

**The Corporation of the Township of Atikokan**  
**By-law No. 01-08**

*Being a by-law for prescribing standards, for the maintenance and occupancy, of property within the Township of Atikokan and to repeal By-laws 31-80; 17-87; 28-96.*

WHEREAS Section 15.1 (3) of the Building Code Act R.S.O. 1992, c.23, provides that a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions.

AND WHEREAS the council of the Township of Atikokan desires that a by-law be enacted pursuant to section 15.1(3) of the Building Code Act, within the limits of the Township of Atikokan.

AND WHEREAS section 15.6 (1) of the Building Code Act, requires that a by-law passed under section 15.1 (3) of the act shall provide for the establishment of a Property Standards Committee;

AND WHEREAS The Corporation of the Township of Atikokan deems it desirable to enact and pass the following by-law which affect neighborhoods, esthetics, safety, health and welfare of people and protection of people and property;

NOW THEREFORE, the Council of The Corporation of the Township of Atikokan enacts as follows:

**PART 1: SHORT TITLE**

1.1 This by-law may be cited as the Property Standards By-law.

**PART 2: INTERPRETATIONS AND DEFINITIONS**

**2.1 Interpretations**

Unless otherwise expressly stated, terms shall, for the purpose of this by-law, have the meanings indicated in section 2.2. Where terms are not defined under the provisions of this by-law, they shall the meanings ascribed to them in the Ontario Building Code Act and the regulations there under, or if not defined in the Ontario Building Code and the regulations there under then they have the meanings in the Provincial Fire Code, or their ordinarily accepted meaning as the context may imply.

**2.2 Definitions**

“**Accessory Building**” A subordinate building or structure that is devoted exclusively to the use naturally and normally incidental to the main use of property and is located in a yard appurtenant to the main building.

“**Balustrade**” means a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another: such barrier may or may not have openings through it.

“**Basement**” A storey of a dwelling which is below ground level, and includes a cellar.

“**Bathroom**” means a room containing a bathtub or shower with or without a water closet and basin.

“**Building**” means any structure intended for the shelter, housing or enclosure of any person, animal or chattel.

“**By-law**” means this by-law, including its recitals, which form integral parts of it as amended from time to time.

“**Committee**” means the Property Standards Committee established under section 15.6 (1) of the Ontario Building Code Act.

“**Corporation**” means The Corporation of the Township of Atikokan, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario.

“**Council**” means the elected council for the Corporation.

“**Debris**” includes refuse, waste, discarded materials or garbage of any kind whatsoever and includes, whether of value or not:

- a) accumulations of litter, remains, rubbish, trash
- b) weighty or bulky items such as appliances, furnaces, furnace parts, pipes or pipe-fittings, water or fuel tanks placed in a condition or location where they cannot be used for their intended purposes;
- c) paper, cartons;
- d) dilapidated furniture;
- e) crockery, glass, cans, containers;
- f) garden refuse and trimmings;
- g) material from or for construction and demolition projects;
- h) domestic and industrial waste;
- i) dead or dying trees, branches, leaves or shrubs;
- j) inoperative Motor Vehicles
- k) motor vehicle parts;
- l) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes
- m) earth or rock fill;
- n) clothing or other household linens lying in an unprotected condition;
- o) objects or conditions that may create a health, fire or accident hazard;
- p) animal feces.

“**Dwelling**” means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair.

“**Dwelling Unit**” means one room or a group of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate house-keeping establishment, in which food preparation and sanitary facilities are provided for the exclusive use of such family, and which has a private entrance from outside the building or from a common hallway or stairway inside the building. For the purposes of this by-law, a dwelling unit does not mean or include a tent, a room or suite of rooms in a hotel, motel, motor hotel, bed and breakfast, or tourist home.

“**Good Repair**” means a condition where something is free from:

- a) significant damage;
- b) broken, missing, or fallen parts;
- c) rot or other significant deterioration;
- d) openings which are not secured against trespassers or infiltration of air and precipitation; or
- e) other visual evidence of lack of general maintenance.

“**Grade**” means the average elevation of the finished surface of the ground around the perimeter of a building excluding localized depressions such as sunken terraces, stairwells and window wells.

“**Ground Cover**” Any suitable material applied to the ground to prevent erosion of the soil and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

“**Habitable room**” means any room in a dwelling unit lawfully used or capable of being lawfully used for, living, sleeping cooking or eating purposes.

**“Hobby Vehicle”** means a vehicle that is actively being repaired or restored as a hobby for the owner/occupant of the property; a race car, show car, or antique vehicle or a similar vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion .

**“Indigenous”** growing or originating in the locality, not imported.

**“Inoperative Condition”** means not in working order.

**“Inoperative Motor Vehicle”** means a Motor Vehicle which may not be lawfully operated upon a Highway pursuant to the Highway Traffic Act because of any of the following reasons:

- a) there are not displayed on the vehicle, in the prescribed manner, number plates issued in accordance with the Highway traffic Act showing the permit number issued for the vehicle; or
- b) there is not affixed to a number plate displayed on the vehicle evidence of the current validation of the permit; or
- c) the vehicle is damaged to the extent that it cannot be driven, is in a wrecked or dismantled condition or has had its source of motive power removed.
- d) vehicles which satisfy the definition of “Hobby Vehicle” are exempt from this definition. **Note:** No more than 2 “Hobby Vehicles” are permitted to be stored on a property.

