

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2008 - 7

**A By-law to provide for standards of the maintenance and occupancy of property within the Municipality (Property Standards); and that By-law 99-18 is hereby repealed.**

WHEREAS Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c.23*, authorizes the passing of a by-law prescribing standards for maintenance and occupancy of property; and

WHEREAS the Council of the Corporation of the Township of Essa deems it necessary and in the public interest to enact a by-law prescribing standards for the maintenance and occupancy of property within the Township;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Essa, pursuant to Section 15.1-(1) of the *Building Code Act, S.O., 1992, c.23* and amendments thereto, hereby enacts as follows:

**PART 1**

**SECTION 1.1 DEFINITIONS**

In this By-law:

**“Accessory Building or Structure”** means a detached building or structure that is not used for human habitation; but the use of which is naturally and normally incidental to, subordinate to, a principal use of building and located on the same lot therewith, and shall also mean and include a detached private garage or detached carport, and without limiting the generality of the foregoing, includes swimming pools, change houses, outhouses, silos, farm storage buildings, barns, private greenhouses, patio shelters, gazebos, storage sheds, and farm implement sheds.

**“Accessory Use”** means a use customarily incidental to, subordinate to and exclusively devoted to a principal use and located on the same lot therewith.

**“Approved”** means acceptance by the Property Standards Officer.

**“Approved Sewage System”** means the municipal sanitary system or a private sewage disposal system approved by the Ministry of Environment or the Chief Building Official.

**“Building”** means any structure having a roof, supported by columns or walls and used for the shelter or accommodation of persons; animals, goods, or materials. A deck shall be included within the definition of “building”.

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“**Building Code**” means regulations enacted under section 34 of the Building Code Act, 1992 as amended.

“**Brush**” means the severed portion of limbs or branches of trees and shrubs.

“**Bathroom**” means a room containing a bath tub or shower with or without a water closet and basin.

“**Cellar**” means a storey that is more than 50% below grade, as defined in the Ontario Building Code.

“**Committee**” means a Property Standards Committee established under this By-law pursuant to Section 15.6 of the Building Code Act.

“**Corporation**” means the Corporation of the Township of Essa.

“**Dwelling**” means a building or portion thereof occupied, or capable of being occupied, a whole or in part for the purpose of human habitation.

“**Dwelling Unit**” means one room or a group of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate house keeping establishment, in which food preparation and sanitary facilities are provided for the exclusive use of such family, and which has a private entrance from outside the building or from a common hallway or stairway inside the building. For the purposes of this By-law a dwelling unit does not mean or include a tent, or a room or suite of rooms in a hotel, motel, motor hotel or tourist home.

“**Fence**” means a structure, at grade, erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting ingress or egress to an open space, or for the purpose of denoting a property line.

“**Fire Resistance Rating**” means the time as defined in the Ontario Building Code that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of tests and performance criteria.

“**Guard**” means a protective barrier installed around openings in floor areas, open sides of stairways, landing, balconies, mezzanines, galleries or raised walkways, or other locations as required to prevent accidental falls from one level to another.

“**Habitable Room**” means a room in a dwelling used or intended to be used primarily for human occupancy for the purposes of living, sleeping, cooking or eating, but does not include a bathroom, toilet room, serving or storage pantry, laundry, maintenance or service space, or corridor.

“**Maintenance**” means the preservation and keeping in good repair of a property and building.

**“Means of Egress”** means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point with a building, floor area, room or contained open space to a public thoroughfare or approved open space.

**“Multiple Dwelling”** means a building which contains two or more dwellings.

**“Multiple Use Building”** means a building containing one or more dwelling units and one or more non-residential uses.

**“Major Recreational Equipment”** means a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels for the purpose of providing temporary living accommodation and shall include: motor homes, travel trailers, tent trailers, watercraft, watercraft trailers, or other like similar equipment.

**“Motor Vehicle”** means any wheeled vehicle that is self-propelled by an engine such as a car or truck that does not run on rails.

**“Non-habitable Room”** means any room in a dwelling or dwelling unit or other than a habitable room, and including a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling and for access to, and vertical travel between storeys.

**“Non-Residential Property”** means a building or structure not occupied nor capable of being occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant thereto.

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

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

**“Officer”** means a Property Standards Officer who has been assigned the responsibility of administrating and enforcing this By-law and related By-laws.

