

The Corporation of the Village of Burk's Falls

By-law No. 6 - 2001

PROPERTY STANDARDS BY-LAW

Being a By-law to prescribe standards for the maintenance of the physical condition and occupancy of buildings and property in the Village of Burk's Falls.

WHEREAS the Council of the Corporation of the Village of Burk's Falls is empowered to pass a By-law pursuant to Section 15 of the Ontario Building Code Act, as amended;

AND WHEREAS the Official Plan for the Village of Burk's Falls includes provisions relating to property conditions;

AND WHEREAS the Council of the Village of Burk's Falls deems it necessary and expedient to pass a By-law to prescribe standards for the maintenance of the physical condition and for the occupancy of property within the Village of Burk's Falls;

NOW THEREFORE the Council of the Corporation of the Village of Burk's Falls enacts as follows:

SECTION 1: GENERAL

1.1 Short Title

This By-law may be cited as "The Property Standards By-law".

1.2 Defined Area

This By-law applies to all property within the boundaries of the Village of Burk's Falls.

1.3 Scope

No property shall be used and no building or structure or part thereof, shall be erected, altered, enlarged, maintained, used, or occupied for any purpose within the Village of Burk's Falls, except in conformity with the provisions of this Bylaw.

1.4 Validity

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.5 Effective Date

This By-law shall come into full force and effect as of the date of passing.

SECTION 2: DEFINITIONS

2.1 Accessory Building

A detached building or structure not used for human habitation, that is subordinate to the primary use of the same property.

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2.2 Basement

The space in a building partly below grade, with more than one half of its height, measured from floor to ceiling, above the average exterior finished grade.

2.3 Building

Any structure used or intended to be used to support or shelter any use or occupancy.

2.4 Cellar

The space in a building partly below grade, with more than one half of its height, measured from floor to ceiling, below the average exterior finished grade.

2.5 Committee

The Property Standards Committee, as established in accordance with Section 15 of the Ontario Building Code Act and its amendments.

2.6 Corporation

The Corporation of the Village of Burk's Falls.

2.7 Dwelling

A building, structure, or part thereof, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation continuously, permanently, temporarily or transiently, and having a gross floor area of 75 square meters (800 sq. ft.)

2.8 Dwelling Unit

A room or 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.

2.8.1 Exterior Property Area

All land on a property that is not covered by a building.

2.9 Garbage

The animal or vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food and drink, as well as other solid waste materials and goods resulting from residential, commercial, institutional and industrial operations.

2.10 Habitable Room

Any room in a dwelling unit used for or capable of being used for living, cooking, sleeping, or eating purposes.

2.12 Maintenance

The preservation of and care for a property or building.

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2.13 Non-residential Property

A building or structure or part thereof, not occupied nor capable of being occupied in whole or in part, for the purpose of human habitation and without

limiting the generality of the foregoing, includes the land and premises appurtenant thereto and all accessory buildings, out-buildings, fences, structures or erections on or in such land and premises.

2.14 Noxious Weeds

Any weeds classed as noxious by the Weed Control Act, R.S.O. 1990, Chapter W.5.

2.15 Occupant

Any person or persons over the age of eighteen years in ownership or possession of the property.

2.16 Officer

The Property Standards Officer who has been assigned the responsibility of administering and enforcing the Property Standards By-law.

2.17 Owner

Includes the person, for the time being, managing or receiving the rent of or paying the municipal taxes on the land or premises, whether on his own account or as an agent or trustee of any person or who would so receive the rent if such land and premises were let. The term shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair or maintain the property in accordance with the standards for the maintenance and occupancy of the property.

2.18 Person

An individual, firm, corporation, association or partnership.

2.19 Property

A building or structure or part thereof, including the lands and premises appurtenant thereto and all accessory buildings, mobile homes, mobile buildings, mobile structures, trailers, out-buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant land.

2.20 Repair

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.

2.21 Residential Property

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 lands or buildings that are appurtenant to such establishment and all stair-ways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

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2.22 Sewage

Any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include sump drainage, roof water or runoff.

2.23 Sewage System

A municipal sanitary sewage system, or a properly maintained and functioning private sewage system.

2.24 Standards

The standards of physical condition and of occupancy prescribed for the property in this By-law.

2.25 Structurally Sound

Construction capable of withstanding the forces placed upon the building under normal use.

2.26 Structure

A constructed form that is built of elements joined together and located under, on or above grade.

