

THE CORPORATION OF NORFOLK COUNTY

By-Law No. XXX

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND
OCCUPANCY OF PROPERTY IN NORFOLK COUNTY

WHEREAS Council of The Corporation of Norfolk County deems it desirable to establish prescribing standards for the maintenance and occupancy of certain properties within the Municipality, so that owners and occupants provide a minimum standard for persons who may live at, attend, or otherwise be affected by the condition of the properties;

AND WHEREAS section 15.1(3) of the Building Code Act, 1992 authorizes The Corporation of Norfolk County to pass a by-law prescribing standards for the maintenance and occupancy of property;

AND WHEREAS section 15.6(1) of the Building Code Act, 1992 provides for the establishment of a Property Standards Committee;

AND WHEREAS Part XII of the Municipal Act, 2001 and section 15.5 of the Building Code Act, 1992 authorize The Corporation of Norfolk County to charge fees for services and activities carried out under this By-law;

NOW THEREFORE the Council of the Corporation of Norfolk County Hereby enacts as follows:

Section 1: SHORT TITLE

1.1 Citation This By-law may be referred to as the “Property Standards By-law”

Section 2: INTERPRETATIONS

2.1 Definitions in in this By-law

“**Act**” means an enactment or statute of the Province of Ontario.

“**apartment building**” means a building containing five or more dwelling units.

“**appropriate authority having jurisdiction**” means:

- (a) with regard to health matters, the Medical Officer of Health;
- (b) with regard to building matters, Chief Building Official;
- (c) with regard to fire safety matters, the Chief Fire Official.

“**authority having jurisdiction**” means the Council of The Corporation of Norfolk County.

“**basement**” means that portion of a building from a floor to the underside of a ceiling that is located partially or entirely below the adjacent finished ground level.

“**bathroom**” means a room containing a bathtub or shower, with or without a water closet and hand basin.

“**boarder**” means a person who is provided with meals, or room and meals, regularly in a boarding, lodging or rooming house in return for compensation.

“**building**” means any structure used or intended to be used for supporting or sheltering any use or occupancy.

“**Building Code**” means the Building Code Act, 1992, and any regulations made under that act, or successor legislation.

“**Building Code Act**” means the Ontario Building Code Act, 1992, S. O. 1992. c. 23, or successor legislation.

“**by-law**” means this property standards by-law:

- (a) prescribing standards for the maintenance and occupancy of all property within the Municipality and for prohibiting the occupancy or use of such property that does not conform with the standards; and
- (b) requiring property that does not conform with the standards to be repaired and maintained to conform to the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

“**Committee**” or “**Property Standards Committee**” means a property standards committee established under section 15.6 of the Building Code Act.

“**Building Inspector**” means an inspector, who is qualified by the Ministry of Municipal Affairs and Housing, and duly appointed under the Building Code Act by the Council.

“**Chief Fire Official**” means the person duly appointed as Chief Fire Official for The Corporation of Norfolk County, or his or her designate.

“**Chief Building Official**” means the Chief Building Official duly appointed by the Council of Norfolk County and having jurisdiction for the enforcement of the Building Code Act, 1992, or his or her designate.

“**Clerk**” means the person duly appointed as Clerk for The Corporation of Norfolk County.

“**Code**” means a regulation of the Province of Ontario known:

- (a) with respect to matters relating to building, as the Building Code;

- (b) with respect to matters relating to electricity, as the Electrical Safety Code;
- (c) with respect to matters relating to fire, as the Fire Code.

“**Corporation**” means The Corporation of Norfolk County.

“**Council**” means the elected Council of The Corporation of Norfolk County.

“**debris**” means the remains of anything broken or discarded.

“**domesticated mouse or rat**” means a mouse or rat:

- (a) kept as a pet by an occupant of a dwelling or dwelling unit, normally in an enclosed cage or container within the dwelling or dwelling unit;
- (b) cared for and fed by the occupant, which care includes clean up and removal of mouse or rat waste and soiled rodent bedding from the dwelling or dwelling unit and cage or container; and
- (c) kept in compliance with any applicable animal-control laws or bylaws.

“**dwelling**” means a building or part thereof, used or designed to be used as a residence and containing one or more dwelling units.

“**dwelling unit**” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually contains cooking, eating, living, sleeping and sanitation facilities.

“**farm**” means an agricultural operation as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1., or successor legislation, and includes such operation that is not carried on with the expectation of gain but otherwise meets the definition in that Act.

“**fence**” means any structure, retaining wall, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

“**furnace**” means a space heating appliance using warm air as the heating medium and usually having provision for the attachment of ducts.

“**ground cover**” means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other material or plants.

“**guard**” means a protective barrier, with or without openings (not greater than 3.5” in diameter), through it, that is 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. Guards shall comply with the Building Code as required and shall not be climbable.

“**habitable room**” means a bedroom, living room, dining room, kitchen, family room, recreation room, basement, bath or shower room, toilet room, laundry room and any other room or space in a dwelling or dwelling unit used for living, eating or sleeping.

“**herein**” means in this By-law and shall not be limited to any particular section of this By-law.

“**inoperative motor vehicle**” means a vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function.

“**inspector**” means an inspector duly appointed under the Building Code Act.

“**kitchen**” means a room or part of a property appropriated to cooking and preparing foods for human consumption.

“**means of egress**” means a continuous path of travel provided for the escape of persons from any point in a building or contained open space to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare. Means of egress includes exits and access to exits.

“**Medical Officer of Health**” means the person duly appointed as the Medical Officer of Health by the Haldimand-Norfolk Health Unit’s board of health or any successor health unit’s board of health, or his or her designate.

“**motor vehicle**” means a motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended or replaced from time to time thereafter.

“**Municipality**” means The Corporation of Norfolk County.

“**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, communicating corridor, stairway, closet, unfinished basement, boiler room, or other space for service and maintenance of the dwelling or for public use, or for access, or for vertical travel between stories.

“**occupant**” means any person or persons over the age of 18 years in possession of a property.

“**occupancy**” means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.

“**officer**” means a person appointed by The Corporation of Norfolk County in accordance with the Building Code Act to enforce this By-law and, for the purposes of sections 22 and 27, includes a Public Health Inspector or any other person assigned or appointed by the Medical Officer of Health to enforce sections of this By-Law.

“Ontario Heritage Act” shall mean the Ontario Heritage Act, R.S.O. 1990, c. O.18, or successor legislation.

“order” means a “property standards order” and “orders” shall have a corresponding meaning.

"owner" includes:

- (a) an owner in fee simple;
- (b) the person for the time being, managing or receiving the rent of the property in connection with which the word is used whether on the person's own account, or as agent or trustee of any other person, or who would receive the rent if the property were let;
- (c) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

“person” means and includes an individual, an association, a chartered organization, a firm, a partnership or a corporation.

"pest" means any mouse, rat, bed bug, flea, wasp, hornet, ant or cockroach, but does not include any domesticated mouse or rat.

“Property Standards Committee” or “Committee” means a property standards committee established under section 15.6 of the Building Code Act.

“Plumbing Inspector” means an inspector, who is qualified by the Ministry of Municipal Affairs and Housing, and duly appointed under the Building Code Act by the Council.

"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, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and also includes vacant property, a Part IV heritage property and a Part V heritage property under the Ontario Heritage Act.

“premises” means any land or land and building.

"property standards order" or “order” means an order made under section 31 of this By-law.

"protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner.

"repair" includes the provision of such facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law.

“**resident**” means a person, other than a keeper, or an employee of a keeper, who resides in a boarding, lodging or rooming house.

"**retaining wall**" means a wall that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where a change in ground elevation occurs.

“**roomer, lodger, boarder**” means a person who is provided with a room or lodging without meals in a lodging house in return for rent.

“**safe condition**” means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property and includes a structurally sound condition.

“**salvage yard**” shall mean a salvage yard as defined in the Norfolk County Business Licensing By-law.

"**sanitary sewage**" means liquid or water borne waste:

- (a) of industrial or commercial origin; or
- (b) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.

