

**The Corporation of the
Town of Spanish**

BY-LAW # 2023-32

Being a Bylaw for the prescribing of standards for the maintenance and occupancy of property within the Town of Spanish, prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property not in conformity with the standards prescribed herein to be repaired and maintained to conform to the standards, or the site thereof to be cleared of all buildings and structures and left in a graded and levelled condition and for the constitution of a Property Standards Committee.

WHEREAS under Section 15.1(3) of the *Building Code Act, S.O. 1992, c. 23*, a Bylaw 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 for the municipality includes provisions relating to property conditions;

WHEREAS the Official Plan for the Town of Spanish includes provisions relating to conditions of maintenance and occupancy of property;

AND WHEREAS the Municipal Council of the Town of Spanish deems it desirable to prescribe standards for maintenance and occupancy of property for the protections of the safety, health and well being of the public and to prevent the degradation of neighbourhoods within the Town;

NOW THEREFORE PURSUANT to the Building Code Act 1992, Section 15.1 to 15.8 inclusive, Council of the Town of Spanish ENACTS AS FOLLOWS:

1. **DEFINITIONS:** In this Bylaw and Schedules:

“Accessory Building”- means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.

“Act” -means an enactment or statute of the Province of Ontario.

“Approved”- means:

- i) the approval of the Chief Building Official with respect to matters under the Ontario Building Code;
- ii) the approval of the Fire Chief with respect to matters under the Fire Code;
- iii) the approval of the Officer in respect to all other matters regulated by this Bylaw.

“Basement” - shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first-floor joists above the average finished grade level adjacent to the exterior walls of the building;

“Building” - means any structure used or intended to be used for supporting or sheltering any use or occupancy.

“Building Code” - means the Building Code Act and any regulations made under that Act;

“Chief Official” - means the Chief Building Official appointed under Section 3 of the *Building Code Act, 1992, c. 23* and having jurisdiction for the enforcement thereof.

“Code” - means a regulation of the Province of Ontario known,

- a) with respect to matters relating to building, as the Building Code;
- b) with respect to matters relating to electricity, as the Electrical Safety Code;
- c) with respect to matters relating to fire, as the Fire Code; and
- d) with respect to matters relating to plumbing, as the Plumbing Code.

“Committee” - means a Property Standards Committee established under this Bylaw.

“Council” - shall mean the Council of the Town of Spanish.

“Dwelling” - means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;

“Dwelling unit” – means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment.

“Exterior property area” - means the building lot excluding buildings.

“Fence” –means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

“First Storey” - means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.

“Ground cover” - means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.

“Guard” - means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

“Habitable room” - means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;

“Municipality” – means the Town of Spanish.

“Non-habitable space” - means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy.

“Non-Residential Property” - means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.

“Occupant” - means any person or persons over the age of eighteen years in possession of the property.

“Officer” - means a person or association who has entered into a contract with the Municipality to enforce the Property Standards Bylaw and any servants of such person or association that has been assigned by the Council the responsibility of administering and enforcing the provisions of this Bylaw.

“Owner” – includes the owner in trust, a mortgagee in possession, the person for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

“Person” – means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.

“Property” - means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.

“Repair” - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this Bylaw.

“Residence Building” means a building containing within its walls one or more dwelling units and which may or may not contain other uses.

“Safe condition”- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.

“Salvage Yard” includes a scrap yard, junkyard and a wrecking yard whether or not an active business is carried on and whether or not the yard is used for storage of salvage.

“Sewage system” – means the Town of Spanish system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by Public Health Algoma.

“Sign” - means any device or notice and means any medium, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct or attract attention to any specific subject, person, business, service, commodity or use

“Snow disposal site” -means only those lands on which snow is placed after being brought to the lot from another lot, and shall not include areas to which snow is moved to one portion of a lot after being cleared from the rest of the lot.

“Snow storage site” -means that portion of lands being used for the storage of snow that has been moved to one portion of a lot after being cleared from another portion or portions of a lot.

“Unsafe Condition” means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the property.

“Vehicle” – includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power-driven equipment.

“Visual barrier” – shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material approved by the Property Standards Officer or Chief Building Official.