**“Lot”** means the land occupied or to be occupied by a building and its accessory buildings together with adjoining open spaces and may be composed of several lots or parts thereof as indicated on a registered plan of subdivision used for living, sleeping, cooking or eating purposes.

**“Land”** means real property, whether wholly vacant or comprised of buildings with Yards.

**“Last Known Address”** means the address which appears on the last revised assessment roll of the Corporation

**“Maintenance”** means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve.

**“Means of Egress”** means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility, or combination thereof, for the escape of persons from any point in a building floor area, room or contained open space to a public thoroughfare. Means of egress includes exits and access to exits.

**“Mixed Use Building”** a building lawfully used in part for residential purposes and in part for non-residential purposes.

**“Multiple-Dwelling”** a building or part of a building containing three or more dwelling units.

**“Motor Vehicle”** means an automobile, motorcycle, motor assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power unless otherwise indicated in the Highway Traffic Act.

**“Naturalized Area”**: For the purposes of this by-law, an area is deemed to be a naturalized area if the property or portion covered by vegetation is landscaped and maintained with a variety of flowers or plants, with or without grasses, or left to grow variety of indigenous plants.

- a) a “buffer strip” is either on a lot on a registered plan of subdivision or if not such a lot, is a residentially used parcel abutting another residential parcel, the cutting of vegetation other than trees or shrubbery so that its height is maintained below 20.32cm. (8 inches) long a minimum of one meter (3.28 feet) wide strip immediately adjacent to the lot lines and along all boundaries of the whole lot or parcel of land.
- b) a “perimeter strip” is an area other than an area described by clause (a) above, the cutting of vegetation other than trees or shrubbery, so that its height is maintained below 20.32 (8 inches), along a minimum (10’ feet) wide strip immediately adjacent to the lot line where the lot line adjoins a roadway or an occupied property.

“**Non Habitable Floor Area**” area in a dwelling unit other than a habitable room, and includes:

- a) a bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet or mechanical room.
- b) any part of a room having a clear ceiling height of less than 1.4 meters.
- c) other service and maintenance space of a dwelling for public use or access to and vertical travel between storeys.

“**Nuisances and Obnoxious Uses**”: For the purposes of this by-law both definitions will be considered to have the same meaning. For clarity, a condition or use of land in some situations can be considered a Nuisance where in other situations the same condition or use of Land is not considered a Nuisance. Proximity to neighbouring Land will have an impact on whether or not a certain condition or use of land constitutes a Nuisance. Further, the context of the Land in question can impact, whether or not its condition or use is a Nuisance. Persons living in urban areas must accept a certain level of disturbance as incident to life in an urban area without that disturbance being considered to be a Nuisance.

“**Obnoxious Use**” Shall mean an offensive trade within the meaning of the Public Health Act or any use which is offensive or dangerous by reason of the emission of odor, smoke, dust, noise, gas fumes, vibration or refuse matter.

“**Nuisance**” is a condition or use of Land which unreasonably interferes with the lawful use of another person’s land. It typically involves an injurious, offensive or objectionable condition. Examples include:

- a) emissions of smoke, gas fumes, dust, or sawdust;
- b) objectionable odours; or the unsightly storage of goods, wares, merchandise, debris or other material.

“**Officer**” means a Property Standards Officer/ Provincial Offences Officer or By-law Enforcement Officer of the Corporation who has been assigned the responsibility of administering and enforcing this by-law and includes the Chief Building Official or designate.

“**Order**” means any notice of non-compliance issued under this by-law.

“**Owner**” includes:

- a) a person for the time being managing the Land;
- b) a person for the time being receiving the rent from the Land, whether on his or her own account or as agent or trustee of any other person;
- c) a tenant or lessee;
- d) a licensee; or
- e) an occupier;
- f) the registered owner of the Land.

“**Potable**” means water deemed fit for human consumption.

“**Potable Water System**” means the plumbing that conveys potable water.

**“Power Authority”** means Ontario Hydro and or Township of Atikokan Hydro Electric Commission.

**“Property”** 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.

**“Recipient”** means the person to whom an Order is addressed, who is deemed to have received that Order in accordance with section 5.5 of By-law 01-08.

**“Repair”** includes the provision of facilities, the making of additions or alternations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section.

**“Sewage”** includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other, waste whether in suspension or precipitated, but does not include roof water or storm runoff.

**“Structure”** includes any building, retaining wall, scaffolding, garbage container, trailer, mobile home, or portable shack.

**“Vacant Property”** vacant residential, commercial, and industrial buildings and lots that exhibit one or more of the following traits:

- a) the site poses a threat to public safety; or
- b) abandoned, boarded-up buildings; unused lots that attract trash and debris; vacant or under-performing properties, and neglected industrial properties with environmental contamination; or
- c) structures that have been unoccupied for over a year, are beyond repair, and pose a serious danger to public safety.