"**sewage system**" means:

- (a) the Counties' system of storm sewers, sanitary sewers and combined sewers; or
- (b) a private sewage disposal system approved by the County’s Chief Building Official or other responsible authority.

“**sign**” means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise or direct attention to any person, business, service commodity or use.

“**standards**” means the standards set out in section 3 through 30 inclusive.

"**storm water**" means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation.

“**Supervisor**” means The Corporation of Norfolk County - Supervisor of By-law and their designate or successor.

“**toilet room**” means a room containing a water closet and a hand basin.

“**trailer**” means a trailer as defined in the Highway Traffic Act.

“**unlicensed motor vehicle**” means the lack of a currently validated permit for the motor vehicle and number plates displayed on the vehicle within the meaning of the Highway Traffic Act.

“unsafe condition” means a condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property and includes a structurally unsound condition.

"visual barrier" means a barrier that acts as a screen consisting of:

- (a) a wall or fence;
- (b) a continuous planting of suitable and healthy trees or shrubs;
- (c) an earth berm; or
- (d) any combination of the above.

"waste" means a substance or material that is unusable or unwanted.

“water supply line” means the supply line or lines located on private lands which connect the plumbing system of a building to the municipal water system but does not include a water meter owned by the County.

“wiring” means the installation of any wiring in or upon any land, building, or premises from the point or points where electric power or energy is delivered therein or thereon by the supply authority or from any other source of supply, to the point or points where such power or energy can be used therein or thereon by any electrical equipment and shall include the connection of any such wiring with any of the said equipment and any part of the wiring aforesaid and shall also include the maintenance, alteration, extension and repair of such wiring.

"yard" means the land within the boundary lines of a property and not occupied by any principal building.

2.2 Technical Interpretations

- (a) For the purposes of this By-law, where any portion of a fence or retaining wall:
 - i. does not conform to the standards under this By-law; and
 - ii. is located touching or on the property line between adjoining properties at the adjacent finished ground level,

that portion of the fence or retaining wall is deemed to be owned in equal shares by the owners of the adjoining properties.

- (b) Where available, the most recent survey obtained under subsection 33.5, or successor legislation, showing a fence or retaining wall shall be deemed to be conclusive evidence of the location of the fence or retaining wall.
- (c) Despite paragraphs 2.2 (a) and (b), where provision is made for ownership of or responsibility for a fence or retaining wall that touches or is on the property line between adjoining properties under a Municipal by-law other than this By-law or

under any other Municipal Council approved document, then that provision applies for the purposes of this By-law.

- (d) In this subsection, "for the purposes of this By-law" includes but is not limited to for the purposes of a hearing before and decision of the Property Standards Committee under section 31 and for the purposes of a determination of the amount of a lien under subsection 32.6.

Section 3: SCOPE

- 3.1 No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
- 3.2 The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures or debris and shall leave the property in a graded and levelled condition, provided that no building or structure on a Part IV heritage property or a Part V heritage property shall be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the Ontario Heritage Act, and the Building Code Act, or this By-Law.
- 3.3 This By-law does not apply to prevent a farm from carrying out a normal farm practice as provided for and defined under the Farming and Food Production Protection Act, 1998.

Section 4: GENERAL STANDARDS FOR ALL PROPERTIES

- 4.1 Except as may otherwise be specified in the sections, the standards, obligations and requirements in sections 3 through 30 both inclusive apply to all property.
- 4.2 Every building shall be kept free of any condition which constitutes a health or safety hazard.
- 4.3 This By-law does not apply to matters which, in the opinion of the Supervisor of By-law, are minor in nature.
- 4.4 Where, in the opinion of an officer, there has been no substantial progress on the construction or demolition of a building, structure or portion thereof for a period of more than one year, such building, structure, or portion thereof shall be:
 - (a) demolished in accordance with all applicable statutes, regulations and by-laws; or
 - (b) completed within a reasonable time as specified by the officer, in accordance with all applicable statutes, regulations and by-laws, including this By-law.
- 4.5 A statement certified by the Chief Building Official that a permit issued under the Building Code Act was revoked under clause 8.1(9)(c) of the Building Code Act is

receivable in evidence as proof, in the absence of evidence to the contrary, that there has been no substantial progress on the construction or demolition of the building, structure, or portion thereof that was the subject of the permit for a period of more than one year.

Section 5: MAINTENANCE STANDARDS

5.1 Maintenance - occupancy

The standards for maintenance and occupancy of property set forth in section 5 through 30 inclusive are hereby prescribed and adopted as the minimum standards for all property in Norfolk County.

5.2 Repair - maintenance - exception - demolition permit

All owners of property shall repair and maintain such property to comply with the standards prescribed by this By-Law, except where a demolition permit has been issued by the Chief Building Official and remains in effect.

5.3 Permits - compliant with standards

All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship and in accordance with the Building Code, as amended from time to time, and applicable standards, codes or legislation. It will further be the responsibility of the owner to make application for and obtain any applicable required building permits, complete with all applicable law, as required.

5.4 Occupation of property - prohibition

No person shall occupy any property if there are conditions, which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person in or about the property.

Section 6: VACANT PROPERTIES AND/OR DAMAGED BUILDINGS

6.1 Entry prevented - owner - responsible - protection

In addition to complying with all other applicable provisions of this By-law, the owner of any vacant or unoccupied building shall protect such building against the risk of fire, accident, damage or other danger thereto or to adjoining premises by effectively preventing the entry thereto by all unauthorized persons.

6.2 Vacant – damaged – protection

Where any building is vacant or is damaged by accident, storm, fire, neglect or otherwise, the owner may be required to protect such building and adjoining properties against damage arising from the entry of unauthorized persons by closing and securing openings to the building.

6.3 Openings – boarded-up

For the purposes of subsection 6.2, doors, windows, hatches and other openings through which entry may be obtained are required to be maintained so as to properly perform their intended function and secured from unauthorized entry, or entry shall be prevented by closing and securing an opening with:

- (a) wood sheathing of at least 12.7 mm plywood which is weather resistant, completely covers the opening, is securely fastened to the building, and is painted in a manner conforming with paragraphs 28.3.3 (b), (c), or (d);
- (b) metal sheathing, which is weather resistant, completely covers the opening, is, where possible, installed within the reveal of the exterior cladding, is securely fastened to the building and, is painted in a manner conforming with paragraphs 28.3.3 (b), (c), or (d); or,
- (c) brick or concrete block and mortar which completely covers the opening, is securely fastened to the building, and is painted in a manner conforming with paragraphs 28.3.3 (b), (c), or (d).

6.4 Materials

The options available in 6.3 shall be considered progressively more secure with (c) being the most secure, and the minimum standard imposed by subsection 6.3 shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry.

At any time where there are circumstances to support a more secure option, including an option that is more secure than those listed in subsection 6.3, the owner shall supply such more secure option as may be required by a property standards order.

The exterior walls and other surfaces of a building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall be maintained to properly perform their intended function.

All materials used for boarding up vacant or unoccupied buildings shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the building and reasonably compatible in design with adjoining decorative finishing material. All such boarding shall be installed within the reveal of the exterior cladding

and securely fastened to every doorway, window or wall opening that constitutes a means of access or hazard.

6.5 Disconnection - unnecessary utilities - 90 days

Where a building remains vacant or unoccupied for a period of more than ninety days, the owner shall ensure that all utilities serving the building, that are not required for the safety or security thereof, are properly disconnected or otherwise secured to prevent risk of fire, accident, damage or other danger to the property or adjoining premises.

6.6 Boarding – removed – doors and windows – restored

Where a building remains vacant or unoccupied for a period of more than six calendar months, the owner shall ensure that all previously installed boarding is removed from all windows and doors and that all the property is repaired or when deemed necessary by the officer and or inspector will be demolished in accordance with this by-law and the Building Code, as amended.