**“Owner”** includes,

- (a) the person for the time being managing or receiving the rent of the land or premises 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 so receive the rent if such land and premises were let, and
- (b) 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”** includes an individual, corporation, partnership, bridge authority, agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

**“Potable Water”** means water fit for consumption by humans, and fit for normal household purposes and where potable water is referred to in this By-law, it shall be available in quantities sufficient for normal household purposes.

**“Property”** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

**“Repair”** includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required to ensure that a property conforms with the standards established in a by-law passed under this section.

**“Residential Property”** means any property that is used or designed for use as a domestic establishment, in which one or more persons usually sleep and prepare and serve meals and includes lands and buildings that are appurtenant to such establishment, and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard and includes vacant residential property.

**“Salvage Yard”** includes a scrap yard, junk yard and wrecking yard, whether or not an active business is carried on therein or such yard is used for storage purposes.

**“Sewage”** means any liquid waste containing animal, vegetable or mineral matter in suspension or solution that does not include roof drainage or other storm water runoff.

**“Sewage System”** means a municipal sanitary sewage system or a private sewage disposal system approved by the Ministry of the Environment or the Municipal offices.

**“Standards”** means standards or physical condition and of occupancy prescribed for the property in this by-law.

**“Structure”** Means anything constructed place or erected, the use of which requires location on the ground, or attached to something having location on the ground.

**“Township”** means the Corporation of the Township of Essa.

**“Unsafe”** when used in respect of a building means:

- i structurally inadequate or faulty for the purposes for which it is used, or
- ii in a condition that could be hazardous to a person in the normal use of the building.

**“Vehicle”** means any means in or by which someone or something is carried or conveyed.

“Yard” means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures.

## SECTION 1 TITLE

This By-law may be cited as “The Essa Property Standards By-law”.

## PART 2 – SCOPE

### SECTION 2.1. GENERAL

- 2.1.1 This By-law applies to all property in the Township of Essa, unless otherwise stated.
- 2.1.2. No person shall use or occupy or permit the use or occupancy of any property that does not conform to the standards provided in this By-law.
- 2.1.3 The Owner of any property that does not conform to the standards shall:
- i repair and maintain the property in accordance with the standards; or
  - ii remove or demolish and remove the whole or the offending part of any property that is not in accordance with the standards; or
  - iii clear the site of all buildings and structures, debris and refuse, and leave the property in a graded and leveled condition, and
  - iv where applicable, the appropriate building or demolition permits be obtained prior to work commencing
- 2.1.4 Any repairs or maintenance undertaken by the Corporation to bring a property into compliance with this By-law will be subject to a twenty-five (25) percent surcharge.
- 2.1.5 All repairs and maintenance of the property shall be carried out with suitable and sufficient materials in a manner accepted as good workmanship within the trade. All repairs or new construction shall conform to the *Ontario Building Code*, and be completed within a reasonable time frame or a pre-determined date.
- 2.1.6 Where an officer has placed or caused the placing of a placard containing the terms of a Notice or an Order upon any premises under the authority of Section 15.2(3) of the *Building Code Act, 1992* no person shall remove such placard except with the consent of the Officer.
- 2.1.7 Where any provision in this By-law, conflicts with any provision in the *Building Code*, the *Electrical Safety Code*, *Fire Code* or any other Ontario legislation, the *Building Code*, the *Electrical Safety Code*, and *Fire Code*, or other Ontario legislation shall apply.

- 2.1.8 That Multiple Unit Buildings both Commercial and Residential having more than 2 units shall have annual fire safety inspections conducted by the Municipal Fire Chief or his designated representative.
- 2.1.9 That any deficiencies observed by the Fire Safety Inspector shall be corrected within the deadline given by the inspector and that longer extensions may only be approved by the Fire Chief.

**SECTION 2.2            NORMAL AGRICULTURAL OPERATIONS**

- 2.2.1 Nothing in Part 3 of this By-law shall apply to normal or necessary agricultural operations carried on agricultural property.

**SECTION 2.3            PERMITS**

- 2.3.1. Nothing in this By-law shall relieve any person from compliance with the most current Essa Building and Plumbing By-law as amended.