**“Weed”** means a noxious weed designated by or under the Weed Control Act, R.S.O. 1990, c. W.5, including any weed designated as a local or noxious weed under a by-law of the Township of Atikokan passed under that Act.

**“Wood Creosote”** is a product composed of many chemicals such a polycyclic aromatic hydrocarbons (PAHs), phenol, cresols created by high temperature treatment of beech and other woods, coal, or from the resin of the Creosote bush. Creosote is the most widely used wood preservative in North America. Virtually all wooden railroad ties and telephone poles in use are treated with creosote to retard rotting.

**“Yard”** means Land around or appurtenant to the whole or any part of a residential or not-residential building which land is:

- a) vacant; or
- b) used or capable of being used in connection with the property.

### **PART 3: PROPERTIES**

Part 3 applies to all properties in the Township of Atikokan.

#### **3.1 General Duties and Obligations:**

- a) No person shall:
  - i. use;
  - ii. occupy; or
  - iii. permit the use or occupancy of any dwelling that does not conform with the standards.

- b) No person shall occupy, or permit occupancy by another, any property which does not comply with the standards of this by-law.
- c) Every occupant of property shall do the following:
  - i. Maintain that part of the premises which he or she occupies or controls in a clean, sanitary, and safe condition;
  - ii. Maintain all plumbing, cooking and refrigeration appliances and fixtures as well as other building equipment and storage facilities in that part of the premises which he or she occupies or controls in a clean and sanitary condition and provide reasonable care in the operation or use thereof;
  - iii. Maintain safe, continuous and unobstructed means of egress from the interior of the building to the exterior at street or grade level;
  - iv. Garbage, ashes, and rubbish shall be promptly stored in receptacles and made available for removal in accordance with the Waste Collection By-law of the Township of Atikokan and all amendments thereto, or any by-law enacted in substitution therefore;
  - v. Maintain yard in a clean, sanitary and safe condition and free from infestation insofar as he or she occupies or controls the yards.

### **3.2 Health and Safety Standards**

- a) Properties shall be kept clean and free from rubbish or other debris and from objects or conditions which might create a health, fire, or accident hazard.
- b) Sewage of any kind shall not be discharged onto the surface of the ground. Sewage or organic waste shall be discharged into a sewerage system where such a system exists. Where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the Medical Officer of Health.
- c) A dwelling shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, P. 11 and all regulations passed pursuant thereto.
- d) Every floor, wall, ceiling and fixture in a dwelling should be maintained in a clean and sanitary condition, and the dwelling shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.
- e) No basement or cellar space shall be used as a dwelling unit or as a habitable room unless in addition to the other requirements of this by-law, each room must have one or more windows that are wholly above the adjoining finished grade, open directly to the outside air and have a total light transmitting area of at least ten (10) percent of the floor area of the room.
- f) Fuel oil and any other combustible or flammable material shall be stored and located so as not to be a hazard to the premises or surrounding property.

### **3.3 Owners Duties**

The owner of the property shall:

- a) Repair, maintain and keep clean the property in accordance with the standards and take immediate action to eliminate any unsafe conditions and unhealthy conditions.
- b) Ensure that every supplied facility, piece of equipment or appliance in or on the property is constructed installed and maintained so that it will function safely and effectively, and is kept in a satisfactory working condition.

### **3.4 Emergency Contact Sign**

- a) The owner of a multi unit residential building shall cause a sign to be posted and maintained in a prominent place in the front lobby or on the entrance to a building.
- b) The sign shall indicate, in lettering not less than 12.7 mm in height, the current name, address and telephone number of the owner, manager or other person responsible for the property and the name and telephone number of the authorized person to contact in the case of an emergency on a twenty-four hour basis.

### **3.5 Occupants Duties**

Every person who occupies property shall:

- a) Maintain the property in a clean and sanitary condition;
- b) Maintain all plumbing cooking, refrigerating appliances and fixtures, and all storage facilities and other equipment in or on the property in a clean and sanitary condition;
- c) Maintain every washroom, sanitary convenience room and every fixture in them in a clean and sanitary condition;
- d) Keep all exits from the property clear and unobstructed;
- e) Co-operate with the landlord, if any, in complying with the requirements of this by-law;
- f) Limit the number of occupants to the maximum number permitted by this by-law as described in 3.8; and
- g) Take immediate action to eliminate any unsafe conditions.

### **3.6 Manner of Making Repairs**

- a) All repairs shall be made in a “good workmanlike manner” with materials that are suitable and sufficient for the purpose and free from defects.
- b) Without restricting the generality of subsection 1:
  - i. The requirement that repairs be made in a “good workmanlike manner” includes:
    - 1. Ensuring that the component repaired can perform its intended function.
    - 2. Finishing the repair in a manner reasonably compatible in design and color with adjoining decorative finishing materials.
  - ii. The requirement that repairs be made with “materials that are suitable and sufficient for the purpose” includes a requirement for materials reasonably compatible in design and color with adjoining decorative finishing materials.