Section 7: EXTERIOR PROPERTY AREAS

7.1 Maintained - neat - tidy

Exterior property areas and yards in a residential, resort residential, residential hamlets, commercial or industrial zone including vacant lots shall be maintained:

- (a) clean and free from dilapidated or collapsed structures or erections and includes the filling or protecting of any unprotected well or excavation;
- (b) clean and free from ground cover, hedges and brushes which are unreasonably overgrown in relation to the neighbouring environment;
- (c) clean and free from injurious insects, termites, rodents, vermin and other pests;
- (d) in a neat and tidy condition as prescribed within Norfolk County's Clean Yard By-law.
- (e) all exterior surfaces of a building, structure, fence or retaining wall, including a mobile structure or building, shall be of materials which resist deterioration by the weather or have resistant coatings applied to them, except that a farm building may have unprotected wood surfaces.
- (f) the exterior of a building shall be:
 - i. maintained to prevent the entry of vermin and birds; and
 - ii. when opened or replaced during the course of alterations or renovations, shall be insulated in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the Building Code.

- (g) an exterior wall, chimney, roof or other parts of a building, structure, fence or retaining wall, including a mobile structure or building, shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects and such material and objects shall be removed, repaired or replaced.
- (h) an exterior wall and its components and attachments shall be:
 - i. maintained to prevent their deterioration by painting, restoring or repairing the walls, coping or flashing or by waterproofing the wall itself;
 - ii. repaired of vandalism or other damage including but not limited to broken windows.
- (i) a roof and its components and attachments including the fascia board, soffit, cornice and flashing shall be maintained to properly perform their intended functions including but not limited to being in a weather-tight condition able to prevent the leakage of water into the building;
- (j) clean and free from injurious insects, termites, rodents, vermin and other pests;
- (k) in a neat and tidy condition as prescribed within Norfolk County's Clean Yard Bylaw.

7.2 Property - storage - materials - no immediate use

No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area, excluding active construction site under the purview of an issued building permit.

7.3 Landscaping, etc.

Where features, including but not limited to building design and placement, site access and servicing, waste storage, parking, loading, landscaping, grading, drainage and storm water management, have been required by the County as a condition of development or redevelopment approval or, in the case of grading or drainage, by an approved grading plan, such features shall be repaired or maintained so as to ensure continuous compliance with the County development or redevelopment approval requirements or the approved grading plan.

7.4 Trees

A tree that is dead, or part of a tree that is dead, or in a decayed or damaged or any other condition and that may be hazardous to persons or property, shall be removed.

7.5 Driveways - parking - walkways - maintained - safe

- 7.5.1 All areas used for vehicular traffic and parking shall have a stable surface covering of asphalt, concrete, or compacted stone or gravel or other approved hard surfaced material, or a combination thereof and shall be kept in good repair free of dirt and litter and shall be treated to prevent the raising of dust or loose particles.
- 7.5.2 Steps, walks, driveways, parking spaces and other similar areas shall be maintained in a safe condition, to afford safe passage under normal use and weather conditions day or night.
- 7.5.3 The principal entrance of a building shall be accessed by a walkway leading to a road allowance or another hard-surfaced area, such as a driveway, leading to a road allowance.
- 7.5.4 Concrete wheel stops shall be installed where parking spaces are adjacent to a property line, and/or sidewalks to protect fences and adjoining properties from damage.
- 7.5.5 An area used for vehicle traffic or parking shall be paved with bituminous, concrete or equivalent surfacing or surfaced with crushed stone or other approved and reasonably dust-free substance and shall be maintained so as to properly perform its intended function.
- 7.5.6. The surfaces of walkways, driveways, parking lots and similar areas of a yard shall be maintained to afford safe passage under their normal use.
- 7.5.7 Crushed stone surfaces shall be maintained free of dust and spillover onto sidewalks or grass surfaces.
- 7.6 Lighting fixtures - maintained - good repair
- 7.6.1 Lighting fixtures and their supports shall be installed and maintained in a safe and structurally sound condition and in good repair, and further, lighting fixtures shall be maintained in good working order to provide light in accordance with the Building Code to ensure safe pedestrian and vehicle passage.
- (a) Any exterior stairways, exterior exits and entrance doorway, shall have permanently installed working lighting that shall be maintained to properly perform its intended function.
 - (b) A common area and underground parking area shall be illuminated to provide safe passage.
 - (c) Lighting, including flood lighting, required as a condition of site development or redevelopment, shall be maintained to properly perform its intended function and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (2000) as amended or replaced from time to time.
 - (d) Subject to subsection 7.6.2., outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have a barrier placed and maintained,

to prevent or block direct illumination of the interior of a dwelling or dwelling unit on adjoining property regardless of whether such dwelling or dwelling unit has or may have shades, drapes or other interior window coverings.

7.6.2 Subsection 7.6.1 does not:

- (a) apply to lighting located by a road authority;
- (b) apply to property owned or occupied by a municipal, provincial or federal government or authority;
- (c) require lighting used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time when the use is actually occurring, but may require the re-direction re-location or the placing of a barrier to comply with subsection 7.6.1;
- (d) require lighting used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for those purposes, but may require the re-direction, re-location or the placing of a barrier to comply with subsection 7.6.1.

7.6.3 Lighting fixtures – additional requirements

- (a) 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, R.S.O. 1990, c.O.1, or successor legislation, for industrial and commercial properties.
- (b) Lighting shall not be positioned to cause any impairment of use or enjoyment of neighbouring properties.

7.7 All Doors and Windows, etc.

- 7.7.1
- (a) A door, window, hatch or other opening and its frame shall be maintained to properly perform its intended functions and repaired or replaced if damaged including but not limited to an exterior door, window, hatch or other opening and its frame being constructed to minimize drafts and heat loss through the infiltration of outside cold air.
 - (b) For the purposes of paragraph 7.7.1(a) "damaged" includes but is not limited to:
 - i. rotted or missing weather-stripping, caulking or hardware; or
 - ii. broken or missing glass.

7.7.2 A lock on a door, window, hatch or other opening that is designed to be unlocked with a key or combination shall be maintained to properly perform its intended function and repaired or replaced if damaged.

- (a) Repairing, refitting or replacing decayed, damaged, defective or missing doors, windows, frames, sashes, casing, shutters, hatchways or screens;

- (b) Repair of broken windows through:
 - i. reglazing, or refitting with panes of transparent glass; or
 - ii. the use of other materials which are compatible in finish and colour with the remainder of the facade of the building on which the broken window is located, provided such other materials are of an appropriate thickness, have sufficient structural support, and are installed so that no broken glass is visible from the exterior of the building.
- (c) Replacing defective, damaged, or missing hardware and locking devices; and
- (d) Weatherstripping and caulking of doors and windows.

7.8 Doors

An exterior door or an entrance door to a dwelling unit shall be equipped with a deadbolt, door viewer, and unit number, if unit number is applicable.

7.9 Windows

- 7.9.1 An opening window shall have hardware to be capable of being locked or otherwise secured from the inside.
- 7.9.2 A window in a dwelling or a dwelling unit designed to be open shall be fitted with screens to prevent the entrance of insects and rodents and such screens shall be maintained to properly perform their intended function.
- 7.9.3
 - (a) Upon the written request of an occupant of a dwelling unit in which children under the age of 10 years are occupants, the owner of the dwelling unit shall subject to paragraph 7.9.3(b), provide and install a protective device on any window that
 - i. has a moveable sash; and
 - ii. is more than 1.8 m above the adjacent finished ground level.
 - (b) The protective device under paragraph 7.9.3(a) shall be installed within 7 days of the delivery of the written request to the owner, the owner's agent or the building's manager or superintendent, provided that such person and the occupant giving notice may agree that the protective device is not required on every such window that meets the requirements of paragraph 7.9.3(a).
 - (c) The protective device under paragraph 7.9.3(a) shall be installed and secured in such a manner as to prevent opening of a window to any amount greater than 100 mm.
 - (d) Where protective devices have not been installed on all the windows of a dwelling unit that
 - i. have a moveable sash; and
 - ii. are more than 1.8 m above the adjacent finished ground level,

the owner of the dwelling unit, if the owner is not an occupant of the dwelling unit, shall post or display a legible and clearly printed copy of subsection 7.9.3, dwelling unit to be clearly visible to the occupants of the dwelling unit.