2.27 Waste or Waste Material

Any article or thing that appears to have been cast aside, discarded, or abandoned, or appears to be worthless, useless, or of no practical value, or appears to be used tip in whole or in part or expended or worn out and shall include but is not limited to:

- i) accumulations or deposits of litter, rubbish, garbage, trash;
- ii) refrigerators, freezers or other appliances or parts thereof-;
- iii) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- iv) inoperative motor vehicles;
- v) paper, cartons, fabrics or carpets;
- vi) furniture;
- vii) piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- viii) containers or pallets of any size, type or composition;
- ix) material resulting from, or as part of, construction or demolition projects; and
- x) rubble, inert fill except loose soil, sand, or gravel.

2.28 Yard

Any land appurtenant to a building or structure and used or intended to be used of capable of being used in connection therewith.

SECTION 3: GENERAL STANDARDS FOR ALL PROPERTY

3.1 Yards

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

- i) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;

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- ii) excessive growth of grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act;
- iii) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- iv) injurious insects, termites, vermin or other pests; and

v) dead, decayed or damaged trees or other natural growth.

3.1.2 All vehicles or trailers parked on a lot must be in running order and carry a valid license sticker. This shall not prevent the occupant from storing operable unlicensed vehicles or trailers strictly for the use of off road operation on any lot nor shall it prevent an occupant of any premises from repairing a vehicle or trader for this or her own use and not for commercial purposes while such repair is carried on. Vehicles normally licensed for only part of the year may be stored on the same property for which the use is associated. No machinery, vehicle, boat, trailer or part of any machine, vehicle, boat or trailer in a wrecked, discarded, dismantled, partly dismantled, unusable or abandoned condition shall be stored or allowed to remain on any property, unless entirely enclosed within a permanent structure.

3.2 Surface Conditions

Surface conditions of yards shall be maintained so as to:

- i) prevent ponding of storm water;
- ii) prevent instability or erosion of soil;
- iii) prevent surface water run-off from entering basements-;
- iv) not exhibit an unsightly appearance;
- v) be kept free of garbage and refuse;
- vi) be kept free of deep ruts, holes, and excavations;

- vii) provide for safe passage under normal use and weather conditions, day or night; and
- viii) not to create a nuisance to other property.

3.3 Drainage and Sewage

3.3.1 Sewage or organic waste, excluding floor drains, shall be discharged into a sewage system. Where a sewage system does not exist, sewage or organic waste shall be disposed of in accordance with the Environmental Protection Act.

3.3.2 Storm water shall be drained from the property in a manner designed to prevent excessive ponding, prevent the entrance of water into a building, and in such a manner as to not affect adjacent properties.

3.3.3 Exterior property areas shall be graded and maintained to prevent ponding of water. Catch basins and swales shall be installed and maintained, where necessary, to facilitate drainage and so as not to impede the natural flow of water. Where exterior drainage is connected to a storm sewer, the Corporation

will not be liable for damages caused by impediments to drainage to the storm sewer.

3.4 Parking Areas, Walks and Driveways

3.4.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

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3.4.2 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,

3.5 Exterior Walls

3.5.1 Exterior walls of a building or structure and their components, including soffits and fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective 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.

3.5.2 Exterior walls of a building or structure and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements

3.6 Structural Soundness

3.6.1 Every building and every structural member 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 weight that may be put on it through normal use. Structural members or materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

3.6.2 Every exterior wall, roof, porch, chimney or exterior portion of a building shall be maintained in a manner so as to prevent the collapse of same or injury to the occupants of the dwelling or to the public.

3.6.3 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

3.7 Guardrails

A guard shall be installed and maintained in good repair on the open side orally stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24 inches) 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 and balconies. Guardrails, balustrades and handrails shall be constructed and maintained in a rigid nature, as defined in tile Ontario Building Code.

3.8 Accessory Buildings, Fences, and Other Structures

Accessory buildings, fences and other structures appurtenant to tile property shall be maintained in structurally sound condition, in good repair, and free from fire, health or safety hazards.

3.8.2 Accessory buildings, fences, and other structures shall be protected from deterioration by tile application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless tile aesthetic characteristics of said structure arc enhanced by the lack of such material

3.9 Garbage Disposal

3.9.1 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all recyclable materials, garbage, refuse and ashes in a sanitary manner.

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3.9.2 . Garbage storage areas shall be screened from public view.

SECTION 4: RESIDENTIAL STANDARDS

4.1 General Conditions

4.1.1 Every tenant, occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.

4.1.2 Every tenant, occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms and other common areas, in a clean, sanitary and safe condition.

4.1.3 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

4.2 Compost Heaps

The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square meter and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

4.3 Pest Prevention

4.3.1 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.

4.3.2 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

Foundations

4.4.1 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at tile footings, grouting masonry cracks, dampproofing and waterproofing walls, joints, and floors.

4.4.2 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

4.5 Windows and Doors

4.5.1 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free to prevent heat loss and infiltration by the elements. Maintenance includes painting,

replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

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4.5.2 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from within inside or outside the dwelling unit.

