

THE TOWNSHIP OF HORTON

BY-LAW NO. 2017-68

BEING a by-law to provide standards for the maintenance and occupancy of Urban and Rural property within the Township of Horton.

WHEREAS the Council of the TOWNSHIP OF HORTON is empowered to enact a by-law pursuant to the provisions of Section 15.1(3) of The Building Code Act, S.O. 1992 c.23 and amendments thereto.

AND WHEREAS pursuant to Section 15.6 of the Building Code, S.O. 1997 c.24, as amended, a by-law passed under section 15.1 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS there are Official Plans in effect in the TOWNSHIP OF HORTON that includes provisions relating to property conditions;

AND WHEREAS under the Tenant Protection Act, S.O. 1997 c.24, as amended, the Council of a local municipality may pass by-laws requiring landlords to provide adequate and suitable vital services to each of the landlord's rental units;

NOW THEREFORE the Council of the TOWNSHIP OF HORTON **HEREBY ENACTS** that all property owners within the Township of Horton are required to comply with the following minimum standards of maintenance occupancy:

PART I DEFINITIONS

In this By-law,

- 1.1 "**Accessory Building**" means a use, building, or structure subordinate, incidental and exclusively devoted to the main use, building or structure located on the same lot therewith and not designed or intended for human habitation, unless specifically permitted by this By-law.
- 1.2 "**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.
- 1.3 "**Approved**" means approved by the Property Standards Officer(s) for the Township of Horton
- 1.4 "**Barrier**" means a structure constructed similarly to a fence and having a height in excess of 2m (6.56 feet) from the ground.
- 1.5 "**Basement**" means a storey or storeys of a building located below the first storey.
- 1.6 "**Building**" means a structure as defined in the Building Code Act S.O. 1992, 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.
- 1.7 "**Cellar**" means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.8 "**Commercial Property**" means any property that is used or designed for the purpose of offices or the retail and wholesale buying or selling of commodities

and includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.

- 1.9 "**Committee**" means the Property Standards Committee of the Township of Horton members of which are members of the "Planning Committee".
- 1.10 "**Derelict Vehicle**" means any vehicle boat, trailer or part of any vehicle, boat or trailer, that is in a wrecked, discarded, dismantled or partly dismantled. The aforementioned does not preclude the occupant of any premises from repairing a vehicle for his/her own use and not for commercial purposes.
- 1.11 "**Dwelling**" means a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, and one or more families, but shall not include any motorhome construction trailer, travel trailer, hotels, motels, a home for the aged, nursing home or hospital and includes a building that could be intended for such use except for its state of disrepair.
- 1.12 "**Dwelling Unit**" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, living, sleeping, and sanitary facilities.
- 1.13 "**Excavation**" means the space created by the removal of soil, rock or fill for the purpose of construction.
- 1.14 "**Farm**" means lands, buildings and structures used for the growing of field crops, fruit crops, tree crops, flower gardening, vegetable gardening, nurseries, aviaries, apiaries, for grazing, breeding, raising, boarding or training of livestock, the breeding and raising of poultry, forestry and reforestation but shall not include kennels.
- 1.15 "**Fence**" means a structure constructed of materials such as wire mesh, solid wood or boards, rail lattice, rod iron etc, having a height from the ground of 2m (6.56 feet) or less. The ground shall be measured from the highest grade where there is a discrepancy in heights between adjoining properties.
- 1.16 "**First Storey**" means the storey with its floor closest to grade and having its ceiling more than 1.8 m (5' 11") above grade.
- 1.17 "**Grade**" means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 1.18 "**Guard**" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landings, a balcony, a mezzanine, a gallery, a raised walkway and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.19 "**Habitable Room**" means a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a den, library or enclosed sunroom but shall not include any porch, veranda, unfinished attic, unfinished basement or unfinished cellar.
- 1.20 "**Industrial Property**" means any property that is used for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. In addition, includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.

- 1.21 **“Institutional Property”** means any property that is used for a non-commercial purpose by an organized body or society. This definition may include Municipal property, Schools, Hospitals, etc
- 1.22 **"Land(s)"** means grounds and vacant lot(s) exclusive of buildings save and except an accessory building.
- 1.23 **"Maintenance"** means the preservation and keeping in repair of a property.
- 1.24 **"Means of Egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room or a contained open space of a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.25 **“Multiple Use Dwelling”** means a building containing both a dwelling unit and a non-residential property.
- 1.26 **“Multiple Dwelling”** means a building containing three or more dwelling units.
- 1.27 **"Municipality"** means the Township of Horton.
- 1.28 **“Naturalized Gardens”** means an area on a property that promotes ecological restoration and is planted with wildflowers, shrubs, trees, grasses or other plants whether native or non-native and may include other natural elements such as rocks, water or wood, that are consistent with a natural landscape.
- 1.29 **"Non-Habitable Room"** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- 1.30 **"Non-Residential Property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.31 **"Noxious Weed"** means any weeds classed as noxious by the Weed Control Act, R.S.O. 1990, c.W.5.
- 1.32 **"Occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.
- 1.33 **"Occupant"** means any person or persons over the age of eighteen in possession of the property.
- 1.34 **"Officer"** means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law by the Municipality.
- 1.35 **“Owner”** includes:
- a) the person(s) who presently manages or receives the rent of: or the person(s) designated on the assessment roll as owning the land or premises whether on his/her own account or as an agent or trustee of any person(s) or the person(s) who would so receive the rent if such land or premises were let.
 - b) 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 the property.

- 1.36 "**Person**" means an individual, firm, corporation, association or partnership.
- 1.37 "**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, accessory buildings, fences and erections thereon whether heretofore and hereafter erected, and includes vacant lands.
- 1.38 "**Rental Unit**" means a dwelling unit within a residential rental property that consists of a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, living, sleeping, and sanitary facilities
- 1.39 "**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.
- 1.40 "**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 stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.41 "**Residential Rental Property**" means any property that is used or designed for uses as a leased 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 stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.42 "**Rural Lands**" means lands situated outside the geographical boundaries of the areas known as Cotieville, Thompsonville, Pleasant View Park, Miller Trailer Park and Horizon Homes, whose boundaries are identified in the Municipality's Zoning By-law and outside all areas of registered plans of subdivision.
- 1.43 "**Site Triangle**" means the triangular space formed by intersecting streets lines and a line drawn from a point in one street line to a point on the other street line, each such point being six metres from the point of intersection of the street lines measured along the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.
- 1.44 "**Sewage System**" means the municipal sewer system if one is available, and if not, a private sewage disposal system approved under the Building Code Act and regulations.
- 1.45 "**Standards**" means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.46 "**Unsafe Condition**" means the physical state of a property, structure, barrier, fence and/ or building(s), whether vacant or occupied, that in the opinion of the Property Standard Officer is a hazard to the public regarding fire, accident, health or safety.
- 1.47 "**Urban Lands**" means land situated within the geographical boundaries of the areas known as Cotieville, Thompsonville, Pleasant View Park, Miller Trailer Park and Horizon Homes, whose boundaries are identified in the Municipality's Zoning By-law and within all registered plans of subdivision.
- 1.48 "**Vehicle**" includes an automobile, truck, motorcycle, motorized snow vehicle,

bus, trailer, traction engine, road-building machine and any vehicle drawn, propelled or driven by any kind or power, including muscular power, but does not include vehicles running only upon rails or vehicles used in farm operations.