7.10 Ventilation

7.10.1 Natural or mechanical ventilation of a room or space in a building shall be Building Code compliant and maintained to properly perform its intended function.

7.10.2 A vent shall be designed and maintained to prevent the entry of rain, snow, and vermin.

7.11 Ventilation - exterior opening - standards

7.11.2 When an exterior opening is used or required for ventilation and is not required to be protected by a door, window, or similar closure, it shall be protected with:

- (a) Wire mesh screening, metal grills, or other equivalent durable material; or
- (b) Other protection to effectively prevent the entry of rodents, vermin, insects, or weather.

7.12 Swimming pools

All swimming pools, hot tubs, wading pools and artificial ponds, including all accessories thereto shall be:

- (a) maintained in good repair, free from leaks, free from obnoxious odours, and safe from health and safety hazards; and
- (b) rained and removed or filled in and the property left in a graded and levelled condition if they are abandoned, derelict or otherwise unused for the purpose for which it was originally designed.

Section 8: REFUSE - DISPOSAL

8.1 Installed - maintained

All refuse disposal facilities shall be designed, installed, maintained, and shall be kept clean and in a sanitary condition free from obnoxious odours, as required by the Building Code, and any applicable municipal by-law.

8.2 Receptacles - refuse disposal

Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight-fitting cover and shall be maintained in a clean and odour free condition at all times. All garbage, refuse and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable. Garbage storage areas shall be screened from public view.

8.3 Containers - screened - from view - rodents

Where commercial, industrial or multi-residential on-site garbage containers are visible from a residential property or from a public street, the area where the receptacles are being stored shall be satisfactorily screened from view and shall be covered at all times so that any material contained therein shall not be exposed to view or to rodents, vermin, insects and other pests.

8.4 Garbage chutes

Garbage chutes, disposal rooms, containers and receptacles shall be washed down, disinfected, and maintained as is necessary to be clean, odour free and in good working order and repair.

8.5 A waste storage area, including a waste chute, shall be kept clean and in a sanitary condition free from obnoxious odours.

8.6 Subject to subsection 8.7, a waste chute in a building containing three or more dwelling units shall be maintained in operation at all times.

8.7 A waste chute in a building containing three or more dwelling units shall not be closed to use except when:

- (a) such action is necessary to safely make repairs, replacements, or alterations, and then only during the reasonable minimum time that such action is necessary; or if
- (b)
 - i. the owner provides a waste storage area on each floor of the building and daily collection of waste from such waste storage areas; and
 - ii. the occupants are not required to deliver waste to the ground floor, basement, or parking lot of the building.

Section 9: FENCES, RETAINING WALLS, AND VISUAL BARRIERS

9.1 Fences - maintained - good repair - safe - plumb

A fence, including visual barriers, and retaining walls erected on a property or separating adjoining properties shall be maintained:

- (a) in compliance with Norfolk County Fence By-law;
- (b) in good repair;
- (c) in a safe and structurally sound condition;
- (d) reasonably plumb, unless specifically designed to be other than vertical;
- (e) without visible deterioration;
- (f) shall be maintained free from unlawful, harmful, threatening, abusive, harassing, defamatory, vulgar, obscene, hateful, racially, ethnically, or similarly objectionable language.

9.2 Visual barriers

- (a) The owner of a property with a building containing three or more dwelling units, used as a dwelling, or used for commercial, institutional, or industrial purposes shall install and maintain a visual barrier between their property and an adjoining property where their property is used for:
 - i. the parking, access or egress of vehicles by tenants, employees, or customers;
 - ii. the operation of equipment;
 - iii. the storage of goods; or
 - iv. an exterior bulk or roll-off container disposal system.
- (b) A visual barrier under paragraph 9.2(a) shall be:
 - i. required for the uses listed in subparagraphs 9.2(a)(i), (ii), (iii) and (iv) to the extent that the uses can be seen from the finished ground level of the adjoining property;
 - ii. not less than 1.2 m in height for the uses listed in subparagraphs 9.2(a)(i), (ii), and (iii);
 - iii. not less than 2 m in height for the use listed in subparagraph 9.2(a)(iv).
- (c) For the purposes of this subsection "adjoining property" means a property that:
 - i. contains at least one dwelling unit; and
 - ii. is not used for a commercial, institutional, or industrial purpose, except if such purpose is a home occupation, or home industry as defined in the County's zoning by-laws.
- (d) No visual barrier under paragraph 9.2(a) shall be required within three metres of a front property line or in contravention of any other applicable by-law.

9.3 Visual barriers - Agreements

Where a zoning by-law, site plan or subdivision agreement entered into under the Planning Act, R.S.O. 1990, c.P.13, or successor legislation, requires a visual barrier, the requirement in such zoning by-law, site plan or subdivision agreement prevails in the event of a conflict with subsection 9.2.

9.4 Retaining walls

- (a) A retaining wall shall be maintained in good repair and in a safe and structurally sound condition.
- (b) Retaining walls when deemed as a designated structure, as per Building Code Division A Part 1.1.2.2.(2)(c), require a permit for construction, repairs, and/or alterations.

Section 10: SIGNS

10.1 Maintained - conforming - good repair - safe

A sign and any structure connected therewith shall be installed and maintained:

- (a) In conformance with the requirements of any Act or by-law;
- (b) In good repair; and
- (c) In a safe and structurally sound condition.

10.2 Removal - storage - unused

An unused or discarded sign shall be removed from the property or shall be stored within a building.

Section 11: GANTRIES - TOWERS - MASTS - ANTENNAE

11.1 Maintained - good repair - safe - plumb

Gantries, towers, masts, antennae and structures of similar character shall be maintained:

- (a) Reasonably plumb, unless specifically designed to be other than vertical;
- (b) In good repair; and
- (c) In a safe and structurally sound condition.

Section 12: STRUCTURAL CAPACITY

12.1 Building - structurally sound

Every part of a property 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 or permitted use, and having a factor of safety as required by the Building Code.

12.2 Standards - safety - soil capacity - maximum

The factor of safety specified in the Building Code is the minimum standard which is to be met without exceeding soil capacity and the maximum differential or other settlement specified in the Building Code.

12.3 Structural integrity

Where, in the opinion of an officer there is doubt as to the structural integrity or condition of a building or structure or part thereof, the officer may order that a building or structure or part thereof be examined by a professional engineer who is qualified to perform such inspections and licensed to practice as an engineer in Ontario, at the owner's sole expense, and that a written report, which may include drawings detailing recommended

remedial work, be provided to the officer, and the Chief Building Official or his/her designate.

12.4 Remedial work - professional engineer - requirement

Where remedial work is recommended by the professional engineer, all such remedial work will be undertaken by the owner, at the owner's sole expense, in consultation with the professional engineer, complete with the benefit of a building permit.

12.5 Report - professional engineer – requirement

Upon completion of the required work outlined in the report of the professional engineer, a further report be prepared certifying that all required work has been completed and is in accordance with all applicable legislation.

12.6 Foundations and Basements

A foundation wall or a basement or crawl space floor shall be maintained to properly perform its intended function.

12.7 Foundations

Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable for construction under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.

12.8 Basements

A basement or crawl space shall be maintained in a watertight condition to prevent the leakage of water into the building.

Section 13: STAIRS - FLOORS - LANDINGS - VERANDAHS – PORCHES - DECKS - LOADING DOCKS - BALCONIES

13.1 Means of Access to Egress

An exterior or interior stairway, landing, balcony, porch, ramp or other means of access or egress shall be maintained to be free of holes, cracks and other defects which may constitute a possible safety hazard.

13.2 Maintained - good repair - safe - structurally sound

Every stair, floor, landing, verandah, porch, deck, loading dock, balcony together with any guard, balustrade, railing, screen, or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.

13.3 All Stairways, Landings, Balconies and Porches

An exterior stairway, landing, balcony, porch, or ramp shall be kept free of furniture or appliances, except for outdoor furniture on an exterior balcony or porch.

13.4 Treads and Risers

A tread or riser of an exterior or interior stairway that shows excessive wear or is broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced, with the benefit of a building permit.

