



BY-LAW No. 20-82

Minimum Property Maintenance and
Occupancy Standards By-law
for the Town of Hearst

(consolidated at March 22, 2011)

INDEX

SECTION 1-TITLE	5
SECTION 2 – DEFINITIONS.....	6
2.1 ACCESSORY BUILDING	
2.2 BALUSTRADE	
2.3 BASEMENT	
2.4 BATHROOM	
2.5 BUILDING	
2.6 CELLAR	
2.7 CHIEF OF THE FIRE DEPARTMENT	
2.8 COMMITTEE	
2.9 COPORATION	
2.10 DWELLING	
2.11 DWELLING UNIT	
2.12 FIRE-RESISTANCE RATING	
2.13 FIRE SEPARATION	
2.14 GARBAGE	
2.15 HABITABLE ROOM	
2.16 MEANS OF EGRESS	
2.17 MEDICAL OFFICER OF HEALTH	
2.18 MULTIPLE DWELLING	
2.19 MIXED USE BUILDING	
2.20 MUNICIPALITY	
2.21 NON-HABITABLE ROOM	
2.22 NON-RESIDENTIAL BUILDING	
2.23 NOTICE	
2.24 OCCUPANCY	
2.25 OCCUPANT	
2.26 OFFICER	
2.27 OWNER	
2.28 PERSON	
2.28A ROOMING UNIT	
2.29 PROPERTY	
2.30 REPAIR	
2.31 SEWAGE	
2.32 SEWAGE SYSTEM	
2.33 STANDARDS	
2.34 TOILET ROOM	
2.35 VEHICLE	
2.36 YARD	

SECTION 3-ADMINISTRATION AND ENFORCEMENT	10
3.1 APPLICATION	10
3.2 VALIDITY	10
3.3 RESPONSIBILITY OF THE OWNER OR OCCUPANT.....	10
3.4 PROPERTY STANDARDS OFFICER.....	10
3.5 PROPERTY STANDARD COMMITTEE	11
3.6 CERTIFICATE OF COMPLIANCE.....	11
3.7 VIOLATION AND PENALTY	12
SECTION 4: MAINTENANCE AND OCCUPANCY STANDARDS.....	13
4.1 OCCUPANCY STANDARDS.....	13
4.2 YARDS	13
4.3 FENCES.....	14
4.4 ACCESSORY BUILDINGS	15
4.5 PARKING.....	15
4.6 SAFE PASSAGE.....	16
4.7 EXTERIOR LIGHTING.....	16
4.8 SIGNS	16
4.9 SEWAGE AND DRAINAGE	16
4.10 GARBAGE, REFUSE, RUBBISH.....	17
4.11 DAMAGED MATERIALS	18
4.12 PEST PREVENTION	18
4.13 CLEANLINESS.....	18
4.14 STRUCTURAL SOUNDNESS.....	19
4.15 EXTERIOR SURFACES	19
4.16 ROOFS.....	20
4.17 DAMPNESS	20
4.18 BASEMENT, CELLAR OR CRAWL SPACE FLOORS.....	20
4.19 FOUNDATIONS	21
4.20 DOORS AND WINDOWS.....	21
4.21 PROTECTIVE BARRIERS, BALUSTRADES AND HANDRAILS	22
4.22 FIRE ESCAPES, STAIRS AND PORCHES	22
4.23 EGRESS.....	23
4.24 FLOORS	24
4.25 INTERIOR WALLS AND CEILINGS	24
4.26 WATER AND PLUMBING.....	25
4.27 BATHROOMS, TOILET ROOMS AND SHOWER ROOMS	25
4.28 COOKING OR KITCHEN AREAS.....	27
4.29 SLEEPING AREAS.....	27
4.30 HEATING SYSTEMS.....	28
4.31 ELECTRICAL SERVICES	30
4.32 INTERIOR LIGHTING.....	30
4.33 ELEVATORS	32
4.34 AIR CONDITIONERS	32
4.35 VENTILATION.....	32
4.36 FIRE PREVENTION EQUIPMENT.....	33

4.37 VACANT PROPERTY 33
SECTION 5 – EFFECTIVE DATE..... **35**

THE CORPORATION OF THE TOWN OF HEARST

BY-LAW NO. 20-82

Being a By-law to provide minimum acceptable standards for the maintenance and occupancy of property within the Town of Hearst; and to prohibit the occupancy or use of such property that does not conform to said standards, and to require such property not in conformance 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 debris or refuse and left in a graded and leveled condition.

WHEREAS the Council of the Corporation of the Town of Hearst deems it advisable to enact a By-law pursuant to chapter 23 of the Building Code Act, .S.O. 1992, Chapter C.23 and amendments thereto,

AND WEREAS there is in effect in the Town of Hearst an Official Plan which includes provisions relating to property condition,

NOW THEREFORE, BE IT ENACTED by the Council of the Corporation of the Town of Hearst:

SECTION 1-TITLE

- 1.1 That this By-law shall be known as the “Minimum Property Maintenance and Occupancy Standards By-law for the Town of Hearst”.

REVISED

**Consolidated version as of
August 31, 2010**

SECTION 2 – DEFINITIONS

THAT for the purpose of this By-law, the definitions and interpretations given in this section shall govern. Words used in the present tense shall include the future tense, words in the singular number shall include the plural and words in the plural shall include the singular. In this By-law,

- 2.1 ACCESSORY BUILDING means a detached building or structure subordinate to a main building or structure, the use of which is not intended for human habitation and is incidental to the main building or structure and includes a garage, shed, barn and similar storage facilities.
- 2.2 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 at other locations to prevent accidental falls from one level to another.
- 2.3 BASEMENT means that space of a building that is partly below grade which has more than one-half of its height measured from floor to ceiling above the average finished grade around the exterior of the building.
- 2.4 BATHROOM means a room or connecting rooms which contain at least a toilet, washbasin and bathtub or shower.
- 2.5 BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.
- 2.6 CELLAR means that space of a building that is partly or entirely below grade having one-half or less than one-half of its height measured from floor to ceiling above the average finished grade around the exterior of the building.
- 2.7 CHIEF OF THE FIRE DEPARTMENT means Chief of the Fire Department of the Corporation of the Town of Hearst or his appointed representative.
- 2.8 COMMITTEE means the Property Standards Committee, as appointed by the Council of the Corporation of the Town of Hearst.
- 2.9 CORPORATION means the Corporation of the Town of Hearst.
- 2.10 DWELLING means a building or structure or part thereof which is used, intended to be used or capable of being used in whole or in part for the purposes of human habitation and includes a building or structure that would be used, is intended to be used or is capable of being used for such purposes, except for the state of disrepair.