- 1.49 **"Water body"** means any bay, lake, river, canal as well as any floodplain associated with the water body, but excluding a drainage or irrigation channel and any other watercourse.
- 1.50 **"Watercourse"** means any depression one metre or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well defined banks, as well as any floodplain associated with the watercourse and includes creeks, streams, municipal drains and other similar watercourses.
- 1.51 **"Waterfront Property"** means a piece of land fronting on a water body.
- 1.52 **"Yard"**
- a) In urban lands means the land around or adjoining to the whole or any part of a residential, commercial, industrial or institutional property and used or capable of being used in connection with the property; and for estate lots, it generally refers to the lawn portion of a property.
 - b) In rural lands means the one acre of land immediately around or adjoining to a residential, commercial, industrial or institutional property and excludes barnyards and land under farm operations.
- 1.53 Any word or term not defined in this by-law shall have the meaning ascribed to it in the Building Act or the Ontario Building Code.

PART II

URBAN LAND

2. GENERAL STANDARDS FOR ALL PROPERTY

All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

2.1 CONDITIONS OF URBAN LANDS

- 2.1.1 All urban lands shall be kept clean and free from rubbish and debris and from objects or conditions such as holes that might create a health, fire or accident hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants.
- 2.1.2 No person shall excavate and leave said land in an excavated condition unmarked for longer than fourteen (14) days.
- 2.1.3 No derelict vehicle, scrap and/or junk material including, without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, snowmobiles, trailers, machinery, tools, tires, appliances, equipment or any part thereof shall be parked, stored, moored or left on lands or water front property unenclosed except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.

2.2. CONDITIONS OF YARDS – URBAN LAND

2.21 Every yard, including vacant lots, shall be kept clean and free from:

- (1) rubbish or debris and objects including, without limiting its generality discarded gas, oil and water tanks, or conditions that may create a health, fire, environmental or accident hazard;
- (2) unused or unserviceable appliances such as refrigerators, stoves and freezers and are not permitted to be used as places of storage;
- (3) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (4) dilapidated, collapsed or partially constructed structures which are not currently under construction that poses a safety hazard;
- (5) injurious insects, termites, rodents, vermin or other pests; and
- (6) dead, decayed or damaged trees that poses a safety hazard.

2.22 A minimum distance of 0.76 m (2.5ft) shall be maintained between fire hydrants and all hedges, shrubs, trees, fences and other obstructions.

2.23 No person shall plant, grow, maintain, or permit on his/her property any hedge, shrub, plant or tree where:

- a) its location creates a public safety hazard;
- b) it affects the safety of vehicular traffic or pedestrian traffic;
- c) overhangs or encroaches upon any sidewalk or pavement
- d) or traveled portion of any street or highway posing a safety risk to pedestrians and motorists; or
- e) it is located in a site triangle with a height higher than 0.8 metres (2.62 ft)

2.24 The owner of a residential property shall maintain the residential property or part thereof and land which he/she occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris in accordance with the Township of Horton's Garbage By-law

2.25 Grass and plants shall be tended and maintained, except on lands in current crop production, pasture land, town land designated as open space and reforested land. Heavy growth and noxious weeds, as defined by the Weed control Act, shall be controlled. Notwithstanding the aforementioned, a naturalized garden that is tended and maintained shall be permitted within this by-law.

2.26 Compost heaps shall be retained on all sides by lumber, concrete blocks, plastic containers, or other materials suitable for such a use.

2.27 Compost heaps shall not be located in any front yard. All compost heaps located within a rear and/or a side yard must meet the accessory structure setbacks set out in the Municipality's Zoning By-law.

2.28 Firewood and building materials shall be neatly piled in rear yard, interior side or car port only. All required yard setbacks prescribed in the zoning by-law shall apply.

2.3 DRAINAGE

2.3.1 Sewage and organic waste shall be discharged into an approved sewage system.

2.3.2. No sewage shall be discharged onto the surface of the ground or into a natural or artificial surface drainage system.

2.3.3. Storm water shall be drained from the yard so as to prevent recurrent or

Excessive ponding or the entrance of water into a basement or cellar.

2.3.4 No roof drain, sump pump drain or sprinkler system shall be directly discharged onto sidewalks, stairs, neighbouring property or into a sanitary sewer system unless the municipality authorizes approval.

2.3.5 All air conditioners located in buildings shall be equipped with proper devices for the prevention of condensation drainage upon public sidewalks or neighbouring properties.

2.4. WALKS, PARKING AREAS, DRIVEWAYS

2.4.1 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions, day or night.

2.4.2 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.

2.5 LIGHTING STANDARDS

2.5.1 All artificial lighting for parking areas shall be maintained in good working order.

2.5.2 Any lights used to illuminate yards or parking areas shall be so arranged to direct the light downward only onto the yard or parking area and away from any adjoining lands or the sky.

2.5.3 Where lawn lamps are deemed as a requirement in a subdivision agreement, such lawn lamps shall be functional and operated in accordance with the requirement in the subdivision agreement.

2.6 DAMAGED MATERIAL

2.6.1 In the event that a building is severely damaged due to a fire, explosion or by natural causes, measures shall be taken as soon as possible to secure the damaged property insofar as permitted by the proper authorities to prevent access and injury.

2.6.2 Damaged or partially burnt material shall be removed forthwith once the investigations are completed and authorization to do so is provided by the appropriate fire authorities.

2.7 FENCES, BARRIERS

2.7.1 Fences, barriers, and retaining walls shall be kept in good repair and shall be free from hazards or risks that may cause accidents, fire or be a danger to health.

2.7.2 No fences, barriers or retaining walls may be built on the property line of an adjoining property that is in close proximity to the neighbouring dwelling unit that might limit emergency access to any buildings on the adjoining property. No fence, barrier or retaining wall over 0.8m (2.6 ft) may be erected, constructed or placed in a site-triangle.

2.7.3 No person shall erect, construct, or place a fence in any residential zone within the Township of Horton with a height in excess of 2m. (6.56ft)

2.7.4 No person shall erect, construct or place a barrier in any residential zone within the Township of Horton unless otherwise specified by a site plan control agreement or any other legislation which would deem a barrier a necessity.

2.7.5. No fencing that contains barbed wire, utilizes an electric current or contains any other dangerous components either on the inside or outside shall form part of a fence in any residential zone

2.7.6. The provisions of sections 2.7.3., 2.7.4. and 2.7.5. do not apply to a barrier erected upon abutting lands that are used for industrial and/or commercial purposes, railway right-of-ways, and hydro, telephone, utility or public works installations that are deemed to be hazardous to the public, or are being used for screening and/or sound barriers.

2.8 ACCESSORY BUILDINGS

2.8.1. Accessory buildings and other structures appurtenant to property shall be maintained in structurally sound condition and in good repair.

2.8.2. Where an accessory building is not maintained in accordance with these standards, it shall be removed from the yard or repaired to the minimum standards prescribed in this by-law.

3. PROPERTY STANDARDS

3.1 STRUCTURAL STANDARDS

3.1.1 Every part of a building or a structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load for which it was designed. The structural condition of the structure must be in accordance with the structural safety factors required by the Ontario Building Code.

3.2. GENERAL CLEANLINESS

3.2.1. All garbage, rubbish and ashes shall be kept or stored in approved receptacles until disposed of or removed from the property.

3.2.2. Approved Receptacles shall be:

- a) made of metal or plastic
- b) of watertight construction
- c) capable of being tightly closed; and
- d) maintained in a clean state

3.2.3. "Plastic Garbage Bags" are not approved receptacles

3.2.4. Materials of an inflammable nature shall, if they are lawfully on the property, be safely stored in accordance with appropriate legislation.