**SECTION 2.4            DEFINED AREA OR AREAS**

- 2.4.1 (a) Commercial properties are those properties which are zoned commercial
- (b) Properties which are used for commercial purposes where the use is a legal non-conforming use, or otherwise, shall be deemed to be commercial property for the purposes of this by-law;
- 2.4.2 (a) Residential properties are those properties which are zoned residential.
- (b) Properties which are used for residential purposes where the use is a legal non-conforming use, or otherwise, shall be deemed to be residential property for the purposes of this By-law;
- 2.4.3 (a) Institutional properties are those properties which are zoned institutional  
      In the Township (I).
- (b) Properties which are used for institutional purposes where the use is a legal non-conforming use, or otherwise, shall be deemed to be institutional property for the purposes of this By-law;
- 2.4.4 (a) Industrial Properties are those properties which are zoned Industrial
- (b) Properties which are used for industrial purposes where the use is a legal non-conforming use, or otherwise, shall be deemed to be industrial for the purposes of the By-law;

- 2.4.5 (a) Agricultural properties are those properties which are zoned (A1) and (A2), in the Township;
- (b) Properties which are used for agricultural purposes where the use is a legal non-conforming use, or otherwise, shall be deemed to be agricultural property for the purposes of this By-law;
- 2.4.6 (a) The zoning designations in this By-law refer to the zoning designations in By-law 2003-50, as amended from time to time or any other subsequent Zoning By-law which may replace 2003-50.

**PART B – PROPERTY STANDARDS**

**PART 3 – MAINTENANCE STANDARDS**

**SECTION 3.1 SURFACE CONDITIONS:**

- 3.1.1 Surface conditions of yards shall be maintained so as to:
  - (a) prevent instability or erosion of soil;
  - (b) not exhibit an unsightly appearance;
  - (c) provide a safe passage under normal use and weather conditions, day or night;
  - (d) not to create a nuisance to other properties;
  - (e) be kept free of garbage and refuse;
  - (f) be kept free of deep ruts and holes;
  - (g) prevent ponding at building and storm water from entering building.

**SECTION 3.2 SEWAGE AND DRAINAGE:**

- 3.2.1 Sewage or organic waste shall be discharged into an approved sewage system.
- 3.2.2 Sanitary sewage of any kind shall not be discharged onto the surface of the Ground, whether into a natural or artificial surface drainage system or otherwise.
- 3.2.3. Natural soil, topsoil, road gravel or other fill material shall not be permitted to erode by the action of wind or storm water runoff if such material is being carried onto adjacent property.

- 3.2.4 Storm water, including basement sump water and rainwater, shall not be drained into a sanitary sewer.
- 3.2.5 No roof drainage, storm water drainage, sump pump discharge, discharge from swimming pool, or a similar discharge, shall be directed onto a sidewalk, stair or abutting property.

**SECTION 3.3 WALKWAYS, DRIVEWAYS AND PARKING AREAS**

- 3.3.1 For all industrial, institutional, commercial, and residential properties, there shall be surface-treated walk leading from at least one entrance of every building to the driveway or to the street.
- 3.3.2 Steps, walks, driveways, parking spaces, and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions, and without limiting the generality of the foregoing, shall be properly cleared of snow and ice to allow safe passage for persons and vehicles.

**SECTION 3.4 ACCESSORY BUILDINGS**

- 3.4.1 Accessory buildings, retaining walls, signs and other designated structures appurtenant to the property shall be maintained in a structurally sound condition and kept in good repair to prevent any hazard to persons or property.
- 3.4.2 Accessory buildings, retaining walls, signs and other designated structures shall be protected from deterioration by the application of appropriate weather resistant materials, including paint or other suitable preservative, and be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.
- 3.4.3 All properties shall be clear of dilapidated buildings, structures or erections, including all dilapidated accessory buildings, structures or erection, and after removal of said dilapidated buildings, structures or erections, the property shall be left in a level and graded condition.

**SECTION 3.5 GARBAGE AND REFUSE DISPOSAL**

- 3.5.1 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, rubbish, refuse and ashes that may accumulate on the property. 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.
- 3.5.2 Accumulation or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.



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3.5.3 Garbage, rubbish and ashes shall be stored in receptacles and either made available for pick-up in accordance with Township standards and By-laws or taken to a Municipal garbage dump.

**SECTION 3.6 PEST CONTROL**

3.6.1. Dwellings shall be kept as free as practical of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticide Act. R.S.O. 1990, C.P.11.*

3.6.2. Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened and sealed.