- 2.11 DWELLING UNIT means one or more rooms connected together but completely separate from all other rooms in the same building, and intended as an independent housekeeping unit in which cooking facilities and sanitary facilities are provided for the exclusive use of the occupant of said unit for the purposes of human habitation.
- 2.12 FIRE-RESISTANCE RATING means time in hours or parts thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation derived therefrom as prescribed in the Ontario Building Code, Ontario Regulation 549/84 and amendments thereto.
- 2.13 FIRE SEPARATION means a floor, partition or dividing wall or other form of construction assembly that acts as a barrier against the spread of fire, and which may be required to have a fire-resistance rating.
- 2.14 GARBAGE means the animal, vegetable and mineral waste resulting from the handling, preparation, cooking and consumption of food or drink.
- 2.15 HABITABLE ROOM means any room in a dwelling unit used, intended to be used or capable of being used by humans for the purposes of living, sleeping, cooking or eating.
- 2.16 MEANS OF EGRESS means a continuous path of travel including a doorway, hall, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, provided for the escape of persons from any point in a building, floor area, room or contained open space to a public thoroughfare or other approved open space, including exits and access to exits.
- 2.16a EXIT means that part of a means of egress leading directly from the floor area it serves to a public thoroughfare or suitable open space.
- 2.17 MEDICAL OFFICER OF HEALTH means the Medical Officer of Health for the Porcupine Health Unit or his appointed representative.
- 2.18 MULTIPLE DWELLING means a building containing three or more dwelling units.
- 2.19 MIXED USE BUILDING means a building containing one or more dwelling units and other uses not accessory to the dwelling units.
- 2.20 MUNICIPALITY means the Town of Hearst.

- 2.21 **NON-HABITABLE ROOM** means any room in a dwelling or dwelling unit other than a habitable room and includes any bathroom, toilet room, boiler room, furnace room, shower room, laundry room, pantry, basement, cellar, storage room, closet, corridor, foyer, stairway or lobby.
- 2.22 **NON-RESIDENTIAL BUILDING** means a building or structure other than an accessory building or structure not used, intended to be used or capable of being used for the purposes of human habitation.
- 2.23 **NOTICE** means a notice of violation and an order to demolish, repair or maintain property served by an officer, pursuant to this By-law.
- 2.24 **OCCUPANCY** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.25 **OCCUPANT** means any person or persons over the age of eighteen years, in possession of the property.
- 2.26 **OFFICER** means a Property Standards Officer for the Corporation of the Town of Hearst, who has been assigned the responsibility of administering and enforcing this By-law.
- 2.27 **OWNER** means and includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in question, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property, who under the terms of a lease, is required to repair and maintain the property in accordance with the standards of this By-law.
- 2.28 **PERSON** means and includes any person or persons, firm, partnership, association, corporation, company or organization of any kind and the heirs, executors, administrators or other legal representatives of such a person to whom the context may apply.
- 2.28A **ROOMING UNIT** means one or more rooms in a dwelling intended for human habitation not provided with separate cooking facilities, but which may or may not be provided with separate sanitary facilities.
- 2.29 **PROPERTY** means a building or structure or part thereof, and includes the lands and premises appurtenant thereto and all mobile buildings or structures, out-buildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, including vacant property, and for the purposes of this By-law shall be recognized as:

- (a) NON-RESIDENTIAL PROPERTY includes a property which is used, intended to be used or capable of being used in whole or in part, for purposes other than human habitation,
 - (b) RESIDENTIAL PROPERTY includes a property which is used, intended to be used or capable of being used in whole or in part for the purposes of human habitation, or
 - (c) VACANT PROPERTY includes a property on which there are no buildings or structures of any kind, or a property having buildings or structures which are not occupied.
- 2.30 REPAIR means the provision of such facilities and the making of alterations and additions or the taking of such action as may be required so that the property shall conform to the standards established by this By-law.
- 2.31 SEWAGE means any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof water or other surface water run-off.
- 2.32 SEWAGE SYSTEM means the municipality's sanitary sewer system or a private sanitary sewage disposal system approved by the Ministry of the Environment, the Medical Officer of Health or other official having jurisdiction.
- 2.33 STANDARDS means the standards of physical conditions and of occupancy prescribed for property by this By-law.
- 2.34 TOILET ROOM means a room containing a water closet and washbasin.
- 2.35 VEHICLE means a motor vehicle, trailer, boat, motorized snow vehicle and mechanical equipment, whether operable or not.
- 2.36 YARD means the land around and appurtenant to the whole or any part of a building, used, intended to be used or capable of being used in connection with said building or part thereof.

SECTION 3 - ADMINISTRATION AND ENFORCEMENT

3.1 APPLICATION

- Jurisdiction*
- (a) This By-law shall apply to every property or parts thereof in the Town of Hearst.
- (b) Where any provision of this By-law conflicts with a provision of another By-law in effect in the Town of Hearst, the provision that establishes the higher standard for the protection of the health, safety and welfare of the general public shall prevail. *Conflict with another By-law*
- (c) That By-law No. 1137 for the Corporation of the Town of Hearst is hereby repealed. *By-law No.1137 repealed*

3.2 VALIDITY

- (a) Should any Section, or part thereof, of this By-law be declared invalid for any reason by a court of competent jurisdiction, the remainder of this By-law shall continue in force. *Validity and court ruling*

3.3 RESPONSIBILITY OF THE OWNER OR OCCUPANT

- (a) The owner of any property shall repair and maintain said property in accordance with the standards established herein. *Owner's responsibility*
- (b) Notwithstanding the responsibility of the owner, where the provisions of any written lease or agreement require that the maintenance of the property affected by this By-law is the responsibility of the occupant or tenant, said occupant or tenant shall *Tenant's responsibility*
- (i) maintain that part of the property which he uses or controls in a clean, sanitary and safe condition, and
- (ii) effect such repairs and maintenance as the Property Standards Officer may require in accordance with the standards established by this By-law.

