

BY-LAW NUMBER 2013-20
PROPERTY STANDARDS BY-LAW

A by-law to prescribe Property Standards for the maintenance and occupancy for all properties within the Town of Grand Valley and to repeal Village of Grand Valley By-law 91-3.

WHEREAS under subsection 15.1(3) of the *Building Code Act*, S.O. 1992, c.23 as amended, a by-law may be passed by the Council of a municipality prescribing the Standards for the maintenance and occupancy of Property within the municipality provided the Official Plan for the municipality includes provisions relating to Property conditions;

AND WHEREAS the Official Plan for the Corporation of the Town of Grand Valley includes provisions relating to Property conditions;

AND WHEREAS the Council for the Corporation for the Town of Grand Valley deems it necessary to pass a by-law under subsection 15.1(3) of the *Building Code Act*;

AND WHEREAS subsection 15.6(1) of the *Building Code Act* requires that a by-law passed under subsection 15.1(3) of the *Building Code Act* shall provide for the establishment of a Property Standards Committee;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAND VALLEY ENACTS AS FOLLOWS:

PART 1 – SHORT TITLE

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

PART 2 – DEFINITIONS

- 2.1 **“ACCESSORY BUILDING”** means a subordinate Building on the same lot as the main Building devoted exclusively to a use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the Property, but which is not used for human habitation.
- 2.2 **“BASEMENT”** means a storey or partial storey of a Building located below the First Storey and is not a Crawl Space as defined in this by-law.
- 2.3 **“BUILDING”** means a structure which is located on the ground or attached to something having a location on the ground whether temporary or permanent, used or built for shelter, accommodation or enclosure of Persons, animals, materials or equipment, and shall include Plumbing not located inside the Building designated in the *Building Code Act* but does not include swimming pools and any underground servicing facility.
- 2.4 **“BUILDING CODE ACT”** means the *Building Code Act, as amended*, and the regulations enacted hereunder in force from time to time in the Province of Ontario.
- 2.5 **“CHIEF BUILDING OFFICIAL”** means the person appointed as Chief Building Official by the Council of the Corporation of the Town of Grand Valley under the legislated authority of the *Building Code Act* or their designate.

- 2.6 **"COMMITTEE"** means a Property Standards Committee established under this by-law pursuant to the *Building Code Act*.
- 2.7 **"COUNCIL"** means the Council for the Corporation of the Town of Grand Valley.
- 2.8 **"CRAWL SPACE"** means that space below the floor of the First Storey of a Building which is not less in height than 30 centimetres (0.98 feet) from the underside of the floor joists to the surface below and is not a Basement as defined herein.
- 2.9 **"DANGER"** means exposure to or a source of an unsafe condition, hazard, peril, injury or risk to a person.
- 2.10 **"DWELLING"** means a Building or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes a Dwelling Unit.
- 2.11 **"DWELLING UNIT"** means a room or suite of rooms designed or intended for use by one or more persons living together as one housekeeping unit and containing cooking, eating, living, sleeping and sanitary facilities.
- 2.12 **"FENCE"** means a free-standing structure, or railing, or wall, or gate strung with a line of posts, wire, boards, pickets, privacy screens or other material, used to enclose or divide in whole or in part a Yard or other land or used to provide privacy.
- 2.13 **"FIRST STOREY"** means the storey with its floor closest to grade and having its ceiling more than 1.80 metres (5 feet 11 inches) above grade.
- 2.14 **"GUARD"** means a protective barrier, with or without openings through it, that is around opening in floors or at the open side of stairs, landings, mezzanines, galleries, raised walkways or other locations in order to prevent accidental falls from one level to another.
- 2.15 **"GOOD REPAIR"** means that the component Repaired can perform its intended function.
- 2.16 **"GOOD WORKMANSHIP"** means finishing the component Repaired in a manner reasonably comparable in design and colour with adjoining decorative finishing materials.
- 2.17 **"GRAFFITI"** means one or more letters, symbols or marks, howsoever made, that disfigure or deface a Property or an object located thereon, but does not include a Sign or a mural which has been authorized by the Town and approved by the Owner.
- 2.18 **"GROUND COVER"** means non-organic or organic material and includes concrete, flagstone, interlocking brick, asphalt, gravel, soil, grass and any other form of landscaping.
- 2.19 **"HABITABLE SPACE"** means a room or area used or intended to be used for living, sleeping, cooking or eating purposes.
- 2.20 **"HIGHWAY"** means a common and public highway and includes a street, avenue, parkway, lane, alley, driveway, square or place, or a bridge, trestle, viaduct or other structure forming part of a highway over or across which a highway passes, any part of which is designed and intended for, or used by, the general public for the passage of vehicles and includes the whole of a road allowance under the jurisdiction of the Town and, except as otherwise provided, includes a portion of a Highway.
- 2.21 **"LITTER"** means debris, rubbish, filth, refuse or discarded material of any kind whatsoever, and without limiting the generality of the foregoing shall include animal carcasses or droppings, furniture and household effects in a state of apparent abandonment or disrepair, inoperative mechanical devices and appliances, piping, tubing, and fittings or other accessories or adjunct parts, old or decayed lumber, packing materials, garden refuse, earth and rock fill, Vehicles that are wholly or partially dismantled, wrecked or otherwise inoperative, used oil, material from demolition projects, and Vehicles, machinery, equipment or materials apparently disused in their existing location.