13.5 Guards, Handrails and Partial or Short Walls

- (a) An exterior stairway with more than three risers and less than seven risers or an interior stairway in a dwelling or dwelling unit with more than two risers shall have at least one handrail sufficient to prevent an accidental fall and such handrail shall be repaired or replaced if damaged.
- (b) Despite paragraph 13.5(a), an exterior stairway with more than three risers and less than seven risers may have a partial or short wall, on either side sufficient to prevent an accidental fall off the side of the exterior stairway and such partial or short walls shall be repaired or replaced if damaged.
- (c) Where access is provided for other than maintenance purposes:
 - i. an exterior stairway with more than six risers; or
 - ii. a landing, porch, balcony, mezzanine, gallery, raised walkway or roof, with a difference in elevation at any point from the adjacent finished ground or a floor of more than 600 mm shall be protected by Building Code compliant guards on all open sides sufficient to prevent an accidental fall.

13.6 Maintenance - repair - methods

Without restricting the generality of section 13.2, such maintenance includes:

- (a) repairing or replacing floors, treads or risers that show excessive wear or are broken, warped, loose, depressed, protruding or otherwise defective or missing;
- (b) repairing, replacing, or supporting structural members that are decayed, damaged, weakened, loose or missing; and
- (c) providing, repairing, or replacing balustrades, guards, or railings.

13.7 Vacant - unoccupied building - exception

Stairs, floors, landings, verandahs, porches, decks, loading docks, balconies and every appurtenance attached thereto within the exterior walls of a vacant or unoccupied building are exempt from the provisions of section 13 if section 25 of this By-law is complied with.

Section 14: ROOFS - ROOF STRUCTURES

14.1 Maintained - good repair - safe - structurally sound

Every roof, including associated equipment contained on the roof, such as but not limited to; chimneys, stacks, masts, lightning arresters, antennas and other roof structures shall be maintained in good repair and in a safe and structurally sound condition.

14.2 Maintenance - repair - methods

Without restricting the generality of Section 14.1, such maintenance includes:

- (a) Removal of loose, unsecured objects or materials;
- (b) Keeping roofs and chimneys weathertight and free from leaks.

Section 15: INTERIOR STRUCTURAL COMPONENTS, FLOORS, CEILINGS AND WALLS

15.1 Maintained - safe - good repair

Interior surfaces including countertops, vanities, cabinets, cupboards, sinks, bathtubs and shower stalls, and further interior finishes of walls and ceilings shall be maintained:

- (a) In a safe condition; and
- (b) In good repair, free from holes, loose boards and broken, torn, damaged, decayed or missing materials.

15.2 Mould - cleaned - removed

Any extensive accumulation of mould shall be cleaned and removed by the owner of the building.

15.2.1 Water penetration - related to mould - remedy

Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed by the owner of the property.

15.2.2 Mould report - remediation - requirement

If, in the opinion of an officer, the mould accumulation is excessive such that it may cause a health hazard, the owner will provide, at the owner's sole expense, a report

prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the officer.

15.3 Interior Structural Component, Floors, Ceilings, and Walls

In every building all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

15.4 Floors, Ceilings and Walls

15.4.1 A floor, ceiling or wall shall be:

- (a) kept free from water penetration and from dampness arising from the entrance of moisture through an exterior wall or roof or through a basement or crawl space; and
- (b) maintained in a condition free from mould or from conditions that may cause mould to accumulate.

15.5 Floors

15.5.1 A basement shall have a floor of concrete, or other material acceptable under the Building Code, to ensure water drainage and to guard against the entry of vermin.

15.5.2 A floor shall be smooth and level and maintained to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface.

15.5.3 Where a floor has been covered with a sheet or vinyl floor covering or other flooring that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet or vinyl floor covering or other flooring shall be repaired or replaced.

15.5.4 A bathroom, kitchen, laundry or shower room shall have a floor covering of water resistant material.

15.5.5. Sump pits are required to be equipped with a secure, airtight lid at all times.

15.6 Ceilings and Walls

A wall or ceiling shall be maintained in a condition free from holes, open cracks, loose coverings or other substantial defects.

Section 16: ELEVATORS - ELEVATING DEVICES

- 16.1 An elevator shall comply with the Technical Standards and Safety Act, 2000, S.O. 2000, c.16, or successor legislation, and its regulations as enforced by the Technical Standards and Safety Authority.
- 16.2 (a) Paragraph 16.2 (b):
- i. applies to elevators in a building that contains one or more dwelling units; and
 - ii. does not apply to firefighters' elevators under the Fire Code.
- (b) Except as for such reasonable time as may be required for repair or replacement elevators shall always be maintained in operation as follows:
- i. One elevator, where one elevator is provided and there is no firefighters' elevator.
 - ii. One elevator, where two or more elevators are provided and there is a firefighters' elevator.
 - iii. Two elevators where two or more elevators are provided and there is no firefighters' elevator.
- 16.2.1 All elevators, where provided and when in operation, shall:
- (a) be kept clean and free of dirt and defacements; and have working lighting, elevator buttons, floor indicators and ventilation;
- 16.3 (a) where an owner fails to maintain one or more elevators in a building in accordance with subsection 16.1 or subsection 16.2 and then fails to do so again within six months, the owner shall, in accordance with 16.3(b), install permanent signs if required by a property standards order.
- (b) a permanent sign required under paragraph 16.3(a) shall, at a minimum:
- i. set out the contact information, including telephone number(s) and e-mail address(es), for the building owner and Norfolk County By-Law Enforcement to be called when an elevator is inoperative;
 - ii. be installed:
 1. at each exterior elevator button panel on the main floor of the building and at each elevator button panel within each elevator;
 2. in a position where the sign may readily be seen and read; and
 3. with the center line of one sign between 1475 millimetres and 1525 millimetres (58 inches and 60 inches) above the finished floor; and
 4. a second sign with the center line of the sign between 1170 millimetres and 1220 millimetres (46 inches and 48 inches) above the finished floor; and
 - iii. be in large print (Arial 24 or Verdana 24 font, or greater), in black type on a white background and in Uncontracted Braille (formally known as Grade 1 Braille).

Section 17: VENTILATION SYSTEMS

17.1 Maintained - operated - prevention - hazard

Ventilation, as required by the Building Code, shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

17.2 Cleaned - installed - maintained – requirements

Ventilation systems shall be cleaned regularly and installed, and maintained:

- (a) in conformance with the requirements of the Building Code;
- (b) in good working condition and good repair;
- (c) in a safe condition; and
- (d) regularly maintained as per manufactures recommendations, including replacement of filters, etc.

Section 18: HEATING - MECHANICAL SYSTEMS

18.1 A heating system shall be installed that is capable of supplying, during normal hours of occupancy of the building, sufficient heat to maintain a temperature of not less than 20° C measured at 1.5 m above floor level and 1 metre from exterior walls in all habitable rooms not including a habitable room not used frequently or for extended periods for living, eating or sleeping.

18.2 A heating system shall be operated and maintained:

- (a) so as to properly perform its intended function;
- (b) free from unsafe conditions.

18.3 No furnace or boiler shall be located in a hallway, beneath and exit stair, or other means of access or egress.

18.4 Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.

18.5 A heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed and located receptacle for fuel storage or a place for fuel storage to be free from fire or accident hazard.

18.6 The heating system and hot water system required, and other mechanical systems shall be provided, maintained, and operated:

- (a) In accordance with the respective requirements of any applicable Act or by-law;

- (b) In good working order and good repair; and
- (c) In a safe condition.

Section 19: CHIMNEYS, FLUES AND VENT PIPES

- 19.1 A chimney, flue or vent pipe shall be maintained to prevent gases from leaking into a building and maintenance shall include cleaning obstructions, filling open joints and repairing masonry.
- 19.2 Fuel burning appliances or equipment used in a building shall be properly vented to the outside air by means of a Canadian Standards Association approved or Building Code or Gas Utilization Code compliant chimney, flue or vent pipe.

Section 20: ELECTRICAL SYSTEMS

20.1 Dwelling - building - connection - wiring - required

Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

- 20.2 An electrical service shall comply with the Electrical Safety Code as enforced by the Electrical Safety Authority.

