupied in sufficient numbers to constitute, in the opinion of the Medical Officer of Health, a physical health hazard to any or all of the occupants;
- (x) No portion of a residence unit shall be used for human habitation unless:
 - (a) the floors, walls and ceiling areas are watertight and free from dampness at all times;
 - (b) the total window area, the total openable area for natural ventilation and the ceiling height are in accordance with the provisions of the Building Code or, alternatively, reventilation, mechanical ventilation is provided as prescribed in said Code;
 - (c) the required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, or the top of the window well, whichever is the higher elevation;
 - (d) a heating system is provided and operated so as to maintain a minimum of not less than 68 degrees Fahrenheit above zero, between the fifteenth of September to the first of June in the year following;

4.2.6. Interior Surfaces, Floors, Stairs, Windows and Doors

- (xi) Exposed interior surfaces shall be maintained:
 - (a) in a clean, odour-free and sanitary condition, reasonable for the normal use or occupancy of the room, passageway, enclosure or space;
 - (b) in good repair, free from holes, loose, broken, torn damaged or decayed materials;

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- (c) so as to afford the fire resistive properties and other protection for which they shall be designed;
- (d) free of objectionable markings or other defacement;
- (i) In addition to the maintenance required by Paragraph (i), floors and stairs shall be maintained:
 - (a) free of loose, warped or decayed boards and materials;
 - (b) free of depressions, protrusions, deterioration or other defects which could create an unsafe condition or which are out of character with the normal use of the area in which such defect occurs;
- (ii) (a) In addition to the maintenance required by Paragraph (1), windows and doors and their frames shall be maintained:
 - (i) reasonably draft free;
 - (ii) properly operational in respect to all hinges, lock, pulls, knobs or other hardware;
 - (iii) so as to properly perform their intended functions;
- (a) The requirements of Article 3.2.8. shall also apply to all interior doors and windows.

4.2.7. Elevators, Hoists, Lifts, Moving Stairs and Walkways

- (xii) Elevators, hoists, lifts, moving stairs and walkways shall be installed and maintained:
 - (a) in good working order and in an operative condition;
 - (b) free of hazards that could cause an accident;
 - (c) in accordance with the requirements of the Building Code.

4.2.8. Heating Systems, Chimneys, Vents, Fuel Burning Appliances, Fireplaces

- (i) In a residence building, and where persons are employed in duties and operations in an enclosed space or room within a building and not engaged in active physical activity, the heating system shall be capable of providing, during normal hours of occupancy, sufficient heat in such spaces or rooms to maintain a temperature of not less than 68 degrees Fahrenheit at the outside design temperature specified in the Building Code.
- (ii) The heating system required by Paragraph (1) shall be maintained in good working condition and shall be operated so as to be capable

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of heating all parts of the building safely to the required standard;

- (iii) Fuel burning appliances shall:
 - (a) have ample air supply to permit combustion to occur with optimum oxygen available;
 - (b) be located in such a manner as to prevent impediment to the free movement of persons and the overheating of adjacent materials and equipment;
 - (c) be provided with guards, where necessary to minimize risk of accidents;
 - (d) be provided with a Carbon Monoxide detector by adjacent bedrooms
- (iv) External fuel burning appliances shall only be used in a rural area. These appliances must maintain a minimum setback of eight (8) metres from any adjoining property line, sixteen (16) metres from the principle residents on the property and three (3) metres from any accessory building.
 - (a) external fuel burning appliances are not permitted within an urban or built up area.
- (v) Where an appliance burns solid or liquid fuel, a place or receptacle adequate for the storage of such fuel shall be provided and maintained in an approved location and shall be so constructed so as to be free from fire and accident hazards;
- (vi) An appliance that burns fuel shall be effectively vented to the outside air by means of a chimney, a flue, a smoke pipe, a vent pipe, or as otherwise may be permitted by the Building Code, except that such venting is not required with respect to appliances that are designed, constructed and used so as not to require venting;

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- (vii) Fireplaces, vent pipes, exhaust hoods, chimneys, smoke pipes, smoke stacks, flues and ducts shall be constructed, anchored, protected and maintained so as to be in good repair and to prevent:
 - (a) the heating of adjacent materials to unsafe temperature;
 - (b) the entrance of noxious gases into the building;
 - (c) other fire and accident hazards;

- (viii) Without restricting the generality of Paragraph (vi), the maintenance includes:
 - (a) cleaning obstructions from the chimney, flue, smoke pipe or other duct;
 - (b) lining, repairing, or relining with fire resistive material;
 - (c) sealing open joints, repairing flashings and masonry;
 - (d) using pipes or ducts of acceptable material and of an adequate size for the chimney, flue, smoke pipe, vent pipe or similar duct;
 - (e) replacing deteriorated or defective anchoring supports;

- (ix) All connection between:
 - (a) heating equipment, or
 - (b) cooking equipment that burns or is designed or intended to burn liquid or gaseous fuel; and
 - (c) the source of liquid or gaseous fuel shall be maintained in good repair and in accordance with the requirements of the Building Code;

- (x) Where there is fuel burning equipment in any occupied residence unit not occupied by owner, and the owner is required by the lease or agreement providing for the occupant to provide fuel, an adequate supply of fuel, in a convenient safe location, shall be available at all times for the equipment.

