

BY-LAW NO. XX-2020

A BY-LAW OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF CARLETON PLACE

WHEREAS the Council of the Corporation of the Town of Carleton Place is empowered to enact a by-law pursuant to the provisions of Section 15.1 of *The Building Code Act* and amendments thereto; and

WHEREAS there is in effect in the Town of Carleton Place an Official Plan which includes provisions relating to property conditions; and

WHEREAS Section 5(3) of the *Municipal Act, 2001* (S.O. 2001, c.25) authorizes that municipal powers, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

WHEREAS Section 11(1) provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Subsection (4); and

WHEREAS Section 11(2) of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that a lower-tier municipality may pass by-laws respecting the health, safety and well-being of persons; and

WHEREAS Section 128 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of council is or could become or cause public nuisances; and

WHEREAS Section 436 of the *Municipal Act, 2001* (S.O. 2001, c.25) states that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law of the municipality is being contravened; and

WHEREAS Section 444 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that where a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

WHEREAS Section 445 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that where a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the

Owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

WHEREAS Section 446 of the *Municipal Act, 2001* (S.O. 2001, c.25) permits a municipality to enact a by-law to require that a matter or thing be done by a person and in default, the matter or thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax roll and collected in the same manner as taxes;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts that all property owners within the Town are required to comply with the following minimum standards of occupancy:

[TABLE OF CONTENTS TO BE INCLUDED (OR NOT) PENDING FINAL COUNCIL DECISION]

[ALSO PLEASE DISREGARD NUMBERING, WHICH IS TO BE FINALIZED WHEN CHANGES ARE COMPLETE]

1 DEFINITIONS

The following definitions shall apply for the purposes of this by-law:

- 1.1 **Abandoned Building** means any building or structure that is not occupied and that, by reason of its unfinished or dilapidated condition, is open to elements or is in a state where unauthorized entry to the building cannot be controlled.
- 1.2 **Acceptable level** when referring to floors shall be defined as not more than 7.5 cm (3 in.) slope in 3 m (10 ft.) and not more than 2.5 cm (1 in.) in any 61 cm (2 ft.).
- 1.3 **Accessory Building** means a detached, subordinate building that:
 - a. is devoted exclusively to a use normally incidental to the main use of the property;
 - b. is not used for human habitation;
 - c. is on the same lot as the main building.
- 1.4 **Alteration** means (as applying to a building) a change from one major occupancy class or division to another, or to a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction, cutting into or removal of any wall, partition, column, beams, joist, floor or other support, or a change of the fixtures and equipment.
- 1.5 **Apartment building** means a building containing more than four dwelling units, each unit having access from an internal corridor system.

- 1.6 **Appliances** include a fridge, freezer, stove, dishwasher, clothing washer or dryer.
- 1.7 **Balcony** means an external balustrade platform and includes both upper and lower surfaces of the platform.
- 1.8 **Basement** means one or more storeys of a building located below the first storey.
- 1.9 **Barrier** means a structure intended to block, obstruct or prevent access to an area or sound, whether constructed of wood, metal, concrete or other type of material.
- 1.10 **Bathroom** means a room containing a bathtub or shower with or without a water closet and a washbasin.
- 1.11 **Building** means a structure as defined in *The Building Code Act*, c.23, Section 1(1)(a) or part of a structure occupied or capable of being occupied in whole or in part for its intended use and includes a vacant building or structure that could be intended for such use except for its state of disrepair.
- 1.12 **Building Code** means the regulations made under Section 34 of the *Building Code Act* 1992, S. O. 1992, C 23, as amended.
- 1.13 **Building Code Act** means the *Building Code Act*, c.23, as amended.
- 1.14 **Cellar** means any area below the first storey with a height of less than 1.8m (5.9 ft.)
- 1.13 **Chief Building Official** means the Chief Building Official as appointed under by-law by the Town of Carleton Place.
- 1.14 **Chief Municipal Law Enforcement Officer** means the person holding the position of Director of Protective Services for the Town of Carleton Place.
- 1.17 **Clerk** means the Clerk of the Town of Carleton Place.
- 1.18 **Commercial Container** means a dumpster, commercial roll-off or other similar receptacles,
- a) Used for the storage and collection of garbage, refuse, trade waste, construction waste, demolition waste or other similar materials; and
 - b) designed to permit it being emptied by a forklift packer or similar vehicle.

- 1.19 **Committee** means the Property Standards Committee of the Town of Carleton Place established under this by-law in accordance with section 15.6 of the *Building Code Act*, 1992, as amended, or as substituted from time to time.
- 1.20 **Corporation** means the Corporation of the Town of Carleton Place.
- 1.21 **Council** means the Council of the Town of Carleton Place.
- 1.22 **Crawl Space** means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 1.8 m (5ft 11 in.) in height.
- 1.23 **Dwelling Unit** means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.
- 1.24 **Driveway** means the minimum defined area required to provide access for a motor vehicle from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building or structure, except that in the case of a residential property, driveway means only the minimum defined area required to provide direct access from the street to a garage or permitted parking area.
- 1.25 **Excavation** means the space created by the removal of soil, rock or fill for the purpose of construction, or an addition.
- 1.26 **Exit** means that part of a *means of egress*, including doorways, that leads from the *floor area* it serves to a separate *building*, an open public thoroughfare or an exterior open space protected from fire exposure from the *building* and having access to an open public thoroughfare.
- 1.27 **Fence** means a freestanding structure, screen, wall or barrier except a structural part of a building erected at grade used wholly or partially to screen from view to enclose or divide a yard or other land, to mark or substantially mark the boundary between adjoining land restricting ingress to or egress from a property, providing security or protection to property and includes swimming pool enclosures, privacy screens, retaining walls, noise attenuation walls, or other combination of fencing components which form a continuous barrier for the same purpose and includes any structure constructed of open wire mesh, boards on boards, pickets, rail or lattice type construction, whether of wood, metal, masonry or a combination thereof or other material.
- 1.28 **First Storey** means the storey that has its floor closest to grade and its ceiling more than 1.8m (5.9 ft.) above grade.

- 1.29 **Floor Area** means the space on any storey of a building between exterior walls and required firewalls including the space occupied by interior walls and partitions, but not including exits, vertical service spaces and their enclosed assemblies.
- 1.30 **Floor Covering** means any surface used to cover the basic floor or subflooring construction, including carpet, vinyl, tile, laminate and hardwood.
- 1.31 **Grade** means the average level of proposed or finished ground adjoining a building at grade level.
- 1.32 **Graffiti** means one or more letters, symbols or marks, howsoever made that disfigures or defaces a property or object but does not include a sign pursuant to the municipality's sign by-law or a mural which has been authorized by the municipality.
- 1.33 **Ground Cover** means organic or non-organic material that covers the ground, and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- 1.34 **Guard** means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, ramps, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.
- 1.35 **Habitable Room** means any room in a dwelling unit used or lawfully used or intended to be lawfully use for living, sleeping, cooking, or eating purposes.
- 1.36 **Inoperable Vehicle** means a motor vehicle as defined by the *Highway Traffic Act* R.S.O. 1990 Chapter H.8 as amended, that is not in good repair and is incapable of being operated on a highway. It includes a vehicle that does not display a valid vehicle permit license plate issued under the Highway Traffic Act, as amended.
- 1.37 **Land(s)** means grounds and vacant lot(s) exclusive of buildings.
- 1.38 **Landscaping** means vegetation in the form of lawns, grasses, shrubs, flowers, ornamental plantings, or any combination thereof.
- 1.39 **Last known address** means the address which appears on the assessment roll of the municipality, or the address as provided in writing to the Town by the owner.
- 1.40 **Lot** means a parcel of land, described in a deed or other document legally capable of conveying land, or shown as a block on a registered plan of subdivision.