3.2.5. Containers shall be made available in a prominent position on non-residential property for the disposal of refuse which may be discarded by customers and others, and the land shall be kept free from refuse.

3.2.6. Hallways and stairways in a building shall be kept free from accumulation, storage of garbage, refuse or any other thing or object that may cause a health or accident hazard.

3.2.7. Buildings or structures used for the storage of garbage, rubbish, ashes and other refuse, prior to disposal, shall be deemed to be accessory buildings or structures within the meaning of this by-law and the current Municipal Zoning By-law.

3.2.8. Commercial dumpsters, refuse containers or portable storage containers are permitted for a period of 90 days from the date of installation unless

with the written consent of the Municipality.

3.3. PEST PREVENTION

- 3.3.1. Buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with provisions of the Pesticide Act, R.S.O. 1990 Chapter P.11 and all regulations passed pursuant thereto.
- 3.3.2. Openings and holes, within a building containing residential units, inclusive of 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 or sealed.

3.4. EXTERIOR SURFACE

- 3.4.1 Exterior walls of a building or structure and their components shall be maintained in good repair, free from cracked, broken or loose masonry units and other defects to such attachments as soffits, fascia, cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage and must be complimentary to the immediate surrounding as determined by the Property Standards officer.
- 3.4.2 Exterior surfaces of a commercial, industrial or an institutional building or structure and their components shall be free of painted slogans, graffiti and similar defacements.
- 3.4.3 Exterior walls of a building or structure and their components shall be constructed of a suitable exterior building material, including but not limited to brick, stone, aluminum, vinyl, PVC and wood composite siding. The use of a tarp or tarps as an exterior wall of a building or structure is not permitted. However, the temporary use of a tarp for construction purposes is permitted for a period of not more than six (6) months.

3.5. WATER PROOFING/ICE & SNOW REMOVAL

- 3.5.1. The roof of a building including the fascia, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into a building.
- 3.5.2. Dangerous accumulations of snow or ice shall be removed as soon as possible from the roofs of buildings.
- 3.5.3 Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be watertight and securely fastened to the building at all times.

3.6. STAIRWAYS, PORCHES, DECKS

- 3.6.1. Inside or outside stairways and any porch, deck, balcony, veranda or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which may present a possible accident hazard. In addition, all coverings, treads or risers that are broken, warped or loose and all supporting structural members that are rotted or deteriorated beyond repair shall be replaced.
- 3.6.2. Handrails, guardrails shall be constructed, installed and maintained in a firm and inflexible condition as prescribed in the Ontario Building Code.
- 3.6.3. Inside or outside stairways must be maintained free from accumulations of items, things or ornaments that may pose a safety or a fire hazard when

entering or exiting a building.

3.7 FLOORS

- 3.7.1. Every floor in a residential rental, commercial, industrial or institutional property shall be maintained so as to be free of broken or rotted boards, protruding objects, damaged or deteriorating surfaces, apertures in the surfaces that might admit rodents into a room and all conditions that may create a safety hazard. All defective floorboards shall be repaired and/or replaced.
- 3.7.2. Where the floor of a residential rental, commercial, industrial or institutional property has been covered with a covering that has become worn or torn to an extent that it is deemed to be a danger to the health and safety of the inhabitants, the covering shall be repaired or replaced.

3.8 WALLS AND CEILING

- 3.8.1. Every wall and ceiling in a residential rental, commercial, industrial or institutional property shall be maintained so as to be free of holes, cracks, loose or torn coverings or other defects that may be a safety hazard.

3.9 DOORS, WINDOWS AND SECURITY

- 3.9.1. Windows, skylights, doors and basement or cellar hatchways in a residential rental property shall be maintained in good repair and weather tight. Rotted or damaged doors, doorframes and their components, screens, window frames, sashes and casings shall be renewed and defective hardware, weather stripping and broken window glass shall be replaced.
- 3.9.2. In a residential rental property, all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.
- 3.9.3. In a residential rental property with a security system in place where persons are required to contact the tenant prior to being buzzed into the building, all intercom equipment must be kept free of defects and in good working order at all times.
- 3.9.4. Every window in a residential rental property that is located above the first story of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

3.10 WATER SUPPLY

- 3.10.1. Every residential property shall be provided with an adequate supply of potable water supplied by a Municipal waterworks system or an approved well system, which is acceptable to the District Health Unit and is in accordance with the Ontario Building Code.
- 3.10.2. Each washbasin, bathtub or shower, and kitchen sink in a rental unit within a residential rental property shall have an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 45 degrees Celsius (113 degrees F) as prescribed in the Ontario Building Code.
- 3.10.3. Every rental unit within a residential rental property containing a

pressurized water system shall have a sufficient quantity of cold water provided to enable the flushing of toilets.

3.10.4 All items listed in 3.10.2 and 3.10.3 shall be maintained in good working order.

3.10.5 All water pipes and appurtenances thereto shall be protected from freezing.

3.11 PLUMBING SYSTEM

3.11.1 All inhabited buildings shall have sanitary facilities connected to a municipal sewage system or to an approved private septic system or an approved outdoor toilet facility and maintained at a standard acceptable to the District Health Unit.

3.11.2 Plumbing, drain pipes, water pipes and plumbing fixtures contained within every building and every connection line to the sewage or septic system, shall be free from leaks and defects and in the event remedies are required, they shall conform to the Ontario Building Code.

3.11.3 All plumbing fixtures contained within every building shall be connected to a sewage system through water seal traps.

3.12 TOILET AND BATHROOM FACILITIES

3.12.1. Every dwelling unit containing a pressurized water system shall contain bathroom-plumbing fixtures consisting of at least one toilet, one wash basin and one bathtub or shower.

3.12.2. Every dwelling unit containing a pressurized water system shall have all bathrooms and toilet rooms located and accessible within the dwelling unit.

3.12.3. All outdoor toilet facilities shall be maintained in a manner acceptable to the District Health Unit, the Ministry of the Environment and the Ontario Building Code.

3.13 KITCHENS

3.13.1. Every self-contained rental unit within a residential rental property shall have a kitchen area equipped with cupboards or shelving for storing food, a counter top work area, space for a stove and refrigerator, and a sink that has a source for hot and cold water. Kitchen area counter top, cupboards and sink shall be maintained in good working order.

3.13.2. Every kitchen within a rental unit within a residential rental property shall be provided with an adequate and approved source for gas, electricity or other types of fuel that are required for cooking purposes.

3.14. HEATING SYSTEMS

3.14.1 All heating systems installed in non-residential buildings, where people are employed, shall be capable of safely maintaining a temperature as prescribed by the Ontario Building Code, unless the approved non-residential use requires an alternate temperature.

3.14.2. No room heater or any other heating apparatus shall be so placed as to cause a fire hazard to walls or to impede the free movement of persons within the room where the heater or heating apparatus is located.

3.14.3. Every dwelling and dwelling unit shall be provided with a heating system capable of safely maintaining a temperature as prescribed in the Ontario Building Code and shall be maintained in good working order.