3.4 PROPERTY STANDARDS OFFICER

- (a) This By-law shall be administered and enforced by a Property Standards Officer appointed by By-law of the Corporation. *Appointment*

(b) The Officer shall administer and enforce this By-law in accordance with the provisions of the Building Code Act, S.O. 1992 and amendments thereto.

Building Code Act provisions

(c) Any Building Inspector, any Plumbing Inspector and the Chief of the Fire Department of the Corporation and the Medical Officer of Health of the Cochrane District Health Unit are hereby authorized to assist the Officer in the performance of his duties, as required from time to time.

Authorization of assistance

3.5 PROPERTY STANDARD COMMITTEE

(a) The Council of the Corporation shall appoint a Property Standards Committee, pursuant to the Building Code Act, 1992 and amendments thereto.

Appointment

BL 67-10

(b) Said Committee shall be composed of **four (4) ratepayers** of the Municipality, each of whom shall be resident or property owner in the Municipality.

Eligibility

BL 63-10

(c) The members of the Committee shall hold office for a term of **four (4) years**;

(d) A member may be re-appointed for successive **four (4) year** terms.

Re-appointment

(e) When the term of a member of the Committee terminates prior to the established expiry date of his term of office, then Council shall appoint forthwith a ratepayer of the Municipality to take said member's place on the Committee for the remainder of said member's term of office.

Vacancies

(f) The members shall be paid such compensation as the Council may provide.

Remuneration

BL 73-10

(g) The members shall be paid the current per diem rate payable to members of the Council of the Corporation of the Town of Hearst, as may be determined by said Council from time to time.

Responsibilities

3.6 CERTIFICATE OF COMPLIANCE

(a) 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 the opinion of the Officer,

Issuance of certificate

the property is in compliance with the standards established by this By-law.

B-L 73-10

- (b) The fee for such a Certificate issued upon request of an owner shall be established by resolution of the Council of the Corporation of the Town of Hearst from time to time.

Fee

3.7 VIOLATION AND PENALTY

B-L 73-10

- (a) Every person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, is liable to a fine in an amount not more than the amount specified under the *Building Code Act*, S.O. 1992, c. 23.

Offence

*Provincial
Offences
Act*

SECTION 4: MAINTENANCE AND OCCUPANCY STANDARDS

4.1 OCCUPANCY STANDARDS

- (a) The provisions established by this Section shall apply to *Jurisdiction*
- (i) all residential properties, or parts thereof,
 - (ii) all non-residential properties, or parts thereof, and
 - (iii) all vacant properties,
except where specifically stated.
- (b) No person shall use or intend to be used a property or part thereof for residential or non-residential purposes, unless said property or part thereof conforms to the standards established herein. *Property occupancy*
- (c) No person shall use a non-residential property for the purposes of human habitation. *Non-residential use*
- (d) For the purposes of human habitation, *Standards for human habitation*
- (i) a non-habitable room shall not be used as a habitable room,
 - (ii) The minimum total floor area of all habitable rooms within a dwelling unit shall be 9.3 square meters for each person occupying said unit, where the floor area under a ceiling that is less than 1.5 meters in height shall not be counted, and for the purposes of this sub-section, any child under one year of age shall not be counted, and any child over one year of age but less than twelve years of age shall be deemed one-half person, and
 - (iii) The minimum height of a habitable room shall be 2.1 meters over at least seventy-five percent of the floor area.

4.2 YARDS

- (a) Yards shall be kept clean and free from rubbish or other debris and from objects and conditions, including holes and excavations that might create a health, fire or accident hazard, or attract or harbour insects and rodents. *Maintenance*

- | | | |
|-----|--|---|
| (b) | Noxious plants such as ragweed and poison ivy, as designated by The Weed Control Act, R.S.O 1990, Chapter W. 5 and heavy undergrowth shall be eliminated from the property. | <i>Noxious plants</i> |
| (c) | Lawns, hedges and bushes shall be kept reasonably trimmed so as not to become overgrown and unsightly. | <i>Lawns, hedges</i> |
| (d) | No vehicle including a trailer which is in a wrecked, discarded, dismantled or abandoned condition shall be parked, stored or left in a yard, unless such vehicle is required for business purposes and is retained on a non-residential property in accordance with provisions of Section 4.3 (c) of this By-law | <i>Wrecked vehicles</i> |
| (e) | A vehicle including a trailer in an inoperative condition may be temporarily stored, for a period not exceeding ten months, in the side or rear yard of a residential property, if said vehicle is not stored in an unsightly manner. | <i>Temporary storage inoperative vehicles</i> |
| (f) | Where internal access roads and parking lots are provided on properties occupied by two or more dwelling units, including mobile homes, such roads and parking lots shall be kept in good condition with a stable and appropriate surface capable of supporting the intended traffic loads, and shall be free from obstacles, including holes, excavations, debris and accumulation of snow, which may obstruct the safe and convenient passage of vehicles thereon, and <ul style="list-style-type: none"> i) maintenance shall be done and provided in a continuous process, including but not necessarily limited to periodic grading, application of new surface material and snow removal and the application of road and parking lot surface treatment from time to time, so as to prevent the raising of dust or other loose particles which may cause inconvenience and pose a nuisance to residential occupancies on the property. | <i>Access roads and parking lots</i> |

4.3 FENCES

- | | | |
|-----|---|--------------------|
| (a) | All fences, barriers and retaining walls shall be kept in good repair and free from accident hazards. | <i>Maintenance</i> |
| | | <i>Weathering</i> |

- (b) Fences, permanent barriers and retaining walls, which are subject to deterioration caused by weathering, shall be protected by paint, preservative or other weather-resistant material.
- (c) Yards of non-residential properties, containing vehicles required for business purposes, which are stored in a wrecked, discarded, dismantled or abandoned condition, shall be enclosed by a solid fence of uniform construction of a minimum height of 2.0 meters having an entrance with a minimum clear width of 3.65 meters.