- 1.41 **Maintenance** means the preservation and keeping in repair of a property.
- 1.42 **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 an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.
- 1.43 **Minimum illumination requirement** means the minimum level of illumination measured at floor level.
- 1.44 **Mixed-use building or multiple use building** means a building used in part for residential purposes and in part for non-residential purposes.
- 1.45 **Multiple dwelling** means a building or portion thereof containing two or more dwelling units and shall include group dwellings either held or maintained under single ownership or established and maintained under the provisions of *The Condominium Act*, 1998 or as a co-operative.
- 1.46 **Municipality** means the Corporation of the Town of Carleton Place.
- 1.47 **Occupancy** means the use or intended use of a building or part thereof, for the shelter or support of persons, animals or property.
- 1.48 **Occupant** means any person or persons over the age of eighteen (18) years in possession of the property.
- 1.49 **Officer** means a Municipal Law Enforcement Officer appointed by the Town and assigned the responsibility of administering and enforcing this by-law.
- 1.50 **Order** means an order made under this by-law.
- 1.51 **Owner** includes:
- 1.51.1 the person for the time being, managing or receiving the rent of/or as shown on the assessment roll, on the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any person, or who would so receive the rent if such land and premises were let; and
- 1.51.2 lessee or occupant of the property who, under terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

- 1.52 **Person** includes an individual, association, organization, partnership, public bodies, corporations, societies, inhabitants of counties, municipalities or other districts, and includes an agent or employee of any of them in relation to the acts and things that they are capable of doing and owning respectively.
- 1.53 **Plumbing fixture** means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water liquids or sanitary sewage directly into drainage piping.
- 1.54 **Plumbing system** means a system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing.
- 1.55 **Powder room** means a room, which includes a minimum of one (1) toilet and one (1) wash basin, which are connected to the plumbing system.
- 1.56 **Property** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections and includes vacant property thereon whether heretofore or hereafter erected, and is divided into:
- 1.56.1 **Non-residential property** means property which is not occupied, nor capable of being occupied in whole or in part for the purpose of human habitation.
- 1.56.2 **Residential property** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.57 **Public Nuisance** means an injurious, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is offensive, dangerous, obstructive or unhealthful and invades or interferes with another's rights or interests including the use or enjoyment of property.
- 1.58 **Receptacle** means a solid metal, plastic or other non-porous container for receiving garbage or refuse.
- 1.59 **Refuse or debris** includes garbage of any kind and, without limiting the generality of the foregoing, includes rubbish, inoperative vehicles and mechanical equipment, automotive and mechanical parts, appliances, furnaces, heater or fuel tanks, furniture, table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, material from construction or demolition projects and old clothing.

- 1.60 **Repair** means the provisions of such facilities and the making of additions, or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- 1.61 **Restroom** means a room in a non-residential property, which includes a minimum of one (1) toilet and one (1) washbasin, which are connected to the plumbing system.
- 1.62 **Retaining wall** means a structure which supports and confines a mass of earth or water where there is a change in ground elevation.
- 1.63 **Rooming house** means a building that is divided into multiple rooms rented out individually in which the tenants share bathroom or kitchen facilities.
- 1.64 **Salvage** means saving and utilization of wastepaper, scrap metal, vehicles, appliances or other materials.
- 1.65 **Sanitary sewage** means liquid or water borne waste of industrial or commercial origin; or of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- 1.66 **Service room** means a room provided in a building to contain equipment associated with building services.
- 1.67 **Sewage system** means the sanitary sewage system or storm sewage system of Carleton Place, or a private sewage disposal system approved by the Chief Building Official of the municipality or the Chief Building Official of a Board of Health or a Conservation Authority which has entered into an agreement with the municipality pursuant to the provisions of the *Building Code Act*.
- 1.68 **Sight triangle** means a triangular space free of buildings, structures and obstructions as formed by the property line abutting a corner lot and a third line drawn from a point on the property line to another point on a property line, each point being the required sight distance from the point of intersection of the property lines as the area at the intersection of two streets.



- 1.69 **Stagnant water** means motionless water, not flowing in a stream or current, also known as standing water. Water shall be deemed to be “stagnant” if the structure, excavation, ruts or depressions are capable of holding standing water for more than four (4) consecutive days.
- 1.70 **Standards** means the standards of the physical condition and of occupancy prescribed for property by this by-law.
- 1.71 **Storage garage** means a building or part thereof intended for the storage or parking of motor vehicles and which contains no provision for the repair or servicing of such vehicles.
- 1.72 **Structure** means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground, and includes but is not limited to play structures, sheds and gazebos.
- 1.73 **Town** means the Corporation of the Town of Carleton Place.
- 1.74 **Unsafe condition** means the physical state of property, structure, barrier and/or building(s), whether vacant or occupied, that in the opinion of the Officer is structurally inadequate or faulty for the purposes for which it is used or intended to be used.
- 1.75 **Vacant building** means a building that is unoccupied, is or should be boarded up, and does not include a building already approved for demolition.
- 1.76 **Vacant lot** means a property that does not have a building or structure on it.
- 1.77 **Vehicle** means a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 1.78 **Vermin** means a mammal, bird or insect injurious to humans, game or crops including but not limited to rats, mice, moles, ants, cockroaches, silverfish, fleas, bugs, bedbugs, lice or anything else that may be considered by the Officer.
- 1.79 **Waste** shall mean any garbage, refuse, debris, litter, household waste and yard waste and without limiting the generality of the foregoing, shall include garbage, junk, tin cans, old or decayed lumber, discarded or inoperable machinery including automobiles and parts, furniture, household fixtures and construction materials.
- 1.80 **Work Order** or **Order** shall mean an order issued under this by-law to the owner of a property requiring the owner who contravened the by-law or who caused or

permitted the contravention or the owner of the Land on which the contravention occurred to do work to correct the contravention.

- 1.81 **Yard** means the land, other than publicly owned land, around or appurtenant to the whole or any part of a building or structure and includes a vacant lot and used or intended to be used, or capable of being used in connection with the building.

2 INTERPRETATION

- 2.1 This by-law includes the schedules annexed hereto, and the schedules are hereby declared to form part of this by-law.
- 2.2 Dimensions specified in metric units shall be the official dimensions. Imperial dimensions contained in parentheses are provided as a convenience only.
- 2.3 In this by-law, the word “metre” shall be represented by the abbreviation “m”; the word “centimetre” shall be represented by the abbreviation “cm”; the word “feet” shall be represented by the abbreviation “ft.” and the word “inches” shall be represented by the abbreviation “in.”
- 2.4 In this by-law a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.5 In this by-law “may” shall be construed as permissive.
- 2.6 In this by-law “shall” shall be construed an imperative.

3 OBLIGATIONS AND REPAIR STANDARDS

- 3.1 All repairs and maintenance of property required by the standards prescribed by this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose and that are free from defects.
- 3.2 The requirement that repairs be made in a manner that is accepted as “good workmanship” includes ensuring that the component repaired can perform its intended function and finishing the repair in a manner reasonably compatible in design and color with adjoining decorative finishing materials and are suitable and sufficient for the purpose that they were intended for.
- 3.3 The owner of property shall repair, maintain and keep the property in accordance with the standards of this by-law, and take immediate action to eliminate any unsafe conditions.