- 3.14.4. All heating apparatus or equipment involving combustion shall be properly connected to a chimney or flue by a sealed connection.
- 3.14.5. All cooking apparatus or equipment involving combustion shall be connected to a chimney or a flue by a sealed connection.
- 3.14.6. All fuel source connections to such apparatus or equipment that burn gaseous or liquid fuel shall be maintained in good repair.
- 3.14.7. In buildings having more than one non-residential unit or a combination of non-residential and residential units and are equipped with a central heating system, shall have the heating system located in a separate room whose walls, ceiling and doors are constructed of materials that have a fire rating as prescribed by the Ontario Building Code and amendments thereto.
- 3.14.8. A space that contains a heating unit shall have natural or mechanical means of supplying air as prescribed by the Ontario Building Code.
- 3.14.9. Where a heating system, or part of it, or any auxiliary heating system burns solid or liquid fuel, it shall be provided, maintained and properly constructed so as to be free from fire hazards. A minimum of 1.53 metres (5 ft) clearance is required between fuel oil storage tanks and burners and only approved type storage tanks shall be used as regulated by the Fire Code Act and amendments thereto.
- 3.14.10. Any mechanism or structure used in the process of burning fuel or combustible material shall be properly vented to a duct leading to an approved chimney, in accordance with the Fire Code Act.
- 3.14.11. Every chimney, smoke pipe, flue and gas vent, actually in use or available for use shall be kept clear of obstruction, all open joints shall be sealed, and all broken and loose masonry shall be repaired.
- 3.14.12. Every chimney, smoke pipe, flue, and gas vent shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature as per CAN/CSA B365 requirements and amendments thereto.
- 3.14.13. Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be connected and installed as per CAN/CSA B365 requirements and amendments thereto.
- 3.15. **ELECTRICAL SERVICE**
- 3.15.1. The electrical wiring and all electrical fixtures located or used in a building, shall be installed and maintained in good working order and free of defects in accordance with regulations set by the Electricity Act, 1998 S.O. 1998 c.15 and amendments thereto.
- 3.15.2. Every dwelling unit that is wired for electricity and lighting equipment shall be installed throughout to provide sufficient illumination to avoid health or accident hazards during normal use, provided that the lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.
- 3.15.3. All electrical outlets shall conform to requirements set out in the Power Corporation Act and amendments thereto (Ontario Hydro Code).
- 3.15.4. Fuses or overload devices shall not exceed limits set by the Ontario Hydro Code.

3.15.5. All electrical appliances shall be maintained in a safe mechanical and electrical condition.

3.16. **LIGHTING**

3.16.1. In non-residential buildings, sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to provide proper illumination in all passageways when the building is in use and for stairways in case of a fire or other emergencies.

3.16.2. Every habitable room of a dwelling, except a kitchen, bathroom, toilet room and basement where electricity is available, that faces directly to the outside shall have a window or windows, skylights or translucent panels at least 0.15 metres (6 inches) above the adjoining finished grade, with an unobstructed light transmitting area not less than ten (10) per cent of the floor area of such rooms as prescribed by the Ontario Building Code. The glass area of a sash door may be considered as a portion of the required window area.

3.16.3. An adequate and safe illuminating device shall be installed in every bathroom, toilet room, laundry room, furnace room and kitchen.

3.16.4. All halls and stairways in dwellings shall be sufficiently lighted to provide a safe passageway. In residential rental, commercial, industrial or institutional property standby lighting shall be provided in accordance to the Ontario Building Code

3.16.5. 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.

3.17. **VENTILATION**

3.17.1. Every habitable room shall be provided with either a natural ventilation system such as a window or a door, or mechanical ventilation system in accordance with the Ontario Building Code.

3.17.2. Every bathroom or toilet room shall be provided with either natural ventilation or a mechanical ventilation system in accordance with the Ontario Building Code.

3.17.3. All systems of mechanical ventilation shall be maintained in good working order.

3.17.4. All enclosed spaces including basements, cellars, attics or roof space and crawl spaces shall be adequately vented to the outside air.

3.18 **FIRE PREVENTION EQUIPMENT**

3.18.1. Fire prevention equipment such as smoke alarms or other fire detection devices and carbon monoxide detection equipment shall be installed as prescribed in the Ontario Building Code and the Ontario Fire Code and shall be maintained in good working order so as to effectively perform their intended function.

3.18.2. Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through a window opening or door.

3.19 **EGRESS**

3.19.1 All buildings shall be provided with an adequate egress from every floor area in accordance with the Ontario Building Code and the Ontario Fire Code.

3.19.2 Every dwelling and every dwelling unit shall have an adequate means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level in accordance with the Ontario Building Code and the Ontario Fire Code.

3.20 **OCCUPANCY STANDARDS**

3.20.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

3.20.2. Where the area of a habitable room space, within a dwelling unit, is combined with a kitchen and a dining area, the habitable room space alone in a dwelling unit that contains sleeping accommodations for not more than two persons, shall be not less than 11 square metres (118 square feet) as prescribed by the Ontario Building Code.

3.20.3 For the purpose of computing the habitable room space in Subsection 3.21.2, any child under one year of age shall be deemed one-half person as prescribed by the Ontario Building Code.

3.20.4 For the purpose of computing the habitable room space in Subsection 3.21.2, the floor area under a ceiling which is less than 2.1 metres (6 ft) high shall not be counted as prescribed by the Ontario Building Code.

3.20.5 Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 6 square metres (65 square feet) with not less than 4.6 square metres (50 square feet) for each additional occupant, provided that for the purpose of this Subsection, two children under the age of six years may be counted as one person as prescribed by the Ontario Building Code.

4. VACANT BUILDINGS

4.1 VACANT BUILDINGS

4.1.1 The owner of a vacant building shall secure and/or board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry can be achieved.

4.1.2. No partially or completely vacant building shall remain boarded up for a period longer than two (2) years. After the said two (2) years or an alternate time period set by the Property Standards Officer, the owner or agent or other person responsible, shall forthwith make the necessary repairs to make it fit for a dwelling or other authorized uses in accordance with the TOWNSHIP OF HORTON Zoning By-law.

4.1.3 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

4.1.4. Where a vacant building is not maintained or fixed in accordance with this By-law, it shall be remedied. Vacant buildings deemed by the Chief Building Official as a health and safety issue or are unsightly and that have not been remedied to the satisfaction of the Property Standards Officer shall be removed from the property and the land or waterfront property

shall be left in a graded level condition.

PART III

RURAL LANDS

GENERAL STANDARDS FOR ALL PROPERTY

- 5.** All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

5.1 CONDITIONS OF LANDS – RURAL LAND

- 5.1.1 All rural lands shall be kept clean and free from objects or conditions that might create a health, fire or safety hazard or are unsightly.
- 5.1.2 No person shall excavate and leave said land in an excavated condition unmarked for longer than fourteen (14) days.
- 5.1.3 No derelict vehicle scrap and/or junk material including without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, snowmobiles, trailers, machinery, tools, tires, appliances, equipment or any part thereof shall be parked, stored, moored or left on lands or water front property unenclosed except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.
- 5.1.4 Where vehicles (farm operation vehicles excluded), trailers, boats, barges or mechanical equipment are stored, they shall be screened from the street and public by a fence/barrier or suitable planting and shall be in conformance with the applicable municipal zoning requirements for that location.
- 5.1.5 All municipal lands will be maintained in accordance with municipal policy.

5.2 CONDITIONS OF YARDS – RURAL LAND

- 5.2.1 Every yard shall be kept clean and free from:
- (1) Rubbish, debris and objects including, without limiting its generality discarded gas, oil and water tanks, or conditions that may create a health, fire, environmental or accident hazard or are unsightly;
 - (2) Discarded or unserviceable appliances such as refrigerators, stoves and freezers and are not permitted to be used as places of storage;
 - (3) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
 - (4) dilapidated, collapsed or partially constructed structures which are not currently under construction that poses a safety hazard;
 - (5) injurious insects, termites, rodents, vermin or other pests; and
 - (6) dead, decayed or damaged trees that poses a safety hazard.
- 5.2.2. The owner of a residential property shall maintain the residential property, which he/she occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris in accordance with the Township of Horton's Garbage By-law.
- 5.2.3. Grass and plants shall be tended and maintained, except on lands in current

crop production, pasture land, town land designated as open space and reforested land. Heavy growth and noxious weeds, as defined by the Weed Control Act, shall be controlled. Notwithstanding the aforementioned, a naturalized garden that is tended and maintained shall be permitted within this by-law.