- 2.22 **"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 accesses to exits.
- 2.23 **"MEDICAL OFFICER OF HEALTH"** means the Medical Officer of Health for the County of Dufferin or any Person acting under their supervision.
- 2.24 **"MOULD"** means a sub-group of fungi that colonizes damp organic matter and produces spores that can be air, water or insect-borne.
- 2.25 **"MULTIPLE DWELLING"** means a Building or portion thereof containing two or more Dwelling Units and shall include Dwellings either held or maintained under single ownership or established and maintained under the provisions of the *Condominium Act* or as a co-operative and may include occupancies that are in part used lawfully for non-residential purposes.
- 2.26 **"MUNICIPAL ACT, 2001"** means the *Municipal Act, 2001, as amended*, and the regulations enacted hereunder in force from time to time in the Province of Ontario.
- 2.27 **"NON-HABITABLE SPACE"** means any room or area in a Dwelling or Dwelling Unit, other than a Habitable Space and includes a Washroom, laundry room, pantry, lobby, public corridor, stairway, closet, Basement, boiler room, garage, space for service and maintenance and Crawl Space.
- 2.28 **"NUISANCE"** means any injurious, offensive, objectionable or obnoxious condition and, without limiting the generality of the foregoing, shall include a condition which is injurious, offensive, objectionable or obnoxious by reason of the unsightly storage of goods, wares, merchandise, Litter or other material.
- 2.29 **"OCCUPANT"** means any Person who has attained the age of eighteen years and is in possession of the Property.
- 2.30 **"OFFICER"** means a Person appointed by the Council for the Town as a property standards Officer for the purpose of administrating and enforcing this by-law.
- 2.31 **"ONTARIO ELECTRICAL SAFETY CODE"** means the regulation made pursuant to the *Electricity Act* that is in force from time to time in the Province of Ontario.
- 2.32 **"OWNER"** means:
- (a) the Person for the time being managing or receiving the rent of the land or Premise in connection with which the word is used, whether on their own account or as agent or trustee of any other Person, or who would so receive the rent if the Premise were let;
 - (b) a lessee or Occupant of the Property who, under the terms of the lease, is required to Repair and maintain the Property in accordance with the Standards for the maintenance and occupancy of Property; and
 - (c) the registered Owner of a Property, including any heirs, assigns, personal representatives and successors in title.
- 2.33 **"PERSON"** means an individual, sole proprietorship, partnership, corporate body, trust and an individual in their capacity as trustee, executor, administrator or other legal representative.
- 2.34 **"PESTICIDES ACT"** means the *Pesticides Act* and the regulations enacted hereunder in force from time to time in the Province of Ontario.
- 2.35 **"PLUMBING"** means a sanitary or storm drainage system, a venting system, a potable or fire water system, and parts thereof.

- 2.36 **"PLUMBING APPLIANCE"** means a receptacle or equipment that receives or collects water, liquids or sewage and discharges water, liquids or sewage directly or indirectly to a Plumbing system.
- 2.37 **"POOL"** means any body of water, including a hot tub or landscape pond, which:
- (a) is located outdoors on private property;
 - (b) is wholly or partially contained by artificial means; and
 - (c) is capable of holding water in excess of 61 centimetres (2 feet) in depth at any one point, and
 - (d) has an open exposed water surface of at least 1 square metre (10.70 square feet);

For the purposes of this by-law a Pool does not include:

- (i) a pond or reservoir to be utilized for farming purposes, fire fighting purposes or as part of a golf course,
 - (ii) a pool owned by any public or governmental body, agency or authority, or
 - (iii) an existing natural body of water or stream;
 - (iv) a stormwater management facility owned by the County of Dufferin or the Town.
- 2.38 **"PREMISE"** means any proportion of a Property which is owned by a specific Person, and includes all Buildings thereon.
- 2.39 **"PROPERTY"** means a Building or part of a Building, 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 shall include vacant property.
- 2.40 **"RECEPTACLE"** means a container used to store refuse for collection and shall include metal or plastic containers and commercial dumpsters, but shall not include garbage bags.
- 2.41 **"REPAIR"** means the taking of any action, including the making of additions or alterations, which may be required to ensure that a Property conforms to the Standards established in this by-law.
- 2.42 **"SIGN"** means any board, plate, panel, object, surface or device upon, within, against, through or by which there is inscribed, painted, affixed, borne, or projected any declaration, demonstration, insignia or illustration used for the purpose of direction, information, advertisement, promotion or identification including any Sign structure, structural trim, and advertising device related thereto.
- 2.43 **"STANDARDS"** means the minimum requirements, as set out in this by-law, for:
- a) maintenance of Buildings and Accessory Buildings,
 - b) maintenance of property,
 - c) maintenance and occupancy of Buildings,
 - d) maintenance of Fences, retaining walls and other barriers,
 - e) maintenance of Pool enclosures, and
 - f) maintenance of Signs.
- Where standards apply to components of building and structures the minimum standard or acceptable standard shall be considered the standards set out in the Ontario Building Code
- 2.44 **"STRUCTURAL ELEMENT"** means any structural component and its connections designed to have sufficient structural capacity and structural integrity to safely and effectively resist all loads and effects of loads.
- 2.45 **"TECHNICAL STANDARDS & SAFETY ACT, 2000"** means the *Technical Standards & Safety Act, 2000* and the regulations enacted thereunder in force from time to time in the Province of Ontario.

