

BY-LAW 1592
SCHEDULE "A"

PART 1 – DEFINITIONS

In this Schedule,

"accessory building" means a detached or attached building that is subordinate to the main use of the lot and that is not used or intended for use as a human habitation;

"basement" means that portion of a building, between two floors, which is partly underground but which has at least one-half of its height from floor to ceiling above the adjacent finished grade but in no case shall be less than 6'11" in height;

"bathroom" means a room containing a minimum of one toilet, one sink and one bathtub or shower, or two rooms that contain in total a minimum of one toilet, one sink and one bath tub or shower;

"bedroom" means a habitable room used for sleeping purposes;

"building" includes a structure used for or intended for supporting or sheltering any use or occupancy;

"building code" means regulations made under section 34 of the Ontario Building Code Act (S.O. 1992, c23, as amended);

"clean and sanitary" means clean and sanitary to the satisfaction of an Officer of the appropriate District Health Authority;

"corporation" means The Corporation of the Town of Thessalon;

"Council" means the Council of The Corporation of the Town of Thessalon;

"demolish" includes the doing of anything in the removal of a building or structure or part thereof;

"dwelling" means a building or structure, any part of which contains one or more dwelling units, including a mobile home, which is used or intended to be used for the purpose of human habitation in whole or in part and includes a

building that would be used or would be intended to be used for such purposes except for its state of disrepair, and also includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein;

“dwelling unit” means one or more rooms connected together as a separate unit in the same structure, and constituting an independent housekeeping unit for residential occupancy by human beings, for living and sleeping purposes;

“fire resistance rating” means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity to generally accepted standards as stated in the Building Code;

“ground cover” means organic or non-organic material supplied to prevent the erosion of the soil, examples – concrete, flagstone, gravel, asphalt, grass, or other forms of landscaping;

“habitable room” means any room in a dwelling or dwelling unit used for living, sleeping, cooking or eating purposes, with a minimum height of 2.13 metres (7 feet) except as hereinafter expressly provided;

“non-habitable room” means any room in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communication corridor, stairway, closet, cellar, recreation room in a cellar, boiler room and other space for service and maintenance of the dwelling or for public use, or for access or for vertical travel between storeys;

“noxious weeds” means any weed classed as noxious by The Noxious Weeds Act of the Province of Ontario;

“officer” means a property standards officer who has been assigned the responsibility of administering and enforcing this by-law;

“person” includes municipalities, public bodies, bodies corporate, societies, and trustees;

“residential property” means a building or structure or part thereof that is used or designed for use as a domestic establishment in which one or more persons usually sleep and/or prepare and serve meals and includes land and

premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property;

"sewage" means any liquid waste containing animal, mineral or vegetable matter in suspension or solution, but does not include roof water or other storm water runoff;

"sewage system" means the municipal sanitary sewer system or a private sanitary sewage disposal system approved by the Ministry of the Environment or the Medical Officer of Health;

"standards" means the standards of physical condition and occupancy of the property set out in this by-law;

"yard" means the land around and appurtenant to the whole or any part of a building and used or intended to be used or capable of being used in connection with the said building, whether or not the land is owned by the owner of the building.

PART II – STANDARDS TO ALL PROPERTIES

STRUCTURAL CAPACITY

1. Every part of a building shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any load to which it may normally be subjected. Materials that have been damaged or show evidence of dry rot or deterioration shall be repaired or replaced in a workmanlike manner.

FOUNDATIONS AND FOUNDATION WALLS

2. The foundation walls and basement, cellar or crawlspace floor of a building shall be maintained in good repair and structurally sound condition so as to prevent dangerous settlement, the entrance of moisture, rodents, vermin and insects. Maintenance shall include shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, and waterproofing walls or floors.

EXTERIOR SURFACES

3. (1)

A) The exterior walls of a building shall be maintained so as to prevent their deterioration due to weather and insects and, where necessary, shall be so maintained by painting, restoring or repairing of walls, coping or flashing, by the waterproofing of joints, and by the installation or repairing of termite shields.

B) Exterior walls, roofs and other parts of a building shall be kept free of objects or materials that have been improperly secured or that have become loose or insecure. Such objects or materials shall be removed, properly secured or replaced.

(2) Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or walkways.

(3) Appropriate measures shall be taken to remove any objectionable markings, stains or other defacement on the exposed exterior surface and to restore the surface and adjacent areas.

ROOFS

4. (1)

A) The Roof of a building shall be maintained in a watertight condition so as to prevent leakage of water into the building, and where necessary, shall be maintained by the repair of the roof and flashing or by applying waterproof coatings or coverings. The roof shall be free of loose or unsafe objects and materials and all other accident and fire hazards. The roof drainage system, where present, shall be kept in good repair, watertight, and free of health and accident hazards.

B) No roof or storm drainage shall be discharged directly onto sidewalks, stairs or neighbouring property.