5.3 DRAINAGE

5.3.1 Sewage and human waste shall be discharged into an approved sewage system.

5.3.2. No sewage shall be discharged onto the surface of the ground or into a natural or artificial surface drainage system.

5.3.3. Storm water shall be drained from the yard so as to prevent recurrent or excessive ponding or the entrance of water into a basement or cellar.

5.4 WALKS, PARKING AREAS, DRIVEWAYS

5.4.1. Steps, walks, driveways, parking spaces and other similar areas on residential rental, commercial, industrial or institutional property shall be maintained so as to afford safe passage under normal use and weather conditions, day or night.

5.4.2. All areas on residential rental, commercial, industrial or institutional property used for vehicular traffic and parking shall be kept free of rubbish, garbage and other litter and shall be kept in good repair.

5.5 LIGHTING STANDARDS

5.5.1. All artificial lighting for parking areas on residential rental, commercial, industrial or institutional property shall be maintained in good working order.

5.5.2. Any lights used to illuminate yards or parking areas on residential rental, commercial, industrial or institutional property shall be so arranged to direct the light downward only onto the yard or parking area and away from any adjoining lands or the sky.

5.6 DAMAGED MATERIAL

5.6.1. In the event that a building is severely damaged due to a fire, explosion or by natural causes, measures shall be taken as soon as possible to secure the damaged property insofar as permitted by the proper authorities to prevent access and injury.

5.6.2. Damaged or partially burnt material shall be removed forthwith once the investigations are completed and authorization to do so is provided by the appropriate fire authorities.

5.7 FENCES, BARRIERS

5.7.1. Fences, barriers, and retaining walls on residential, commercial, industrial or institutional property shall be kept in good repair and shall be free from hazards or risks that may cause accidents, fire or be a danger to health.

5.7.2. No fences, barriers or retaining walls may be built on the property line of an adjoining commercial, industrial or institutional property that is in close proximity to the neighbouring property that might limit emergency access to any buildings on the adjoining property. No fence, barrier or retaining wall over 0.8m (2.6 ft) may be erected, constructed or placed in a site-triangle.

5.7.3. The provisions of this section do not apply to a barrier erected upon abutting lands that are used for industrial and/or commercial purposes, railway right-

of-ways, and hydro, telephone, utility or public works installations that are deemed to be hazardous to the public, or are being used for screening and/or sound barriers.

6. PROPERTY STANDARDS

6.1 STRUCTURAL STANDARDS

6.1.1. Every part of a building or a structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load for which it was designed. The structural condition of the structure must be in accordance with the structural safety factors required by the Ontario Building Code.

6.2. GENERAL CLEANLINESS

6.2.1. All rubbish, garbage and ashes shall be kept or stored in approved receptacles until disposed of or removed from the property.

6.2.2. Approved Receptacles shall be:

- a) made of metal or plastic
- a) of watertight construction
- b) capable of being tightly closed; and
- c) maintained in a clean state.

6.2.3. "Plastic Garbage Bags" are not approved receptacles.

6.2.4. Materials of an inflammable nature shall, if they are lawfully on the property, be safely stored in accordance with appropriate legislation.

6.2.5. Containers shall be made available in a prominent position on residential rental, commercial, industrial or institutional property for the disposal of refuse which may be discarded by customers and others, and the land shall be kept free from refuse.

6.2.6. Hallways and stairways in a residential rental, commercial, industrial or institutional property shall be kept free from accumulation, storage of garbage, refuse or any other thing or object that may cause a health or accident hazard.

6.2.7. Buildings, dumpsters or structures used for the storage of garbage, rubbish, ashes and other refuse, prior to disposal, shall be deemed to be accessory buildings or structures within the meaning of this by-law and the current Municipal Zoning By-law.

6.2.8. Commercial dumpsters, refuse containers or portable storage units are permitted for a period of 90 consecutive days from the date of installation unless with the written consent of the Municipality.

6.3. PEST PREVENTION

6.3.1. Residential rental, commercial, industrial or institutional 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 provisions of the Pesticide Act, R.S.O. 1990 Chapter P.11 and all regulations passed pursuant thereto.

6.3.2. Openings and holes, within a building containing rental units, inclusive of 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 or sealed.

6.4. EXTERIOR SURFACE

6.4.1. Exterior surfaces of a residential, residential rental, commercial, industrial or institutional property and their components shall be maintained in good repair, free from cracked, broken or loose masonry units and other defects to such attachments as soffits, fascia, cladding, or trim. Paint or some other suitable preservative, coating or covering must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

6.4.2. Exterior surfaces of a commercial, industrial or institutional building or structure and their components shall be free of painted slogans, graffiti and similar defacements.

6.5. WATER PROOFING/ICE & SNOW REMOVAL

6.5.1. The roof of a residential, residential rental, commercial, industrial or institutional property including the fascia, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into a building.

6.5.2. Dangerous accumulations of snow or ice on a residential rental, commercial, industrial or institutional property shall be removed as soon as possible from the roofs of buildings.

6.5.3. Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be watertight and securely fastened to the building at all times.

6.6. STAIRWAYS, PORCHES, DECKS

6.6.1. Inside or outside stairways on residential rental property and any porch, deck, balcony, veranda or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which may present a possible accident hazard. In addition, all coverings, treads or risers that are broken, warped or loose and all supporting structural members that are rotted or deteriorated beyond repair shall be replaced.

6.6.2. A handrail shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies, and decks. Guardrails, balustrades and handrails shall be constructed and maintained in a firm and inflexible condition as prescribed in the Ontario Building Code.

6.6.3. Inside or outside stairways on residential rental property must be maintained free from accumulations of items, things or ornaments that may pose a safety or a fire hazard when entering or exiting a building.

6.7. FLOORS

6.7.1. Every floor in a residential rental, commercial, industrial or institutional property shall be maintained so as to be free of broken or rotted boards, protruding objects, damaged or deteriorating surfaces, apertures in the surfaces that might admit rodents into a room and all conditions that may create a safety hazard. All defective floorboards shall be repaired and/or replaced.

6.7.2. Where the floor of a residential rental, commercial, industrial or institutional property has been covered with a covering that has become worn or torn to an extent that it is deemed to be a danger to the health and safety of the inhabitants, the covering shall be repaired or replaced.

6.8. WALLS AND CEILING

6.8.1. Every wall and ceiling in a residential rental, commercial, industrial or institutional property shall be maintained so as to be free of holes, cracks, loose or torn coverings or other defects that may be a safety hazard.

6.9. DOORS, WINDOWS AND SECURITY

6.9.1. Windows, skylights, doors and basement or cellar hatchways in a residential rental property shall be maintained in good repair and weather tight. Rotted or damaged doors, doorframes and their components, screens, window frames, sashes and casings shall be renewed and defective hardware, weather stripping and broken window glass shall be replaced.

6.9.2. In a residential rental property all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.

6.9.3. In a residential rental property with a security system in place where persons are required to contact the tenant prior to being buzzed into the building, all intercom equipment must be kept free of defects and in good working order at all times.

6.9.4. Every window in a residential rental property that is located above the story of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

6.10. WATER SUPPLY

6.10.1. Every residential property shall be provided with an adequate supply of potable water supplied by a Municipal Waterworks System, where possible or an approved well system that is acceptable to the District Health Unit and Ontario Building Code.