Wrecked vehicle storage

4.4 ACCESSORY BUILDINGS

- (a) Accessory buildings shall be kept in good repair and free from health, fire and accident hazards.
- (b) Where an accessory building may attract or harbour insects and rodents, all necessary steps shall be taken to prevent their appearance or to eliminate the insects and rodents and to prevent their reappearance.
- (c) The exterior of such building which is subject to deterioration resulting from weathering shall be made weather resistant by the use of paint, preservative or other weather-resistant material.
- (d) Attached or built-in garages shall be constructed so as to prevent noxious gases from entering any dwelling.
- (e) Garage and carport floors shall be maintained in good repair and free from any accident hazards.

Maintenance

Insects and rodents

Weathering

Noxious gases

Garage, carport floor

4.5 PARKING

- (a) All areas of the property used for vehicular traffic or parking purposes shall be maintained in good repair and shall be kept free from rubbish, refuse or other debris.
- (b) Such areas shall be maintained with a stable surface such as gravel, concrete, asphalt or similar surfacing to prevent the raising of dust.

Maintenance

Surfacing

4.6 SAFE PASSAGE

Steps, walks, driveways, parking spaces and similar areas of any property shall be kept in good repair and maintained so as to afford safe passage under normal use and weather conditions.

Maintenance

4.7 EXTERIOR LIGHTING

(a) All artificial lighting standards, fixtures and connections shall be maintained in good working order and safe condition.

Maintenance

(b) Any lighting used to illuminate the exterior of a building, a driveway, parking or similar area shall be arranged so as to deflect the light away from neighboring properties and the public right of way.

Direction of lighting

4.8 SIGNS

(a) All signs and billboards shall be maintained in good repair and any such signs which are excessively weathered, faded or upon which the paint or surfacing has excessively peeled or cracked shall, with their supporting members be removed or put into a good state of repair.

Maintenance

(b) All signs and billboards shall be well secured so as to prevent accident hazard.

Anchoring

(c) All signs erected or replaced after the date of passing of this by-law shall be self-supporting or attached flat against the building, in accordance with the provisions of By-law No. 67-83 of the Corporation and amendments thereto.

4.9 SEWAGE AND DRAINAGE

(a) All sewage shall be discharged into an approved sanitary sewage system.

Sewage discharge

(b) No sewage of any kind shall be discharged onto the surface of the ground, whether into an artificial or natural surface drainage system or otherwise.

Roof drainage

- (c) Rain water from a roof area of 46.5 square meters or more shall not drain into any sewage system, but shall be conveyed to a storm sewer, or if such a storm sewer is not available to the property, the rain water shall be disposed of in such a manner so as not to create a nuisance.
- (d) Rain water from a roof area or other surface water run-off from a property, or part thereof, shall be drained from the property so as to prevent recurrent ponding or the entrance of such water into a basement, cellar or weeping tile system, and shall not be discharged onto a sidewalk, stairway or neighboring property.
- (e) All waste pipes shall be connected to the sewage system through waterseal traps.
- (f) A grease trap or interceptor shall be connected in proper manner to the sink drainage system in all food premises where the amount of grease required to be discharged to the sewer system exceeds a maximum concentration of 100 milligrams per liter of discharge.
- (g) The clearing and removal of snow from a property shall be carried out by the property owner(s) in such a manner so as to contain accumulations of snow from the property within said property's boundaries. Accumulations of snow stored on properties shall not obscure lines of vision for vehicles leaving the property or neighboring properties. Excess accumulations of snow shall be removed from the property and hauled to a designated snow dump site and shall not be placed on a sidewalk, road or neighboring property.

Property drainage

Waterseal traps

Grease trap

Clearing & removal of snow

4.10 GARBAGE, REFUSE, RUBBISH

- (a) Every building shall be provided with sufficient containers to hold all garbage, refuse, rubbish and ashes.
- (b) In yards subject to littering, containers shall be made available for the disposal of such wastes as may be discarded by the customers or public.
- (c) Containers shall be
 - (i) made of weather-resistant construction,
 - (ii) provided with a proper cover,
 - (iii) rodent and pest proof
 - (iii) maintained in a clean state, and

Buildings

Yards

Container construction

- (d) Garbage, refuse, rubbish and other such wastes shall not be stored on or in any property in an exposed state, and shall be promptly stored in acceptable containers which shall be emptied or stored in such manner as to prevent health, fire or accident hazards.

Storage

4.11 DAMAGED MATERIALS

- (a) In the event of fire or explosion, damaged or partially burnt material shall be forthwith removed from the property, except that such material may be stored in a safe and secure manner within the barricaded fire damaged building or part thereof or enclosed by a fence as required by the Officer, for a period not exceeding two months or until investigations are completed by authorities having jurisdiction.

Removal or barricading of material

- (b) Where basements, foundations or holes are left exposed as the result of a fire or explosion, damaged or partially burnt material shall be forthwith removed from such cavities and proper fill added to grade level, or fenced in accordance with the requirements established in Section 4.11 (a).

Basements, foundations, holes

4.12 PEST PREVENTION

- (a) All property shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with the provisions of The Pesticides Act, R.S.O. 1990, Chapter P.11 and amendments thereto.

Extermination

- (b) A basement or cellar window used, required to be used or intended to be used for ventilation, and any other opening in a basement or cellar, including a floor drain which may permit the entry of rodents into the building shall be screened with wire mesh or such other durable material as will effectively exclude rodents.

Basement and cellar openings

4.13 CLEANLINESS

- (a) Every property or part thereof and all floors, walls, ceilings, fixtures, appliances and equipment of such property shall be maintained in a clean and sanitary condition as is appropriate to the use of such property.

