

THE CORPORATION OF THE TOWNSHIP OF EAST FERRIS
BY-LAW # 1486

Being a By-Law for the prescribing of standards for the maintenance and occupancy of property within the Township of East Ferris, and prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property not in conformance with the standards prescribed herein to be repaired and maintained to conform to the standards or the site thereof to be cleared of all buildings and structures and left in a graded and levelled condition.

Whereas the upkeep of property within the Municipality of the Township of East Ferris is a concern of the Council of the Township of East Ferris;

And whereas the lack of upkeep of a property can lead to the degradation of a neighbourhood and of a community;

And whereas the Council of the Township of East Ferris deems it desirable to pass a by-law for the prescribing of standards for the maintenance and occupancy of property within the Township of East Ferris and prohibiting the occupancy or use of property that does not conform to the standards; and for requiring property not in conformance with the standards prescribed herein to be repaired and maintained to conform to the standards or the site thereof to be cleared of all buildings and structures, debris and refuse and left in a graded and levelled condition:

Now therefore pursuant to Section 31 of the Planning Act, S.O. 1983, Chapter 1, the Council of the Corporation of the Township of East Ferris hereby enacts as follows:

PART 1
DEFINITIONS

1. In this By-Law:
 - 1.1 Accessory Building means a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, and includes a private garage, a boathouse, a tool shed a storage building or a warehouse.
 - 1.2 Balustrade means a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another.
 - 1.3 Chief of the Fire Department means Chief of the Township of East Ferris Fire Department.
 - 1.4 Committee means the Property Standards Committee as appointed by the Council for The Township of East Ferris.
 - 1.5 Dwelling means a building or structure, or part of a building or structure which is used, intended to be used, or capable of being used for the purpose of human habitation in whole or in part and includes a building that would be used, is intended to be used, or is capable of being used for such purpose, except for the state of disrepair.
 - 1.6 Dwelling Unit means one room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment and,
 - a) in which food preparation and sanitary facilities are provided for the exclusive use of the inhabitants of the dwelling unit, and
 - b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
 - c) does not mean or include a tent, or a room or suite of rooms in a boarding or rooming house, in a hotel, motel, motor hotel, or tourist home.
 - 1.7 Fire Resistance Rating means time in hours or parts thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived therefrom as prescribed in the Ontario Building Code.
 - 1.8 Habitable Room means a room in a dwelling unit used or intended to be used for living sleeping, cooking or eating.
 - 1.9 Medical Officer of Health means the Medical Officer of Health of the North Bay and District Health Unit.
 - 1.10 Mixed Use Building means a building containing one or more dwelling units and other uses not accessory to the dwelling units.
 - 1.11 Municipality means the Corporation of the Township of East Ferris.
 - 1.12 Non-Habitable Room means any room in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, shower room, laundry room, basement, boiler room furnace room, pantry, closed, storage room, corridor, foyer, stairway or lobby.

- 1.13 Occupant means any person over the age of eighteen years in possession of the property.
- 1.14 Officer means a Property Standards Officer who has been assigned by By-Law of the Corporation of the Township of East Ferris the responsibility of administering and enforcing by-laws passed under Section 31 of the Planning Act, S.O. 1983, Chapter 1.
- 1.15 Owner includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in question, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land or premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to maintain and repair the property in accordance with the standards for the maintenance and occupancy of property.
- 1.16 Person shall mean an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the condominium Act, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 1.17 Property means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, out-buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, and is to be divided for the purposes of this By-Law as follows:
- 1.17.1 Non-Residential Property includes a property not occupied nor capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all out-buildings, fences or erections thereon or therein.
- 1.17.2 Residential Property includes property which is occupied or capable of being occupied in whole or in part for the purposes of human habitation.
- 1.17.3 Vacant Land includes property on which there are no structures of any kind.
- 1.18 Repair includes the provision 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.
- 1.19 Sewage System means the Township of North Himsforth sanitary sewer system or a private sanitary sewage disposal system approved by the Ministry of the Environment or other agency having jurisdiction.
- 1.20 Standards means the standards of physical condition and use for occupancy set out in this By-Law.
- 1.21 Vehicle includes a motor vehicle, trailer, boat, motorized snow vehicle and mechanical equipment, whether operable or not.
- 1.22 Yard means the land other than publicly-owned 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.