“Waste”- means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather

“Yard” means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

2. This Bylaw may be cited as the "Property Standards Bylaw".
3. This Bylaw applies to all property within the municipal limits of the Town of Spanish.
4. This by-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.
5. The standards for maintenance and occupancy of property set out in Schedule "A" attached hereto and forming part of the Bylaw are hereby prescribed for all property with the municipal limits of the Town of Spanish.
6. Every person shall maintain their property to the standards listed in Schedule "A" of this by-law.
7. The owner or occupant of any property shall repair and maintain that property in accordance with the standards prescribed in Schedule "A" or shall clear the property of all buildings, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and leveled condition.
8. 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.
9. All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.
10. This Bylaw shall be administered and enforced by the person or association who has entered into a contract with the Municipality to enforce the Property Standards Bylaw and any servants of such person or association that has been assigned by the Council the responsibility of administering and enforcing the provisions of this Bylaw and all servants thereof are hereby appointed Municipal Law Enforcement Officers pursuant to Section 15, Subsection 1 & 2 of the Police Services Act, 1990, Chapter 10, and pursuant to Bill 74, The Provincial Offences Act; who shall be Peace Officers for the purpose of enforcing the Property Standards Bylaw, the Section 15 of the Building Code Act 1992 and related legal process serving.
11. Pursuant to the Building Code Act 1992 an Officer may enter on land at reasonable times to ascertain whether the provisions of this By-Law are complied with and whether the terms and conditions of any order made or notice given under this By-Law are complied with.
12. Pursuant to the Building Code Act 1992 no person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer exercising or performing a duty under this By-Law.
13. Following the inspection of a property, the Officer may, or on the request of the owner shall, issue to the owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards prescribed by this Bylaw. The fee for the issuance of a Certificate of Compliance issued in accordance with Section 15.5 of the Building Code Act 1992, shall be \$100.00 payable prior to the issuance of the Certificate. The amount of the fee may be varied from time to time by Resolution of Council, without an amendment to this Bylaw.
14. If the Officer is satisfied that in some respect the property or structure does not comply with the standards prescribed herein, the Officer may make an Order under Section 15.2(2) of the Ontario Building Code to remedy the infraction within a satisfactory time.
15. If an owner or occupant upon whom an Order made under Section 15.2(2) of the Ontario Building Code Act 1992 has been served is not satisfied with the terms or conditions of the order the owner or occupant appeal may to the Property Standards Appeals 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 be final and binding.
16. Each Notice of Appeal shall be accompanied by a non-refundable payment of \$125.00.
17. The Property Standards Committee shall be composed of Five (5) members, with the composition mirroring that of the Planning & Economic Development Committee. Each

member is appointed for the term of Council. The Committee is established as per Section 15.6 of the Ontario Building Code and will carry out such duties as provided for in accordance with Section 15 of the Ontario Building Code Act 1992.


18. Where any person fails to comply with an Order issued, the Municipality may cause the required work to be done. The cost of such work plus a further administrative fee of an additional 10% may be recovered by invoice, action or the amount may be given priority lien status, and shall be added to the tax roll, pursuant to Part 1 Section 1 of the Municipal Act, 2001.
19. Where a provision of this Bylaw conflicts with provisions of another Bylaw in force in the Municipality the provision that establishes the higher standard to protect the health, safety and welfare of the general public, shall prevail.
20. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the Bylaw shall continue in force.
21. **Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended**
22. Any person who fails to comply with an order that is final and binding under this Bylaw is guilty of an offence and under Section 36(1) of the *Building Code Act*, S.O. 1992, c.23, and may also be liable to a penalty or penalties as set out in Section 36 of that Act.
23. By-Law 2009-21 and By-Law #2015-28 are hereby repealed in their entirety.
24. This By-law shall come into force and effect on the day that it receives third and final reading.


READ a first time this
3rd day of April, 2023


Karen Von Pickartz, Mayor

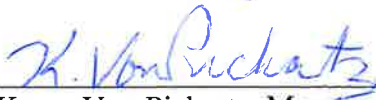

Lisa Hobbs, Deputy Clerk

READ a second time
This 17th day of May, 2023


Karen Von Pickartz, Mayor


Pam Lortie, CAO/Clerk-Treasurer

READ a third and final time
this 7th day of June, 2023.


Karen Von Pickartz, Mayor


Lisa Hobbs, Deputy Clerk

SCHEDULE "A"

TO BY-LAW # 2023-32

Specifying the minimum standards
for the maintenance and occupancy of property.