- 2.46 **"TENANT"** means a Person paying rent for the temporary use or occupancy of land or Buildings of another Person, and includes a lessee, Occupant, sub-Tenant, and the assigns and legal representatives of each of them.
- 2.47 **"TOWN"** means the Corporation of the Town of Grand Valley.
- 2.48 **"VEHICLE"** means an automobile, truck, bus, motorcycle, snowmobile, all-terrain Vehicle, trailer, recreational Vehicle, road building machine and any other Vehicle propelled by a motor or driven by muscular power.
- 2.49 **"WASHROOM"** means an area containing a toilet and a washbasin, and may include a bathtub, shower, urinal or bidet.
- 2.50 **"YARD"** means any land, other than publicly owned land, around or appurtenant to the whole or any of a Property, used or capable of being used in connection with the Property, and includes vacant land.

PART 3 – SCOPE AND INTERPRETATION

- 3.1 This by-law applies to all Properties located in the Town of Grand Valley.
- 3.2 Where the provisions of this by-law conflict with the provision of any other by-law in force in the Town, the provision that establishes the higher standard to protect the public health, safety and general welfare of residents shall prevail.
- 3.3 Where the provisions of this by-law conflict with the *Building Code Act* or any other applicable provincial act or regulation, the provisions of the provincial standard shall prevail.
- 3.4 The requirements in this by-law are set out in metric measurements and any imperial measurements in this by-law are provided for convenience only.
- 3.5 For the purpose of this by-law:
- (a) words used in the present tense shall be deemed to include the future,
 - (b) words in the singular shall be deemed to include the plural and words in the plural shall be deemed to include the singular, and
 - (c) words beginning with a capital, other than at the beginning of a sentence, indicate that there is either a definition for the word contained herein, or that it is a proper noun.
- 3.6 In the interpretation and application of the provisions of this by-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of any person.

PART 4 – GENERAL DUTIES AND OBLIGATIONS TO COMPLY

- 4.1 Every Owner shall:
- (a) comply with all Standards prescribed in this by-law;

(b) comply with any final and binding order issued by an Officer by Repairing or demolishing the offending part of a Building or Accessory Building, or requiring repairs to remedy Property-related violations that are not in accordance with the Standards of this by-law and where a Building or Accessory Building is demolished, the Property shall be left in a graded condition to the satisfaction of the Officer; and,

(c) comply with any emergency order issued by an Officer requiring remedial Repairs or other work to be carried out immediately to terminate a Danger where non-conformity with the Standards of this by-law poses an immediate Danger to the health or safety of any Person.

4.2 Every Owner or Person having contractual or statutory responsibility for the maintenance of the Property, insofar as that part of the Property which is under their control, is required to comply with all the Standards prescribed by this by-law and shall:

(a) maintain that part of the Premise which is occupied or controlled by them in a clean, sanitary and safe condition;

(b) keep exits clean and unencumbered;

(c) dispose of garbage and refuse into a Receptacle in a clean and sanitary manner, in accordance with the provisions of applicable laws of the Town and the County of Dufferin; and,

(d) maintain Yards in a clean, sanitary and safe condition free from conditions that might create a Nuisance or a health, fire, safety or accident hazard.

4.3 All Repairs and maintenance of the Property stipulated in the Standards prescribed by this by-law are to be carried out in a manner accepted as Good Workmanship in the trade and with materials suitable and sufficient for that purpose and free from defects.

PART 5 – ADMINISTRATION AND ENFORCEMENT

5.1 Council shall appoint Officer(s) to carry out the administrative functions of this by-law, including the enforcement thereof.

5.2 An Officer may, upon producing proper identification, enter upon any Property at any reasonable time without a warrant for the purpose of inspecting the Property to determine: (a) whether the Property conforms to the Standards prescribed in this by-law; or (b) whether an order made under this by-law has been complied with.

5.3 For the purposes of this by-law, in conducting an inspection of a Property, 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;

(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;

(f) order the Owner of the Property to take and provide the results of, at the Owner's expense, such tests and samples as are specified in the order.

5.4 Employees or agents of the Town may enter the Property at any reasonable time without a warrant in order to effect the Repairs or demolish a Building where an order to do so made under this by-law has been confirmed and has not been complied with, or where an emergency order has been issued and the danger has not been immediately terminated.