General cleanliness

- (b) Every property or part thereof shall be kept free from rubbish and debris or condition which constitutes a health, fire or accident hazard. *Rubbish and debris*

4.14 STRUCTURAL SOUNDNESS

- (a) Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any additional loads that may reasonably be expected. *Carrying load*
- (b) Materials which have been damaged or show evidence of any deterioration shall be repaired or replaced. *Damaged materials*

4.15 EXTERIOR SURFACES

- (a) All exterior walls and surfaces, roofs and other parts of the building and any objects or structures attached thereto shall be completely finished with an appropriate exterior finishing material suitable for the particular surface, which shall be kept in good repair and safe condition and free from loose and unsecured objects and material. Loose and unsecured objects or materials shall be removed, repaired or replaced. *Maintenance*
- (b) All exterior surfaces shall be maintained so as to prevent deterioration resulting from weathering, dry rot and insects, and where necessary shall be so maintained by repairing, restoring, replacing, painting, coating, sealing or treating such surfaces, coping or flashing, caulking or waterproofing. *Weathering*
- (c) All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhang objects shall be maintained in good repair, shall be properly anchored, and shall be protected from deterioration resulting from weathering and insects by the periodic application of paint, preservative or other weather-resistant material or repair, removal or replacement. *Overhanging objects*

4.16 ROOFS

- (a) Roofs, including cornices, fascia boards, eaves and soffits of every building shall be maintained in a watertight condition so as to prevent leakage into the building, and shall be maintained by repairing of the roof and flashing, applying waterproof coating and installing or repairing eavestroughing and rain water piping *Waterproofing*

- (b) Dangerous accumulations of snow or ice or both shall be promptly removed from the roof of a building or accessory building. Where there is danger of falling ice or snow onto a public thoroughfare, all owners or buildings shall install ice guards on the roofs of such buildings or undertake such other appropriate measures to protect pedestrians, as required by the Officer. *Snow and ice removal*

4.17 DAMPNESS

- (a) The interior floors, ceilings and walls shall be kept free from dampness resulting from the entrance of moisture through an exterior wall or roof, or through a basement, cellar or crawl space floor. *Interior condition*

4.18 BASEMENT, CELLAR OR CRAWL SPACE FLOORS

- (a) Every basement, cellar or crawl space floor shall be adequately drained and where necessary, shall have a floor drain located at the lowest point of said floor and connected to a sewage system. *Drainage*

- (b) A concrete floor in a basement or cellar shall be maintained free from major cracks and breaks so as to prevent a hazardous condition. *Floor condition*

- (c) Every dwelling unit located in a basement or cellar shall be provided with suitable floor covering or subflooring installed over a concrete basement or cellar floor, as required by the Officer. *Floor covering in dwelling unit*

4.19 FOUNDATIONS

- | | | |
|-----|---|--------------------------------|
| (a) | The foundation walls and the basement, cellar or crawl space shall be maintained in good repair and structurally sound, and where necessary, shall be so maintained by shoring of the walls, installing subsoil drains at the footings, grouting masonry cracks, purging and waterproofing of the walls or floor. | <i>Maintenance</i> |
| (b) | All footings, foundation walls, piers, and slabs-on-grade shall be of masonry or other suitable material. | <i>Foundation construction</i> |

4.20 DOORS AND WINDOWS

- | | | |
|-----|---|---------------------------------------|
| (a) | All exterior openings shall be fitted with doors or windows. | <i>Exterior openings of buildings</i> |
| (c) | Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or moisture into the building. | <i>Maintenance</i> |
| (c) | Any rotted or damaged doors, door frames, window frames, sashes and casing, weather stripping, broken glass and defective door and window hardware shall be repaired or replaced. | <i>Damaged materials</i> |
| (d) | Every glass or transparent door accessible to the public shall be designed and constructed so that the existence and position of such door is readily apparent by attaching thereto non-transparent hardware, bars or other permanent fixtures. | <i>Glass door hardware</i> |
| (e) | Glass doors shall be constructed of wired glass or safety glass. | <i>Glass door construction</i> |
| (f) | Transparent panels used for decorative purposes, which because of their physical configuration or design could be mistaken for doors or exits shall be made readily apparent by a guard, barrier or railing placed at least 107 centimeters above the adjacent floor. | <i>Decorative panels</i> |
| (g) | All windows intended to be opened and all exterior or entrance doors of a dwelling unit shall be equipped with hardware to permit locking or securing from inside the dwelling unit, where | <i>Locking hardware</i> |

- (i) at least one exterior or entrance door to the unit shall be capable of being locked from both the inside and the outside of said unit, and
- (ii) padlocks of any type shall not be acceptable as such hardware.

4.21 PROTECTIVE BARRIERS, BALUSTRADES AND HANDRAILS

- (a) A protective barrier, balustrade or handrail of at least 107 centimeters in height shall be provided at
 - (i) each raised floor, mezzanine, balcony, gallery, exterior passage way, landing, porch and other locations where the elevation above the adjacent floor or ground level is greater than 61 centimeters;
 - (ii) around each roof to which access is provided for purposes other than maintenance, and
 - (iii) on the open side of any stairwell, stairway, balcony, porch, landing and fire escape with a rise of more than 61 centimeters.

Required locations

- (b) Protective barriers, balustrades and handrails shall be properly installed and maintained in good repair so as to prevent any accident hazard.

Maintenance

4.22 FIRE ESCAPES, STAIRS AND PORCHES

- (a) All fire escapes, stairs and porches and all supporting structural members shall be properly installed and shall be maintained in good repair so as to prevent any accident hazard, such maintenance consisting of the repair or replacement of
 - (i) All treads or risers exhibiting excessive wear, or which are broken, warped, loose, or otherwise defective. These shall have a maximum rise of 200mm, a minimum run of 210mm and a minimum tread width of 235mm.

Installation and maintenance

(ii) All supporting members that are loose, rotted or deteriorated.