1. EXTERIOR PROPERTY AREAS

- a. Exterior property areas shall be maintained in a neat and tidy condition and so as not to detract from the neighbouring environment or present a hazard to any person.
- b. Without restricting the generality of subsection (a), maintained in a neat and tidy condition includes removal of:
 - i. rubbish, garbage, brush, waste, litter and debris;
 - ii. injurious insects, termites, rodents, vermin and other pests;

noxious weeds and excessive growth of other weeds;
 - iii. ground cover, hedges and bushes which are unsightly or unreasonably overgrown in relation to the neighbouring environment;
 - iv. dead, decayed or damaged trees or other growth and the branches and limbs thereof which create an unsafe or unsightly condition;
 - v. wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles or trailer, unless authorized to conduct or operate a wrecking business and then only if the articles are kept in a manner to avoid an unsafe or unsightly condition deleterious to the neighbouring environment;
 - vi. machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an unsafe condition or which is unsightly or not in keeping with the neighbouring properties;
 - vii. Dilapidated or collapsed structures or erections, and the filling or protecting of any unprotected well.
- c. Driveways, ramps, parking areas, paths, outside stairs and landings shall be:
 - i. surfaced, resurfaced, repaired or regraded to provide safe surface for pedestrian or vehicle use;
 - ii. provided with suitable markings to indicate parking spaces and ingress and egress routes; and
 - iii. promptly cleared of snow and ice.
- d. Suitable ground cover shall be provided to maintain a good appearance, prevent erosion of the soil and so as to be in harmony with the neighbouring environment. Where grass forms part of the ground cover it shall be resodded or reseeded as often as required to maintain the grass in a living condition.
- e. Lighting fixtures and their supports shall be maintained in a safe

condition, in working order and of good appearance.

- f. Ground cover, hedges, trees, landscaping and site facilities required as a condition of site development or redevelopment shall be maintained in living condition or in a good state of repair. The Property Standards Officer may accept alternatives provided the intent of the original condition of approval is maintained.

3. PONDING

- (1) Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition or harmful to the environment. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede the natural flow of water.
- (2) Storm water run-off from downspouts and impervious surfaces shall be contained within the limits of the property until absorbed by the soil or drained to a swale, watercourse of storm sewer.

4. FENCES

Fences shall be kept:

- a) protected by paint, preservative or other weather resistant material unless the aesthetic characteristics of the fence are enhanced by the lack of such material;
- b) in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- c) in good repair and free of accident hazards; and so as not to present an unsightly appearance.

5. PARKING LOTS AND DRIVEWAYS

- (1) Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.

6. WELLS –CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION

- (1) A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

7. ACCESSORY BUILDINGS

- (1) The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:
 - a) constructed with suitable materials;
 - b) maintained in good repair;
 - c) protected from deterioration by the application of paint or other suitable protective material.

8. SIGNS

- (1) Signs shall be maintained:
 - a) so as not to 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 property other than the property on which the sign is situated; and

- d) in conformance with the requirements of the sign bylaw of the Corporation of the Town of Spanish.
- (2) Signs that are unused or not cared for or discarded shall be removed from the property or shall be stored within a building.

9. RETAINING WALLS

- (1) Retaining walls shall be maintained in good repair and free from accident hazards.
- (2) Without restricting the generality of subsection (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.

7. BUFFERING

- (1) Property that becomes a nuisance to:
 - a) the occupants or users of nearby property; or
 - b) the residents of the neighbourhood; or
 - c) users of streets or parks shall be buffered to minimize the effect of the nuisance and in a manner approved in writing by the Property Standards Officer.
- (2) Without limiting the generality of subsection (1), the buffer shall include where appropriate:
 - a) a barrier to prevent lighting and vehicle headlights from shining directly into a dwelling unit;
 - b) the provision and maintenance of an effective barrier to prevent material from being blown onto the adjacent property;
 - c) the provision and maintenance of a visual screen or site facilities to minimize nuisances, which are not in keeping with the neighbouring environment.

8. STRUCTURAL CAPACITY

- (1) A building, or part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by natural causes such as snow, wind and all other causes as set out in the Ontario Building Code.
- (2) The factor of safety specified in the Ontario Building Code is the minimum standard.
- (3) The above standards and factors are to be met without exceeding soil capacity and the maximum differential or other settlement specified in the Ontario Building Code.