### **3.7 General Standards**

- a) General standards set out in section 3.8 the following regulations, shall apply to all properties within the Township of Atikokan.
- b) All work, repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship and shall conform to all other by-laws of the corporation, codes and statutes as applicable.

- c) The Ontario Building Code shall be a minimum standard for all purposes.

### **3.8 High Standard**

If there is a conflict between a provision in this by-law and a provision of any other Act or by-law of the Township of Atikokan, the provision that establishes the highest standard to the public prevails.

### **3.9 Occupancy Standards**

- a) A room designed and intended for use as a not-habitable area shall not be used as a habitable area.
- b) No basement or cellar space shall be used as a dwelling unit or habitable room unless this use is otherwise permitted by a by-law and complies with the other occupancy provisions in this by-law.
- c) The maximum number of persons living in a habitable room shall not exceed one person for each seven square meters of habitable room floor area.
- d) For the purposes of this part, the minimum, height of a habitable room shall be 2100mm (6'11") over at least ½ the floor area, and for the purposes of subsection 3.9.e and 3.9.f any floor area under a ceiling that is less than 1400mm (4'7") in height shall not be counted in computing the required minimum floor area of a room used for sleeping.
- e) The minimum floor area of a room used by only one person for sleeping shall be between seven square meters with the room having a minimum dimension on one side of two meters.
- f) The minimum floor area of a room used by two or more persons for sleeping shall be 4.6 square meters for each person so using the room.
- g) Where living, dining, bedroom and kitchen are combined in a dwelling unit that contains a sleeping accommodation for not more than 2 persons, the area of the combined space shall not be less than 13 square meters (145 square feet).

### **3.10 Floors stairs and landings**

- a) Every floor, stairs, landing and every appurtenance, surface covering and finish attached to or laid upon it shall maybe maintained so as to properly perform its intended function and be reasonable smooth and level.
- b) Any repair, replacement or painting required by subsection 3.10.a shall be such that the material used shall have a finish and facing similar to that of the original covering.
- c) Floors and floor coverings shall be maintained free from any trip or other hazardous condition and shall be kept in a clean and sanitary condition and free from holes, stains, rubbish and debris.
- d) Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be cleared of snow and ice within 24 hours of a snowfall to provide safe access and egress for persons and vehicles.
- e) Floors of rooms in which plumbing fixtures are installed shall be maintained to be reasonably impervious to water and in a condition that permits easy cleaning.

### **3.11 Walls and Ceilings**

- a) Every wall and ceiling shall be maintained clean and free of holes, cracks and damaged and deteriorated surface material, and each repair shall be finished to reasonably match the existing walls or ceilings.

- b) Previously finished walls and other surfaces in public view of the property shall be maintained in good repair and shall be renewed or refinished, when necessary, to maintain a similar appearance.
- c) Marks, stains, graffiti, smoke damage, painted slogans or other similar markings or defacements on previously finished walls and other surfaces in public view of the property shall be removed and the surface refinished.
- d) Where noxious fumes, odours or gasses are, or could be, present, all elements of separation shall be of a gas tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes.

### **3.12 Doors, Passageways and Exits**

- a) Doors, passageways and exits shall conform to the Ontario Building Code and be maintained free from hazardous conditions, obstructions and impediments.
- b) Required or provided safety equipment relative to exits and means of egress, such as, but not limited to, door closures, coordinating devices, smoke seals and pressurized vestibules, latching devices, hinges, moldings and similar devices shall be maintained in good working order.
- c) Interior doors, their frames, glass panels and hardware shall be maintained in good repair, and all doors shall be of a good fit in their frames.

### **3.13 Ancillary Rooms**

- a) All laundry, recreation and other ancillary rooms, and the facilities, amenities and associated equipment for the rooms, shall be kept clean and maintained in a safe condition and in good repair.
- b) Laundry rooms shall be maintained in a clean and sanitary condition, and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.
- c) All drains connected to the drainage system shall have a trap.

### **3.14 Services and Utilities**

- a) No owner or anyone acting on the owner's behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, air conditioning, refrigeration, water or cooking facilities for any property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.
- b) Any person liable for any service or utility rates shall be deemed to have caused the disconnection, shutting off, removal or discontinuance of the service or utility if the person fails to pay the rates and, as a result of the non-payment, the service or utility is no longer provided.

### **3.15 Kitchen Facilities**

- a) Every room in which meals are prepared in a dwelling unit shall have a sink that is installed in a counter having a backsplash and a drain board made of material impervious to grease and water.
- b) The sink shall be connected to an adequate supply of potable running hot and cold water and be connected to the drainage system of the dwelling unit.
- c) Each kitchen in a dwelling unit shall have an approved, connected and operating gas or electrical supply for cooking and refrigeration appliances.

- d) Every cupboard, kitchen fixture, fitting and supplied appliance shall be maintained in good repair and good working order.

### **3.16 Carbon Monoxide Detectors and Smoke Alarms**

- a) Every dwelling unit shall be equipped with smoke alarms located between the bedrooms and the remainder of the dwelling unit, or as specified in the Ontario Building Code and the Ontario Fire Code.
- b) A Carbon Monoxide Detector shall be installed and maintained in all dwellings that are equipped with a fuel fired appliance or a “built-in, or attached “ garage located in accordance with the Ontario Building Code, and the Ontario Fire Code.