EXTERIOR DOORS, WINDOWS AND EXTERIOR TRIM

5.

1. All exterior openings in a building or an accessory building shall be maintained in good repair and in sound, operative condition. This maintenance shall include the painting, or applying of a similarly effective preservative, the repairing or replacing of damaged or decaying doors, windows shutters or screen hardware. Where an opening is used for ventilation or illumination and is not protected by a window, door or similar closure, it shall be screened with wire mesh, metal grille or other durable material.
2. No exterior window shall be covered with plywood or any other unapproved material except for a reasonable period to enable a damaged window to be repaired or replaced.

FIRE ESCAPES, EXTERIOR AND INTERIOR STAIRS

6.

1. Every fire escape, exterior or interior stairs, porch, balcony or landing actually in use or available for use shall be maintained in good repair so as to be free of holes, cracks or other defects that constitute possible accident hazards, and all treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated, shall be repaired or replaced.
2. Stairs, landings, ramps, porches, balconies, terraces, passageways, and roof walks shall be equipped with handrails, guardrails, and balustrades according to the Ontario Building Code, and they shall be maintained in good repair so as to provide adequate protection against accident or injury.

INTERIOR WALLS AND CEILINGS

7.

1. Every wall and ceiling in a building shall be maintained in good repair with respect to fire safety, so as to be free of holes, cracks, loose plaster, or other defects that would permit the passage of flame or excessive heat.

2. Interior finish materials for acoustical correction, surface insulation, decorative treatment on the surface of walls and ceilings, and interior trim shall be of material that will not, in burning, cause excessive flame or give off excessive amounts of smoke or objectionable or dangerous gases so as to be injurious to health.

FLOORS

8.
 1. Every floor in a building shall be maintained in good repair, free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces, surfaces in a dangerous condition, or openings that might admit rodents into a building. All defective floor surfaces shall be repaired or replaced.
 2. Basement and cellar floors shall be constructed at least to the minimum standards of the building code.
 3. Below grade floors shall be adequately drained so as to prevent the ponding of water on the floor surface.

DOORS

9. Existing doors, hardware and frames shall be maintained in a sound operative condition. All doors and hardware shall comply with the requirements of the building code. Defective or missing hardware shall be repaired or replaced.

EXIT

10. Every building shall have safe, continuous and unobstructed passage from the interior to the exterior of the building at street or grade level. All passageways shall be kept free of rubbish and debris that might create a fire or accident hazard, and shall have adequate lighting. A required means of egress shall not pass through an attached garage, a built-in garage, or an enclosed part of another building. In a mixed-use building, no means of egress shall pass through any part of a dwelling unit unless the occupant of the dwelling unit is also the occupant of the non-residential portion.

FIRE SEPARATION

11. The integrity of all fire separations, firewalls and fire doors shall be maintained at all times so that they will perform their intended function in the event of a fire.

ACCESS TO ENCLOSED SPACE

12. A 510 mm (20 inches by 710 mm (28 inches) access opening with door, or its equivalent, shall be provided to every crawlspace or other enclosed space, and to every attic and roof space exceeding 610 mm (2 feet) in height.

PEST PREVENTION

13. Buildings shall be kept free of rodents, vermin and insects, and methods used for exterminating them shall be in accordance with the provisions of The Environmental Protection Act, R.S.O., 1971, Chapter 86, and The Pesticides Act, R.S.O., 1970, Chapter 346. Basement or cellar windows used or required for ventilation, and every other opening in a basement or cellar or crawlspace that might permit the entry of rodents, vermin and insects shall be screened with wire mesh or other material that will effectively keep out rodents, vermin and insects.

SEWAGE SYSTEM

14. Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping that shall be connected to a municipal sewage system, or to a system approved by Algoma Public Health.

PLUMBING SYSTEM

15. All plumbing systems, drain pipes, water pipes and plumbing fixtures in every building, and every connecting line to the sewage system, shall be maintained in good repair and free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing, these systems shall conform to Part 7 of the building code.

TOLIET AND BATHROOM FACILITIES

16. Every building shall be provided with toilet and washing facilities equal to the standard required by the building code. They shall be fully enclosed so as to provide privacy for the occupant. No toilet or urinal shall be located within a room that is used for the preparation, cooking, storing or consuming food.

HEATING SYSTEM

17.
 1. The heating system of a building shall be maintained in good working condition, capable of heating the building safely to the required standard.
 2. No room heater shall be located where it might be a fire hazard to walls, furniture or equipment, nor shall it obstruct the path of egress from the room in which the heater is located.
 3. A space that contains a heating unit shall have natural or mechanical means of supplying air in quantities that will provide adequate combustion
 4. All heating and cooking apparatus or equipment involving combustion that requires a connection to a chimney or flue shall be properly connected to a chimney or flue by a ridge and permanently sealed connection.
 5. Every chimney, smoke pipe, flue and gas vent in use or available for use shall be maintained so as to prevent gases from leaking into the building. They shall be kept clear of obstructions, all joints shall be sealed, and all broken or loose masonry shall be repaired.
 6. Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be connected to approved chimneys, smoke pipes or flues that are separate from any flue that acts as a gas vent. They shall be installed so that there is no danger of fire to adjacent combustible material or structural members.