- (4) If the Chief Official is not satisfied that the structural capacity of any part of a building meets the standards he may require, to establish structural capacity, the submission of a report, prepared, sealed and signed by a professional engineer who is qualified in this field and licensed by the Association of Professional Engineers of Ontario.

9. UNSAFE CONDITIONS

- (1) Unsafe conditions on property shall be abated forthwith to the satisfaction of the Property Standards Officer.
- (2) Where there is a condition on the property, which is unsafe, the Ontario Building Code and the Fire Code shall apply to the extent necessary to abate the unsafe condition.
- (3) Without limiting the generality of subsections (1) and (2), abating of an unsafe condition includes:
 - a) the provision and repair of appropriate fire and gas separation and fire protection;
 - b) the provision, repair and maintenance of adequate and appropriate early warning, fire extinguishments, and fire fighting equipment and devices;
 - c) the provision of smoke control measures appropriate to the use and occupancy of the building, floor area, suite of rooms, room or space, and to the existing construction and building services;
 - d) the provision or repair of exit lighting and emergency lighting;
 - e) the provision or repair of stairs, balustrades, railings, guards and screens so as to minimize the risk of accident;
 - f) the provision, repair and maintenance of exits and means of egress to permit clear passage and safe egress from anywhere within the building to a location of safety;
 - g) the proper handling, storage and discharge of flammable liquids;
 - h) the proper handling, storage and discharge of dangerous materials and chemicals;
 - i) the storage of combustible materials so as to minimize fire spread and permit effective fire control;
 - j) the control of hazardous industrial processes and operations and the prevention of explosion;
 - k) the proper maintenance of fire extinguishers and all other provided early warning fire extinguishments and fire control equipment and devices;
 - l) removal of garbage, refuse and pests such as rodents, vermin, termites and injurious insects;
 - m) the elimination of fire hazards or other conditions which may be a hazard to life or which risk serious injury to persons normally in or about the subject building, floor area, suite of rooms, room, space or property.
- (4) The owner shall canvass all tenants promptly and shall, at the request of an occupant, provide and install safety devices on windows with movable sash and on balcony doors to prevent risk of accident to small children. Such safety devices shall be installed in a manner to prevent small children from opening a door or window to beyond four (4) inches. A special notice shall be given to the tenants drawing their attention to the

fact these devices are available; said special notice to be incorporated in the lease.

10. EXTERIOR SURFACES

- (1) All exterior surfaces on a building that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be refinished with an equivalent preservative or protective finish.
- (2) Appropriate measures shall be taken to remove all objectionable marking, 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.
- (3) Glazed doors, windows and other transparent surfaces shall be kept reasonably clean so as to permit unimpeded visibility and unrestricted passage of light.
- (4) A building damaged by fire or other causes shall be repaired to its original condition and as may otherwise be required by this bylaw, or the building shall be demolished or the damaged portion removed and the property left in a graded, level and tidy condition.
- (5) Without restricting the generality of subsection (4) repairs shall include:
 - a) abating any unsafe condition;
 - b) refinishing so as to be in harmony with adjoining undamaged surfaces and the neighbouring environment.
- (6) Nothing in this section shall be construed as preventing doors, windows and other openings in the exterior of an unoccupied building from being protected from damage or to prevent entry, for such time as a building remains unoccupied.
- (7) Materials used for protection in accordance with subsection (6) shall be afforded an application of paint, varnish or other approved colouring or preservative on the exterior, to maintain an appearance commensurate with the surrounding environment.

11. DOORS, WINDOWS, SHUTTERS AND HATCHWAYS

- (1) All doors, windows, including storm and/or screen windows, shutters and hatchways in a building shall be maintained weather tight, draft free and so as to perform their intended function.
- (2) Without restricting the generality of subsection (1), the maintenance includes:
 - a) the repair, refitting, replacing or renewing of damaged, decaying or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens;
 - b) re-glazing or fitting with an approved translucent substitute;
 - c) repairing or replacing defective or missing hardware;
 - d) re-screening or weather stripping;
 - e) painting or the applying of a similarly effective preservative.
- (3) When an opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure it shall be protected with a:

- a) wire mesh screen, metal grille or other equivalent durable material;
or
 - b) other protection so as to effectively prevent the entry of rodents or vermin.
- (4) In an unoccupied building only exterior doors, windows, including storm and/or screen windows, shutters and hatchways need comply with subsections (1), (2), and (3).