### **3.17 Electrical Service and Outlets**

- a) Every building and dwelling unit shall be wired for electricity and shall be connected to an operating electric supply system.
- b) The capacity of the system of circuits and electrical outlets within a building shall be adequate for the intended use of all rooms, and adequate electrical outlets shall be installed to prevent the need for extension cords or other extensions being used as a permanent wiring system.
- c) All electrical fixtures, switches, receptacles and connections to them shall be maintained in a safe and complete condition and in good working order.

### **3.18 Lighting**

- a) Light Fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements shall provide sufficient illumination to conform to the requirements of the Ontario Building Code.
- b) The owner of a multiple dwelling shall insure that all public halls, stairs and outside entrances shall be adequately lighted.

### **3.19 Plumbing**

- a) All plumbing systems shall be maintained so that:
  - i. All drain, waste, and vent piping, plumbing fixtures and appurtenances contained in the plumbing system are connected to a sanitary sewage system.
  - ii. All water piping connected to the municipal water service system shall be maintained so that:
    - 1. The plumbing system is kept in good working order, free from leaks or defects, protected from freezing and kept in a clean and sanitary condition. Water back flow preventors are recommended at each exterior hose bib. For renovations and new construction Water back flow preventors are required at each exterior hose bib connection.
- b) Every dwelling unit shall have a safe and adequate supply of running water and potable water from a source approved by the appropriate authority. If the piped supply is not potable all fixtures must be labeled to indicate such, and an adequate supply of potable water must be maintained within each dwelling.
- c) In every dwelling unit, all hot water shall be supplied at a temperature of not less than 45 degrees Celsius and not more than 60 degrees Celsius.
- d) Every dwelling unit shall have at least one water closet, one wash basin, one kitchen sink and one bathtub or shower as defined in the Ontario Building Code.

- e) All plumbing fixtures provided shall be connected with an adequate supply of potable, hot and cold running water, except that any water closet only needs to be connected to a cold water supply.
- f) A water closet equipped with adequate running water shall be installed, located and equipped to afford privacy.
- g) A properly connected wash basin shall be located in or adjacent to every room that contains a water closet or urinal.
- h) Basements or cellars that have concrete floors shall have an adequate number of trapped floor drains that are maintained in good repair and connected to the sewage system.
- i) The trapped floor drains required under section 3.13 shall be screened with a metal grill or other suitable material so as to effectively exclude rodents.
- j) All toilet facilities and toilet rooms shall be kept clean and neat at all times.

### **3.20 Heating and Air Conditioning**

- a) Every heating and air-conditioning system or unit shall be kept in good repair and maintained in good working condition at all times relevant to the operation of that system.
- b) Every dwelling and every dwelling unit shall have a heating system capable of maintaining a room temperature of 21 degrees Celsius at 1.5 meters above the floor level in all habitable rooms, bathrooms and toilet rooms.
- c) Every furnace room and every boiler room shall be vented to provide combustion air for the heating equipment directly from the outside air as required by the Ontario Building Code.
- d) Auxiliary heaters shall not be used as a permanent source of heat.
- e) Fireplaces and other solid fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent that shall be installed and maintained in good repair.
- f) All air conditioners and other water cooled equipment shall be equipped with proper devices for the prevention of condensation drainage or discharge onto sidewalks, walkways, driveways and entrance areas or other areas used for pedestrian or vehicular traffic.

### **3.21 Ventilation**

- a) Adequate ventilation shall be provided to all areas of a building.

## **PART 4: YARDS, LANDS, VACANT LAND AND BUILDINGS:**

The standards, requirements and prohibitions contained in this part shall apply to:

- a) All properties within the built up area to Atikokan as shown on Schedule B of the Zoning By-law.
- b) Privately owned property outside the built up area as shown on Schedule A of the Zoning By-law.

### **4.1 Yards, compounds and lands whether vacant or not shall be maintained as follows**

- a) Graded so as to prevent recurrent ponding of water and direct the surface water away from buildings.

- b) Landscaped so as to prevent unstable soil conditions or erosion, with any combination of the following:
  - i. Trees, shrubs, grass or flowers;
  - ii. Decorative stonework, walkways or screening; and
  - iii. Any other horticultural or landscape- architectural elements.
- c) Where grass forms part of the ground cover, it shall be maintained at a height not more than 20 centimeters (8in.) by cutting regularly.
- d) All yards shall be kept free of heavy undergrowth and weeds.
- e) A tree or other plant, or a limb or branch that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant.
- f) All hedges, shrubs, trees or other plants which abut public property shall be planted and maintained in a manner that does not:
  - i. Obstruct the safety of the public;
  - ii. Affect the safety of vehicular or pedestrian traffic;
  - iii. Affect the site triangle on a corner lot;
  - iv. Wholly or partially conceal or interfere with the use of any hydrant or water valves; or
  - v. Overhang or encroach upon any pavement, sidewalk or traveled portion of any street or highway.