5.5 Property Standards Committee

(a) The property standards committee shall consist of three citizens' at large appointed by Council for a term of office concurrent with that of Council.

(b) Each member of the Committee, appointed by Council, shall be entitled to an honorarium as provided by Council for their attendance at Committee meetings.

(c) The members of the Committee shall elect one of themselves as a chairperson and when the chairperson is absent the Committee may appoint another member to act as chairperson.

(d) The secretary of the Committee or any member of the Committee may administer oaths.

(e) The secretary of the Committee shall take the minutes of the Committee hearing and shall keep on file, minutes, exhibits and records of all applications and the Committee decisions.

(f) Every Person wishing to appeal an order made by an Officer shall submit a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served the order, pursuant to the *Building Code Act*.

5.6 On an appeal, the Committee has all the powers and functions of the Officer who made the order and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the Town of Grand Valley Official Plan and Zoning By-law: confirm, modify or rescind the order to repair or demolish; and extend the time for complying with the order.

- 5.7 Any Owner or Occupant or Person affected by a decision under section 5.6 may appeal to the Superior Court of Justice by notifying the Clerk of the Town in writing and by applying to the court within 14 days after a copy of the decision is sent.
- 5.8 Where a Property is in compliance with an order and an Owner of the Property has requested and paid a fee as established by the Town of Grand Valley *Finance User Fee By-law*, as amended from time to time, an Officer shall issue a Certificate of Compliance.
- 5.9 No Person shall obstruct, hinder, delay or prevent the Medical Officer of Health, or any person acting under his direction or instruction, in the exercise of any power conferred or performance of any duty imposed by this by-law.

PART 6 – DEMOLITION OR REPAIR BY THE CORPORATION

- 6.1 If the Owner of a Property fails to effect the Repairs or demolish a Building in accordance with the requirements of an order that is deemed confirmed, pursuant to the provisions of the *Building Code Act*, or that is confirmed or modified by the Committee or a judge, the Town, in addition to all other remedies:
- (a) shall have the right to effect the Repairs or demolish a Building accordingly and, for these purposes, with its employees and agents from time to time, may enter into and upon the Property,
- (b) shall not be liable for a person acting on its behalf to compensate the Owner, Occupant or other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under the provision of this by-law, and
- (c) shall have a priority lien on the land for the amount spent on the Repair or demolition, pursuant to the *Municipal Act, 2001*.

PART 7 – PENALTY FOR NON-COMPLIANCE

- 7.1 Every Person who fails to comply with an order under this by-law, which order is confirmed pursuant to the provisions of the *Building Code Act*, is guilty of an offence, pursuant to the *Act*, and on conviction is liable to a penalty or penalties as set out in the *Act*.

PART 8 – WALKWAYS, DRIVEWAYS AND PARKING LOTS

- 8.1 A private walkway shall be provided from the entrance of every Building to a public street or private road or to a private driveway having access to a public street or private road.
- 8.2 Every private walkway, driveway, parking area, laneway and any similar area shall be maintained in Good Repair so as to afford safe passage under normal use and weather conditions.

- 8.3 Every step and hard surface intended for use as a private walkway, driveway, parking area, laneway or any similar area shall be: free of potholes or uneven sections, and adequately graded and drained in order to prevent excessive ponding of water.
- 8.4 Every Multiple Dwelling and each Dwelling Unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the Multiple Dwelling and the Dwelling Unit to the outside at street or grade level and such egress shall not be through any other Dwelling Unit, service room or other occupancy.
- 8.5 Every Means of Egress shall be maintained in Good Repair and free of objects or conditions that constitute a fire, safety or accident hazard.

PART 9 – MAINTENANCE OF YARDS

- 9.1 Every Yard shall be kept clean and free of Litter, salvage and from objects or conditions that might create a Nuisance, or a health, fire, safety or accident hazard.
- 9.2 A maximum of two years worth of firewood for domestic use may be stored in the rear Yard if the total area used for this storage is not more than 15% of the combined area of the rear and side Yards and the firewood shall be: cut into pieces that would fit into a wood burning appliance on the Property where the wood is being stored; neatly piled not less than 1.50 metres (5 feet) from a lot line; and stored at a height of not more than 1.50 metres (5 feet).
- 9.3 No land, Building or Accessory Building shall be used for the dumping or disposing of garbage or trade waste of any kind whatsoever, except lands, Buildings or Accessory Buildings owned or operated by the Town or the County of Dufferin, or a disposal transfer site or a recycling depot that is a permitted land use under the Town's *Comprehensive Zoning By-law 2009-10*, as amended from time to time.
- 9.4 No land shall be used for the parking, storing or placing of any Vehicle, boat, machinery, mechanical equipment, appliance, any part or parts thereof, or any similar item, which is in an inoperable, discarded or dismantled state or condition, or is in a state of disrepair, or is in an apparently disused condition, except where explicitly permitted by site specific zoning.
- 9.5 No vehicle, equipment, seasonal vehicles, boats, recreational vehicle, truck or trailer shall be parked in any yard or any part of a yard except for on a hard surface or gravelled driveway or parking space, constructed in accordance with the Town's by-laws
- 9.6 No outdoor storage of goods, materials, equipment, vehicles, sea containers, truck boxes, storage bins, seasonal vehicles, boats, recreational vehicles or similar items shall be permitted except where explicitly permitted in accordance with the applicable land use by-law. However, where such outdoor storage is determined to be a Nuisance, such goods, materials, equipment, vehicles, sea containers, truck boxes, storage bins, seasonal vehicles, boats, recreational vehicle and similar items shall be effectively screened by a Fence that relieves an unsightly condition that is out of place and not in harmony with the surrounding area, to the satisfaction of the Officer.