7. Where a heating system or part of it, or any auxiliary heating system, burns solid fuel or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free of fire or accident hazards.
8. Where required by the building code, a fuel-burning central heating system in a mixed-use building shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than that required for new construction of such a room, in accordance with the building code.
9. Subsection 21 (h) does not apply where there is a fire separation between the dwelling unit and the non-residential property having a fire resistance rating of not less than that required by the building code for similar new construction.

ELECTRICAL SYSTEM

18.

1. Electrical systems, wiring, conduit and electrical services in every building shall comply with the building code.
2. Fuses or overload devices shall not exceed limits set by The Ontario Electrical Safety Code.

VENTILATION

19.

1. Every habitable room or rooms where persons work or are expected to work shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area of 0.279 square metres (3 sq. ft.), and shall be located in the exterior walls or through openable parts of skylights. Openings shall be adequately screened to prevent the entry of insects, rodents or other vermin.
2. An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the air at least once each hour. All systems of mechanical ventilation shall be maintained in good repair.

3. Every basement or cellar or crawlspace shall be adequately vented to the outside air by means of screened windows that can be opened, or by louvers with screened openings, the area of which shall be not less than 0.1858 square metres (2 sq. ft.) for every 92.9 square metres (1,000 sq. ft.) of enclosed area. An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the air once each hour

FIRE PROTECTION EQUIPMENT

20.

1. Fire alarm systems and ancillary devices, standpipe and hose systems, sprinkler systems automatic fire extinguishing systems, smoke control systems, private fire hydrants, voice communication systems, exit and emergency lighting equipment and fire extinguishers shall be maintained in good working order and repaired or replaced when necessary.
2. Fire protection equipment is subject to approval by the Fire Chief and periodic inspections by fire department personnel, and the Officer shall consult with the Fire Chief before issuing an order with respect to such equipment.

ACCESSORY BUILDINGS AND FENCES

21.

1. Accessory buildings and all fences shall be kept in good repair and free of fire, health or accidental hazards

YARDS, GROUNDS AND VACANT LOTS

22.

1. Every personal shall keep every yard and vacant lot and all grounds, owned or occupied by him/her, free and clear of:
 - a. Objects or conditions that might create health, fire or accident hazards;
 - b. Rubbish, garbage, brush, waste, litter and other debris;
 - c. Termites, rodents, vermin or other similar pests and animals and any condition which might result in the harbouring of such rodents, vermin, pests and animals;

- d. Excessive growth of grass, grass cover, hedges, bushes, trees and other natural growth which creates or may create an unsafe or unsightly condition;
- e. Decayed or damaged trees and other decayed or damaged natural growth, the branches and limbs of which create or may create an unsafe condition;
- f. An excessive accumulation of materials which is out-of-character with the surrounding environment;
- g. An excessive accumulation of machinery or parts thereof which are apparently unused or which are out-of-character with the surrounding environment;
- h. Potholes, excavations, holes and depressions which create an unsafe condition;
- i. Ponding and any accumulation of water which creates or may create an unsafe condition;
- j. vehicles, boats or trailers which are wrecked, dismantled, discarded, unused or which do not openly display any permit, licence, certificate, plate or sticker which is required pursuant to the provisions of the *Highway Traffic Act* or other similar legislation, except
 - i. where all such vehicles, boats and trailers are within an enclosed building, or
 - ii. where, in the case of a salvage yard, when in compliance with the salvage yard by-law and is permitted on such lands,
 - iii. or where, in the case of boats and trailers, a permitted purpose in respect of such lands is the sale and storage of boats and trailers, or
 - iv. where a vehicle for which the occupant of any residential premises is repairing for his/her own use so long as such repair is actively carried on and is not for commercial purposes, or
 - v. where it is proven to the satisfaction of the Officer that such vehicle, trailer, boat or mechanical equipment is required for business purposes, other than a salvage yard, and such use is permitted, a suitable screening shall be provided
- k. dilapidated, collapsed or partially constructed buildings, structures or erections which are not currently under construction;
- l. any other unsafe condition; or
- m. any other unsightly condition out-of-character with the surrounding environment

2. a) Suitable ground cover shall be provided on all open areas of any yard, to prevent soil erosion.
3. a) Drainage: All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent recurrent ponding or the entrance of water into a basement, cellar, crawlspace or neighbouring property.
4. a) Walks: Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.
5. a) Driveways and Parking Areas: All areas used for vehicular traffic and parking shall be constructed of at least crushed stone. Asphalt, concrete or equivalent surfacing shall be in accordance with other City By-laws. All surfaces shall be kept in good repair and well drained.