6.10.2. Each washbasin, bathtub or shower, and kitchen sink in a rental unit within a residential rental property shall have an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 45 degrees Celsius (113 degrees F) as prescribed by the Ontario Building Code.

6.10.3. Every rental unit within a residential rental property containing a pressurized water system shall have a sufficient quantity of cold water provided to enable the flushing of toilets.

6.10.4. All items listed in 6.10.2 and 6.10.3 shall be maintained in good working order.

6.10.5. All water pipes and appurtenances thereto shall be protected from freezing.

6.11. PLUMBING SYSTEM

6.11.1. All inhabited buildings shall have sanitary facilities connected to a municipal sewage system or to an approved private septic system or an approved outdoor toilet facility and maintained at a standard acceptable to the District Health Unit.

6.11.2. Plumbing, drain pipes, water pipes and plumbing fixtures contained within

every residential, commercial, industrial or institutional property and every connection line to the sewage or septic system, shall be free from leaks and defects and in the event remedies are required, they shall conform to the Ontario Building Code.

- 6.11.3. All plumbing fixtures contained within every residential, commercial, industrial or institutional property shall be connected to a sewage system through water seal traps.

6.12 TOILET AND BATHROOM FACILITIES

- 6.12.1. Every residential, commercial, industrial or institutional property containing a pressurized water system shall contain bathroom-plumbing fixtures consisting of at least one toilet, one wash basin and one bathtub or shower.

- 6.12.2. Every residential, commercial, industrial and institutional property containing a pressurized water system shall have all bathrooms and toilet rooms located and accessible within the building.

- 6.12.3. All outdoor toilet facilities shall be maintained in a manner acceptable to the District Health Unit, Ministry of the Environment and the Ontario Building Code.

6.13 KITCHENS

- 6.13.1. Every self contained rental unit within a residential rental property shall have a kitchen area equipped with cupboards or shelving for storing food, a counter top work area, space for a stove and refrigerator, and a sink that has a source for hot and cold water. Kitchen area counter top, cupboards and sink shall be maintained in good working order.

- 6.13.2. Every kitchen within a rental unit within a residential rental property shall be provided with an adequate and approved source for gas, electricity or other types of fuel that are required for cooking purposes.

6.14. HEATING SYSTEMS

- 6.14.1 All heating systems installed in commercial, industrial or institutional property where people are employed, shall be capable of safely maintaining a temperature as prescribed by the Ontario Building Code, unless the approved non-residential use requires an alternate temperature.

- 6.14.2. No room heater or any other heating apparatus shall be so placed as to cause a fire hazard to walls or to impede the free movement of persons within the room where the heater or heating apparatus is located.

- 6.14.3. Every dwelling and dwelling unit shall be provided with a heating system capable of safely maintaining a temperature as prescribed in the Ontario Building Code and shall be maintained in good working order.

- 6.14.4. All heating and cooking apparatuses or equipment involving combustion shall be properly connected to a chimney or flue by a sealed connection.

- 6.14.5. All fuel source connections to such apparatus or equipment that burn gaseous or liquid fuel shall be maintained in good repair.

- 6.14.6. In buildings having more than one non-residential unit or a combination of non-residential and residential units and are equipped with a central heating system, shall have the heating system located in a separate room whose walls, ceiling and doors are constructed of materials that have a fire rating, as prescribed by the Ontario Building Code and amendments thereto.

- 6.14.7. A space that contains a heating unit shall have natural or mechanical means of supplying air in accordance with the Ontario Building Code.
- 6.14.8. Where a heating system, or part of it, or any auxiliary heating system burns solid or liquid fuel, it shall be provided, maintained and properly constructed so as to be free from fire hazards. A minimum of 1.53 metres (5 ft) clearance is required between fuel oil storage tanks and burners and only approved type storage tanks shall be used as regulated by the Fire Code Act and amendments thereto.
- 6.14.9 . Any mechanism or structure used in the process of burning fuel or combustible material shall be properly vented to a duct leading to an approved chimney, in accordance with the Fire Code Act.
- 6.14.10 Every chimney, smoke pipe, flue and gas vent, actually in use or available for use shall be kept clear of obstruction, all open joints shall be sealed, and all broken and loose masonry shall be repaired.
- 6.14.11. Every chimney, smoke pipe, flue, and gas vent shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature as per CAN/CSA B365 requirements and amendments thereto.
- 6.14.12. Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be connected and installed as per CAN/CSA B365 requirements and amendments thereto.

6.15. ELECTRICAL SERVICE

- 6.15.1. The electrical wiring and all electrical fixtures located or used in a building, shall be installed and maintained in good working order and free of defects in accordance with regulations set by the Electricity Act, 1998 S.O. 1998 c.15 and amendments thereto.
- 6.15.2. Every dwelling unit that is wired for electricity and lighting equipment shall be installed throughout to provide sufficient illumination to avoid health or accident hazards during normal use, provided that the lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.
- 6.15.3. All electrical outlets shall conform to requirements set out in the Power Corporation Act and amendments thereto (the Hydro Code).
- 6.15.4. Fuses or overload devices shall not exceed limits set by the Hydro Code.
- 6.15.5. All electrical appliances shall be maintained in a safe mechanical and electrical condition.

6.16. LIGHTING

- 6.16.1 In commercial, industrial or institutional property, sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to provide proper illumination in all passageways when the building is in use and for stairways in case of a fire or other emergencies.
- 6.16.2 Every habitable room within a residential property, except a kitchen, bathroom, toilet room and basement where electricity is available, that faces directly to the outside shall have a window or windows, skylights or translucent panels at least 0.15 metres (6 inches) above the adjoining finished grade, with an unobstructed light transmitting area not less than ten (10) per cent of the floor area of such rooms as prescribed by the Ontario Building

Code. The glass area of a sash door may be considered as a portion of the required window area.

6.16.3 An adequate and safe illuminating device shall be installed in every bathroom, toilet room, laundry room, furnace room and kitchen.

6.16.4 All halls and stairways in residential rental, commercial, industrial or institutional property shall be sufficiently lighted to provide a safe passageway. Standby lighting shall be provided in accordance with the Ontario Building Code.

6.16.5 In multiple residential dwellings and in commercial, industrial or institutional property, 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.

6.17. VENTILATION

6.17.1. Every habitable room shall be provided with either a natural ventilation system such as a window or a door, or mechanical ventilation system in accordance with the Ontario Building Code.

6.17.2. Every bathroom or toilet room shall be provided with either natural ventilation or a mechanical ventilation system in accordance with the Ontario Building Code.

6.17.3. All systems of mechanical ventilation shall be maintained in good working order.

6.17.4. All enclosed spaces including basements, cellars, attics or roof space and crawl spaces shall be adequately vented to the outside air.

6.18 FIRE PREVENTION EQUIPMENT

6.18.1 Fire prevention equipment such as smoke alarms or other fire detection devices and carbon monoxide detection equipment shall be installed as prescribed in the Ontario Building Code and the Ontario Fire Code and shall be maintained in good working order so as to effectively perform their intended function.

6.18.2 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through a window opening or door.

6.19 EGRESS

6.19.1 All residential rental, commercial, industrial or institutional buildings shall be provided with an adequate egress from every floor area in accordance with the Ontario Building Code, the Ontario Fire Code and the Ontario Farm Building Code.

6.19.2. Every dwelling and every dwelling unit shall have an adequate means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level in accordance with the Ontario Building Code and the Ontario Fire Code.