- 9.7 All accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition or nuisance, or are out of place and not in harmony with the surrounding area, shall be removed.
- 9.8 No excavation shall occur until the Town has been notified and a proper permit has been issued where required.
- 9.10 Every excavation that is 1.20 metres (4 feet) or deeper shall be protected by a temporary barrier that is: a minimum of 1.0 metres (3 feet 6 inches) in height; maintained in a structurally sound condition; and in Good Repair.

PART 10 – LANDSCAPING, GRADING AND STANDING WATER

- 10.1 All Yards, with the exception of natural areas, shall be graded and provided with a suitable Ground Cover to prevent the recurrent ponding of water and unstable soil conditions or erosion, and so as to direct the flow of surface water away from the walls of all Buildings.
- 10.2 No Person shall permit a depression, excavation or debris located on a Property to contain standing water for a period in excess of seven (7) days.
- 10.3 A tree or other plant, or a limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the Property or otherwise pruned to remove the dead, diseased, decayed or damaged portions of the tree or plant.
- 10.4 All hedges, shrubs, trees, or other plants shall be planted and maintained in a manner that does not: obstruct the safe passage of vehicular traffic or pedestrians; or wholly or partially conceal or interfere with the use of any hydrant or water valve.
- 10.5 Where landscaping, hedges, trees, Fences, screen walls or other buffering has been required by the Town, as a condition of development or redevelopment of a Property, such requirements shall be maintained in Good Repair and in the case of living materials in a living condition. Required trees, hedges and landscaping material shall be replaced as often as necessary to ensure that the intent of the original requirement is adhered to.

PART 11 – GARBAGE AND DEBRIS STORAGE AND DISPOSAL

- 11.1 Garbage and refuse shall be stored in Receptacles and all garbage bags shall be temporarily stored within an enclosed garage, Accessory Building or in a covered garbage Receptacle until the day of collection, and shall be removed in accordance with by-laws of the County of Dufferin or alternatively the Owner or Occupant shall cause a private refuse collection service to remove all garbage, rubbish, ashes, trade-waste or other refuse from the Property on a regular basis.
- 11.2 Every exterior refuse, storage and collection area, including containers and Receptacles, shall be maintained in a safe, clean, sanitary, odour free and tidy condition and not extend onto abutting lands, including Town owned lands or highways.

11.3 Every Property must have a garbage storage facility or a sufficient number of suitable Receptacles that:

(a) are of an adequate size so as to contain all garbage, debris or refuse generated by the Occupants,

(b) are rodent and pest proof,

(c) are provided with tight-fitting covers,

(d) are washed and disinfected as often as is necessary to maintain in a clean and odour-free condition, and

(e) adequately screened where stored or placed for disposal outside the enclosing walls of the Building or Accessory Building.

11.4 Every exterior bulk or roll off garbage system shall be equipped with a cover or similar device and shall not be left open, except when actively engaged in being loaded or unloaded.

PART 12 – RETAINING WALLS, FENCES AND OTHER BARRIERS

12.1 All retaining walls, Fences and other barriers shall be constructed in accordance with the Town's by-law governing fences and other barriers, including obtaining the necessary permits, and shall be: maintained in a structurally sound condition, plumb, maintained in Good Repair, protected by paint or other weather resistant material, and be free from safety or accident hazards.

12.2 Where the condition of a retaining wall, Fence or other barrier creates an unsafe or hazardous condition, the Owner shall remove or Repair the Fence, retaining wall, or other barrier, or provide a written report prepared by a professional engineer licensed to practice in the Province of Ontario confirming the structural integrity of the retaining wall, Fence or other barrier.

12.3 Where a retaining wall, Fence or other barrier obstructs visibility, thereby creating an unsafe condition, the Owner shall remove the retaining wall, Fence or other barrier, or take such steps as may be required to remedy the obstruction.

PART 14 – POOLS AND POOL ENCLOSURES

14.1 Every Pool and any appurtenance thereto shall be maintained: in Good Repair, free from leaks, free from safety or accident hazards, and in accordance with the Town's *Pool and Fence By-law*, as amended from time to time. Every pool enclosure shall be maintained in a structurally sound condition and in Good Repair, free from safety or accident hazards.