12. FOUNDATIONS, WALLS, COLUMNS AND BEAMS

- (1) The foundations, walls, columns and beams of a building shall be maintained in good repair.
- (2) Without restricting the generality of subsection (1), the maintenance of walls, columns and beams of a building includes:
 - a) extension of the wall foundations below grade or re-grading to provide adequate frost cover;
 - b) installing subsoil drains where such would be beneficial;
 - c) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
 - d) grouting and waterproofing the walls and joints;
 - e) making sills, piers, posts or other supports insect proof by coating with preservative or other approved method;
 - f) the applying of approved materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear;
 - g) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building or to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
 - h) the restoring, repairing or replacing of:
 - i. the foundations, walls, columns and beams; or
 - ii. components, claddings, finishes and trims forming a part thereof.
- (3) Foundations, walls, columns and beams within an unoccupied building are exempt from the requirements of subsections (1) and (2) unless the deterioration is detrimental to the exterior appearance of the building or creates an unsafe condition on or adjacent to the property.

13. FLOORS, STAIRS, VERANDAH, PORCHES, DECKS, LOADING DOCKS AND BALCONIES

- (1) Every floor, stair, verandah, porch, deck, loading dock, balcony and every appurtenance attached thereto shall be maintained, reconstructed or repaired so as to be of good appearance, safe to use and capable of supporting the loads to which it may be subjected as specified in the Ontario Building Code.
- (2) Without restricting the generality of subsection (1), the maintenance reconstructing or repairing includes:
 - a) repairing or replacing floors, treads or risers that show excessive wear or are broken, warped, loose or otherwise defective;
 - b) repairing, renewing or supporting structural members that are rotten, deteriorated or loose;

- c) providing, repairing or renewing balustrades, guardrails and railings; and
 - d) painting or the applying of other equivalent preservative.
- (3) Floors, stairs, verandahs, porches, decks, loading locks, balconies and every appurtenance attached thereto within the exterior walls of an unoccupied building are exempt from the requirements of subsections (1) and (2).

14. ROOFS AND ROOF STRUCTURES

- (1) Every roof including related roof structures, guards and lightning arrestor shall be maintained and repaired so as to properly perform its intended function, be of good appearance and so as to be capable of supporting the loads to which it may be subjected as specified in the Ontario Building Code.
- (2) Without restricting the generality of subsection (1), the maintenance and repair includes:
- a) removal of loose, unsecured or unsafe objects and materials;
 - b) dangerous accumulations of snow and ice;
 - c) other accident and fire hazards;
 - d) other unsightly objects and conditions detrimental to the appearance of the building.
- (3) 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;
 - d) unsightly objects and conditions detrimental to the appearance of the building.

15. GANTRIES AND ANTENNAS

Gantries, antennas 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;
- c) in a relatively rust free condition; and
- d) so as not to present an unsightly appearance;
- e) all free standing radio and television towers shall be closed in up to a height of eight (8) feet from the ground;
- f) the radio and television towers shall be enclosed by affixing to all sides of the tower a cover made of galvanized sheet metal.

16. INTERIOR CLADDING AND FINISHES

- (1) Interior cladding and finishes of walls, floors and ceilings shall be repaired and maintained:

- a) in a clear, odour free and sanitary condition, reasonable for the normal use or occupancy of the room, space, corridor or stairway;
 - b) in good repair, free from holes, loose boards, broken, torn, damaged, decayed or stained materials;
 - c) free of objectionable markings or other defacement;
 - d) so as to possess the fire resistive properties required by the Ontario Building Code and the Fire Code.
- (2) In addition to the maintenance required by subsection (1), floors shall be maintained 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.

17. VENTILATION SYSTEMS

- (1) Ventilation as required by the Ontario Building Code shall be provided to all rooms and spaces within a building to prevent accumulations of heat and contaminants likely to create a potential fire, explosion toxic or health hazard.
- (2) Ventilation systems shall be:
- a) regularly cleaned and maintained in good repair, working order and in a safe condition at all times;
 - b) in conformance with the requirements of the Ontario Building Code.