PART 11
ADMINISTRATION AND ENFORCEMENT

2. That By-Law #1213 and #1388 are hereby repealed.
3. This By-Law may be cited as the "Maintenance and Occupancy Standard By-Law".
4. This By-Law applies to all property in the Township of East Ferris.
5. The owner (including the occupant) of any property shall repair and maintain that property in accordance with the standards prescribed by this By-Law.
- 5.1 Subject to the provisions of any lease, the occupant of a building shall maintain that part of the property which he occupies or controls in a clean, sanitary, safe and operable condition, and shall maintain all plumbing, fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which he occupies or controls, in a clean and sanitary condition, and take reasonable care in the operation and use thereof.
6. Where any standards imposed by this By-law are thereby made applicable to a dwelling unit, such standards shall apply, to the extent applicable by the context, both to a dwelling and a dwelling unit.
7. This By-law shall be administered and enforced by a Property Standards Officer or Officers appointed by By-law of the Township of East Ferris. Such Property Standards Officer or Officers shall administer and enforce this By-law in accordance with the provision of the Planning Act, S.O. 1983, Chapter 1.
8. The fee for a Certificate of Compliance with the standards prescribed in this By-law issued at the request of an owner and in accordance with Section 31, subsection 21 of the Planning Act, S.O. 1983, Chapter 1, shall be Ten (\$10.00) dollars, which fee must be paid to the municipality before the Certificate is issued.
9. The Council of the Township of East Ferris shall appoint a Property Standards Committee as prescribed in the Planning Act, S.O. 1983, Chapter 1, which Committee shall carry out the functions prescribed for it by the said Planning Act.
10. The Property Standards Committee shall be composed of three residents of the municipality.
11. Subject to earlier termination by voluntary resignation or by dismissal by a $\frac{2}{3}$ vote of Council for the Township of East Ferris for failure to perform their duties in a manner satisfactory to the said Council, the members of the Property Standards Committee shall be appointed by Council for the Township of East Ferris for terms of three (3) years concurrent with the term of Council and until their successors are appointed. A member may be reappointed for successive three year terms.
12. Where the term of a member of the Property Standards Committee terminates prior to the established expiry date under Section 11 the Council for the Township of East Ferris shall appoint forthwith a resident of the municipality to take the said member's place on the said Committee for the remainder of the said member's term.

13. Where a provision of this By-law conflicts with the provisions of another By-law in force in the municipality, the provision that establishes the higher standard to protect the health safety and welfare of the general public shall prevail.
- 13.1 If any provision of this By-law is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the By-law shall continue in force.
14. Every owner who is in contravention of an Order issued by a Property Standards Officer pursuant to Section 31, subsection 7 of The Planning Act, S.O. 1983, Chapter 1, that is final and binding, shall, upon conviction therefor, be liable for a fine of not more than Five Hundred (\$500.00) Dollars for each day that he is in contravention of the said Order. Every such penalty shall be recoverable under The Provincial Offences Act, R.S.O. 1980, Chapter 400.

PART 111
PROPERTY STANDARDS

15. Yards and Fences.
- 15.1 Yards shall be kept clean from rubbish or other debris and free from holes and excavations and from objects or conditions that might create a health, fire or accident hazard, or that might attract or harbour rodents.
- 15.2 Lawns, hedges and bushes shall be kept trimmed. Hedges and bushes shall not be higher than .9m (3 feet) on any corner lot where traffic sight lines might be blocked.
- 15.3 No vehicle which is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left in a residential yard. No vehicle which is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left in the yard of a non-residential property unless such vehicle is required for business purposes. Where a business requires outdoor storage for any purpose, the area shall be defined and enclosed with a fence or other suitable buffer.
- 15.4 Fences and retaining walls shall be kept in good repair, free from health, fire and accident hazards, and protected by paint, preservative or other weather-resistant material.
- 15.5 Containers shall be made available for the disposal of refuse which may be discarded by customers of commercial establishments and the lands shall be kept free of such refuse.
- 15.6 Vacant land shall be kept clean and free from rubbish or other debris, and from objects or conditions that may create a health, fire or accident hazard.
16. Safe Passage.
- 16.1 Steps, walks, driveways, parking spaces and similar areas of the lands shall be maintained so as to afford safe passage under normal use and weather conditions.
17. Sewage and Drainage.
- 17.1 All sanitary sewage shall be discharged into an approved sanitary sewage system.
- 17.2 Rain water may be conveyed to a storm sewer, but in any event rain water shall be disposed of in such a manner as not to create a nuisance.
- 17.3 Storm water shall be drained from lands so as to prevent recurrent ponding or the entrance of water into a basement or cellar.
- 17.4 Wherever possible, no roof or surface drainage shall be discharged onto sidewalks, stairs or neighbouring property.
18. Garbage Disposal.
- 18.1 Every building shall be provided with sufficient receptacles to contain all garbage, rubbish, ashes and trade waste.
- 18.2 Receptacles shall be acceptable plastic bags or other containers and shall be made of water-tight construction, provided with a tight-fitting cover, and maintained in a clean state.
- 18.3 Plastic bags shall not be stored outdoors unless protected from damage.
- 18.4 Every building shall be provided with rodent-proof storage space or rodent-proof receptacles for garbage.