6.21 OCCUPANCY STANDARDS

6.21.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

6.21.2 Where the area of a habitable room space, within a dwelling unit, is combined

with a kitchen and a dining area, the habitable room space alone in a dwelling unit that contains sleeping accommodations for not more than two persons, shall be not less than 11 square metres (118 square feet) as prescribed by the Ontario Building Code.

- 6.21.3 For the purpose of computing the habitable room space in Subsection 6.21.2, any child under one year of age shall be deemed one-half person as prescribed by the Ontario Building Code.
- 6.21.4 For the purpose of computing the habitable room space in Subsection 6.21.2, the floor area under a ceiling, which is less than 2.1 metres high shall not be counted as prescribed by the Ontario Building Code.
- 6.21.5 Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 6 square metres (65 square feet) with not less than 4.6 square metres (50 square feet) for each additional occupant, provided that for the purpose of this Subsection, two children under the age of six years may be counted as one person as prescribed by the Ontario Building Code.

7.1 VACANT BUILDINGS

- 7.1.1 The owner of a vacant residential, commercial, industrial or institutional building, excluding agricultural buildings and structures, shall secure and/or board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry can be achieved.
- 7.1.2. No partially or completely vacant residential, commercial, industrial or institutional building shall remain boarded up for a period longer than two (2) years. After the said two (2) years or an alternate time period set by the Property Standards Officer, the owner or agent or other persons responsible, shall forthwith make the necessary repairs to make it fit for a dwelling or other authorized uses in accordance with the Township of Horton Zoning By-law.
- 7.1.3. Residential, commercial, industrial or institutional vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 7.1.4. Where a residential, commercial, industrial and institutional vacant building is not maintained or fixed in accordance with this By-law, it shall be remedied. Vacant buildings deemed by the Chief Building Official as a health and safety issue and that have not been remedied to the satisfaction of the Property Standards Officer shall be removed from the property and the land or waterfront property shall be left in a graded level condition.

PART IV

8. ADMINISTRATION AND ENFORCEMENT

8.1 ADMINISTRATION

- 8.1.1 This By-law applies to all properties within the Township of Horton.
- 8.1.2 The Township shall administer and enforce this By-Law as prescribed by the *Ontario Building Code Act; S.O. 1992, c.23 Section 15* as amended
- 8.1.3 The Officer may prohibit the occupancy or use of any property that does not conform to the standards prescribed in this By-Law.

- 8.1.4 The Officer may utilize various reports and forms in the administration and enforcement of this By-law which can be revised as deemed required by the Officer, including but not limited to
- An inspection report;
 - Re-inspection report;
 - Order to Remedy Violation;
 - Order to Comply;
 - Notice to Appeal;
 - Decision Following Appeal; or
 - Other such report or form

8.2 OFFICERS AND INSPECTORS

- 8.2.1 The person(s) appointed as By-law Enforcement Officer(s) or Property Standards Officer(s) for the TOWNSHIP OF HORTON shall be responsible for the administration and enforcement of this By-law.
- 8.2.2 Any building inspector, plumbing inspector, electrical inspector, public health inspector, fire prevention officer or by-law enforcement officer of the Town is hereby authorized and directed to act from time to time as an assistant to the Officer.
- 8.2.3 The Property Standards Officer, or any person acting under his direction, may at all reasonable times, upon producing proper identification, enter and inspect any property. The Officer or his designate shall not enter any room or place actually used as a dwelling without the consent of the Occupant except under the authority of a search warrant issued under Section 21 of the *Building Code Act*
- 8.2.4 No person shall obstruct or attempt to obstruct an Officer or a person acting under the Officer's instruction, in the exercise of his duties.

8.3 PROPERTY STANDARDS COMMITTEE

- 8.3.1 Every person who initiates an appeal of an Order made under Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and manner as prescribed in section 15.3(1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment of one hundred (\$100.00) dollars.
- 8.3.2 A Property Standards Committee shall be established and shall consist of the members of the Planning Committee.
- 8.3.3 The members of the Committee shall abide by the Rules of Procedure, attached as Appendix "A" to this by-law.

8.4 POWERS OF THE CORPORATION TO REPAIR OR DEMOLISH

- 8.4.1 If the Owner or Occupant of a property fails to repair or to demolish the property in accordance with an Order, the Township of Horton may cause the property to be repaired or demolished accordingly.
- 8.4.2 For the purposes of Subsection 8.4.1 employees or agents of the Township of Horton may enter the property at any reasonable time without a warrant in order to repair or demolish the property.
- 8.4.3 The Town will not be liable to compensate an Owner, Occupant or any other person having an interest in the property by reason of any action performed by or on behalf of the Township of Horton under the provisions of this By-Law.

- 8.4.4 The Town shall have a lien on the land for the amount spent on the repair or demolition under Subsection 8.4.1, and the amount shall be deemed to be municipal real property taxes and may be added by the Treasurer under the direction of the Township of Horton Clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes

8.5 EMERGENCY POWERS

- 8.5.1 Notwithstanding any other provisions in this By-Law, if upon inspection of a property, the Officer is satisfied that there is a non-conformity with the standards prescribed in the By-Law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an Order containing particulars of the non-conformity and requiring immediate remedial repairs or other work to be carried out forthwith to terminate the danger.
- 8.5.2 After making an Order under Section 8.5.1, the Officer may, either before or after the Order is served, take or cause to be taken any measures considered necessary to terminate the danger; and for this purpose, the Town has the right, through its employees or agents, to enter upon the property at any reasonable time.
- 8.5.3 The Officer, Township of Horton or anyone acting on behalf of the Township of Horton is not liable to compensate the Owner, Occupant, or any other person by reason of anything done by or on behalf of the Township of Horton in the reasonable exercise of its power under Section 8.5.1.

8.6 SEVERABILITY

- 8.6.1 Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.
- 8.6.2 Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 8.6.3 This By-law shall come into force and take effect upon its passing.
- 8.6.4 That By-law 2016-46 of the Township of Horton any other by-law inconsistent with the provisions contained herein are hereby repealed in their entirety.

8.7 TRANSITIONAL RULES

After the date of the passing of this by-law, the By-law 2016-46 shall apply only to those properties in which an 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, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

9. SHORT TITLE

- 9.1 This By-law shall be sited as the "Property Standards By-law."

BY-LAW READ a first and second time this 5th day of December 2017

BY-LAW READ a third time and passed this 5th day of December 2017

APPENDIX "A"

Rules of Procedure For the Property Standards Committee

WHEREAS as set out in the Property Standards By-law 2012-24, section 8.3.3., a Property Standards Committee be established that consists of the members of the Planning Committee as appointed by Council. . Under subsection 55(1) of the *Municipal Act* every local board shall adopt Rules of Procedures for governing the calling, place and proceedings of meetings;

AND WHEREAS under subsection 15.3 of the *Building Code Act, 1992*, the Property Standards Committee hears appeals from Orders to Comply with property standards and under 15.6(8), may, subject to subsection 15.6(9) respecting notice, adopt its own rules of procedure and any member may administer oaths; and

AND WHEREAS the *Statutory Powers Procedures Act* sets out rules of procedures that also apply to proceedings of the Property Standards Committee and under section 32 the provisions of this Act prevail in the case of a conflict with provisions of another Act unless it is expressly provided otherwise in that Act.

THEREFORE The Property Standards Committee of the Township of Horton enacts as follows:

1. Definitions

1.1 As used in these Rules of Procedures, the following terms shall have the meanings indicated:

"Committee" means the Property Standards Committee of the Township of Horton.