PART 15 – AERIALS, SATELLITE DISHES, SOLAR PANELS

- 15.1 All aerials, satellite dishes, solar panels, accessory buildings, structures and other similar structures and their supporting members shall be maintained in a safe condition and in Good Repair.

PART 16 – SANITARY SEWAGE DISPOSAL

- 16.1 Sanitary sewage shall be discharged into a Sanitary Sewage System.
- 16.2 When a sanitary sewer has not been installed on a street or road, all sewage from each Property abutting the street or road shall be discharged into a private sewage disposal system on the subject property, and each such system shall be constructed/installed and maintained in accordance with the *Building Code Act* if the design capacity is 10,000 litres per day or less. If the capacity is more than 10,000 litres per day then the system shall be approved by and maintained in accordance with the *Environmental Protection Act*.

PART 17 – BUILDINGS AND ACCESSORY BUILDINGS

- 17.1 Every Building and Accessory Building shall: be free from hazards, be maintained in Good Repair, be constructed and maintained with suitable and uniform materials, and have exterior surfaces protected by paint or other weather resistant material so as to provide protection from weather, insects or vermin.
- 17.2 Dilapidated or collapsed Buildings or Accessory Buildings shall be Repaired or demolished.
- 17.3 Every Building and Accessory Building, or parts thereof, that are unfinished shall be finished in an acceptable manner within a reasonable amount of time and, where applicable, in accordance with all relevant governmental legislation.

PART 18 – VACANT, UNOCCUPIED AND DAMAGED BUILDINGS AND ACCESSORY BUILDINGS

- 18.1 The Owner of any vacant, unoccupied Building or Accessory Building shall protect the Building or Accessory Building against the risk of fire, accident or other peril, by effectively securing the Building or Accessory Building to prevent the entrance of unauthorized persons.
- 18.2 Where a Building or Accessory Building is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent Danger to Persons, or to remove any conditions which might endanger Persons on or near the Property, and the Building or Accessory Building shall be properly supported, secured and barricaded until the necessary Repair or demolition can be carried out.
- 18.3 Where a Building or Accessory Building is barricaded, the barricade shall be: a minimum of 2.13 metres (7 feet) to a maximum of 2.74 metres (9 feet) in height from grade; not climbable, locked at all points of entry; maintained in a structurally sound condition and in Good Repair;

maintained free from safety or accident hazards, and protected by paint or other weather resistant material.

- 18.4 Where the locking of doors, windows and other openings is not sufficient to prevent entry to a Building or Accessory Building damaged by fire, storm or other causes, or to a Building that is unoccupied or partially unoccupied, entry shall be prevented as follows: by covering all windows, doors and other openings in the Building or Accessory Building that provide a means of entry with plywood or an equivalent material ; or with bricks or masonry units held in place by mortar.
- 18.5 All material used for securing vacant or unoccupied Buildings or Accessory Buildings shall be covered and maintained with a preservative that is reasonably comparable in colour with the exterior finish of the vacant or unoccupied Building or Accessory Building.
- 18.6 Where a Building or Accessory Building remains unoccupied for a period of 90 days or more, the Owner shall ensure that all utilities serving the Building or Accessory Building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the Property or adjoining Property.
- 18.7 The interior side of any windows shall not be directly covered with paper, cloth, plastic or other such material unless written permission is granted by the Town of Grand Valley. All sightline into a vacant building through any street facing ground floor window or door shall be blocked by a decorated panel not more than 2 meters from the interior side of the window. The design of such panel shall be approved by the Town of Grand Valley.

PART 19 – OCCUPANCY STANDARDS FOR BUILDINGS AND DWELLING UNITS

- 19.1 A Non-Habitable Space shall not be used as a Habitable Space.
- 19.2 The maximum number of occupants in a dwelling unit shall not exceed one person per 9.3m² of habitable room floor area
- 19.3 Every common area of a Building shall be kept free of litter, and health, fire, safety or accident hazards

PART 20 – MOULD

- 20.1 Every Building shall be maintained free of Mould.

PART 21 – MAIL

- 21.1 A separate and locked mailbox or mail receptacle shall be provided for each Dwelling Unit in a Multiple Dwelling and shall be maintained in Good Repair at all times.

PART 22 – STRUCTURAL SOUNDNESS

- 22.1 Every part of a Building or Accessory Building shall be maintained in a structurally sound condition.
- 22.2 No Structural Element of a Building or Accessory Building shall be added, removed, Repaired or modified in any manner until a building permit, where required, has been obtained from the Chief Building Official.
- 22.3 If in the opinion of the Officer there is reasonable doubt as to the structural adequacy or condition of the Building or Accessory Building, or parts thereof, the Officer may order that such Building or Accessory Building, or parts thereof be examined, and a written report be prepared by a professional engineer licensed to practice in the Province of Ontario, at the Owner's expense.
- 22.4 The written report required in Section 23.3, including drawings where required, signed and stamped by said engineer and giving details of the findings and proposed Repair methods, shall be submitted to the Officer.
- 22.5 Forthwith following submission of the report to the Officer or, where required, the issuance of a building permit, the Owner shall Repair, or cause to be Repaired, the Building or Accessory Building, or parts thereof, in accordance with the proposed Repairs described in the report, at the expense of the Owner.
- 22.6 On completion of all the work, a report signed and stamped by the professional engineer that all the work has been completed to their satisfaction and specifications shall be submitted to the Officer.