**SECTION 3.7 DUST CONTROL**

3.7.1 For all commercial, industrial, and institutional properties that abut on residential properties, the surfaces of open storage areas, off-street parking areas, loading areas, and other areas used for vehicular movement, must be treated so as to prevent the raising of dust or loose particles.

**SECTION 3.8 FIREWOOD STORAGE**

3.8.1 All commercial, institutional, industrial or residential properties, shall be kept free and clear of firewood logs and wood chips, other than firewood logs stored in a neat and safe condition.

**PART C – BUILDING AND RESIDENTIAL OCCUPANCY STANDARDS**

**SECTION 4 – BUILDING STANDARDS**

**SECTION 4.1 FOUNDATIONS**

4.1.1 The foundation walls, and basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by shoring the walls, grouting masonry cracks, damp proofing the walls or floors, and installing sub-soil drains at footing levels.

4.1.2 Every basement, cellar or crawl space in a building shall be adequately drained.

4.1.3 Every foundation, wall or pier, structural member or material that has been damaged or indicate evidence of deterioration shall be repaired or replaced in accordance with *the Ontario Building Code.*

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**SECTION 4.2 BUILDING AND STRUCTURES**

- 4.2.1 Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 4.2.2 All exterior walls, roof, porch, chimney or appurtenance of a building shall be of materials which provide adequate protection from the weather and shall be maintained in a manner so as to prevent collapse of same or injury to the occupants of the dwelling, or to the public.
- 4.2.3 Exterior walls of a building or structure, and their components, including soffits, fascia, roofs, windows and doors, 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 the entry of water into the building envelope and deterioration due to weather conditions, insects or other damage.
- 4.2.4 Exterior walls of a building or structure and their components shall be kept free of painted slogans, graffiti and similar defacements.

**SECTION 4.3 DOORS AND WINDOWS**

- 4.3.1 Windows, doors, skylights and basement or cellar hatchways, shall be maintained in good repair, be weather tight and draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, widow frames, sashes and casings, replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors, it shall also be maintained in good repair. Windows shall be free of cracks and breaks.
- 4.3.2 All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside a dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 4.3.3 Where fire resistant doors exist in dwelling units, they shall be maintained in a condition which maintains the fire resistance rating for which the door was originally designed.
- 4.3.4 In a dwelling unit all windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured. Vertical sliding windows shall incorporate latching or automatic engaging devices to restrict when engaged the opening of the operable sash to a 4 inch (100 mm) opening space between the bottom sash rail and the sill. Horizontal sliding windows shall incorporate latching or automatic engaging devices to restrict when engaged the opening of the operable sash to a 4 inch (100 mm) open spacing between the sash style and jam. Vertical sliding

windows shall be provided with two latching devices, one of each sash style. Horizontal sliding windows shall be provided with a single latching device positioned on the top sash rail. The main frame members shall be designed to receive screens of a type intended for use with the window.

#### **SECTION 4.4 STAIRS, STEPS AND PORCHES**

- 4.4.1 Inside or outside stairs, steps, porches, balconies, decks and landings shall be maintained so as to be free of holes, cracks or other defects which may constitute possible accident hazards. Existing stair treads, steps, handrails or risers that show excessive wear or are broken, warped or loose, and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 4.4.2 Exterior steps, decks, walks and driveways shall be maintained so as to afford safe passage under normal use and weather conditions.
- 4.4.3 Guard protection shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers, including the landing, or a height of 24 inches (600). 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. Guard protection and handrails shall be constructed in accordance with the *Ontario Building Code*, and maintained rigid in nature.

#### **SECTION 4.5 EGRESS**

- 4.5.1 Every building shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- 4.5.2 The means of egress and fire warning devices in all buildings shall be maintained in accordance with *O.Reg.388/997*.

#### **SECTION 4.6 WALLS, FLOORS AND CEILINGS**

- 4.6.1 Every wall, floor, and ceiling finish shall be maintained so as to be free of defects which would permit flame or excessive heat to enter any concealed space.
- 4.6.2 Where fire resistant walls, floors or ceilings exist between separate dwelling units, they shall be maintained in a condition which maintains the fire resistant rating for which the wall was originally designed.
- 4.6.3 Where floor boards have been covered with linoleum or some other covering which has become worn or torn so that it retains dirt or might cause an accident, the linoleum or other covering shall be repaired or replaced.

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4.6.4 Where wall studs or ceiling joist are covered with drywall or some other covering which has become worn or damaged so that it may cause an accident, the covering shall be repaired or replaced.