4.5.3 Solid core or metal clad doors shall be provided for all entrances to dwellings and dwelling units.

4.5.3 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

4.5.4 Every window in a leased dwelling unit that is located above the first storey 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 (luring an emergency situation by an adult without the use of tools).

4.6 Roofs

4.6.1 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

The roofs of dwellings and accessory buildings shall be kept clear of hazardous accumulations of ice or snow or both.

4.6.3 Where eavestroughing or roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

4.7 Walls, Ceilings and Floors

4.7.1 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects, Walls surrounding showers and bathtubs shall be impervious to water.

4.7.2 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards of other material that might cause an accident or allow the entrance of rodents and other vermin or insects.

4.7.3 Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

4.8 Stairs, Porches and Balconies

Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects that may constitute accident hazards Existing guardrails, decks, steps, or stair treads of risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rolled or deteriorated shall be repaired or replaced.

4.9 Kitchens

Every dwelling shall contain a kitchen area equipped with:

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i) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;

ii) a suitable storage area of not less than 0.23 cubic metres (8 Cubic feet);

iii) a counter or work area at least 600 mm (24 inches) in width by 1,220 mm (48 inches) in length, exclusive of the sink, and covered with a material [fiat is impervious to moisture and grease and is easily cleanable; and

iv) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

4.10 Toilet and Bathroom Facilities

4.10.1 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin, bathtub and shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.

4.10.2 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the person using said room.

4.10.3 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

Plumbing

4.11.1 Each washbasin, bathtub or shower and at least one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees celsius (110 degrees farhenheit)

4.11.2 Every dwelling unit shall be provided with an adequate supply of potable water from a source approved by the Ministry of Health.

4.11.3 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances (hereto shall be protected from freezing.

4.11.4 All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.11.5 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

Electrical Service

4.12.1 Every dwelling and dwelling unit shall be wired for electricity and shall 1 11

be
connected to all approved electrical supply system.

4.12.2 The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwellings, dwelling units and accessory buildings shall

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be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended

4.12.3 Every habitable room in a dwelling shall have electrical outlets as provided for in the Ontario Building Code. Extension cords shall not be used on a permanent basis.

4.12.4 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.

4.12.5 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages, and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

4.13 Heating, Heating Systems, Chimneys and Vents

4.13.1 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees Fahrenheit) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.

4.13.2 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to CSA standards.

4.13.3 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a condition that meets or exceeds CSA standards, and in a convenient location so

as to be free from fire or accident hazard.

4.13.4 Every dwelling shall be so constructed or otherwise separated to prevent tile passage of smoke, fumes and gases from that part of the dwelling that is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.

4.13.5 All fuel burning appliances, equipment, and accessories in dwelling shall be properly vented to tile outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.

4.13.6 Every chimney, smoke-pipc, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes tile removal of all obstructions, sealing joints, and the repair of loose or broken masonry units.

4.13.7 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

4.14 Fire Escapes, Alarms and Detectors

4.14.1 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations arc provided for more than ten (10) persons,

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except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units of individual leased sleeping rooms.

4.14.2 [it addition to the provisions of Section 4.16.1 hereof, in every dwelling unit in a building, a listed smoke alarm approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of tile single station alarm type, audible within bedrooms when intervening doors arc closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of tile dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. 'File products of combustion detector referred shall

be:

i) equipped with visual or audio indication that they are in operating condition;
and

ii) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches).

4.14.3 Buildings using a fire escape as a secondary means of egress shall have fire escape in good condition, free from obstructions and easily reach through an open able window or door.

4.15 Egress

4.15.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.

4.15.2 Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to fire stairs or fire escape shall be provided to Ontario Building Code standards. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

4.16 Natural Light

Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits natural light.

4.17 Ventilation

4.17.1 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing all unobstructed free flow of air at least 0.28 square metres (3 square feet), or an approved system of mechanical ventilation that provides hourly air exchanges.

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

4.17.3 All enclosed areas including basements, cellars, crawl spaces and attics

or roof spaces shall be adequately vented.

4.18 Disconnected Utilities

Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility Village of Bork's rails Property Standards By-law April 16. 2001

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supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

4.19 Occupancy Standards

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

4.19.2 Any basement or portion thereof, used as a dwelling unit shall conform to the following requirements:

- i) each habitable room shall comply with all the requirements set out in this By-law;
- ii) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- iii) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code;
- iv) access to each habitable room shall be gained without passage through a service room; and
- v) every basement and crawlspace shall be adequately drained and adequately ventilated to the outside air.

SECTION 5: NON-RESIDENTIAL STANDARDS

5.1 Yards

5.1.1 Tile yards of non-residential property shall be maintained to the standards as described in Section 3 of this By-law.