PART 23 – EXTERIOR AND INTERIOR WALLS AND CEILINGS

- 23.1 Every canopy, marquee, awning, fire escape, stand pipe, exhaust duct, and similar overhanging extension shall be: properly anchored, maintained in Good Repair, and protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment so as to prevent deterioration that affects the appearance of the Building and the safety of the general public.
- 23.2 Every exterior wall of a Building and its components shall be maintained in Good Repair and free from cracked, broken or loose masonry units, stucco, defective cladding or trim, stonework and other unsecured objects and materials and any improperly secured objects and materials shall be removed, Repaired or replaced.
- 23.3 The exterior wall of every Building shall be properly painted or otherwise treated, Repaired and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

- 23.4 Any opening or hole in an exterior wall of a Building that is not protected by a door, window or skylight shall be maintained in a weather-tight condition to prevent drafts or leakage and shall be protected by suitable materials to prevent the entry of rodents, vermin and insects.

PART 24 –EXTERIOR AND INTERIOR DOORS AND WINDOWS

- 24.1 Every door, storm door, screen door, door frame, self-closing door, window, skylight, and hatchway to an attic, Crawl Space, or to a roof shall be: maintained in Good Repair, a good fit in its frame, and maintained in a weather-tight condition to prevent drafts or leakage
- 24.3 Every Dwelling or Dwelling Unit located wholly or partly above the First Storey with free-swinging or free-sliding windows shall be equipped with a child-proof safety device
- 24.4 Every window and exterior door of a rental Dwelling Unit shall be equipped with a mechanism so that it can be secured from the inside.
- 24.5 At least one entrance door in a rental unit shall be capable of being locked from outside the rental unit.
- 24.6 A door between an attached or built-in garage and a Dwelling Unit shall: be tight-fitting and weatherstripped to provide an effective barrier against the passage of gases and exhaust fumes, be fitted with a self-closing device, and not be located in a room intended for sleeping.
- 24.7 All doors and hatchways to the roof that provide access for the purpose of maintenance shall be kept locked at all times.

PART 25 – EXTERIOR LANDINGS, STAIRS, PORCHES, BALCONIES, DECKS AND RAMPS

- 25.1 Every landing, stair, porch, balcony, deck, ramp, loading dock, fire escape or similar exterior structure shall be maintained free of any defect which may constitute a safety or accident hazard.
- 25.2 All supporting structural members of every landing, stair, porch, balcony, deck, ramp, loading dock, fire escape or similar exterior structure that are rotted or deteriorated shall be Repaired or replaced.
- 25.3 All treads, risers or coverings of every landing, stair, porch, balcony, deck, ramp, loading dock, fire escape or similar exterior structure that show excessive wear or are broken, warped, or loose shall be Repaired or replaced.
- 25.4 Every exterior stair containing more than three (3) risers and every exterior ramp rising over 40 centimetres (15.75 inches) in height shall be equipped with a handrail.
- 27.5 Exterior Guards shall be installed and maintained in Good Repair along stairs, porches, balconies, decks and ramps and any similar surface which is not protected for its length by a wall where there is a vertical drop of more than 60 centimetres (24 inches).

PART 26 – ROOFS, CHIMNEY, SMOKE AND VENT STACKS

- 26.1 Every roof shall be maintained: in a water-tight and weather-tight condition, free from loose and unsecured objects and materials, free from dangerous accumulations of snow or ice or both, and free from other fire, safety or accident hazards.
- 26.2 Every eavestrough, fascia, soffit, coping, roof gutter, flashing, down pipe, and any similar roof structure shall be: maintained free from leaks, defects, obstructions and hazards; protected with a suitable finishing material; and maintained in Good Repair.
- 26.3 Every roof equipped with eavestroughs and down pipes or other rain water collection systems shall be maintained so as to prevent run-off likely to cause flooding or ponding conditions on any property, or create hazardous conditions on any stairway, private sidewalk, walkway, or Highway, or that is likely to cause damage to any adjoining property.
- 26.4 No roof drainage shall be discharged on sidewalks, stairs or neighbouring property or sanitary sewers.
- 26.5 Storm water shall be drained from the yard so as to prevent excessive ponding or the entrance of water into a basement or cellar or where available, storm sewers.
- 26.6 Roof or surface drainage shall not be discharged onto neighbouring property in any manner that would create a nuisance.
- 26.7 Any above ground discharge from a down pipe shall be directed to discharge away from the Building.
- 26.8 Every chimney, smoke or vent stack, flue, gas vent and other similar roof structure serving or designed to serve a heating device or Building system shall be:
- (a) installed and maintained so as to prevent the escape of smoke or gases into the Building,
 - (b) maintained clear of obstructions,
 - (c) maintained free from open joints,
 - (d) maintained free from broken and loose masonry,
 - (e) securely supported and anchored, and
 - (f) maintained in Good Repair.