- (b) Storage of any type shall be prohibited on fire escapes. *Storage*
- (c) Accumulations of snow or ice or both shall be promptly removed from all exterior stairways and fire escapes. *Snow and ice removal*

4.23 EGRESS

- (a) There shall be provided not less than two means of egress from every floor area of a non-residential building, except a single means of egress may be permitted if recommended by the Chief of the Fire Department and approved by the Committee. *Non-residential requirements*
- (b) Every dwelling unit in a building containing residential uses shall be provided with a direct, safe, continuous and unobstructed means of egress by way of an exit from said unit to the exterior of the building at street or grade level, *Residential requirements*
 - (i) where more than two dwelling units are located in the basement or cellar of a building, a secondary means of egress shall be provided,
 - (ii) where more than two dwelling units are located in the second storey of a two storey building, a second and separate exit shall be provided in such manner as recommended by the Chief of the Fire Department and approved by the Committee, and
 - (iii) a second and separate exit shall be provided from every storey or floor level in a building of three storeys or more in height.
- (c) Access to any dwelling unit shall not be gained by passage through a furnace or boiler room, or any other dwelling unit. *Access to dwelling unit*
- (d) Storage of any type shall be prohibited from any access to egress or means of egress. *Storage*
- (e) Exit doors serving as common means of egress shall swing to the outside. *Exit doors*

4.24 FLOORS

- | | | |
|-----|--|--|
| (a) | Every floor in a building shall be maintained so as to be free of all loose, warped, broken, or rotted boards, damaged or deteriorating surfaces which may create an accident hazard or admit rodents or insects into a room, and such defective floor boards or surfaces shall be repaired or replaced. | <i>Maintenance</i> |
| (b) | Where the floor of a building has been covered with linoleum, carpet or some other covering that has become worn or torn so as to retain dirt or constitute an accident hazard, such covering shall be repaired or replaced. | <i>Floor covering</i> |
| (c) | No basement or cellar shall be used as a dwelling unit unless the floor is constructed so as to be impervious to leakage of underground or surface water run-off. | <i>Basement, cellar dwelling units</i> |
| (d) | In all buildings containing two or more dwelling units and mixed use buildings, where dwelling units are separated horizontally by floors from other dwelling units or non-residential uses in the same building, said floors shall have a fire resistance rating of at least half an hour. | <i>Fire separation for dwelling unit</i> |

4.25 INTERIOR WALLS AND CEILINGS

- | | | |
|-----|---|--|
| (a) | Every wall and ceiling shall be maintained so as to be free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space. | <i>Maintenance</i> |
| (b) | No basement or cellar shall be used as a dwelling unit unless the walls are constructed so as to be impervious to leakage of underground or surface water run-off. | <i>Basement, cellar dwelling units</i> |
| (c) | In all dwelling containing two or more dwelling units and mixed use buildings, where dwelling units are separated by vertical partitions from other dwelling units or non-residential uses in the same building, said partitions or dividing walls shall have a fire resistance rating of at least one-half hour. | <i>Fire separation dwelling units</i> |

- (d) Every wall and ceiling of corridors and stairways intended for use by the public or by the occupants of dwelling units in buildings containing two or more dwelling units or in mixed use building shall have a fire resistance rating of at least one-half hour.

*Fire separation
dwelling units*

4.26 WATER AND PLUMBING

- (a) All plumbing, drain pipes, water pipes, toilet and other plumbing fixtures in a building and every connecting line to the sewage system shall be maintained in good working order, and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.

*Plumbing
maintenance*

- (b) All toilets shall be provided with a supply of cold running water sufficient to flush the toilet adequately.

*Toilet water
supply*

- (c) All washbasins, bath tubs, showers and sinks shall be provided with an adequate supply of cold and hot running water, such hot water to be supplied at a minimum temperature of 43.5 degrees Celsius.

*Water
temperature*

- (d) Every dwelling unit shall be provided with an adequate supply of potable running water.

*Water supply
for dwelling
units*

4.27 BATHROOMS, TOILET ROOMS AND SHOWER ROOMS

- (a) Every building where people work shall have a minimum of one toilet and one washbasin located in an enclosed room and conveniently accessible to the employee.

*Non-residential
requirements*

- (b) Every dwelling unit intended to be used or capable of being used for independent housekeeping purposes, shall contain a toilet, a kitchen sink or washbasin and a bathtub or shower located within said unit.

*Residential
requirements*

- (c) The occupants of not more than eight rooming units, intended to be used solely for the purposes of sleeping may share a bathroom, toilet room or shower room provided that

- (i) not more than eight persons occupy the dwelling units,

- (ii) access to the toilet, bathroom or shower room facilities shall be gained without passage through rooms of another dwelling unit or through an open area, an area or corridor which is not normally heated during the seasons in which heat is required, and
 - (iii) such facilities shall be provided for the exclusive use of the occupants of said dwelling units.
- (d) Every bathroom floor, shower room floor and toilet room floor, where the toilet is located in a separate room, shall have a floor of water repellant construction which shall be maintained so as to be impervious to water and so as to permit cleaning. *Floor covering*
 - (e) All bathrooms and toilet rooms shall be fully enclosed, with a door capable of being locked so as to provide privacy for the occupant. *Privacy*
 - (f) All bathrooms, toilet rooms and shower rooms shall be kept in a clean and sanitary state at all times. *Cleanliness*
 - (g) Walls and ceilings of bathrooms, toilet rooms and shower rooms shall be provided with a smooth surface so as to permit cleaning, and where paint is used as such surface coating, it shall be maintained and painted as necessary for the purposes of cleanliness. *Wall, ceiling surfacing*
 - (h) All toilets, washbasins, bathtubs, sinks, drains and showers shall be supplied with an outlet connected to the sewage system and shall be maintained in good working order. *Connection to sewage system*
 - (i) A washbasin served by running water shall be located in every room that contains a toilet or in an immediately adjoining room. *Washbasin location*
 - (j) Each bathroom and toilet room as required by subsection 4.27 (a), shall be provided with toilet paper, soap and individual towels or other means of drying at all times. *Non-residential bathroom provisions*
 - (k) No facilities for sleeping, or for the preparation, cooking, storage or consumption of food shall be located within a room that contains a toilet or urinal. *Limitation of use*

- | | | |
|-----|--|-------------------------------|
| (l) | Every bathroom, toilet room or shower room shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights, and all such openings shall have a minimum aggregate unobstructed free flow of 0.09 square meters. | <i>Natural ventilation</i> |
| (m) | An opening for natural ventilation may be omitted from a bathroom, toilet room or shower room where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to the exterior of the building and which operates whenever the light is turned on in said room. | <i>Mechanical ventilation</i> |