5.1.2 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 feet) in height and maintained in good repair.

5.2 Parking Areas and Driveways

5.2.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

5.2.2 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

5.3 Lighting

All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties. Lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

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SECTION 6: STANDARDS FOR VACANT LANDS AND BUILDINGS

6.1 Vacant Lands

6.1.1 Vacant land shall be maintained to the standards described in Section 3 of this By-law.

6.1.2 Vacant land shall be graded, filled or otherwise, drained so as to prevent recurrent ponding of water.

Vacant Buildings

6.2.1 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.

6.2.2 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

SECTION 7: ADMINISTRATION AND ENFORCEMENT

This section prescribes the procedure for the enforcement of the standards and shall be carried out according to the Ontario Building Code Act and the following regulations:

7.1 Property Standards Committee

A Property Standards Committee shall be established to review orders issued by the Property Standards Officer and shall be comprised of no fewer than three (3) members of Council.

7.2 Property Standards Officer

The Council shall, by resolution, appoint a Property Standards Officer who shall be responsible for the administration and enforcement of this By-law.

7.3 Duty to Comply

7.3.1 No person shall occupy, use or permit the use of property that does not conform to the property standards prescribed by this By-law.

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

7.3.3 Every owner of property which does not conform to the standards in this

Bylaw shall repair and maintain tile property so that it does conform with such standards or shall clear the site of all building, structures, debris and refuse and leave the said site in graded and levelled condition.

7.3.4 No person shall remove from any premises any sign, notice or placard placed thereon pursuant to Section 15 of the Ontario Building Code Act as amended.

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7.4 Notice of Violation

The notice shall be sent to the last known address of the owner and shall state:

7.4.1 That tile property does not comply with tile standards prescribed by this By-law and shall specify the standards with which the property does not comply.

That after a certain date to be specified in tile notice of non-compliance by the Officer, the property will be subject to a reinspection at which time tile Officer may issue an Order.

7.4.3 That the Officer maybe contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with tile Bylaw.

7.5 Appeal of Notice

'File following process shall be followed on all appeals:

7.5.1 When an owner or occupant upon whom an order has been served in accordance with this By-law is not satisfied with the terms or conditions of the order, he may appeal, by registered mail, to tile Secretary of the Property Standards Committee within fourteen (14) days after services of tile order and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

7.5.2 The Secretary of the Property Standards Committee, in receipt of tile notice of appeal shall:

i) determine the date, place and time of the hearing of appeal which shall take

place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and

ii) give notice in writing of the date, place and time of the hearing referred to in paragraph 5.5.3.1 to both the appellant and the Officer who issued the order.

7.5.3 The Property Standards Committee shall:

i) hold the hearing at the date, place and time set out in the notice; and

ii) have all the powers and functions of an Officer.

The Property Standards Committee shall:

i) confirm the order;

ii) modify or quash the order; or

iii) extend the time for complying with the order provided that the general intent and purpose of this By-law is maintained,

7.5.5 The Property Standards Committee shall give its decision in writing.

SECTION 8: ENFORCEMENT

This By-law shall be enforced pursuant to the provisions of Section 15 of the Ontario Building Code Act, as amended.

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SECTION 9: PENALTIES

Any person who contravenes any provision of this By-law or any part thereof shall be guilty of an offence and, upon conviction, be liable to a penalty recoverable under the Provincial Offences Act.

SECTION 10: RECOVERY OF EXPENSE

In addition to any other remedy and to any other penalty imposed under this By-law or under the Ontario Building Code Act, as amended, where any person is

in default in doing any matter or thing directed or ordered to be done pursuant to this By-law such matter or thing may be done by the Corporation at the expense of such person and the Corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes.

SECTION 11: CERTIFICATE OF COMPLIANCE

11.1 Issuance

Following the inspection of a property, the Officer may, or on the request of an owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-law.

11.2 Fees

Where a certificate of compliance referred to in Section 15 of the Ontario Building Code Act is issued at the request of the owner, the owner shall be required to pay a fee to the Corporation of the Village of Burk's Falls.

SECTION 12: OTHER REMEDIES PROTECTED

The imposition of a penalty under this By-law shall not be a bar to further prosecution under this By-law and shall not preclude any other proceeding or remedy against a person or a building which does not conform to the standards of this By-law.

SECTION 13: OTHER BY-LAWS

If a provision of this By-law conflicts with a provision of another By-law of the Corporation the provision which established the higher standard to protect the health, safety and welfare of the occupants and of the general public shall prevail.

SECTION 14: ENACTMENT

READ a FIRST, SECOND, and THIRD time and finally PASSED this, 24th day of April, 2001.

Reeve Barry Boyes

Clerk Jarvis W. Osborne