4 AUTHORIZATION

- 4.1 The municipality may appoint Officers and such other staff to carry out the administration and enforcement of this by-law.
- 4.2 Interpretation and application of the terms and definitions of this by-law shall be determined at the discretion of the enforcing Officer.
- 4.3 Any building, housing, plumbing, heating or Public Health Inspector or Fire Prevention Officer of the municipality is hereby authorized and directed to act as an assistant to the Officer from time to time.

5 INSPECTIONS

- 5.1 An Officer and any Person acting under the Officer's instructions may, upon producing proper identification, enter upon any property at any reasonable time without a warrant, for the purpose of inspecting the Property to determine:
 - 5.1.1 whether the Property conforms with the standards prescribed in this by-law;
 - 5.1.2 whether an order made under this by-law has been complied with.
- 5.2 An officer who finds that a property does not conform with any of the standards prescribed in this by-law may make an order:
 - 5.2.1. stating the municipal address or the legal description of the property;
 - 5.2.2. giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - 5.2.3. 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
 - 5.2.4 indicating the final date for giving notice of appeal from the order.
- 5.3 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 in a location visible to the public.
- 5.4 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 on which the order was served under Section 4.4 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.

5.5 Where the inspection is conducted by the Officer or any person acting under the Officer's instructions, the person conducting the inspection may:

5.5.1 require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;

5.5.2 inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;

5.5.3 require information from any person concerning a matter related to a property or part thereof;

5.5.4 be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;

5.5.5 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and

5.5.6 order the owner of the land to take and supply at the owner's expense such tests and samples as are specified.

5.6 The Officer and any other person acting under their instructions shall not enter any room or place used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under Section 21 of the *Building Code Act*.

5.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or anyone acting under their instructions while in the exercise of a power or the performance of a duty under this by-law.

5.8 No one shall give false information to an Officer.

5.9 At all times, an Officer shall wear Department approved and issued identification.

6 CONDITION AND MAINTENANCE OF LANDS AND YARDS

6.1 All lands and yards shall be kept clean and free from:

6.1.1 rubbish, garbage, brush, waste, litter, trade waste and other debris;

6.1.2 objects or conditions that may create a health, fire or accident hazard and left in a graded and level condition;

6.1.3 dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants of the area or that encroach on an adjacent property;

6.1.4 unusable (includes, without limiting the generality of the foregoing, vehicles and trailers which are not licensed with a current validation sticker), wrecked, dismantled, discarded or partially dismantled or abandoned machinery, boats, vehicles, trailers, barges or mechanical equipment or parts thereof;

6.1.5 Accumulation of material, wood, debris or other objects that create an unsafe or unsightly condition out of character with the surrounding environment or are deleterious to the neighbouring environment;

6.1.6 trees, hedges, bushes, vines and shrubs which are dead, decayed, damaged, in an unsightly condition out of character with the surrounding environment or unreasonably overgrown and that encroach onto adjacent property including municipal roads, streets, sidewalks and pathways;

6.1.7 rock, stumps, fill, construction waste or other such materials that originate on another property or location unless the deposited material is continuously kept level or covered on a weekly basis in such a way that it does not disrupt or change the drainage of the original site.

6.2 Where there is disagreement with the Officer's directive between the Officer and the owner with respect to what must be removed in the case of decayed, diseased or damaged trees, shrubs, hedges or bushes, an arborist or forester shall be required and their opinion shall be final.

6.3 All yards shall be kept clean and free from:

6.3.1 damaged or dilapidated landscape or garden features such as awnings, marquees, canopies, garden furniture, pergolas, trellis, lattice, statues and benches;

6.3.2 rodents, vermin, insect pests and other pests and from any condition which may encourage the infestation or harbouring of such pests;

- 6.3.3 domestic animal excrement to an excessive level to create a public nuisance to your neighbours;
- 6.3.4 construction bins, unless they are actively being used in connection with the construction or demolition of a building or structure.
- 6.4 No person shall leave lands or yards after an excavation in an excavated condition for longer than 30 days. All land shall be graded and left in a level condition unless the person can demonstrate to an Officer the necessity of not leveling the land.
- 6.5 No owner shall permit stagnant water to accumulate on a property in any depression or equipment or items. Where there is any accumulation of stagnant water in any depression, excavation or equipment, the owner or occupant of the land shall remove such standing water by draining it or other means to eliminate it.
- 6.6 Section 6.5 does not include any storm water retention ponds that the municipality has approved through site plans and development permits.
- 6.7 All outdoor salvage yards and outdoor storage yards shall be enclosed by a solid board barrier not less than 2.43 m (8 ft.) in height and are subject to the Development Permit By-law.
- 6.8 Every owner shall ensure that their land is treated to prevent the raising of dust or loose particles and the accumulation of mud. This provision does not apply to lands subject to an active site plan or subdivision agreement.
- 6.9 Nothing contained in this by-law shall be deemed to prevent the accumulation, storage and keeping in, or on any non-residential property of such things required for the normal purpose of such business, where a lawful business is conducted in accordance with the Town's Development Permit By-law as long as the accumulation, storage and keeping is undertaken in a manner satisfactory to the Officer.
- 6.10 Where vehicles, trailers, or mechanical equipment are required for business purposes, they shall be screened from the street and public by fence/barrier or suitable planting. All such businesses must be licensed to do so and be permitted by the applicable Development Permit By-law requirements for that location.
- 6.11 Recreational travel trailers shall be complete with closing doors, windows, etc., and kept in a condition that would not require repairs to make them fit for travel on any highway as defined in the *Ontario Highway Traffic Act*, R.S.O as amended.

- 6.12 No vehicle or trailer shall be used for the storage of garbage, rubbish, waste, debris, inoperable equipment, materials, appliances, or similar items and appliances such as refrigerators, stoves and freezers shall not be used as places of storage.
- 6.13 No non-commercially built covered trailers, fish huts or similar handmade structures shall be stored in driveways or exterior or front yards on residential properties. They may be stored on residential properties if:
- 6.13.1 they are weather resistant and constructed and maintained with suitable and uniform materials; protected by paint, preservatives or other weather-resistant materials to prevent water leakage into the structure;
- 6.13.2 they are stored 1 m (39 in.) from rear and interior lot lines;
- 6.14 No accessory building or structure shall be erected closer than 1m. (39 in.) to any interior side lot line, rear lot line, or structure, and shall be subject to the requirements of the *Ontario Building Code*.
- 6.15 No boat or vessel shall be stored in any yard long-term, unless it is placed on a licensed trailer in an operable condition that would allow for its immediate removal.
- 6.15.1 Kayaks, canoes or small boats or vessels that could be transported on the tops of vehicles or in the beds of trucks are permitted to be stored in yards.
- 6.16 The occupant of a residential property may repair one (1) vehicle in the driveway which is the occupant's own vehicle, provided the vehicle is being actively repaired.
- 6.17 The keeping of antique, classic, sports vehicles or operational vehicles for winter storage whether licensed or not is permitted if said vehicle is stored in a neat and tidy condition.
- 6.18 No vehicle with a height in excess of 2 m (6 ft. 5 in.) shall be parked or stored on any property except on a permitted driveway unless said vehicle can be fully located a minimum of 2 m (6 ft. 5 in.) from the curb or sidewalk, whichever is more restrictive.
- 6.19 Where a recreational vehicle trailer is parked in a driveway, such vehicle shall not be used for living or sleeping accommodation for longer than 30 days by any person and in no event shall such living and sleeping accommodation be leased or rented.
- 6.20 No brush or unprocessed wood or logs shall be permitted to be stored in a yard

for longer than three (3) weeks.

- 6.21 No person shall have, plant, grow, maintain, or permit on their property any hedge, shrub, plant or tree which:

6.21.1 overhangs, encroaches upon any sidewalk or pavement or traveled portion of any street or highway posing a safety risk to the public, pedestrians and motorists; or

6.21.2 is located in a sight triangle with a height higher than .8 m (2 ft. 7.5 in.).