18. HEATING AND MECHANICAL SYSTEMS

- (1) A heating system shall be provided in all buildings, capable of supplying, during normal hours of occupancy, sufficient heat to maintain a temperature of not less than 20 degrees Celsius or 68 degrees Fahrenheit at the outside design temperature specified in the Ontario Building Code.
- (2) The heating system and temperature required by subsection (1) need not be provided for spaces in a building not normally heated.
- (3) The heating system required by subsection (1) and other mechanical systems shall be provided, maintained and operated:
- a) in accordance with the requirements of the Ontario Building Code and the Energy Act of Ontario; and
 - b) free of hazards that could cause an accident.

19. ELECTRICAL SYSTEMS

- (1) A dwelling unit, and where required by the Ontario Building or Electrical Codes, buildings shall be connected to an electrical supply system and shall be wired to receive electricity.
- (2) The capacity of the connection to the building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be adequate for the use and intended use and shall be maintained in good working order, free from fire and accident hazards, and in compliance with the Ontario Electrical Code.
- (3) Adequate interior and exterior lighting fixtures shall be installed and maintained so that the work or operations normally carried out on the property, or the use of the property, can be undertaken in safety and without undue eyestrain.

20. DRAINAGE AND PLUMBING SYSTEMS

- (1) Drainage and plumbing systems on the property shall be provided, installed and maintained in good working order:
 - a) in compliance with the requirements of the Ontario Building Code, the Ontario Water Resources Act, the Environmental Protection Act of Ontario and their Regulations; and
 - b) free from leaks, defective or dripping taps and other defects.
- (2) Water run-off from roof surfaces shall discharge into an eaves trough or gutter and thence to a down pipe, discharging into a storm sewer and maintained:
 - a) watertight and free from leaks;
 - b) in working order and free from health and accident hazards.
- (3) Down pipes need not be connected to a storm sewer when arranged to discharge water run-off at least three feet from the building and contained on the property.
- (4) Eaves troughs, gutters, down pipes and storm sewer when arranged to discharge water run-off at least three feet from the building and contained on the property.

21. SEWAGE DISPOSAL

- (1) When a sanitary sewer is installed on a street or road, all sewage from the abutting property shall be discharged into the sanitary sewer.
- (2) When a sanitary sewer has not been installed on a street or road, all sewage from each abutting property shall be discharged into private sewage disposal systems on the subject property; each such system shall be approved by and maintained to the satisfaction of the Medical Officer of Health.

22. REFUSE DISPOSAL

- (1) Every residence building storey having a common access corridor to individual apartments shall be equipped with a garbage or refuse room accessible to all tenants on the floor, and every residence building exceeding two storeys in height shall have a garbage chute connecting the aforesaid rooms to a common room at or near grade or, in the alternative to the foregoing, a compacting or garbage grinding disposal unit shall be installed in each tenancy and an interior central storage room with a disposal facility shall be provided.
- (2) In all other buildings sufficient rooms with containers and receptacle 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 bylaws of the municipality.
- (3) The facilities required by subsections (1) and (2) shall be designed and installed as required by the Ontario Building Code.
- (4) In the event that strict application of subsection (1), (2) and (3) above are not practical, the Property Standards Officer may accept alternative measure, provided that the resultant standard is generally equivalent to the standard herein required.

- (5) External containers and receptacles, where permitted by subsection (4), 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.
- (6) Garbage chutes, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as necessary to be clean, odour free and in operable condition.