4.28 COOKING OR KITCHEN AREAS

- | | | |
|-----|---|-------------------------------|
| (a) | In a dwelling unit in which the occupants prepare or are intended or permitted to prepare food for their own consumption, adequate cupboard space shall be provided for the storage of food and cooking utensils, and shall be maintained in good repair and clean state. | <i>Cupboard space</i> |
| (b) | Every dwelling unit intended or capable of being used for independent housekeeping purposes shall be provided with suitable space within the cooking or kitchen area where a stove or other cooking apparatus, and a refrigerator can be properly installed. | <i>Stove and refrigerator</i> |
| (c) | Every sink located in a kitchen or cooking area shall have a conveniently located counter space or table. | <i>Counter space</i> |
| (d) | Any cooking apparatus shall have at least 76 centimeters of clear space above any exposed cooking surface. | <i>Stove clearance</i> |
| (e) | A cooking or kitchen area shall be provided with an adequate and approved energy supply. | <i>Energy supply</i> |

4.29 SLEEPING AREAS

- | | | |
|-----|---|------------------------|
| (a) | Every room used for sleeping purposes shall provide a minimum floor area of not less than | <i>Room dimensions</i> |
| (i) | 5.8 square meters, where such room shall be used by one person, | |

- (ii) 3.7 square meters for each person, where such room shall be used by two or more persons, and
- (iii) for the purposes of this section, the floor area under a ceiling that is less than 1.5 meters in height shall not be counted.

4.30 HEATING SYSTEMS

- (a) Non-residential buildings and mixed use buildings, where persons are employed in duties and operations in an enclosed space or room and not engaged in vigorous physical activities, shall be provided with an approved heating system capable of providing sufficient heat in such spaces to maintain a minimum temperature of 20 degrees Celsius during normal working hours. *Non-residential temperature requirements*
- (b) Every dwelling and dwelling unit shall be provided with an approved heating system capable of maintaining a room temperature of not less than 20 degrees Celsius in all habitable rooms, bathrooms, toilet rooms and shower rooms. *Residential temperature requirements*
- (c) Such heating system required by subsection 4.30 (a) and (b) shall be maintained in good working condition so as to be capable of heating the building or part thereof safely to the required standard. *Maintenance*
- (d) All heating systems involving combustion or burning fuels shall be properly vented to an outdoor space by a flue pipe leading to an approved chimney or flue. *Venting to outdoor space*
- (e) All flue pipes leading from the heating system to a chimney shall be provided with rigid and sealed connections and shall be maintained in good repair to prevent the escape of gases into the building. *Flue pipes*
- (f) Every chimney, smoke pipe, flue and gas vent shall be maintained free from any obstructions, and all open joints shall be sealed and all broken and loose masonry shall be repaired. *Chimneys, smoke pipes, flues and gas vents*
- (g) All supply lines to heating systems burning gaseous fuels shall be provided with rigid and sealed connections and shall be maintained in good repair. *Supply lines*

Location gas appliance in dwelling unit

- (h) In a dwelling unit, no gas appliance of any kind shall be installed or maintained in working condition with a gas supply in any room used or intended to be used for sleeping purposes.
- (h) In buildings having a central heating system and containing more than one non-residential or residential unit or both, said heating system shall be located in a separate room having walls, ceiling and automatically closing door with a fire-resistance rating of not less than one hour and adequate ventilation, except that
 - (i) A separate room shall not be required for such central heating system, where said system is located in the basement or cellar of a building containing three or fewer dwelling units, and where said basement or cellar is used solely for the purpose of storage without danger of creating a fire hazard.
- (j) Where a heating system or part thereof or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided, constructed and maintained so as to be free from fire or accident hazards in accordance with the following requirements:
 - (i) storage tanks for oil heating systems which are located within a building shall not exceed 2.3 kiloliters, shall be of an approved type, and shall be located at least 1.5 meters from the heating system,
 - (ii) solid fuel or wood shall be stored at least 1.2 meters from a heating system utilizing such fuel.
- (k) A heating system burning fuels of any kind, including gaseous fuels shall be provided with an adequate supply of outside air sufficient for combustion purposes.
- (l) Auxiliary heater shall not be used as a primary source of heat.
- (m) Every heating system, including fireplaces and similar installations, every chimney, flue and gas vent shall be installed and maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures, such maintenance may include

Fire-resistance rating requirements

Fuel storage

Air supply for combustion

Auxiliary heaters

Heating system installation

- (i) the periodic cleaning of all venting mechanisms,
- (ii) the lining and repairing and re-lining of chimneys and fireplaces with fire-resistant material, and
- (iii) the insulation and replacement of hearths.

4.31 ELECTRICAL SERVICES

- (a) the electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and free from fire or accident hazard, in accordance with the requirements and regulations of Ontario Hydro. *Installation and maintenance*
- (b) Subcircuits shall not be fused greater than: *Subcircuits*
 - (i) the conductor size, or
 - (ii) the amperage of the device or outlet, whichever is lesser.
- (c) Extension cords shall not be permitted as part of the electrical wiring of a building on a permanent basis. *Extension cords*
- (d) All electrical appliance shall be installed and maintained in a safe mechanical and electrical condition. *Electrical appliances*
- (e) Every habitable room and kitchen or cooking area in a dwelling shall be provided with a sufficient number of electrical duplex outlets placed at convenient and safe locations to provide energy sources for appliances in normal use circumstances and to prevent the usage of extension cords as permanent electrical servicing. *Dwelling unit requirements*
- (f) Damaged extension cords or electrical appliance cords shall be properly repaired or replaced. *Damaged cords*

4.32 INTERIOR LIGHTING

- (a) Every building shall be provided with sufficient windows, skylights and electrical lighting fixtures in order to furnish illumination of at least 50 lux, (5 watts per square meter), in all passageways and stairways whenever the building is in use. *Building illumination level*