PART 27 – KITCHENS

- 27.1 Every self-contained dwelling unit shall contain a kitchen area equipped with a sink and served with running water

PART 28 – WASHROOMS

- 28.1 Every Dwelling Unit shall contain at least one Washroom comprised of a toilet, washbasin and bathtub or shower and an acceptable means of sewage disposal.
- 28.2 No toilet, urinal or bidet shall be located in a room used for, or intended to be used for, sleeping or preparing, consuming or storing food.

PART 29 – PLUMBING

- 29.1 All Plumbing, Plumbing fixtures and Plumbing Appliances in every Building and Accessory Building shall be maintained in good working order so as to be free from leaks, defects and obstructions and protected from freezing.
- 29.2 Every Dwelling, Dwelling Unit, and commercial, industrial and institutional occupancy shall be provided with an adequate supply of potable running hot and cold water from a source approved by the Medical Officer of Health or through a Regional waterworks system.
- 29.3 Every Dwelling, Dwelling Unit, and commercial, industrial and institutional occupancy shall be supplied with hot water that is at least 45⁰ Celsius (113⁰ Fahrenheit), after running for 60 seconds.
- 29.4 All toilets, wash basins, bath tubs, sinks, drains and showers shall be supplied with an outlet connected to the sewage system and shall be maintained in good working order.
- 29.5 Every fixture supplied with separate hot and cold running water controls shall have the hot water control on the left and the cold water control on the right.

PART 30 – VENTILATION

- 30.1 Every Habitable Space in a Dwelling shall have openings for ventilation providing an unobstructed free flow of air
- 30.2 Every system of mechanical ventilation shall be: maintained in a safe condition, maintained in good working order and kept clean.

PART 31 – HEATING AND AIR CONDITIONING

- 31.1 Every heating and air conditioning system, unit or part thereof shall be:
- (a) maintained in Good Repair,
 - (b) maintained in good working condition at all time,
 - (c) securely anchored,

(d) maintained free from any defect that may cause unnecessary noise or vibration,

(e) maintained in a clean condition,

(f) properly vented; and

(g) free of defects, leaks and obstructions

PART 32 – ELECTRICAL SERVICES

32.1 Every Building shall be wired for electricity and shall be connected to an approved electrical supply system, in accordance with the *Ontario Electrical Safety Code*.

32.2 The electrical wiring, fixtures, switches, receptacles and connections to them shall be maintained in a safe and complete condition and in Good Repair so as not to cause fire or electrical shock hazards, in compliance with the *Ontario Electrical Safety Code*.

PART 33 – LIGHTING

33.1 All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.

33.2 Every Habitable Space and every Washroom, hallway, furnace room, service room, stairway, passageway, Basement, and laundry room shall be provided with at least one light fixture providing sufficient illumination for the size of the room or space.

33.3 Artificial lighting, every standard supporting artificial lighting, the connections thereto and every lighting fixture shall be maintained: in a safe condition, in good working order, and in Good Repair.

PART 34 – PEST PREVENTION

34.1 Every Building or Accessory or outdoor storage area or outdoor display area shall be kept free of rodents, vermin, insects, and other pests at all times.

34.2 Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*.

34.3 Every opening or hole that might permit the entry of rodents, vermin, insects or other pests shall be appropriately screened or sealed.

PART 35 – SIGNS

35.1 Signs and any fastening or supporting members that are damaged, broken or excessively weathered or faded, or that have a worn or cracked finish, shall be removed or refinished and put in a good state of Repair so that the Signs are free from defects or faded lettering or as may

be additionally required pursuant to the Town of Grand Valley *Sign By-law*, as amended from time to time.

35.2 Signs shall be maintained so that the information conveyed by the Sign by colour, form, graphic, illumination, symbol or writing is clearly legible.

35.3 All signs shall conform to the Town's sign by-law and a permit acquired where required.

PART 36 – VALIDITY

36.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or if it be found to be of no force and effect, it is the intention of Council that each and every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

PART 37 – TRANSITIONAL RULES

37.1 After the date of passing of this by-law, *By-law 91-3*, as amended, applies only to properties in respect of which an order has been issued prior to the date of the passing of this by-law, and then only to such Properties until such time as the work required by such order has been completed or any enforcement proceedings in respect of such order, including repair and demolition by the Town, have been concluded.

PART 38 - EXEMPTION

38.1 This by-law shall not apply to lands owned and managed by the Town of Grand Valley.

PART 39 – REPEAL

39.1 Except for the purpose as set out in Part 39 of this by-law, *By-law 91-3*, as amended, is hereby repealed.

BY-LAW read and passed by the Council for the Town of Grand Valley this 14th day of May, 2013.



MAYOR – John K Oosterhof



CLERK – Jane M Wilson