20.3 Repairs – report requirement

Where repairs have been ordered under this section, an officer may require an owner provide an Electrical Safety Authority report, at their own expense, which confirms that all repairs have been completed in accordance with the Electricity Act, 1998 S.O. 1998, c. 15. Sched. A., its regulations, including the Electrical Safety Code, or any successor legislation, and any other applicable legislation.

Section 21: PLUMBING SYSTEMS

- 21.1 The plumbing system and every plumbing fixture in a building shall be maintained to properly perform its intended function and free from leaks and defects.
- 21.2 All piping used to supply or drain water and all appurtenances thereto shall be protected from freezing.
- 21.3 A plumbing fixture connected to the sewage system shall be connected through a water seal trap, or as required by the Building Code.
- 21.4 Sanitary sewage shall be discharged into the County sanitary sewer system where such a system exists complete with a backwater valve, and elsewhere sanitary sewage shall be disposed of in a manner in accordance with the Building Code requirements for on-site sewage systems.

21.4 All hose bibs shall be equipped with an anti-back siphon prevention device.

21.5 Hot and Cold Water

A building to which water is available under pressure through piping shall be provided with:

- (a) piping for hot water, at a temperature of not less than 43° C, and cold water connected to every kitchen, bath or shower room, or laundry room plumbing fixture; and
- (b) piping for cold water connected to every toilet and hose bib.

21.6 Dwellings and Dwelling Units

A dwelling or dwelling unit shall be provided with an approved supply of potable water from at least one of the following sources:

- (a) a municipal water system;
- (b) a communal water system; or
- (c) a private source.

21.7 (a) A lodging house shall contain at least the following working plumbing fixtures:

- i. a hand wash basin;
- ii. a toilet; and
- iii. a bathtub or shower.

(b) A residential care facility or a dwelling unit shall contain at least the following working plumbing fixtures:

- i. a kitchen sink;
- ii. a toilet;
- iii. a hand wash basin; and
- iv. a bathtub or shower.

21.8 In addition to any other requirements of this By-law, when a building is connected to a Municipal water system, the following standards shall apply:

- (a) The water supply line shall be maintained so as to properly perform its intended function and free from leaks and defects;
- (b) The water supply line shall not include any materials that contain lead; and,
- (c) Subsection (b) shall not apply if the water supply line connects to a portion of the County water system that itself is constructed of materials that contain lead.

21.9 Kitchens

A kitchen shall contain:

- (a) a sink serviced with potable running water and a splash back which are water and grease resistant;

- (b) a work surface of at least 0.74 metres square, which is impervious to grease and water;
- (c) storage facilities for food, dishes and cooking utensils having an interior capacity of at least 0.8 metres cubed, of sufficient strength that they will not collapse, tip or, if fastened to a wall, become detached when filled; and
- (d) space sufficient to accommodate a cooking range or countertop cooking unit and refrigerator without placing such cooking range, countertop cooking unit or refrigerator in a location that provides access to or egress from the kitchen.

21.10 Bath or Shower Rooms and Toilet Rooms

The floor and the walls to a minimum height of 0.9 metres above the floor or bathtub of every bath or shower room and toilet room shall be water-resistant and readily cleaned.

21.11 Every bath or shower room and toilet room shall:

- (a) be located within and accessible from the interior of the building;
- (b) be fully enclosed, having a door capable of being closed so as to provide privacy for the occupant;
- (c) have a permanently installed working artificial lighting fixture; and
- (d) be maintained to properly perform its intended function.

21.12 A hand wash basin shall be located in the same room as each toilet or in an adjoining bath or shower room, provided that no sink in a kitchen shall be considered a hand wash basin for the purposes of this subsection.

21.13 No toilet or urinal shall be located within a habitable room except a bath or shower room, toilet room or other habitable room not used frequently or for extended periods for living, eating or sleeping.

21.14 Dwellings and Dwelling Units

- (a) A lodging house shall contain a bath or shower room and a toilet room.
- (b) A residential care facility or a dwelling unit shall contain a kitchen, bath or shower room and a toilet room.

21.15 Eavestroughs – gutters

Where water run-off from roof surface is discharged by way of eavestroughs or roof gutters and downpipes, they shall be installed and maintained in good working order and good repair, and in a safe condition.

21.16 Downpipes - sump pump lines - prevent - nuisance

Downpipes and sump pump discharge lines shall be designed, provided and maintained so as to discharge water run-off away from the building and to prevent flooding, erosion and other nuisance to neighbouring properties, by way of a concrete splash pad located beneath the discharge outlet.

Section 22: PESTS

- 22.1 A dwelling or a dwelling unit shall be kept free of infestation by pests.
- 22.2 The owner of a property located within an urban or hamlet area of the Municipality as defined in the Official Plan or Official Plans for the Municipality shall keep the property free of infestation by pests.
- 22.3 For the purposes of sections 22.1 and 22.2, an "infestation" includes the presence of one rat or mouse, and in the case of bed bugs, fleas, wasps, hornets, ant or cockroaches means the presence of more than one such insect. In the case of wasps or hornets, includes the presence of any occupied nest inside or attached to the exterior of a building, structure or other erection.

Section 23: RESIDENTIAL OCCUPANCY

23.1 Non-habitable living space - use - prohibited

No room or space within a building shall be used for a purpose that is not compliant with the Building Code and applicable zoning by-laws.

23.2 Heights or rooms or spaces

For purposes of calculation, reference is to be made to the applicable section of the Building Code.

23.3 Use - requirements

No portion of a dwelling shall be used for residential occupancy unless:

- (a) the floors, walls and ceilings within a building and the exterior walls, roofs and any openings therein are watertight and reasonably free from dampness and drafts;
- (b) every habitable room, except a kitchen or bathroom, contains one or more windows or skylights that:
 - i. open directly to the outside air; and
 - ii. have a total light transmitting area and openable ventilation area of not less than that required by the Building Code;
- (c) all windows and skylights are:
 - i. glazed or fitted with an appropriate transparent material;
 - ii. provided with hardware and locking devices;
 - iii. maintained in good working order and good repair; and
 - iv. if required for ventilating purposes, capable of being easily opened and closed at all times;

- (d) an adequate and safe supply of potable water is provided and maintained at all times;
- (e) toilet, washing and other sanitary facilities are provided and maintained in accordance with the Building and Plumbing Codes.

Section 24: EGRESS

24.1 Safe - continuous - unobstructed

Every dwelling shall have safe, continuous and unobstructed passage or means of egress from the interior of each dwelling unit contained therein to the exterior of the dwelling at or near street or grade level. All means of providing an access to an exit, and the exit is to comply with the applicable requirements of the Building and Fire Code, as needed.

24.2 Multiple storey building - additional means

Except as provided in Section 24.3, every dwelling, containing dwelling units located other than on the first floor or the floor directly above the first floor, shall provide a second means of egress from such dwelling units to the exterior of the dwelling at or near grade level.

24.3 Separate - self-contained means - second – not required

A second means of egress shall not be required from any dwelling unit having a separate or self-contained means of egress to the exterior of the dwelling at or near grade level.

24.4 Access - through enclosed areas - prohibited

A required means of egress shall not pass through an attached or built-in garage or an enclosed part of another dwelling unit.

Section 25: STRUCTURES - FIRE DAMAGED

25.1 Restoration - demolition - alternative

A building or portion thereof, damaged by fire or other causes, shall be restored to its original condition and repaired as may otherwise be required by this By-Law, or the building shall be demolished or the damaged portion removed.

25.2 Repairs - safe - refinished

Without restricting the generality of Section 25.1, such repairs shall include:

- (a) Abating any unsafe condition; and
- (b) Refinishing to be in harmony with adjoining undamaged surfaces.

25.3 Doors - windows - vacant building - protection

Despite Section 25.1, all doors, windows or other openings in the exterior of a vacant or unoccupied building shall be protected as required by Article 6 of this By-Law.