#### **4.2 Untidy Properties**

- a) Any furniture that is manufactured for interior use shall not be placed outside of a dwelling.
- b) Appliances including refrigerators, stoves and freezers shall not be left in yards, interior stairwells, or hallways and shall not be used as places of outside storage.
- c) The excessive accumulation or storage of debris or refuse in yards, garages, porches, public corridors, or stairways shall be prohibited at all times.
- d) Accumulations or storage of debris, refuse, appliances, or furniture in a means of egress shall not be permitted.
- e) All yards and any other part of a property shall be kept clean and free from dilapidated, collapsed or unfinished structures.
- f) Every part of a non-residential building shall be maintained in a structurally sound condition. So as to be capable of sustaining, safely, its own weight and any load to which it may be normally subject.
- g) No mechanical equipment, motor vehicle, or trailer or boat or a remnant or any part of them, that is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left in a yard unless it is lawfully permitted to use the yard for this purpose.
- h) No person shall use any land in the Township of Atikokan for storing inoperative motor vehicles for the purpose of wrecking or dismantling them or salvaging parts for sale or other disposal including the purpose of repairing other vehicles, unless the zoning by-law permits this use.

- i) All yards and any other part of a property shall be kept clean and free from accumulations of junk, rubbish, brush, refuse, litter, garbage and other debris, and any conditions that are health, fire or other hazards.
- j) No owner or occupier of a property shall allow the open or exposed storage on the property of any industrial fluid, including engine oil, brake fluid or antifreeze.

#### **4.3 Pest Prevention**

- a) Buildings shall be kept free of rodents, vermin and insects at all times.
- b) Basement or cellar windows used or required for ventilation and any other opening in a basement or cellar, including a floor drain, that might permit the entrance of rodents, pests, insects and vermin, shall be screened with durable material that will effectively exclude rodents, insects and vermin.

#### **4.4 Garbage and Debris Storage and Disposal**

- a) Garbage and refuse shall be stored in receptacles and removed in accordance with other municipal by-law.
- b) All bags containing garbage shall be stored within an enclosed garage or in a covered receptacle.
- c) An Accessory building used for the temporary storage of garbage and refuse shall be kept in a litter free and odor free condition, maintained in a manner that will not attract pests, create a health or other hazard. Garbage storage shall not obstruct an emergency route, recreation facility, parking area, driveway or walkway.

#### **4.5 Accessory Buildings, Barriers and Retaining Walls**

- a) Barriers and retaining walls shall be kept in good repair.
- b) Retaining walls or other structures have been painted or otherwise treated; they shall be maintained in a safe condition. Repairs shall be made with material consistent with what was used in the original construction, or better. Creosote treated railway ties, utility poles, etc. used for cribbing, retaining walls, landscaping or any other purpose shall not be used in the urban area of the Township of Atikokan. In new construction or major repairs creosote products are not to be used.
- c) Accessory buildings shall be kept in good repair.
- d) Where an accessory building, retaining wall, or the land may harbor an infestation of insects, rodents or pests. All necessary steps shall be taken to eliminate the insects, rodents or pests and to prevent their reappearance.

#### **4.6 Stairs, Guards, Handrails and Other Structures**

- a) All stairs, verandas, porches, decks, loading docks, ramps, balconies, fire escapes and other similar structures and all similar equipment, attachments and their supporting members or other appurtenances attached to them shall be maintained free from defects and hazards, capable of supporting all loads to which they may be subjected, and kept in a safe, clean sanitary condition and in good repair.
- b) All required guards and handrails shall be installed in accordance with and maintained to comply with the Ontario Building Code.

#### **4.7 Exterior Walls, Columns and Beams**

- a) Exterior columns, walls and their components shall be maintained in good repair, weather-tight and free from loose or unsecured objects and materials.
- b) The protective or decorative finishes of all exterior surfaces shall be maintained in good repair as to prevent deterioration that affects the appearance of the building or structure.
- c) Markings, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and coordinated to the exterior finish of the building or structure.
- d) All canopies, marquees, signs, billboards, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements so as to prevent decay and rust.

#### **4.8 Roofs**

- a) The roof of every building shall be structurally sound, weatherproof and free from leaks, loose or unsecured objects and materials, dangerous accumulation of ice and snow; and hazards.
- b) Where eaves trough, roof guttering and down piping is provided it shall be kept in good repair, including being watertight, protected by paint or preservative and securely fastened to the building.
- c) Chimneys, smoke or vent stacks and other similar roof structures and supporting members shall be maintained in good repair and free from defects.

#### **4.9 Exterior Openings, Doors, Windows and Skylight**

- a) All requirements for exterior openings, doors, windows and skylights shall conform to the Ontario Building Code.
- b) A door shall be provided at each entrance to a dwelling and to each room containing a water closet within a dwelling unit.
- c) All exterior openings for doors and windows shall be fitted with doors or windows that are maintained in weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
- d) Any openings in an exterior wall of building that are not protected by a door or window shall be maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
- e) All exterior doors, windows, skylights and basement hatchways, including storm and screen doors and storm windows, shall be maintained in good repair and free from defects and missing components.
- f) All windows in a dwelling unit that are capable of being opened shall be fitted and equipped with screens that are maintained in good repair and free from defects and missing components.
- g) All windows capable of being opened and all exterior doors shall be free from defective hardware and be capable of being locked or otherwise secured from inside the building.
- h) Glazed doors, windows and other transparent surfaces shall be kept reasonably clean in order to permit unimpeded visibility and unrestricted passage of light.