- 6.22 Firewood, building materials, garden equipment and materials shall be stored in a rear or side yard only, provided that such storage:

6.22.1 does not exceed 10% of the yard area in which it is stored;

6.22.2 shall be neatly piled and shall not constitute a hazard; and

6.22.3 shall not be stored between the front wall of the building and the street line; and

6.22.4 adheres to all required yard setbacks prescribed in the Town's Development Permit By-law.

- 6.23 The temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building or part thereof shall be permitted, provided that it:

6.23.1 is removed frequently and is removed entirety from the property at the completion of the project;

6.23.2 will not cause risk to the health or safety of any persons; and

6.23.3 is not stored in an unsightly condition out of character with the surrounding environment.

- 6.24 A yard shall be cultivated or protected by ground cover which prevents the erosion of the soil.

- 6.25 The owner of a residential property shall maintain the lands, yards or part thereof in a clean, sanitary and safe condition and shall dispose of garbage and debris as per the Town of Carleton Place's Waste Collection By-law as amended.

- 6.26 Compost heaps shall:

6.26.1 be retained on all sides by lumber, concrete blocks, plastic gallons, or other materials suitable for such a use;

6.26.2 not be located in any front yard;

6.26.3 be 6 m (19 ft. 8 in.) from the lot line within an exterior side yard.

6.27 Any required hedges, planting, trees and other landscaping on a property shall be maintained in a living condition and if removed, shall be replaced with equivalent landscaping to the satisfaction of the Municipal Law Enforcement Officer.

6.28 Grass and weeds, in any yards, must not exceed a height of 20 cm (7 7/8 in.).

6.29 Each yard shall be kept in a condition such that brush, heavy undergrowth and noxious weeds, such as ragweed, poison ivy, poison sumach and other noxious plants shall be eliminated from all yards, as detailed in the *Weed Control Act*, R.S.O. 1990 c W.5 and amendments thereto.

7 VACANT BUILDINGS

7.1 Where any property is unoccupied and the exterior doors, windows, trim or other openings of the property are broken, improperly fitted or otherwise in disrepair, the municipality may order the property owner to board the building or structure to the satisfaction of the Officer so as to prevent the entrance of elements, unauthorized persons or the infestation of pests and to protect the property against the risk of fire, accident or other danger.

7.2 The boarding up of unoccupied buildings shall:

7.2.1 be covered and maintained in good repair with an exterior grade preservative which is colour coordinated with the exterior finish of the building

7.2.2 be completed with 1.27 cm (0.5 in.) S.P.F. (Spruce-Pine-Fir) plywood.

7.2.3 be installed from the exterior and properly fitted to the size of the frame openings of the building or structure in a watertight manner which minimizes damage to the structure;

7.2.4 not be completed until all services have been disconnected and appropriate permits issued by the municipality are obtained

7.3 Where a building remains vacant for a period of more than ninety (90) days, the owner or their agent, shall ensure that all utilities serving the building are properly

disconnected or otherwise secured if necessary for the safety or security of the building, to prevent accidental or malicious damage to the building or adjacent property.

- 7.4 No partially or completely vacant building shall remain boarded up for a period longer than one (1) year. After one (1) year or an alternate time period set by the Officer, the owner or agent or other person responsible, shall make the necessary repairs to make it fit for dwelling or other authorized uses in accordance with the Town's Development Permit By-law.
- 7.5 Where a vacant building is not maintained or fixed in accordance with the minimum standards, it shall be remedied or removed from the property by the Owner and the land left in a graded level condition.

8 DEMOLITION

- 8.1 Where a building, accessory building, fence or other structure on a property is demolished, all required permits must be obtained and when the work is completed, the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and levelled condition.
- 8.2 Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors, and from areas of multi-coloured paint.
- 8.3 Where a building, accessory building or other structure is being demolished, every precaution shall be taken to protect adjoining property and members of the public. Such precaution shall include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

9 ADDITIONAL STANDARDS FOR BUILDINGS OR STRUCTURES DAMAGED BY FIRE OR OTHER NATURAL CAUSES

- 9.1 In the event of fire or explosion, measures shall be taken as soon as possible to prevent injury and access to the damaged property, as permitted by the proper authorities.
- 9.2 Where a building or structure is damaged by fire, explosion, storm or by natural causes:

9.2.1 immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property, and the building or structure shall be properly supported and barricaded until the necessary inspections by fire authorities, demolition or repair can be carried out;

9.2.2. it shall be repaired or demolished

9.2.3 A building permit shall be required from the Town's Building Department for the repair, replacement or demolition of the damaged structure.

9.3 Defacements by smoke or by other similar causes on the exterior walls and surfaces of the buildings or structures, or of the remaining parts of the building or structures, shall be removed and the defaced areas refinished in a workmanlike manner.

9.7 No person shall remove from any premises any sign, notice or placard placed thereon pursuant to the *Ontario Building Code Act*, or this by-law.

10 DRAINAGE

10.1 Sanitary sewage or organic waste shall be discharged only through the building drain and building sewer into an approved sewage system.

10.2 No sewage shall be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

10.3 Roof drainage or storm water, swimming pool or sump pump water discharge shall:

10.3.1 be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar

10.3.2 not be discharged on walkways, stairs, onto any roadway or sanitary sewer or neighbouring property.

10.4 Subsurface drainage shall be installed where there is recurring excessive ponding caused by surface water.

10.5 Where eavestroughs and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 m (3 ft. 11 in.) from the building when possible.

10.6 Section 10.5 does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining properties.

- 10.7 Where eavestroughs, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building and shall not direct water onto an adjoining roof unless it is part of and owned by the same person.

11 WALKWAYS, PARKING AREAS, DRIVEWAYS

- 11.1 All areas used for vehicular traffic and parking shall be kept free of rubbish, garbage and other litter and shall be kept in good repair.
- 11.2 All surfaced paths, walkways, patios, steps, ramps, building entrances, driveways and parking areas shall be:
- 11.2.1 maintained in good repair in a hole-free condition and free of any settlements that might cause tripping;
 - 11.2.2 maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather, including the removal of snow and ice;
 - 11.2.3 adequately illuminated at night so as to afford safe use;
 - 11.2.4 adequately graded and drained to prevent excessive ponding of water.
- 11.3 Catch basins and storm drains shall be maintained free from defects, including broken members and blocked covers.
- 11.4 All commercial driveways and parking lots, including driveways and parking lots for apartment buildings and condominiums, shall be:
- 11.4.1 surfaced and maintained with asphalt, concrete or interlocking stone;
 - 11.4.2 provided with suitable marking such as painted lines to indicate parking spaces and shall be maintained so as to be clearly visible;
 - 11.4.3 provided with secured curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles and other structures on the parking lot or adjoining property and from encroaching onto adjoining property.
- 11.5 All curb stops or restraining devices shall be kept in good repair.

- 11.6 For the purposes of Section 11.2.2., the requirement to keep patios free from snow does not apply unless the patio provides the only access to a residential property or serves as a fire exit to an accessory apartment.

12 LIGHTING STANDARDS

- 12.1 All artificial lighting for yards and parking areas is to be maintained in good working order. Any lights used to illuminate yards or parking areas shall be so directed to deflect light down and away to prevent the light source from shining directly onto abutting properties and shall not obstruct the vision of pedestrians and motorists.
- 12.2 Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals.
- 12.3 Lighting supports or standards supporting artificial lights and all exterior lighting fixture and connections shall be kept in a safe condition, in good repair and working order.
- 12.4 All light standards and fixtures situated on non-residential property shall be working at all times that the business is in operation between sunset to sunrise.