Section 26: DEMOLITION

26.1 Permit - required

Except as per 26.4, no person shall commence, or permit to be commenced or conducted any work in the nature of demolition or removal of a building or part thereof, unless they obtain a permit from the Chief Building Official in compliance with the Building Code Act and posts such permit in a prominent position on the demolition site.

26.2 Walls - remaining - safe - sound

The owner of any building or part thereof being demolished shall leave any remaining wall or walls (including any former party wall or walls, whether separately or jointly owned) structurally sound, weathertight, in a safe condition and in conformity with the standards in the Building Code.

26.3 Site - cleaned - cleared - upon completion

Upon completion of demolition, the entire site shall be cleared and cleaned of all debris, left free from holes or excavations and provided and maintained with a suitable ground cover.

26.4 Exemption to obtaining a Demolition Permit

Farm structures are exempt from the requirements of 26.1.

Section 27: WEST NILE VIRUS

27.1 Water - vessel - pool - other container - drainage

In each calendar year between the dates of May 1 to September 30, all vessels, pools, tires, eaves-troughs, containers, structures, or other goods and materials in which water may accumulate, and which are located on the external areas of any property within the Municipality, shall be kept drained of water at all times.

27.2 Interpretation for the purposes of this section

“vessel, pools, tires, eaves-troughs, containers, structures, or other goods and materials” refers to human constructed objects only and does not include natural landforms, natural marshlands, natural watercourses, natural wetlands, natural swamps, natural geologic structures, or other natural occurrences.

27.3 Exception

Section 27.1 shall not apply to require the drainage of any of the following:

- (a) water on lands owned by The Corporation of Norfolk County or any of its local Boards, Conservation Authorities, Her Majesty the Queen in Right of Ontario, or Her Majesty the Queen in Right of Canada;
- (b) water which is continuously circulated by mechanical means;
- (c) water which is chemically treated with an agent to prevent the propagation of mosquitoes;
- (d) water which is covered by screen, net or other covering sufficient to prevent mosquitoes from laying eggs in the water; or
- (e) water which has not been standing for more than forty-eight hours.

Section 28: DESIGNATED HERITAGE PROPERTIES

28.1 **Interpretation**

The following definitions, in addition to those found in Section 2.1, apply in this section of the by-law:

“**Built Heritage Specialist**” means a person with heritage experience and who is a member of the Canadian Association of Heritage Professionals and/or a member of the Royal Architectural Institute of Canada;

“**Designated Heritage Property**” means a property designated under Part IV or Part V under the Ontario Heritage Act;

“**Designation By-Law**” means a by-law enacted by Council pursuant to the Ontario Heritage Act that identifies property and/or a defined area or areas to be of cultural heritage value or interest;

“**heritage attribute**” means, in relation to real property, and to buildings and structures on real property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined or described:

- (a) in a by-law designating a property passed under Part IV of the Ontario Heritage Act and identified as a heritage attribute, reason for designation or otherwise;
- (b) in a Minister's order made under Part IV of the Ontario Heritage Act and identified as a heritage attribute or otherwise;
- (c) in a by-law designating a heritage conservation district passed under Part V of the Ontario Heritage Act and identified as a heritage attribute or otherwise;

in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as a heritage attribute or otherwise.

“Listed Property” means property that Council has determined to be of cultural heritage value or interest;

“Maintenance” includes routine, cyclical, non-destructive actions necessary to slow the deterioration of a Designated Heritage Property including the following:

- (a) periodical inspection;
- (b) property cleanup;
- (c) gardening and repair of landscape features;
- (d) replacement of broken glass in windows;
- (e) minor exterior repairs, including replacement of individual asphalt shingles where there is little or no change in colour or design;
- (f) repainting where there is little or no change in colour;
- (g) re-pointing areas of wall space under 1.5 square meters;
- (h) caulking and weatherproofing; and

any other work as defined as maintenance in a Designation By-Law, a Minister’s Order made under the Ontario Heritage Act or as otherwise defined in a Procedural By-Law for Heritage, as amended.

“Norfolk Heritage Committee” is a committee appointed by Norfolk County Council.

"Part IV heritage property" means real property, including all buildings and structures thereon, which has been designated by the Municipality or any of its former municipalities under the Ontario Heritage Act, or which has been designated by the Minister under the Ontario Heritage Act.

"Part V heritage property" means real property, including all buildings and structures thereon, located within a heritage conservation district, which has been designated by the Municipality or any of its former municipalities under the Ontario Heritage Act.

“Procedural By-Law for Heritage” means any and all by-laws enacted by council to designate Heritage properties.

28.2 Standards for Designated Heritage Properties

28.2.1 In addition to the standards, obligations and requirements that apply to all property under sections 4 through 27 both inclusive, all heritage attributes of Part IV heritage properties, including both interior and exterior heritage attributes, and all heritage attributes of Part V heritage properties shall be:

- (a) maintained to prevent deterioration; and
- (b) repaired of any damage.

28.2.2 Subject to any applicable provisions of the Ontario Heritage Act:

- (a) where subsection 28.2.1 can be complied with by means of repair, despite any other provision to the contrary, the heritage attribute shall not be replaced and the repair shall be undertaken in a manner that minimizes damage to the heritage attribute to the satisfaction of the Norfolk Heritage Committee;
- (b) where subsection 28.2.1 cannot be complied with by means of repair, despite any other provision to the contrary, the heritage attribute shall be replaced with material of the same type as the original material and in keeping with the design, colour, texture and any other distinctive feature as the original material or in such a manner as to replicate the design, colour, texture and any other distinctive feature of the original material to the satisfaction of the Norfolk Heritage Committee.
- (c) In addition to the standards, obligations and requirements that apply to all property under sections 5 through 27 both inclusive, a part of a Part IV heritage property or a Part V heritage property, including but not limited to a roof, wall, floor, retaining wall or foundation, that supports or protects a heritage attribute and without which the heritage attribute may be at risk of deteriorating or being damaged, shall be structurally sound and maintained so as to properly perform its intended function to the satisfaction of the Norfolk Heritage Committee;
- (d) Subparagraph 28.2.2 (c) shall be complied with in a manner that minimizes damage to the heritage attribute.

28.3 Vacant and/or Damaged Designated Heritage Properties

28.3.1 In addition to complying with all other applicable provisions of this By-law, the owner of building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall comply with this section.

28.3.2 Despite subsection 6.5 [Disconnection – utilities], where a building on a Part IV heritage property or a Part V heritage property remains vacant for a period of more than 90 days, the owner shall ensure that appropriate utilities serving the building are connected as required to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the building by fluctuating temperatures and humidity.

28.3.3 Despite subsections 6.3 [Openings] and 6.4 [Materials], where a building on a Part IV heritage property or a Part V heritage property is vacant or damaged by accident, storm, fire, neglect or otherwise, the owner may be required to protect the building against the

risks described in subsection 6.1 [Entry] and shall effectively prevent the entrance of all unauthorized person by closing and securing openings to the building with boarding:

- (a) which completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
- (b) on the window openings, which is painted a matte black to resemble window glass;
- (c) on door openings, which is painted a colour that matches the colour of the original door;
- (d) on an opening other than a window or door opening, which is painted or otherwise treated so that the colour matches the colour of the surrounding exterior of the building; and
- (e) which is fastened securely with screws at least 50 millimetres in length and installed at appropriate intervals on centre.

28.3.4 The provisions of 28.3.3 are subject to any applicable provisions of the Ontario Heritage Act and conditions imposed by the Norfolk Heritage Committee. Further, if methods contained within 28.3.3 have failed more than once, an officer may require additional measures be taken to secure the building at the officer's discretion in consultation with the Norfolk Heritage Committee.

28.3.5 At any time where there are circumstances to support a more secure option, including an option that is more secure than those listed in subsection 28.3.3, the owner shall implement a more secure option as may be required by a property standards order.

28.3.6 No window, door or other opening shall be closed or secured in accordance with subsection 28.3.4 with brick, concrete blocking or any other masonry units and mortar, except where required by a property standards order under subsection 28.3.4.