23. HUMAN HABITATION

- (1) Non-habitable space shall not be used for human habitation.
- (2) No dwelling 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 or mental health hazard.
- (3) No portion of a dwelling unit shall be used for human habitation unless:
 - a) the floors, walls and ceilings and openings in the exterior walls or roof are watertight, free from dampness and reasonably free from drafts at all time;
 - b) every habitable room, except a kitchen, contains one or more windows or skylights that:
 - i) open directly to the outside air; and
 - ii) have a total light transmitting area and openable ventilating area of not less than that required by the Ontario Building Code;
 - c) all windows and skylights are:
 - i) glazed or fitted with an approved substitute;
 - ii) provided with hardware and locking devices;
 - iii) maintained in good repair; and
 - iv) if required for ventilating purposes, capable of being easily opened and closed at all times;
 - d) a heating system is provided, and unless otherwise acceptable to the occupant and subject to subsection 18(1) operated so as to maintain a minimum temperature of not less than 20 degrees Celsius or 68 degrees Fahrenheit above zero between the fifteenth day of September to the first day of June of the year following.
- 4) Buildings used or to be used for human habitation shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of walls, ceilings and floors as required by the Ontario Building Code (including Section 9.6, 9.7 and 9.26) or other repairs shall be affected which the Property Standards Officer deems to be the equivalent.
- 5) Anything employed in providing water or any energy source serving light, heat, refrigeration or cooking facilities in a dwelling unit occupied by a tenant shall not be disconnected, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 6) Where there is fuel burning equipment in any occupied dwelling unit not occupied by the owner and the owner is required by the lease or agreement to provide fuel, an adequate supply of fuel, in a convenient and safe location, shall be available at all times for the equipment.

- 7) Each kitchen in a dwelling unit shall be:
 - a) equipped with a refrigerator and stove in good repair and in good working order;
 - b) provided with cupboards having a capacity of not less than four cubic feet multiplied by the total number of persons occupying the unit.
- 8) Every dwelling unit owned and occupied by a handicapped person shall, on request, be altered and repaired so as to minimize inconvenience from the specified disability.
- 9) The opinion of a medical practitioner responsible for a patient or the Medical Officer of Health as to the need for alterations shall be adhered to with respect to subsection (8).

24. SECURITY

- (1) Doors which allow access to or egress from a dwelling shall be equipped with a lock that:
 - a) is a positive locking dead lock of a type that cannot be accidentally locked against entry by the closing of the door;
 - b) does not contravene Ontario Building Code regulations; and
 - c) is maintained in good repair and in an operative condition.
- (2) 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 Ontario Building Code.

25. RECREATIONAL FACILITIES

- (1) Recreational amenities, facilities and rooms required by the Corporation of the Town of Spanish for the use of occupants of a building shall be provided, installed, repaired and cleaned as necessary to maintain the recreational amenity, facility or room in a safe condition and so as to be constantly available for use at all reasonable hours.
- (2) Equipment meeting the recreational needs of the persons for whom such facilities are provided shall be made available for use in the facilities described in subsection (1).

26. NOISE AND VIBRATIONS

Acoustical insulation or muffling devices shall be provided whenever necessary to prevent intrusion into occupied space of sound emissions or vibrations incompatible with the occupancy.

27. VACANT LAND

- (1) Vacant land shall be maintained to the standards as described in Section 1.

28. VACANT BUILDINGS

- (1) The owner of a vacant building shall secure and/or board up the building to the satisfaction of the Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls. The owner shall be responsible for maintaining the ongoing security on the building.
- (2) No partially or completely vacant building shall remain boarded up for a period longer than two (2) years. After the said two (2) years or an alternate time period set by the Officer, the owner shall forthwith make the necessary repairs to make it fit for authorized uses in accordance with the Municipalities Zoning Bylaw.
- (3) Vacant buildings and land shall be kept cleared of all garbage, rubbish and debris.
- (4) Notwithstanding the provisions of section 5.02(2) above, where a vacant building has not been maintained or fixed in accordance with this Bylaw, it shall be remedied. The Officer may issue an order to take such action, up to and including demolition of the building and clearing of the site as may be necessary to resolve the matter. Vacant buildings deemed

by the Chief Building Official as a health and safety issue and that have not been remedied to the satisfaction of the Officer, shall be removed from the property and the land shall be left in a graded level condition.

29. DAMAGE BY FIRE-STORM-OTHER CAUSES

- (1) In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety (90) days.
- (2) Fire damaged buildings, or portions thereof, shall be repaired to their original condition or shall be demolished accordingly.

30. DEMOLISH BUILDING

- (1) Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and levelled condition.
- (2) Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

SCHEDULE "B"

The Corporation of the Town of Spanish

Part I Provincial Offences Act

Schedule "B" to By-Law #2023-32: Property Standards

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Fail to repair or maintain property to the standard.	7	\$205.00
2	Hinder or obstruct, an Officer.	12	\$205.00
3	Fail to comply with Order.	22	\$205.00

Note: the general penalty provision for the offences listed above is Section 21 of By-law 2023-32, a certified copy of which has been filed.