#### **4.10 Steps, Walks, Driveways, Parking and Loading Areas**

- a) Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be maintained in good repair so as to afford safe passage under normal use.

#### **4.11 Garage Doors**

- a) If a garage door allows for vehicular ingress or egress from a parking or storage area, and is equipped with an automatic closing mechanism, the garage door shall be equipped with a sensing device that does not allow the door to close when any person, animal or object is crossing its path.

#### **4.12 Vacant Buildings**

- a) The owner of a vacant building shall board up the building to the satisfaction of the property standards officer by covering all openings through which entry may be obtained with 3/8" or thicker weatherproof sheet plywood painted a color compatible with the surrounding walls and securely fastened by nails or screws.

#### **4.13 Outdoor Storage of Building Materials**

- a) No owner or occupier of property shall allow on the premises the accumulation of building materials, whether new or used, unless that owner or occupier can establish that a construction or renovation undertaking pursuant to an issued building permit is being carried out on the property and that:
  - i. The project has begun or the beginning of work is imminent;
  - ii. The materials found on the property relate to the project taking place on the property in a quantity reasonable to complete the project; and
  - iii. The work on the project has not been suspended for a period in excess of one-hundred and eighty days; and
  - iv. An owner or occupier of a property shall ensure that all building materials stored on a property are not in contravention of subsection (1) and are stacked or stored in an orderly manner.
- b) Notwithstanding anything in this part it shall not be an offence to store a small amount of neatly stacked materials on premises for basic property maintenance.

#### **4.14 Firewood Storage**

- a) Firewood for domestic use may be stored in a rear yard or side yard if the area used for this storage is not more than 15% of the area of the yard.
- b) The stored firewood shall be:
  - i. Neatly piled not less than 300 millimeters from any lot line;
  - ii. Firewood may not be stacked on more than 1 wall of a residence, and stacked not more than 36" wide and shall not exceed 1.5m in height.

#### **4.15 Water, Eaves Troughs and Downspouts**

- a) No owner or occupier of a property shall allow a flow of water from a hose, downspout, eaves trough or sump pump or similar device on the property to be directed towards an adjacent property, if it is likely that the water from the hose or similar device will enter the adjacent property.

- b) An owner or occupier of a property shall direct any rainwater downspout or eaves trough on the property towards;
  - i. The front of the property.
  - ii. The rear of the property.
  - iii. A side yard which does not abut another property or; a side yard with abuts another property only if there is a minimum of 6 (six) meters of permeable ground between the outfall of the downspout or the eaves trough and the adjacent property.
  - iv. If a side yard is less than 6 meters the outflow must comply with the requirements of subsection (i) or (ii) of section 4.15 of this by-law.
- c) All downspouts shall have leads which extend 4' from the dwelling. No owner or occupier of a property shall allow a rainwater downspout or eaves trough to be directed towards a neighbouring property if it is likely that the water from the downspout or eaves trough will enter the adjacent property. Downspouts shall not be connected to the municipal sanitary drainage system.
- d) Any above-ground discharge from a sump pump, downspout eaves trough or pipe shall be directed to discharge in a manner that is not likely to cause damage, ponding or flooding to any adjoining property or create a hazardous condition of any stairway, walkway, street or boulevard.

#### **4.16 Yards, Industrial and Commercial**

Nothing in section 4.16 shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential property. If a lawful use requiring that material is conducted on the property and the materials are stored in a neat and orderly fashion.

- a) The warehousing of any stored material or operative equipment or the storage of garbage in receptacles in the yards or compounds shall be neat and orderly so as not to create a fire or accident hazard or any unsightly condition and shall provide clean and easy access for emergency vehicles.
- b) Every part of a non-residential building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be normally subject.
- c) Where conditions are such that a neat and orderly fashion is achieved but is offensive to view, the offensive sides shall be properly enclosed by solid wall or a board or metal fence or an acceptable visual screen in compliance with the fence by-law.

#### **4.17 Excavations and Ponding Water**

- a) 1 No owner or occupier of a property shall allow an excavation, drain, ditch, or other depression in the ground to become or remain a danger to public safety.
- b) If, in the opinion of the Officer, a water course, pond or other surface water becomes or remains a nuisance or poses a danger to public safety, the Officer may declare the water-course, pond or other surface water a nuisance and require the owner or occupier of the property to eliminate the nuisance or danger.