13 FENCES, BARRIERS AND RETAINING WALLS

- 13.1 No fences, barriers or retaining walls may be built on the property line of an adjoining property which is in close proximity to the neighboring dwelling unit that might limit emergency access to any buildings on the adjoining property.
- 13.2 No fence, barrier or retaining wall over 0.8 m (2 ft. 7.5 in.) may be erected, constructed or placed in the sight triangle.
- 13.3 No fence shall be built within 2 m (6 ft. 6.5 in.) of a highway as defined in the *Ontario Highway Traffic Act*.
- 13.4 No person shall erect, construct, or place a fence or barrier with a height in excess of 2.5 m (8 ft. 2.5 in.) within the Town of Carleton Place.
- 13.5 The calculation for height of a fence at any given point shall be measured from the grade at the base of the fence, as follows:
- 13.5.1 to the top of the fence where erected at grade and where there is no grade difference between the two (2) sides of the fence; or
- 13.5.2 from the higher grade to the top of the fence where erected at grade and

there is a grade difference between the two (2) sides of the fence.

13.6 In side and rear yards,

13.6.1 gates may exceed the fence height restriction by a maximum of 30 cm (1 ft.);

13.6.2 archways forming part of an entrance may exceed the height restrictions to a maximum of 2.5 m (8 ft. 2.5 in.), and

13.6.3 decorative caps on structural posts may exceed the height restrictions to a maximum of 15 cm (6 in.).

13.7 Notwithstanding Section 13.4, a construction of a barrier or a fence exceeding 2.5m (8 ft. 2.5 in.) in height is permitted in a residential designation if required by a development permit agreement or any other legislation which would deem a barrier or fence a necessity.

13.8 Fences, retaining walls or other enclosures shall be:

13.8.1 maintained in a structurally sound condition;

13.8.2 in good repair, free from cracks, and missing, broken, or warped components;

13.8.3 free from hazards, including protruding nails, screws and staples;

13.8.4 in a plumb condition, unless specifically designed to be other than vertical; so that it is of uniform appearance;

13.8.5 maintained so that they do not create an unsightly condition out of character with the surrounding environment; and

13.8.6 protected by paint, preservatives or other weather-resistant material, except for wooden fences made of cedar, redwood or treated wood

13.9 No barbed wire, electric current, and sharp projections or any other dangerous characteristics either on the inside or outside shall form part of a fence in any residential designation.

13.10 The provisions of Sections 13.4 and 13.8.7 do not apply to a barrier erected upon abutting land which is used for industrial purposes, for trails, or for hydro, telephone or utility installations, or for public works installations which are hazardous to the public or for noise and sound barriers.

- 13.11 Fences shall not be used as a support for any structure, object or thing that could exert a lateral force against or upon the fence.

14 ACCESSORY BUILDINGS

- 14.1 Accessory buildings shall be kept in good repair and in accordance with the Town's Development Permit By-law.
- 14.2 Where an accessory building harbour insects, vermin or rodents, all necessary steps shall be taken to eliminate such insects, vermin or rodents and to prevent reoccurrence.
- 14.3 Temporary structures shall be maintained in a condition that allows them to function for what they were designed to do and shall be kept in good repair and in accordance with the Town's current Development Permit By-law.
- 14.4 Temporary structures are not permitted year-round in rear yards for storage purposes and only seasonally in driveways for vehicle shelter from November 1 until May 1 the following year.
- 14.5 The exterior of any accessory building shall be weather resistant and constructed and maintained with suitable and uniform materials; protected by paint, preservatives or other weather-resistant materials to prevent water leakage into the structure.
- 14.6 All sea containers, shipping containers or similar structures shall conform to the Development Permit by-law and to all established setbacks.
- 14.7 All sea containers, shipping containers or similar structures shall be maintained in an operable condition and shall be painted to blend in with their surroundings.

15 STRUCTURAL STANDARDS

- 15.1 For the purposes of this section, "structure" includes a fence, shed, permanent sign or other small building in addition to structures defined in the *Ontario Building Code*.
- 15.2 Every part of a building or structure shall be maintained in a structurally sound condition so as to:
- 15.2.1 be capable of sustaining its own weight and any additional load for which it was designed, having a factor of safety required by the *Ontario Building Code*;

- 15.2.2 be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- 15.2.3 prevent the entry of moisture that would contribute to damage, decay or deterioration;
- 15.2.4 to be capable of safely and adequately performing subject to all reasonable serviceability requirements.
- 15.3 Materials which show excessive damage, dry rot or other deterioration shall be repaired or replaced.
- 15.4 Walls, roofs and other exterior parts of the building shall be free from loose or improperly secured objects or materials. Such part or material shall be removed, properly secured or replaced.
- 15.5 If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a professional engineer licensed to practice in Ontario and employed by the owner of the building or authorized agent. The written report shall be signed and where applicable, stamped by the engineer and provide details of the findings and proposed repair methods, including all temporary shoring and other worked deemed necessary and shall be submitted to the Officer.
- 15.6 All work specified by the testing conducted by the professional engineer shall be completed in the manner and within the time specified in the report.
- 15.7 On completion of all work, a report, signed and stamped by the professional engineer indicating that all work has been completed to their satisfaction and specifications, shall be submitted to the Officer.

16 GENERAL CLEANLINESS

- 16.1 Every dwelling, including hallways and stairways shall be kept free from accumulation, storage of garbage, rubbish, refuse, debris or any condition which constitutes an accident or health hazard.
- 16.2 Commercial containers supplied with a lid that can keep out rodents and pests and prevent the illegal dumping of materials into them shall be made available in a prominent location on non-residential property for the disposal of refuse which may be discarded by customers and others.
- 16.3 Outdoor storage of garbage, compost and refuse, including receptacles, shall:

- 16.3.1 be maintained in a litter-free and odour-free condition,
- 16.3.2 in a manner that will not attract pests or create a health or safety hazard;
- 16.3.3 not be stored in the front yard or on any balcony.
- 16.3.4 be screened from a public highway, street, walkway, park or residential property so as not to be visible from such locations
- 16.3.5 have a tight fitted lid to deter pests, rodents and birds from gaining access.
- 16.4 On property which, because of its condition, use or occupancy or for other reason, creates a public nuisance to occupants of adjacent property or to persons in the neighbourhood or to the users of streets or parks, every reasonable precaution shall be taken to prevent such public nuisance.
- 16.5 Owners shall provide and maintain an effective barrier to prevent waste, wrappings, and debris, etc. from encroaching onto an adjacent property.
- 16.6 Excessive accumulations of materials must be removed from a yard unless such materials are required for a business being lawfully conducted on the property.
- 16.7 All properties shall be provided with sufficient containers or receptacles to safely contain all garbage, rubbish, waste and other refuse.
- 16.8 Recreational amenities, facilities, rooms, play areas and surfaces and equipment supplied by the owner shall be maintained in clean and good repair.
- 16.9 Every owner, and every occupant in that part of non-residential property that they occupy or control, shall maintain the property:
 - 16.9.1 in a clean, sanitary and safe condition, free from litter, refuse and debris including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - 16.9.2 free from objects or conditions which are health or accident hazards;
 - 16.9.3 free from rodents, vermin and injurious insects.

17 PEST PREVENTION

- 17.1 Buildings shall be kept free of rodents, vermin and insects at all times that may be hazardous to safety, health, and comfort and from conditions which may

encourage infestation by such pests, and methods used for exterminating such pests shall be in accordance with provisions of the *Pesticides Act*, R.S.O. 1990 Chapter P.11 and all regulations passed pursuant thereto.