4.6.5 Every bathroom, toilet room and shower room shall have a floor of water repellent construction with a water resistant base molding.

#### **SECTION 4.7 INSULATION**

4.7.1 Thermal insulation and air/vapour barriers of buildings to minimize heat losses shall be installed or maintained to prevent the condensation of water on interior walls, ceiling or floors.

### **SECTION 5 – RESIDENTIAL OCCUPANCY STANDARDS**

#### **SECTION 5.1 GENERAL CONDITIONS**

5.1.1 Every tenant, or 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.

5.1.2 Accumulation or storage of garbage, refuse, appliances or furniture in public hallways or stairways shall not be permitted.

#### **SECTION 5.2 MAINTENANCE**

5.2.1 Every floor, wall, ceiling, fixture and appliance in a dwelling shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.

#### **SECTION 5.3 WATER SUPPLY**

5.3.1 Every dwelling unit shall be provided with a safe and adequate supply of running water and potable water from a source approved by the appropriate authority. If the piped supply is not potable all fixtures must be labeled to indicate such and an adequate supply of potable water must be maintained within each dwelling.

5.3.2 All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water.

#### **SECTION 5.4 PLUMBING**

5.4.1 All plumbing, drain pipes and plumbing fixtures in every dwelling and every connecting line to the sewage system or water system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be

protected from freezing. Water back flow preventors are required at each exterior hose bib.

5.4.2 All plumbing fixtures shall be connected to the building drain through water seal traps.

#### **SECTION 5.5 TOILET, KITCHEN AND BATHROOM FACILITIES**

5.5.1 Every self-contained dwelling unit shall be provided with at least one kitchen sink, water closet, washbasin and bathtub or shower and an approved means of sewage disposal.

5.5.2 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 and bathtub or shower shall have a supply of hot and cold running water. Every water closet shall have a suitable supply of running water.

5.5.3 Where a toilet, kitchen or bathroom is shared by the occupants of a residential accommodation other than self-contained dwelling units, an entrance shall be provided from common passageway, hallways, corridor or other common space.

#### **SECTION 5.6 BATHROOMS AND TOILET ROOMS**

5.6.1 All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed so as to provide privacy for the occupant.

5.6.2 A wash basin shall be located in the same room as the water closet, and where this is not possible; a wash basin shall be located in a room conveniently adjacent to the room containing the water closet.

#### **SECTION 5.7 KITCHENS**

5.7.1 Every dwelling shall contain a kitchen area equipped with:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) a suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- (c) a counter or work area at least 0.61 metres (2 feet) in width by 1.22 metres (4 feet) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

#### **SECTION 5.8 HEATING SYSTEMS**

5.8.1 Every dwelling shall be provided with suitable heating facilities capable of maintaining a minimum indoor temperature of 20 degrees Celsius at 5 feet (1.5 metres) above floor level and 3 feet from exterior walls in all habitable rooms, bathrooms and toilet rooms. This temperature of 20 degrees Celsius is to be maintained from September 1, to June 15.

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- 5.8.2 The required heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard at any time.
- 5.8.3 No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movement of persons within the room where the heater is located.
- 5.8.4 Where buildings containing two or more dwelling units, fuel fired heating appliances shall be located, enclosed or separated from the remainder of the building in conformance with the *Ontario Building Code* and/or *Ontario Fire Code*.

**SECTION 5.9 CHIMNEYS**

- 5.9.1 Any heating apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smoke-pipe, vent-pipe or similar adequate chimney, as provided in the manufacturer's installation instructions and in accordance with the *Ontario Building Code*.
- 5.9.2 All gaseous and liquid fuel burning appliances and equipment shall be installed and maintained to comply with the *Ontario Energy Act, R.S.O., 1998, S.O. 1998, c.15* and the regulations made there under, or other applicable legislation.
- 5.9.3 Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into the dwelling. Abandoned flues and chimneys shall be either removed or maintained in a safe condition, including being adequately capped.
- 5.9.4 All flues shall be kept clear of obstructions. All open joints shall be sealed and all broken and loose masonry shall be repaired.