Section 30: PROPERTY STANDARDS ORDER

30.1 If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards prescribed in this By-law, he or she may issue an order and such order shall be served on the owner of the property and may be served on such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

30.2 The order referred to in subsection 30.1 shall:

- (a) state the municipal address or the legal description of the property;

- (b) give reasonable particulars of the repairs to be made or state that the property is to be cleared of all buildings, structures or debris and left in a graded and levelled condition, provided that no order in respect of a Part IV heritage property or a Part V heritage property shall state that any building or structure is to be altered or cleared, including but not limited to removed, demolished or relocated;
- (c) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the owner's expense;
- (d) indicate the final date for giving notice of appeal from the order; and
- (e) be served or caused to be served:
 - i. by personal service;
 - ii. by email to the last known email address; or
 - iii. by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

30.3 For the purposes of paragraph 30.2(e)(iii), service by registered mail, "last known address" of the owner includes but is not limited to the address provided to the Municipality for the payment of property taxes for the property or the address for service on the title document for the property.

30.4 If the order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

30.5 If the order is served by email, the service shall be deemed to have been made on the day of sending unless,

- (a) the order was sent after 5 p.m., in which case service shall be deemed to have been made the following day; or
- (b) the person to whom notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

Section 31: APPEAL OF A PROPERTY STANDARDS ORDER

31.1 An owner or occupant who has been served with a property standards order and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal, including grounds for the appeal and the applicable fee as set out in the User Fees and Charges By-law, by registered mail to the secretary of the Committee within 14 days after being served with the order.

31.2 A property standards order that is not appealed within the time referred to in subsection 31.1 is deemed to be confirmed.

31.3 If an appeal is taken, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the officer who made the property standards order and may,

- (a) confirm, modify or rescind the order to demolish or repair;
- (b) extend the time for complying with the order,

if, in the Property Standards Committee's opinion, the general intent and purpose of this By-law are maintained.

31.4 The Municipality or an owner or occupant or person affected by a decision under subsection 31.3 may appeal to a Judge of the Superior Court of Justice, who has the same powers and functions as the Property Standards Committee, by notifying the County Clerk in writing and by applying to the Superior Court of Justice for an appointment within 14 days after the sending of a copy of the decision.

31.5 A property standards order that is deemed to be confirmed or modified by the Property Standards Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

Section 32: COMPLIANCE

32.1 An owner or occupant of a property shall:

- (a) comply with all standards prescribed in this By-law;
- (b) comply with a property standards order or any other order made under this Bylaw;
- (c) ensure that compliance with this By-law is carried out in a manner that avoids conditions dangerous to the owner, occupants or visitors to the property or that adequate warning is given where such dangerous conditions are unavoidable.

32.2 Offences and Fines

Every person who fails to comply with a final and binding order issued under this by-law is guilty of an offence, and on conviction is liable to the penalty or penalties as set out in the Building Code Act.

32.3 Power of Municipality to Repair or Demolish

If the owner or occupant of a property fails to comply with a final and binding property standards order, the Municipality may cause the property to be repaired or demolished in accordance with such order.

- 32.4 The Municipality or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under subsection 32.3.
- 32.5 Despite subsection 32.3, no building or structure on a Part IV heritage property or a Part V heritage property may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the Ontario Heritage Act.
- 32.6 Upon completion of the work necessary for compliance with the property standards order under subsection 32.3, the Municipality shall have a lien on the property for the amount spent on the repair or demolition and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001, S.O. 2001, c. 25, or successor legislation, which, amongst other things, means the amount may be added to the tax roll for the property and collected in the same manner as property taxes.

32.7 Certificate of Compliance

When, after an inspection, an officer is of an opinion that a property complies with this By-law, the officer may issue a certificate of compliance to the owner. A certificate of compliance shall be issued to the owner upon the owner making a request in accordance with the required application form and paying the applicable fee as set out in the User Fees and Charges By-law.

32.8 Registration of Property Standards Order

- 32.8.1 A final and binding property standards order may be registered in the land registry office on title to the property to which it applies and, upon such registration, any person acquiring any interest in the property after the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 30.
- 32.8.2 Where an officer determines there is compliance under this By-law with a property standards order issued and registered on the title to a property, the Supervisor of By-law on behalf of the Municipal Clerk shall forthwith register in the land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.
- 32.8.3 An owner or occupant may apply for a discharge of a property standards order issued and registered on title to a property by submitting a completed application form and paying the applicable fee as set out in the User Fees and Charges By-law and where, upon inspection of the property by an officer, compliance with the order is found, the discharge shall be registered by the Supervisor of By-law on behalf of the Municipal Clerk.

Section 33 ADMINISTRATION AND ENFORCEMENT

33.1 Supervisor of By-law and Officers

The Supervisor of By-law is assigned the responsibility of administering and enforcing this By-law and the applicable provisions of the Building Code and may assign duties to such persons as necessary to carry out administration and enforcement of this By-law and the applicable provisions of the Building Code.

33.2 Persons appointed or assigned the responsibility of administering or enforcing this By-law and the applicable provisions of the Building Code are officers and have the authority to carry out such responsibilities.

33.3 Rights to Enter and to Inspect

An officer acting under this By-law may, at any reasonable time and upon producing proper identification, enter upon a property without a warrant for the purpose of inspecting the property to determine:

- (a) whether the property conforms with the standards prescribed in this By-law, or
- (b) whether a property standards order has been complied with.

33.4 Despite subsections 33.3, an officer shall not enter or remain in any room or place actually used as a dwelling unless:

- (a) the consent of the occupant is obtained, the occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code;
- (b) a warrant issued under the Building Code is obtained;
- (c) the delay necessary to obtain the consent of the occupant or a warrant would result in immediate danger to the health or safety of any person;
- (d) the entry is necessary to terminate a danger under subsection 15.7(3) of the Building Code; or
- (e) the entry is necessary to repair or demolish under subsection 33.3 and, within a reasonable time before entering the room or place to be repaired or demolished, the officer serves the occupant with notice of his or her intention to enter it.

33.5 For the purposes of an inspection under subsection 33.3, an officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a property or part thereof, including a survey in accordance with the Surveys Act, R.S.O. 1990, c. S.30, or successor legislation;

- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
 - (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
 - (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.
- 33.6 Any cost incurred by the Municipality in exercising its authority to inspect under paragraph 33.5 including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner or occupant of the property where the inspection takes place.
- 33.7 An employee or agent of the Municipality may enter property at any reasonable time without a warrant for the purposes of causing the property to be repaired or demolished pursuant to section 33.3 in accordance with a final and binding property standards order.
- 33.8 Property Standards Committee
- The Property Standards Committee shall consist of not fewer than three persons as appointed by council. Subject to this By-law's terms, terms of office and procedures shall be in accordance with any policy or by-law that is in force from time-to-time for the Property Standards Committee.
- 33.9 A member of the Committee shall hold office until his or her successor has been appointed.
- 33.10 Any vacancy on the Committee shall be filled forthwith.
- 33.11 The members of the Committee shall be paid such compensation as the council may provide.
- 33.12 The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member acting as chair.
- 33.13 A majority of the members constitutes a quorum for transaction the committee's business.

Section 34: SEVERANCE AND CONFLICT

- 34.1 If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, such provision or provisions are deemed to be severable and it is the intention of Council that the remainder of the By-law shall continue to be in force.

34.2 Where a provision of this By-law conflicts with the provision of another by-law, Act or regulation in force within the Municipality, the provision that establishes the higher standard to protect the health and safety of persons prevails.

Section 35: ORDERS, PROCEEDINGS AND OTHER ACTIONS CONTINUED

35.1 Any order issued, proceeding being conducted or other action being carried out under By-law No. 2007-66 shall be deemed to continue under this By-law, and any reference to By-law No. 2007-66 in such order, proceeding or other action shall be deemed to refer to this By-law.

Section 36: REPEAL AND COMING INTO FORCE

36.1 By-law No. 2007-66 is repealed as of the day on which this By-law comes into force.

36.2 This By-law comes into force on the date of its passing.

ENACTED AND PASSED this __ day of _____, 2021.

Kristal Chopp, Mayor

Teresa Olsen, County Clerk