- 17.2 Openings and holes in a building, including basement or cellar windows used or required for ventilation, exterior walls, chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened with wire mesh, metal grill or other durable material or sealed to effectively exclude vermin.
- 17.3 Section 17.2 does not apply where it can be shown to the satisfaction of the Officer that the implementation of this article would adversely affect normal operations in a non-residential property.

18 BASEMENT FLOORS AND FOUNDATIONS

- 18.1 Every building, unless slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock, and all footings, foundation walls, piers, or slab-on-grade shall be made of masonry or other suitable material as prescribed by the *Ontario Building Code*.
- 18.2 The foundation walls, basement, crawl space or cellar floor of a building including columns, beams, of a building including storage garages shall be maintained:
- 18.2.1 in good repair and structurally sound;
- 18.2.2 so as to prevent the entrance of moisture and rodents and where necessary, shall be so maintained by methods including but not limited to shoring of the walls, installing sub-soil drains at the footings, grouting masonry cracks, parging and waterproofing the walls or floor.
- 18.2.3 free from decayed, damaged or weakened sills, piers, posts or other supports
- 18.2.4 in a manner so as to prevent settlement of the building by restoring or replacing the foundation, walls, columns, beams and floors and where necessary
- 18.3 Section 18.2 shall not apply to Accessory Buildings where the *Ontario Building Code* specifies that no foundation is required.

19 EXTERIOR SURFACES

- 19.1 All exterior exposed wooden surfaces showing excessive deterioration because they are not inherently resistant to deterioration, shall be periodically treated with an approved protective substance or coating, or otherwise repaired, coated, sealed or treated to protect them from further deterioration or weathering.
- 19.2 Every floor, exterior wall, roof and porch or appurtenance thereto shall be maintained to be structurally sound and prevent collapse of the same or injury to the occupants of the building or to the public.
- 19.3 The exterior walls of a building shall be maintained in good repair, free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, weather tight, free from loose or unsecured objects and in a manner to prevent deterioration due to weather or insects; without limiting the generality of the foregoing, the maintenance of an exterior wall includes the finish with a weather resistant material of all exterior wood and metal work and restoring, repairing or replacing of the wall, brick and mortar, the stucco lathing and plaster, the cladding, the coping and the flashing, and the waterproofing of the walls and joints.
- 19.4 Where the masonry units forming an exterior wall, or part of an exterior wall, of a building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or finished with other approved materials.
- 19.5 The cladding on the exterior walls of all buildings shall consist of masonry, stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance, which by themselves or when treated provide adequate protection from the weather.
- 19.6 Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- 19.7 Balconies, porches, decks, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:
- 19.7.1 in good repair and free from unsafe conditions;
 - 19.7.2 free from rubbish and debris;
 - 19.7.3 properly and safely anchored;

19.7.4 protected against deterioration and decay by the periodic application of a weather resistant material such as paint;

19.7.5 free from broken or missing glass.

- 19.8 Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement, including graffiti, occurring on an exposed exterior surface and, where necessary, to restore the surface as closely as possible to its original condition.

20 ROOFS

- 20.1 The roof of a building including the fascia, soffit, cornice flashing, and coping shall be maintained or free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.
- 20.2 Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 20.3 Every roof shall be maintained free from dangerous accumulations of snow or ice or both and they shall be removed as soon as possible from the roofs of buildings.
- 20.4 Where eaves troughing, roof guttering and down piping is provided, it shall be maintained in good repair to be watertight and securely fastened to the building at all times.
- 20.5 All soffit and fascia components of a building shall be secured and maintained in good repair and properly painted or otherwise treated and protected by paint, preservatives or other weather-resistant materials.
- 20.6 Every roof shall be maintained so that roof decks and related guards are in a good state of repair.
- 20.7 Every chimney, smoke flue, gas vent stack, aerials, satellite dishes, lightning arrestors and other roof structures and their supporting members shall be maintained in a safe condition, maintained plumb and in good repair so as to be:
- 20.7.1 free from loose or missing bricks, mortar and loose or broken capping;
- 20.7.2 free from loose or rusted stanchions, braces and attachments;
- 20.7.3 free from fire or accident hazard.

20.7.4 clear of obstructions;

20.7.5 free from open joints.

- 20.8 No roof drainage shall be discharged on an entranceway, walkway, stair or neighbouring property, or onto any impervious road allowance or in such a manner that it will penetrate or damage the building or structure.

21 STAIRWAYS, HANDRAILS, GUARDS AND PORCHES

- 21.1 Inside or outside stairways, stairs, porches, decks, balconies, verandahs or landings appurtenant thereto, treads and risers, and all guards and handrails and supporting structural members shall be maintained:

21.1.1 so as to be free of holes, cracks and other defects which may constitute a possible accident hazard;

21.1.2 so as to be free from broken, warped, or loose coverings, treads or risers;

21.1.3 to support all loads to which they may be subjected; and

21.1.4 and any components that are rotted or deteriorated beyond repair shall be replaced.

- 21.2 A handrail shall be installed and maintained in good repair in a stairwell open stairway, stairs, stairs within dwelling units with more than three (3) risers and a guard shall be installed on the open sides of any balcony or landing more than 0.61 m (2 ft.) above any adjacent surface, in accordance with the requirements of the *Ontario Building Code*.

- 21.3 A guard shall be installed and maintained in good repair on every surface to which access is provided, including but not limited to exterior landings, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, on each side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than 60 cm (23 5/8)

- 21.4 A guard shall be installed and maintained in good repair on:

- a) Every exterior stair with more than 6 risers and every ramp on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds 60 cm (23 5/8 in.);
- b) Openings through any guard shall be a size which will prevent the passage of a spherical object having a diameter of more than 10cm (4 in.);and

- c) A pedestrian or physically disabled ramp having a gradient steeper than 1 in 10 or with a rise of over 45 cm (1ft. 6 in.).

22 FLOORS

- 22.1 Every floor in a building shall be reasonably level and maintained in good repair so as to be free of all loose, warped, protruding, broken, torn or decayed flooring, or other hazardous conditions that may cause an accident, allow dirt or mould to accumulate, or surfaces that might admit rodents into a room and all defective floor boards shall be repaired or replaced.
- 22.2 Any partial repair or replacement required to floor covering shall be such that the material used shall have a finish similar to that of the original covering.
- 22.3 Every bathroom, toilet room, shower area and kitchen floor shall be of suitable material to be impervious to water and easily cleaned and sanitized.

23 DOORS, WINDOWS AND SECURITY

- 23.1 Windows, doors and basement cellar hatchways shall be maintained in good repair and weather-tight condition to prevent drafts or leakage and protected by suitable material to prevent the entry of vermin into the building.
- 23.2 Doors, door frames, window frames, sashes, casings and weather stripping that have been damaged or show evidence of decay or other deterioration shall be painted, repaired or replaced.
- 23.3 All exterior openings for doors or windows shall be fitted with doors or windows that are capable of being opened and closed easily, and being locked unless, in the case of windows, the windows were manufactured to be fixed or that they have been permanently sealed and the room has adequate ventilation.
- 23.4 The following items shall be repaired or replaced in all buildings:
 - 23.4.1 missing or broken glass;
 - 23.4.2 missing or defective door hardware;
 - 23.4.3 missing or defective window hardware;
- 23.5 All windows in a dwelling unit designed to be opened shall be fitted with screens to effectively prevent the entrance of vermin and shall be maintained in good repair.