**SECTION 5.10 FIRE ALARMS, CARBON MONOXIDE DETECTORS AND SMOKE ALARMS**

- 5.10.1 Every dwelling unit shall be equipped with smoke alarms located between the bedrooms and the remainder of the dwelling unit, or as specified in the *Ontario Building Code*.
- 5.10.2 A carbon monoxide detector shall be installed and maintained in all dwellings that are equipped with a fuel fired appliance or a "built - in" garage located in accordance with the *Ontario Building Code*.

**SECTION 5.11 ELECTRICAL SERVICES**

- 5.11.1 Where available, an electrical service complying with the requirements of the electricity service provider shall be provided for all residential accommodation.

5.11.2 The electrical wiring and all electrical fixtures, switches receptacles and appliances located or used in dwellings, dwelling units shall 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 in the *Canadian Electrical Code*.

5.11.3 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space, and for each additional 9.3 square metres (100 sq. ft.) of floor area, an additional duplex shall be provided.

5.11.4 Extension cords shall not be used on a permanent basis.

**SECTION 5.12 LIGHT**

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

5.12.2 The owner shall insure that all public halls, stairs and outside entrances in multiple dwellings shall be adequately lighted.

**SECTION 5.13 VENTILATION**

5.13.1 Every habitable room and basement shall have an opening or openings for natural ventilation and such openings shall have a minimum aggregate unobstructed free flow as required by the *Ontario Building Code*.

5.13.2 An opening for natural ventilation may be omitted if mechanical ventilation is provided, which changed the air once each hour.

5.13.3 All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

5.13.4 Unheated crawl spaces shall be adequately vented to the outside air.

**PART D – ADMINISTRATION AND ENFORCEMENT**

**SECTION 6 – ENFORCEMENT**

**SECTION 6.1 PROPERTY STANDARDS OFFICER**

6.1.1 Each Building Official of the Corporation is hereby designated as a Property Standards Officer.

**SECTION 6.2 PROPERTY STANDARDS COMMITTEE**

- 6.2.1 A committee, of at least three persons, to be known as the Property Standards Committee of the Township of Essa is established.
- 6.2.2 The Property Standards Committee of the Township of Essa shall consist of members of the Committee of Adjustment. The members of the Committee shall serve for the term of Council.

**SECTION 6.3 CERTIFICATE OF COMPLIANCE**

- 6.3.1 Upon the issuance of a Certificate of Compliance at the request of an owner, a fee is payable in the amount of \$200.00.

**SECTION 6.4 CONFLICTS WITH OTHER BY-LAWS**

- 6.4.1 Wherever a standard established by this By-law is different from a standard in relation to the same matter established by any other By-law in force in the Township of Essa, the standard which provides the higher degree of protection for the health, safety and welfare of the occupants and of the general public shall prevail.

**SECTION 6.5 PENALTIES**

- 6.5.1 Except as hereinafter provided, every person who contravenes any of the provisions of this By-law is guilty of an offence and liable to the penalties set out in the *Building Code Act, 1992*.

**SECTION 6.6 TRANSITION PROVISION**

- 6.6.1 After the day of passage of this By-law, By-law 99-18 applies only to properties in respect of which an Order has been given under said by-law, prior to the date of passing of this By-law and only to such properties until such time as the work required by such Order has been completed or enforcement proceedings in respect to such Order, including demolition or repair by the Corporation have been concluded.

**SECTION 6.7 REPEAL BY-LAW**

- 6.7.1 As of the passing of this by-law, By law 99-18 is hereby repealed.



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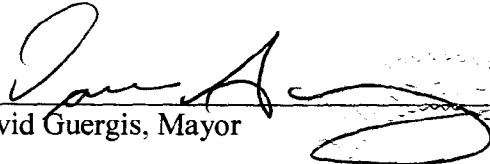
**SECTION 6.8 EFFECTIVE DATE**

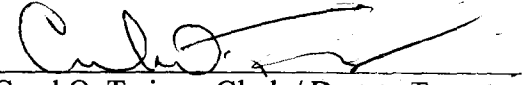
This By-law comes into force and effect on the date of passing.

**SECTION 6.9 NOTWITHSTANDING**

It is hereby declared that, notwithstanding any section, subsection, clause, paragraph or provision of this By-law or parts thereof which may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable, and that all other sections or parts of this By-law are separate and independent and enacted as a whole. Same shall not affect the validity or enforceability of any other provision of this By-law or the By-law as a whole.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Twenty Third day of January, 2008.

  
David Guergis, Mayor

  
Carol O. Trainor, Clerk / Deputy Treasurer