- 18.5 Garbage, rubbish and ashes shall be stored in receptacles, which receptacles shall be promptly emptied, or shall be stored in such a way as to prevent health, fire or accident hazards.
19. Pest Prevention.
- 19.1 A building shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of The Pesticides Act, R.S.O. 1980, Chapter 376.
- 19.2 A basement or cellar window used or intended to be used for ventilation, and any other opening in a basement or cellar that might let in rodents, including a floor drain, shall be screened with wire mesh or such other material that will effectively exclude rodents.
20. Foundation.
- 20.1 The foundation walls and the basement, cellar or crawl space floor shall be maintained in good repair and shall be structurally sound, and where necessary, shall be so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and water proofing of the walls or floor.
21. Structural Soundness.
- 21.1 Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional loads that may reasonably be expected.
- 21.2 Exterior walls, roofs, and other parts of the building shall be free from loose and unsecured objects and materials. Such objects or materials shall be removed, repaired or replaced.
22. Exterior Walls and Surfaces.
- 22.1 The exterior walls and surfaces of a dwelling and their components shall be maintained so as to prevent deterioration due to weather, dryrot, and insects. Where necessary, they shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints, waterproofing or caulking of the wall itself, by installing or repairing of termite shield, and by treating the soil with poison in accordance with The Pesticides Act, R.S.O. 1980, Chapter 376.
23. Roofs.
- 23.1 Roofs, including fascia boards, cornices, eaves and soffits of buildings shall be maintained in a water-tight condition so as to prevent leakage into the building. The maintenance required thereby includes repairing of the roof and flashing, applying waterproof coatings and installing or repairing eavestroughing and rain water piping. Dangerous accumulations of snow or ice or both shall be removed from the roof of buildings.
24. Doors and Windows.
- 24.1 All exterior openings shall be fitted with doors and windows.

25. Protective Barriers, Balustrades and Handrails.
- 25.1 A protective barrier of at least 105 cm, (42 inches) in height shall be provided around each roof to which access is provided for purposes other than maintenance, and at each raised floor, mezzanine, balcony, gallery, window well, exterior passageway and other locations where the difference in elevation is greater than 61 cm, (24 inches).
- 25.2 Every window or balcony door located above the first floor in a dwelling unit shall be secured by a safety device or latch to prevent the opening, by small children, of the window or door beyond a width of 10 cm, (4 inches). The requirements of this section are not applicable to apartment buildings occupied by only adults.
- 25.3 A balustrade shall be installed and maintained in good repair on the open side of any balcony, porch, landing, stairwell and stairway with a height or rise of 1.5 metres (5 feet) or more.
- 25.4 Section 25.3 does not apply to basement stairways.
26. Stairs and Porches.
- 26.1 All stairs and porches and all supporting structural members shall be maintained so as to be free from defects which might constitute possible accident hazards. The maintenance required thereby includes repairing or replacing of:
- 26.1.1 treads or risers that show excessive wear or are broken, warped, loose, or otherwise defective; and
- 26.1.2 supporting structural members that are rotted or deteriorated.
27. Egress.
- 27.1 There shall be provided means of egress as required by The Ontario Fire Code.
28. Cleanliness.
- 28.1 The building shall not contain rubbish or debris which constitutes a fire, health or accident hazard.
29. Heating Systems.
- 29.1 The heating systems in buildings shall be maintained in good working order so as to be capable of heating the building safely to the required standard, and, where applicable, shall be vented into a chimney or flue providing sufficient and adequate outlet for escape of all noxious gases, so as to prevent any health, fire, or accident hazard.
- 29.2 Every chimney, smoke pipe and flue on a building shall be maintained so as to prevent gases from leaking into the building, and the maintenance includes cleaning the flue of obstructions, filling open joints and repairing masonry.
- 29.3 Every fireplace used or intended to be used in a dwelling for burning fuel in open fires, shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures. The maintenance includes