- 23.6 Every opening in an exterior wall which is not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin, rodents or other pests.
- 23.7 Garage doors shall be;
- 23.7.1 kept in good repair and structurally sound;
 - 23.7.2 kept free from holes and cracks;
 - 23.7.3 able to open and close without impediment;
 - 23.7.4 able to open manually if there is an interruption in power or if there is a mechanical failure;
 - 23.7.5 kept free from cracked or peeling paint or any other damaged exterior finishing;
- 23.8 Garage doors equipped with an automatic closing mechanism shall be equipped with an operational sensory device to detect any person, vehicle, animal or object when crossing its path so that it may prevent harm.

24 WALLS AND CEILING

- 24.1 Every wall and ceiling in a building shall be maintained so as to be free of holes, cracks, loose or torn coverings, damaged or deteriorated plaster, loose or broken masonry or other material, or other defects that may be a safety hazard, and all repairs shall be finished to match the existing wall or ceiling.
- 24.2 Walls surrounding showers and bathtubs shall be of suitable material and maintained to be water-resistant and readily cleaned.

25 WATER SUPPLY

- 25.1 Every dwelling unit shall be provided with adequate supply of potable running water supplied by the Town's water system or an approved system which is acceptable to the District Health Unit and the *Ontario Building Code*.
- 25.2 Hot and cold running water shall be supplied and be of an adequate flow and pressure for the following items:
- 25.2.1 a bathtub or shower;
 - 25.2.2 a washbasin, and/or a sink;

- 25.3 Cold water shall be supplied for toilets, and shall be supplied with sufficient water and pressure to effectively flush the toilet.
- 25.4 Hot water shall be supplied at a temperature of not less than 45° C (113° F) and not more than 49° C (120° F) in a quantity of at least 165 litres (43 gallons) for 15 minutes with a minimum recovery rate for the temperature of 45 litres (11.8 gallons) per hour.
- 25.5 All plumbing, drainpipes, water pipes, plumbing fixtures and every connecting line to the sewage system shall:
- 25.5.1 comply with the requirements of all applicable government regulations;
- 25.5.2 be maintained in good working order free from leaks or defects;
- 25.5.3 be protected from freezing and
- 25.5.4 in the event remedies are required, they shall conform to the *Ontario Building Code*.

26 PLUMBING SYSTEM

- 26.1 Where possible, all buildings shall have the sanitary facilities connected to the Town of Carleton Place's sewage system. Where a building does not have its sanitary facilities connected to the Town's sewage system, it shall be connected to a septic system and maintained at a standard acceptable to the District Health Unit.
- 26.2 All plumbing fixtures and appliances installed within a dwelling shall be maintained in good working condition and in a clean and sanitary condition.

27 TOILET AND BATHROOM FACILITIES

- 27.1 Every dwelling unit except as otherwise provided shall contain bathroom plumbing fixtures consisting of at least one (1) water closet, one (1) wash basin and one (1) bathtub or shower.
- 27.2 Every sink, wash basin and laundry facility in a dwelling unit shall be provided with an adequate supply of hot and cold running water.
- 27.3 All bathrooms and toilet rooms shall be located within and be accessible from within the dwelling unit.

- 27.4 All bathrooms and toilet rooms shall be fully enclosed and fitted with a door capable of being closed to provide privacy for the occupant.
- 27.5 The wash basin may be located in the same room as the water closet or in an adjoining room.
- 27.6 The occupants of two (2) dwelling units each containing no more than two (2) habitable rooms may share toilet and bathroom facilities provided that access to the facility can be gained without going through rooms of another dwelling unit, along an unheated corridor, or outside the building containing the dwelling units.
- 27.7 Each toilet room shall be provided with at least one (1) opening for natural ventilation or mechanical ventilation with ventilation conforming to the *Ontario Building Code*.
- 27.8 Bathtubs or showers shall be caulked so as to form a continuous seal impervious to water penetration.

28 KITCHENS

- 28.1 Every self-contained dwelling unit shall have a kitchen area equipped with cupboards for storing food, a countertop work area, space for a stove and refrigerator, and a sink supplied with hot and cold running water.
- 28.2 Kitchen area countertop, cupboards and sink shall be maintained in good working order.
- 28.3 Countertop work areas shall be impervious to moisture and grease, be kept in good repair and free from defects that may cause an accident or health problems.
- 28.4 In a dwelling unit equipped with refrigerator, cooking stove, kitchen fixtures and fittings, such appliances, fixtures and fittings shall be maintained in good repair and good working order.
- 28.5 Every kitchen shall have provided an adequate and approved gas, electrical or other fuel supply for cooking and refrigeration purposes.
- 28.6 Every supplied facility, piece of equipment or appliance shall be constructed and installed to allow it to function safely and effectively and shall be maintained in a safe and satisfactory working condition.
- 28.7 The following items in a kitchen shall be maintained in good repair or replaced:
 - 28.7.1 cupboards, cupboard doors and hardware;

28.7.2 drawers and drawer hardware; and

28.7.3 countertops.

29 HEATING SYSTEMS

- 29.1 Every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 20° C (68° F) at 1.5 m (4 ft. 11 in.) above the floor level in all habitable rooms, bathrooms and toilet rooms and shall be maintained in good working order.
- 29.2 Heating shall be available in all dwelling units from September 1 until May 31 of the next year.
- 29.3 Every heating system shall be constructed, installed and maintained to comply with the requirements of all applicable government regulations and shall be maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Section 29.1.
- 29.4 No room heater shall be placed that may cause a fire hazard to walls or any other equipment or to impede the free movement of persons within the room where the heater is located.
- 29.5 A heating system supplied for non-residential buildings where people are employed shall be capable of safely maintaining a 20° C (68° F) temperature, unless the approved non-residential use requires an alternate temperature.

30 ELECTRICAL SERVICES

- 30.1 Every dwelling unit shall be wired for electricity, and lighting equipment shall be installed throughout to provide sufficient illumination to avoid health or accident hazards in normal use, provided that the lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.
- 30.2 No owner or occupant, shall disconnect or cause to be disconnected or permit to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for a dwelling unit occupied by a tenant except for such a reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 30.3 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition, and in good working order, with appropriate covers installed.

- 30.4 An adequate supply of electric power shall be available at all times in all parts of every occupied dwelling unit except where the lease makes the tenant responsible for the supply of electricity and where the supplier has discontinued the service because of arrears in payment.

31 LIGHTING

- 31.1 Every habitable room of a dwelling, except a kitchen, bathroom, toilet room and basement, shall have a window(s), skylights or translucent panels that face directly to the outside at least 15 cm (6 inches) above the adjoining finished grade, with an unobstructed light transmitting area not less than 10% of the floor area of the rooms. The glass area of a sash door may be considered as a portion of the required window area requirements as prescribed by the *Building Code*.
- 31.2 Standby lighting shall be provided at floor level in exits and corridors used by the public for safe passage.
- 31.3 Adequate artificial light shall be available at all times, in all rooms, and in every stairway, hall and basement in a dwelling
- 31.4 In multiple dwellings and non-residential buildings, every exit door to the outside shall have an illuminated exit light and illumination must be provided for all exterior stairways from top floor levels to grade.

32 VENTILATION

- 32.1 Every bathroom, restroom or toilet room shall be provided with either a natural or mechanical ventilation system in accordance with the *Building Code* which shall be maintained in good working order.
- 32.2 Every basement, cellar, attic roof space or unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings, the area of which shall not be less than 1% of the floor area for basements and 0.09 m² (1 sq. ft.) for every 46.5 m² (500 sq. ft.) of crawl space area.
- 32.3 Section 32.2 does not apply if mechanical ventilation is provided which changes the air once each hour.