"Council" means the Council of the Township of Horton.

"Inaugural Meeting" means the first meeting of the Committee after its members have been appointed by Council.

2. Application

2.1 The rules in this Rules of Procedures shall be observed in all meetings of the Committee

3. Matters not dealt with in the rules of procedures

3.1. If these rules do not provide for a matter of procedure that arises during a meeting, the practice shall be determined by the Committee.

3.2. If these rules do not provide for a matter of procedure that arises during a hearing, the Committee may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.

4. Meetings

4.1. The Committee shall hold its inaugural meeting on a date and time to be determined by the Town Clerk following the appointment by Council of the Committee members for the present term or balance of the present term of council.

4.2. The Committee shall meet at the request of the Chair or when requested to do so by a majority of the members and the Chair shall summon a meeting of the committee.

4.3. When the Chair is absent from the Town, or is absent through illness, or refuses to act, or when the office of the Chair is vacant, a meeting of the Committee may be

summoned by the Town Clerk on 24 hours' notice when requested to do so in writing by a majority of the members.

- 4.4. Meetings of the Committee shall be held at Municipal Offices or such other location, as the Town Clerk deems advisable.
- 4.5. A majority of the members of the committee constitutes a quorum at meetings.
- 4.6. Before a meeting, if the Secretary determines that there will not be a quorum of members, the Chair or the Secretary will reschedule the meeting.
- 4.7. If no quorum is present 30 minutes after the time appointed for the commencement of the meeting, the Secretary shall re-schedule the meeting.

5. Committee Chair

- 5.1. The Chair of the Property Standards Committee will be the Chair of the Planning Committee.
- 5.2. When the Chair of the Committee is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
- 5.3. If the Chair of the Committee resigns as a member of the Committee or resigns as the Chair of the Planning Committee, the Committee shall appoint another member as Chair for the balance of the term appointed or until a successor is appointed.
- 5.4. The Chair is the liaison between the members and the Town Clerk on matters of policy and process.

6. Committee Secretary

- 6.1. The Town Clerk is appointed as the Secretary of the Committee and may delegate administrative responsibilities to a Deputy Secretary.

7. Schedule of meetings

- 7.1. The Committee shall meet on an as-needed basis.
- 7.2. A meeting date may be added, cancelled or rescheduled by the Secretary.
- 7.3. Each meeting shall commence at the time specified on the agenda and continue until the agenda is completed.

8. Agenda

- 8.1. The Secretary shall provide an agenda before the meeting to each member of the Committee.
- 8.2. The business of the Committee shall be conducted in the order outlined on the agenda.

9. Committee procedures

9.1. Opening statement

The Chair reads an opening statement outlining the procedure and format of the Committee hearing process.

9.2. Statements

The Chair will entertain any statements from Committee Members at this time.

9.3. Motions

The Committee will hear motions with respect to any business properly before the Committee at this time.

9.4. Hearing of appeals

Subject to any motions previously adopted by the Committee, the Chair will indicate that the Committee will now hear the first appeal listed on the agenda.

9.5. Introduction and recording of parties to an appeal

The Chair will request that if anyone wishes to speak to the appeal to identify her or himself, including any other interested persons who intend to give evidence on behalf of either party to the appeal.

9.6. Presentation of order to comply

- (1) The Officer is requested to present the order to comply and related evidence.
- (2) The Officer may be questioned by the Committee Members through the Chair to clarify any evidence presented.
- (3) If the Appellant is represented by legal counsel, legal counsel may cross-examine the Officer at this time.
- (4) No legal counsel:
 - a) If the Appellant is not represented by legal counsel, any questions the Appellant, including any Appellant's agent, may wish to ask the Officer shall be directed to the Committee through the Committee Chair.
 - b) The Committee may allow the question to be put to the Officer or rule that the question is improper or out of order.
- (5) Every opportunity will be given to the Appellant to view any evidence submitted by the Officer.

9.7. Other persons in support of the order

- (1) After any cross-examination of the Officer, the Committee may hear from anyone else who supports the confirmation of the order to comply.
- (2) Preference in the order of hearing will be given to those who identified themselves as an "other interested person" at the beginning of the hearing.
- (3) The Committee, through the Chair, may question the persons giving evidence to clarify any evidence presented.
- (4) Legal counsel may cross-examine the persons and an Appellant not represented by legal counsel may cross-examine the persons in the manner provided under Subsection 9.6(4).

9.8. Presentation of an appeal

- (1) The Appellant or the Appellant's legal counsel is requested to present evidence with respect to the appeal of the order to comply.
- (2) The Committee may, through the Chair, ask questions of the Appellant to clarify any evidence presented.
- (3) The Committee will allow the Appellant or the Appellant's legal counsel to complete their presentation before asking any questions, unless clarification is required before the presentation is completed. If evidence is to be given by anyone other than the Appellant or a witness called by the Appellant, preference of hearing order will be given to those who identified themselves as "other interested persons" at the beginning of the hearing.
- (4) Persons giving evidence under Subsection 9.8(4) are subject to questions by the Committee, the Appellant and the Appellant's counsel as described in Subsection 9.7.(3) and (4).

9.9. Other representations: recall of Officer

- (1) After the Appellant's presentation, the Committee will hear from anyone else who wishes to make representations before the Committee pertaining to the matter.
- (2) Persons giving evidence under Subsection 9.9(1) are subject to questions by the Committee, the Appellant and the Appellant's counsel as described in Subsection 9.7(3) and (4).
- (3) The Officer may also be recalled at this time.

9.10. Committee inspection

- (1) The Committee will as a general practice rely on pictures and other diagrams to describe the property.
- (2) When, after hearing all the evidence, the Committee determines that pictures and diagrams are not sufficient and that it wishes to inspect the property, the hearing will be adjourned to a date and time mutually agreed upon.

9.11. Committee decision

- (1) The Committee will give an oral decision or may reserve its decision.
- (2) If the decision is reserved the Committee Chair will advise the Appellant that the Appellant will be notified by registered mail of the Committee's decision.

9.12. Notice of Decision

The Secretary will forward notice of the Committee's decision to all those notified of the hearing and to everyone who appears before the Committee.

10. Grant exceptions from procedures

10.1 A Committee may grant all necessary exceptions from the procedures in Section 9, as it considers appropriate to ensure that the real questions in issue are determined in a just manner.

11. Voting; equality of vote

11.1. The Committee Chair may vote on all motions and other questions submitted at a Committee meeting.

11.2. In the case of a tie vote, the motion or question shall be deemed to have been lost.

12. Minutes

12.1. The Secretary shall prepare minutes and hearings of the meetings of the Committee.

12.2. The Committee shall review and adopt the minutes of its previous meeting before beginning the current agenda.

Read a first and second time this 5th day of December 2017

Read a third time and passed this 5th day of December 2017

MAYOR Robert Kingsbury

CAO/Clerk Suzanne Klatt

**TOWNSHIP OF HORTON
SCHEDULE "A"**

PROPERTY STANDARDS BY-LAW# 2017- 68

Set Fines Under Part I of the Provincial Offences Act

Ontario Building Code Act 1992, S.O. 1992, c. 23

ITEM	SHORT FORM WORDING	PROVISION CREATING or DEFINING OFFENCE	SET FINE
1	Failure to comply with S. 15.9(4) Order to Remedy Unsafe Building dated ...	S. 36(1)(b)	\$250.
2	Fail to comply with S. 15.2(2) Order to Comply dated ...	S. 36(1)(b)	\$125.

The penalty provision for the offences indicated above is Section 36 of the Building Code Act, 1992, Chapter 23, as amended.