- | | | |
|-----|---|--|
| (b) | All stairways provided for use in case of fire or other emergency shall be provided with sufficient lighting in order to furnish illumination of at least 10 lux (1 watt per square meter). | <i>Emergency stairway illumination level</i> |
| (c) | Levels of illumination shall be measured at the floor or stair tread level. | <i>Measurement</i> |
| (d) | Every bathroom, toilet room and shower room, every stairway, hall, cellar and basement, laundry and furnace room shall be provided with a permanent artificial lighting fixture. | <i>Permanent fixture location</i> |
| (e) | In non-residential, mixed use buildings and multiple dwellings, every exit door to the outside shall be provided with an illuminated exit light. | <i>Exit lights</i> |
| (f) | Illumination shall be provided on all exterior stairways from top floor levels to grade level and such illumination device shall be protected from deterioration resulting from weathering and moisture penetration. | <i>Exterior stairway</i> |
| (g) | All lighting devices, including windows and skylights shall be installed and maintained in good working order to prevent fire or accident hazard. | <i>Maintenance</i> |
| (h) | Every public hall shall be provided with such natural or incandescent lighting in order to furnish illumination to an average level of at least: | <i>Public Hall requirements</i> |
| | i) 50 lux (5 watts per square meter) at floor level in every exit, public corridor, corridor providing access to exit, and at all changes of floor level where there are stairs or ramps, and | |
| | ii) where no natural lighting is available, 10 lux (1 watt per square meter) of emergency lighting at floor or tread level in every exit, public corridor, corridor providing access to exit, at all changes of floor level where there are stairs or ramps, and in all floor areas or parts thereof intended for public use. | |
| (i) | Lighting equipment shall be installed throughout dwelling units so as to provide sufficient illumination to prevent health or accident hazards in normal use. | <i>Dwelling Unit requirements</i> |

- (j) Every habitable room, excluding a kitchen or cooking area, bathroom, toilet room, and shower room shall be provided with a window or windows, skylights or translucent panels with an unobstructed natural light transmitting area of not less than five per cent of the floor area of such room. For the purposes of this section, the glass area of a sash door may be considered as a portion of the required window area.

Habitable room requirements

4.33 ELEVATORS

- (a) Elevators shall be operated and maintained in a safe condition and in good working order, in accordance with all governing provincial regulations.

Operation and maintenance

4.34 AIR CONDITIONERS

- (a) All air conditioners shall be installed and maintained in a safe mechanical and electrical condition.
- (b) All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon de sidewalk.

Installation and Maintenance

Condensation drainage

4.35 VENTILATION

- (a) The ventilation in all non-residential buildings shall comply with the standards established by the Ontario Building Code, **Ontario Regulation 549/84 and** amendments thereto, and The Occupational Health and Safety Act, R.S.O. 1990, Chapter O.1 and any regulation made thereunder, in order to prevent any health or accident hazards to persons working within the building.
- (b) Every basement and unheated crawl space shall be adequately vented to the outside air,
 - (i) in a basement, by windows which can be opened or screened openings, the area of which shall be not less than one percent of the floor area, or
 - (ii) in an unheated crawl space, by a number of louvres with insect screening of corrosion-resistant material, or

Non-residential requirements

Basements and unheated crawl spaces

- (iii) by a system of mechanical ventilation which changes the air once each hour.
- (c) All systems of mechanical ventilation shall be maintained in good working order. *Maintenance*
- (d) Every habitable room shall have adequate ventilation such as a window, skylight or louvre which may be easily opened, kept open and closed. *Habitable room requirements*
- (e) In a bathroom, toilet room, shower room, kitchen or cooking area, where no other means of ventilation such as an aperture is provided, a mechanical system of ventilation shall be provided and maintained in good working order. *Bathroom, cooking area requirements*

4.36 FIRE PREVENTION EQUIPMENT

- (a) All fire prevention equipment shall be installed as required and maintained in accordance with the standards established by **The Ontario Fire Code, Ontario Regulation Number 730/81**, and amendments thereto. *Ontario Fire Code*
- (b) In every dwelling unit, a smoke detector or smoke alarm device shall be installed and maintained in accordance with the requirements of By-law No. 1371 of the Corporation, and amendments thereto. *By-law No. 1371*

4.37 VACANT PROPERTY

- (a) Vacant property shall be kept clean and free from all rubbish or other debris, and from any objects or conditions including holes and excavations that may create a health, fire or accident hazard. *Maintenance*
- (b) The property shall be left in a graded and leveled condition. *Grading and levelling*
- (c) The property shall be maintained with a stable surface treated to prevent the raising of dust. *Surfacing*
- (d) Vacant property shall be maintained in such a manner that said property does not become overgrown or unsightly. *Appearance*

- (e) Any buildings or structures located on vacant property shall be maintained and repaired in accordance with their intended use or occupancy and the standards established in this By-law.
- (f) Any buildings or structures which may not be occupied by reason of their state of disrepair, deterioration or structural soundness, shall be forthwith demolished in a safe and proper manner.
- (g) Where an accident hazard may be created by permitting entry into any building or structure damaged by fire or to be demolished pursuant to Section 4.37(f) of this By-law, such openings shall be properly sealed as may be determined by the Officer.
- (h) Where the demolition or repair of a building or structure or part thereof may create an accident hazard, a fence shall be constructed to enclose said building or part thereof as may be determined by the Officer.
- (i) The sanitary sewer line shall be properly sealed or capped and the water line shall be shut off at the main for any property which is vacant or becomes vacant by reason of demolition, damage from fire or for any other reason.

*Maintenance
buildings and
structures*

*Demolition
buildings and
structures*

SECTION 5 – EFFECTIVE DATE

5.1 THAT this By-law shall come into force upon the date of its passage by the council of the Corporation of the Town of Hearst.

READ A FIRST AND SECOND TIME

THIS 16th DAY OF March 1982.

Gilles J. Gagnon (signed)
Mayor _____

Louis Corbeil (signed)
Clerk _____

READ A THIRD TIME AND FINALLY PASSED

THIS 18th DAY OF May 1982.

Gilles J. Gagnon (signed)
Mayor _____

Louis Corbeil (signed)
Clerk _____