4.2.9. Electrical System

- (i) A residence unit and, where required by the Building Code, buildings and accessory structures shall be:
 - (a) provided with electrical services;

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- (b) provided with sufficient electrical outlets in every room or space such that the use of extension cords or multi-outlet attachments to wall or other receptacle outlets is minimized;
- (c) provided with an adequate supply of electrical power available at all times in all parts of every room;
- (i) The capacity of the connection to the building and the system of circuits distributing the electrical supply with the building shall be adequate for the use and intended use and shall be in compliance with the Electrical Code;
- (ii) Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be installed and maintained in good working order at all times, free from fire and accident hazards and in compliance with the Electrical and Fire Codes pursuant to such installation and maintenance.

4.2.10. Lighting and Ventilations

- (xi) Adequate lighting fixtures shall be installed and maintained in all areas so that the work or operations normally carried out in such areas, or the use of such areas, can be undertaken in safety and without undue eye strain;
- (xii) Sufficient ventilation shall be provided to all areas so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create a potential fire hazard or to become a nuisance;
- (xiii) Every kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation;
- (xiv) Where any system of mechanical ventilation is provided for in any building or accessory structure, room or series of rooms, such system, including monitoring devices for air contaminants or operability, shall be:
 - (a) capable of completely changing the air in the room in accordance with the requirements of the Building Code;
 - (b) regularly cleaned and maintained in working order, good repair, and in a safe condition at all times;
- (v) Ventilation systems shall be installed and maintained so as to prevent, in an emergency, the rapid spread of heat, flames, or

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smoke through the system;

- (vi) Air for ventilating purposes shall be taken from the exterior or shall be quality controlled;
- (vii) Air intake openings shall be located so as to minimize the possibility of fire, smoke, fumes or foreign matter being drawn into the building and shall provide air from an uncontaminated source;
- (viii) Exhaust openings shall be located so that the exhaust air will not create a nuisance or fire hazard;
- (ix) Exhaust air, the contents of which may contain odours, fumes or vapours, shall not be circulated to other occupied spaces within a building or accessory structure;
- (x) In a residence unit:
 - (a) every habitable room, except a kitchen, basement recreation room, unfinished basement or water closet room shall contain one or more windows or skylights that:
 - (i) open directly to outside air;
 - (ii) have a total light transmitting area and openable ventilating area of not less than that permitted by the Building Code;
 - (b) all skylights, windows and window sashes shall:
 - (i) be glazed or fitted with an approved transparent or translucent substitute;
 - (ii) be provided with proper and suitable hardware;
 - (iii) open to the outside air as required by the Building Code if equivalent in mechanical ventilation is not provided;
 - (iv) be maintained in good repair;
 - (v) be easily opened and closed at all times;

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- (c) portions of a window that are in a window well shall not be counted in computing the window area for the purposes of Sentence (a) or the opening areas for the purposes of Sentence (b);
- (d) all enclosed spaces, including attics, basements, cellars or crawl spaces shall be:
 - (i) adequately vented;
 - (ii) provided with an access of sufficient size to permit entry.

4.2.11. Plumbing, Plumbing Fixtures, Drains

- (xi) All plumbing, plumbing fixtures, and drainage systems shall be installed and maintained:
 - (a) without cross connections to the potable water supply;
 - (b) in good working order and repair;
 - (c) free from leaks, defective or dripping taps and other defects;
 - (d) in compliance with the requirements of the Building Code;
- (i) Sanitary conveniences and toilet facilities shall be located and enclosed so as to provide both accessibility and privacy for each gender during use;
- (ii) Rooms containing sanitary conveniences and toilet facilities shall:
 - (a) be regularly cleaned so as to be maintained in a clean and sanitary condition;
 - (b) have smooth surfaces reasonably impervious to water;
 - (c) be free from chips, cracks and damaged surfaces;
- (iv) In a building containing residence units, the sanitary conveniences and toilet facilities used in connection with the residential portion of the building shall be separate from such facilities and conveniences used in connection with any non-residential portion, unless the occupants of the residential portion are also the occupants of the non-residential portion;

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(v) Within the exterior walls of the residence building there shall be provided accessible and available for all occupants a bathroom and toilet room with provision for privacy, and having at least:

- (a) one water closet for each ten or fewer occupants;
- (b) one bathtub or shower or combination bathtub and shower;
- (c) one wash basin located in or immediately adjacent to every room containing a water closet or urinal;

that are: in good working order, served with hot and cold running water (cold water connection only to water closets and urinals), connected to the drainage system;

(vi) Where a bathroom or toilet room is intended to be shared by the occupants of dwelling and rooming units, access thereto shall be from a common passageway, hallway, corridor or other space used in common by all occupants;

(vii) All other buildings and accessory structures shall be provided with access to toilet and washing facilities equal to the standard required by the Building Code, maintained as required by Paragraph (v);

(viii) Food shall not be stored or prepared in a room that contains a water closet;

(ix) Every room in which meals are prepared shall have a sink that:

- (a) has a splashback and a drainboard made of material impervious to water;
- (b) is serviced with hot and cold running water;
- (c) is connected to the drainage system;
- (d) is in good repair and working order;
- (e) is approved by the Ontario Building Code when located other than in a residence unit;

(x) Every dwelling unit, commercial, institutional or industrial building shall be provided with an adequate supply of potable water.

(xi) Below grade floors shall be adequately drained so as to prevent the ponding of water on the floor surface.

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4.2.12. Kitchen Facilities

- (i) Where the occupants of a residence unit:
 - (a) prepare;
 - (b) can prepare;
 - (c) intend to prepare;
 - (d) are permitted to prepare; or
 - (e) have facilities for preparing

Food for their own consumption, the owner of the residence unit shall provide and maintain in good repair a suitable and convenient receptacle for the storage of food that has a capacity of not less than four cubic feet multiplied by the total number of persons occupying the unit;

- (i) Kitchens in a residence unit shall be equipped with a refrigerator and stove in good repair and in working order.

4.2.13. Security

- (i) Doors which allow access to or egress from a residence unit shall be equipped with a lock that:

is a positive locking dead lock of a type that cannot be accidentally locked against entry by the closing of the door;
does not contravene the Building Code;
is maintained in good repair and in an operative condition;

Exterior security locking and release and voice communication systems, when provided, shall be maintained in good repair and operative condition, and in compliance with the requirements of the Building Code.

4.2.14. Occupancy

- (i) No person shall use or permit the use of a non-habitable room in a dwelling unit for a habitable purpose.

PART 5

5. ADMINISTRATION AND ENFORCEMENT

Section 1

5.1.1. Enforcement

- (i) The Council of the Corporation of the Town of Innisfil shall assign a Property Standards Officer(s) as being responsible for the administration and enforcement of this by-law.

5.1.2. Compliance

- (ii) All owners or occupants of property shall comply with the standards prescribed in this by-law and any Property Standards Order as confirmed or modified.
- (iii) 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 and repairs shall conform to the Ontario Building Code, Ontario Fire Code or any other relevant legislation, where applicable.

5.1.3. Appeal to Property Standards Committee

- (i) When an owner or occupant upon whom an Order of the Property Standards Officer has been served is not satisfactory with the terms or conditions of the Order, he/she may Appeal by registered mail to the secretary within fourteen (14) days after service of the Order and if no Appeal is taken the Order shall be deemed to have been confirmed.

5.1.4. Certificate of Compliance

- (i) Prior to the issuance of a Certificate of Compliance a request in writing from an owner or agent shall be accompanied by the fee as established with the current Tariff of Fees

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5.1.5. Validity

- (ii) If any section, subsection, paragraph, sentence, clause, or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any other reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

5.1.6. Penalties [as defined by Ontario Building Code, 1992, c.23 s. 36(3),(4),(5),(6)]

- (i) A person who is convicted of an offence is liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence. (B.C.A. 1992, c.23 s.36(3))
- (ii) Corporations. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for the first offence and \$100,000 for a subsequent offence and not as provided in subsection (1). (B.C.A. 1992, c.23 s.36(4))
- (iii) Subsequent Offence. For the purposes of subsections (1) and (2), an offence is a subsequent offence if there has been a previous conviction under the Building Code Act. (B.C.A. 1992, c.23 s. 36(5))
- (iv) Continuing Offence. Every person who fails to comply with an order made by a chief building official under subsection 14(1) or clause 15(5)(a) [Of Ontario Building Code] is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (1) and (2) [above] is liable to a fine of not more than \$10,000 per day for every day the offence continues after the time given for complying with the order has expired. (B.C.A. 1992, c.23 s.36(6))

5.1.7. Repeal Existing By-Laws

That By-Law 024-92 be repealed.

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5.1.8. Enactment

This By-Law shall come into force and effect from the date of its final passing hereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 6TH, DAY OF NOVEMBER, 2002.

original signed by

Brian H. Jackson, Mayor

original signed by

Paul G. Landry, Clerk