securing a connection to a chimney that complies with the standards of this by-law, the lining and repairing and re-lining with fire-resistant material, and the installation and replacement of the hearths.

29.4 All flues shall be kept clean of obstruction, all open joints shall be sealed and all broken loose masonry shall be repaired and the vents shall be maintained to prevent gases from leaking into the building.

30. Standards for Occupancy.

30.1 For the purpose of this By-law the minimum height of a habitable room shall be 2.1 metres, (7 feet), over at least one-half of the floor area.

30.2 No basement shall be used as a dwelling unit or as a habitable room unless:

30.2.1 The dwelling unit or habitable room meets all of the egress, light ventilations, and ceiling heights set in this by-law;

30.2.2 The floor and walls are constructed so as to be impervious to leakage of underground and surface run-off water;

30.2.3 The habitable room is separated from the heating equipment, or other similarly hazardous equipment, by a partition having a fire resistance rating of at least one hour;

30.2.4 The access to the habitable room is gained without passage through a furnace room or boiler room.

31. Smoke Detectors.

31.1 In residential properties three stories or less in building height, which have a building area not exceeding 558 metres², (6,000 square feet), every dwelling unit shall be provided with a listed products of combustion detector, or detectors of the single station alarm type, audible within bedrooms, when intervening doors are closed. Such detector shall be installed on the ceiling between the bedrooms or sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detectors and alarms shall be:

31.1.1 Equipped with audible or visual indication that they are in operating condition, and

31.1.2 If connected to the building's electrical supply, be permanently mounted on a standard outlet box on the ceilings or on the walls between 15 and 30 cm (6 and 12 inches), below the ceiling and shall not have a switch between the products of combustion detector and the distribution panel.

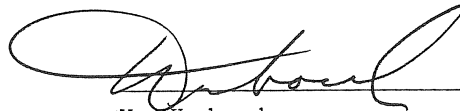
32. Signs.

32.1 All signs located on Township sign posts along any Township Hwy. shall be erected by the Township of East Ferris, or its agent, and shall comply with the following description:

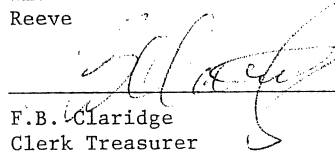
Signs shall be 13 cm. (5 1/8 in.) high x 122 cm. (48 in.) in length. They shall be constructed of 1.9 cm. (3/4 in.) plywood, good 2 sides, and shall have a white background with black, Gothic Style Block Letter. Letters shall be 10 cm. (4 in.) high and shall be 1.6 cm. (5/8 in.) wide.

- 32.2 Non residential properties, with the approval of the Township of East Ferris shall be permitted to have their signs attached to the Township sign posts located at various intersections of Township highways, provided such signs comply with Section 32.1 above, and provided the owner pays the reasonable costs of erecting their signs.
- 32.3 Any sign erected, other than a sign approved for display on a Township sign post at the intersections of Township highways, shall be located on private property, and shall be erected in such a manner so as not to interfere with any traffic sight-lines, as determined by the Township Road Superintendent.
- 32.4 Any sign or advertising device that does not comply with this by-law may be removed by the Township Road Superintendent, at the expense of the owner thereof.
- 32.5 The owners of any signs that have been approved and installed under this by-law shall keep them in good repair, otherwise the signs may be removed at the owners' expense.
- 32.6 All signs and billboards shall be maintained in good repair and any signs which are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state of repair.

This By-law shall come into force and take effect immediately upon third reading. Read three times and finally passed in Open Council this 27th day of January, 1987.



Wm. Vrebosch
Reeve



F.B. Claridge
Clerk Treasurer