33 AIR CONDITIONERS AND WATER-COOLED EQUIPMENT

- 33.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks, pathways or neighbouring properties.
- 33.2 Cooling water from water-cooled equipment shall be discharged to a proper drainage system in compliance with government regulations and shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such a manner that it may cause damage to the walls, foundations or other parts of a building

34 OCCUPANCY STANDARDS

- 34.1 A bedroom shall be a habitable room and no kitchen, bathroom or hallway shall be used as a bedroom.
- 34.2 The maximum number of occupants in any dwelling unit shall not exceed one (1) person per 9.29 m² (100 sq. ft.) of habitable room floor area with a child under one (1) year of age being deemed one-half (1/2) person.
- 34.3 Access to each habitable room shall be gained without passage through a furnace, boiler or hazardous equipment room.

35 DISCONNECTIONS AT PROPERTIES

- 35.1 No owner or occupant thereof, nor anyone acting on their behalf of such owner or occupant, shall disconnect or cause to be disconnected or permit to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities to residential property or the residential portion of a mixed-used building 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 such service or utility.
- 35.2 A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility being supplied to residential property occupied by a tenant or lessee is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an offence.
- 35.3 The Town may recover the expenses incurred by court action or in like

manner of taxes for any costs they incur to have properties reconnected, unless such disconnects have been done by the utility companies for unpaid services by the tenant or lessee.

36 CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER

- 36.1 The Town may appoint a Chief Municipal Law Enforcement Officer and Officers and such other clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

37 ENFORCEMENT

- 37.1 Except as provided herein, the administration and enforcement of this by-law shall be pursuant to the provisions of the *Building Code Act*.

38 NOTICE OF VIOLATION

- 38.1 An Officer who finds that a property does not conform with any of the standards prescribed in this by-law may, where the Officer considers it appropriate in the circumstances to seek informal compliance, at any time prior to the issuance of an order make a notice of violation, in a form and manner similar to an order:

38.1.1 stating the municipal address or the legal description of the property;

38.1.2 giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

38.1.3 indicating the time for complying with the terms and conditions of the notice;

38.1.4 setting a date before which the Officer must be contacted to set a meeting to review the requirements and terms of the notice with the Officer, and indicating that failure to contact the Officer to set the meeting would be deemed a refusal to meet.

- 38.2 The notice 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 notice may be posted on the property.

- 38.3 At any time, the Officer may:

38.3.1 rescind the notice of violation;

38.3.2 extend the time for compliance with the notice of violation;

38.3.3 modify the requirements of the notice of violation; or

38.3.4 abandon the notice of violation and seek resolution by way of an order.

38.4 A notice of violation is not enforceable.

38.5 A notice of violation may be introduced in evidence in like manner as an order.

39 ORDERS

39.1 Service of a notice or order required by the *Building Code Act* or this by-law shall be served in accordance with Section 27 of the *Building Code Act*.

40 EMERGENCY POWERS

40.1 Emergency powers shall be pursuant to the provisions of Section 15.7 of the *Building Code Act*.

41 PROPERTY STANDARDS COMMITTEE

41.1 A Property Standards Committee shall be established of people appointed by Council.

41.2 The members of the Committee shall appoint one of themselves as chair, and when the chair is absent, the Committee may appoint another member to act as chair "pro tempore" and any member of the Committee may administer oaths.

41.3 The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee and Section 74 of *The Municipal Act* applies "mutatis mutandis" to such documents. The secretary shall be the Clerk.

41.4 A majority of the Committee constitutes a quorum, and the Committee may adopt its own rules of procedure, but before hearing an appeal under Subsection 42.1, notice shall be given of such hearing to all persons that the Committee considers necessary to receive such notice.

41.5 Where a person is properly notified of a hearing and does not attend at the time and place appointed, the Committee may proceed in that person's absence and without further notice to that person.

42 HEARING

42.1 The Secretary of the Committee, in receipt of the notice of appeal, shall

42.1.1 determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice;

42.1.2 give notice in writing, via registered mail, of the date, place and time of the hearing referred to in Section 42.1.1 to:

- .1 the appellant;
- .2 any other interested persons who the Committee consider should receive the notice.

42.2 The Committee shall hold the hearing referred to in Section 42.1 at the date, place and time set out in the notice.

42.3 The Committee may adopt its own rules and procedures.

42.4 The applicant may appear with or without counsel at the hearing to present the appeal.

42.5 The Town may be represented at the hearing by its counsel who is entitled to reply to the appeal presented on behalf of the applicant.

43 APPEALS

43.2 An owner or occupant who has been serviced with an order made under the *Building Code Act* and who is not satisfied with the terms and 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 fourteen (14) days after being served with the order.

44 POWER OF CORPORATION TO REPAIR

44.1 If the owner or occupant of a property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the Corporation in addition to all other remedies:

44.1.1 shall have the right to demolish or repair property accordingly and for this

purpose with its servants and agents from time to time enter in and upon the property; and

44.1.2 shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by, or on behalf of the Corporation under the provisions of this Section; and

44.1.3 shall charge an administrative fee for services rendered on said property in accordance with an order as confirmed or modified.

45 MUNICIPAL LIEN

45.1 The municipality shall have a lien on the land for the amount spent on the repair or demolition under Section 44.1 and the amount shall be deemed to be municipal property taxes and may be added by the Treasurer of the Town to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

46 CERTIFICATE OF COMPLIANCE

46.1 Following the inspection of a property, the Officer may, and on the request of the owner, shall issue to the owner a certificate of compliance if, in their opinion, the property is in compliance with the standards. When such a certificate is issued at the request of the owner, the fee shall be in accordance with the Town's current Fees and Charges By-law.

46.2 The property owner who requests an inspection of a property may be charged for an inspection and a report in accordance with the Town's current Fees and Charges By-law.

46.3 A fee as outlined in the Town's current Fees and Charges By-law shall apply to the issuance of a certificate of compliance with regards to outstanding notice of violations under Section 38.1, and/or orders issued under Section 39.1.

47 PENALTY

47.1 A person or owner who fails to comply with an order, direction or requirement that is final and binding under this by-law is guilty of an offence under the *Building Code Act* and is liable to a penalty or penalties as set out therein.

47.2 A person who is convicted of an offence is liable to a fine pursuant to the *Building Code Act* of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.

- 47.3 If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence.

48 VALIDITY

- 48.1 Where a provision of this by-law conflicts with the provisions of another by-law that is in force in the municipality or provincial or federal legislation, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 48.2 It is declared that if any Section, Subsection or part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such Section, Subsection or part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such and shall remain in effect until repealed.
- 48.3 This by-law shall come into force and take effect upon its passing.
- 48.4 That By-law 64-2008, being a by-law prescribing Property Standards for the Corporation of the Town of Carleton Place, is hereby repealed in its entirety.
- 48.5 That By-law 25-2008, being a by-law to regulate the condition of yards within the Corporation of the Town of Carleton Place, is hereby repealed in its entirety.

49 TRANSITIONAL RULES

- 49.1 After the date of the passing of this by-law, By-law No. 64-2008, as amended, shall apply only to those properties in which a notice or order to comply has been issued prior to the date of passing of this by-law, and then only to such properties, until such time as the work required by such order has been completed or any enforcement proceedings with respect to such order has been completed, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

50 SHORT TITLE

- 50.1 This by-law shall be called the "Property Standards By-law."

READ A FIRST TIME, A SECOND TIME, A THIRD TIME AND FINALLY PASSED THIS
____ DAY OF _____ 2020.

Doug Black, Mayor

Stacey Blair, Clerk

DRAFT