#### **4.18 Composting Heaps**

- a) For the purposes of this part:
  - i. "Composting" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner; and

- ii. “Open Composting Pile” means a Composting site which is not fully contained in a structure.
- b) No owner or occupier of a property shall place or allow to be placed cat feces, dog feces, animal parts or animal meat on a Composting pile or in a composting container on the premises.
- c) No owner or occupier of a property shall allow an Open Composting Pile on the premises within six (6) meters of an adjacent dwelling house, measured from the nearest part of the Open composting Pile to the nearest part of the adjacent dwelling house.
- d) Every owner or occupier who allows a composting container or Composting pile to remain on a property must ensure that it is maintained in such a manner that it does not become a nuisance by:
  - i. Creating offensive odors; or
  - ii. Attracting pests.
- e) The occupant of a residential property may provide for a compost container or bin in accordance with the health regulations, provided that the compost pile is no larger than one square meters (10 sq. ft.) and 1.8 metres (6 ft) in height and is enclosed on all sides by:
  - i. Concrete block, or lumber or in a metal frame building with a concrete floor, or in a commercial plastic enclosed container designed for composting;
  - ii. Compost heaps or bins shall not be placed in the front yard or exterior side yards;
  - iii. Compost heaps or bins shall be constructed to prevent the entry of rodents or other animals, be provided with a tight fitting cover which shall be kept closed at all times except when material is being placed therein, and be maintained in a clean and sanitary condition.
- f) It is an offense for an Owner or the Occupier of land to use the Land, or cause or permit the land to be used, in a manner which creates a Nuisance.

#### **4.19 Buffering**

- a) Property that because of its use, occupancy or other reasons creates a nuisance to other properties in the neighborhood may be buffered, so as to minimize the effect of the nuisance by the provision and maintenance of:
  - i. A barrier to prevent wind-blown waste, wrappings, debris and similar things from littering or settling on adjacent properties.
  - ii. A visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade on adjacent properties or a public highway; and
  - iii. The provision and maintenance of a barrier of sufficient size and strength to prevent the dumping of debris or refuse in yards or vacant property.

#### **PART 5: ADMINISTRATION AND ENFORCEMENT**

- a) This section prescribes the procedure for enforcement of standards, which are in addition to those procedures prescribed in the Building Code Act or the Regulations. This by-law may be enforced by any “Officer” as defined in the definitions.

## **5.2 Entry**

- a) An Officer may enter upon any Land (but not within any building used as a residence) to ascertain whether the provisions of this by-law are being complied with and to enforce and carry into effect the provisions of this by-law.

## **5.3 Ultimate Responsibility of Owner**

- a) The Owner of Land is ultimately responsible for the condition of the Land whether or not the Owner is also the Occupant.

## **5.4 Inspection**

- a) Where an Officer discovers Land in a condition which violates any of the provisions of this By-law, he or she shall report the violation to council and, upon obtaining council's authorization, make an order, in a manner set out in this Part. The Order must specify the particulars of non-conformity with this By-law, and must require that the Owner and /or Occupant make the Land conform to the requirements of this By-law within a specified time period.
- b) Prior to taking action in accordance with section 5.7 of this by-law the Chief Building Official shall report to the council and obtain authorization for the work to be undertaken, by the Township of Atikokan. The owner will be responsible for the payment of the cost of such work, including an administrative fee, with the cost added to their municipal tax bill.

## **5.5 Contents of Order**

- a) An officer who finds that a property does not conform with any of the standards prescribed in a by-law may make an order,
  - i. Stating the municipal address or the legal description of such property;
  - ii. Giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all building structures, debris or refuse and left in a graded and leveled condition;
  - iii. Indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
  - iv. Indicating the final date for giving notice of appeal from the order.
- b) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- c) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day which the order was served under 5.5.2 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

## **5.6 Appeal of Order**

- a) 1 An owner or occupant who has been served with an order made under section 5.5 and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served the order.

- b) An order that is not appealed within the time referred to in subsection 1 shall be deemed to be confirmed.
- c) The committee shall hear the appeal.
  - i. On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:
    - 1. Confirm, modify or rescind the order to demolish or repair.
    - 2. Extend the time for complying with the order.
- d) The municipality in which the property is situated or any owner or occupant or person affected by a decision under subsection 3.1 may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent.
- e) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served.
- f) On appeal, the judge has the same powers and functions as the committee.
- g) An order that is deemed to be confirmed under subsection 5.6.b or that is confirmed or modified by the committee under subsection 5.6.c or a judge under subsection 5.6.f as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

### **5.7 Municipal Action**

- a) If an order of an officer under section 5.5 is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly.
- b) For the purpose of subsection 5.7.a, employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.
- c) A municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on the behalf of the municipality in the reasonable exercise of its powers under subsection 5.7.a.
- d) The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection 5.7.a and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*.

### **PART 6: PROPERTY STANDARDS COMMITTEE**

- a) The Corporation of the Township of Atikokan hereby establishes a Property Standards Committee to be known as the Atikokan Property Standards Committee to be composed of three persons to hold office from the date of their appointment until their resignation or until their respective successors have been appointed.

**READ a SECOND and THIRD time and FINALLY PASSED this 8<sup>th</sup> day of September, 2008.**

\_\_\_\_Mayor Brown\_\_\_\_\_  
Mayor

\_\_\_\_Angela Sharbot\_\_\_\_\_  
Clerk