

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 32-2024

Being a by-law to provide standards for the maintenance and occupancy of property in the Town of Hawkesbury

WHEREAS as per the *Municipal Act S.O 2001*, section 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001*, provides that a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 15.1 of the *Building Code Act* provides that the Council may pass a by-law with respect to prescribing standards for the maintenance and occupancy of property, and requiring property that does not conform with the standards to be repaired and maintained with the standards on the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

AND WHEREAS section 15.2 and 15.8 of the *Building Code Act* provides inspections and enforcement authorities for a by-law made under section 15.1 of the Act

AND WHEREAS the offence and penalty provisions for contraventions are as set out in section 36 of the *Building Code Act*, the Administrative Monetary Penalty System By-law, and the Administrative Penalties provisions in section 15.4.1 of the *Building Code Act*;

AND WHEREAS the Official Plan of the Town of Hawkesbury includes provisions relating to property conditions;

AND WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act, 2001* provides that a municipality may delegate its administrative and hearing powers;

AND WHEREAS Section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

AND WHEREAS Section 434.1 (1) of the *Municipal Act, 2001*, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under the *Municipal Act, 2001*;

AND WHEREAS the Council for the Town of Hawkesbury considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for its designated by-laws, or portions of its designated by-laws;

AND WHEREAS the Municipal Council of the Town of Hawkesbury deems it necessary to update By-law N° 50-2001, as amended, adopted in 2001;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury hereby enacts as follows.

1. SHORT TITLE

This by-law may be cited as the “Property Standards By-law” of the Town of Hawkesbury.

2. DEFINITIONS

“Accessory Building” means a detached building or structure, not used for human habitation, which is subordinate to the primary use of the same property.

“Apartment Building” means a building containing more than four dwelling units with individual access from an internal corridor system.

“Approved” means acceptance by the authority having jurisdiction.

“Appliances” means any household appliances.

“Basement” means the space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling, above the average exterior finished grade.

“Cellar” means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.

“Committee” shall mean the Committee of adjustment as established by By-law N° 75-2018.

“Corporation” shall mean the Corporation of the Town of Hawkesbury.

“Dwelling” shall mean a building or structure, or part of a building or structure used or intended to be used as a domicile by one or more persons usually containing cooking, eating, living, sleeping and sanitary facilities and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

“Dwelling Unit” means a room or a suite operated as a house-keeping unit, used or

intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.

“Egress” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other exit used for the escape of persons from any point within a building, a floor area, a room or a contained open space to a public thoroughfare usually located outside the building, as per the Ontario Building Code. A window may be used as a secondary means of egress, so long as it conforms to the requirements set out in section 9.9.10 of the Ontario building code.

“Fire Code” means the regulations made under the *Fire Protection & Prevention Act, 1997*.

“First Storey” means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres above grade.

“Ground cover” means any suitable material applied to the ground to prevent the erosion of soil and includes concrete, flagstone, gravel, asphalt, grass, or other forms of landscaping.

“Guard” means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through it.

“Habitable Room” means any room in a dwelling unit, with a minimum size as per the Ontario Building Code, used for or capable of being used for living, cooking, sleeping or eating purposes.

“Land leased community” means a community where buildings or portions of land are individually leased for living accommodation but does not include mobile parks.

“Maintenance” shall mean the preservation and keeping in repair of a property.

“Mechanical Room” means a room or space in a building dedicated to the mechanical and electrical equipment.

“Multiple Dwelling” means a building containing three or more dwelling units.

“Non-Habitable Room” means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, powder room, rest room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, garage; or other space for service and maintenance of a dwelling for public use or access to and vertical travel between storeys; and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this by-law.

“Non-Residential Property” means a building or structure, or part of a building or structure not occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.

“Occupant” shall mean any person or persons in possession of the property.

“Officer” shall mean a Property Standards Officer who has been appointed by Council with the responsibility of administering and enforcing this by-law.

“Owner” as defined in the *Building Code Act, 1992* as amended.

“Person” shall mean an individual, firm, corporation, association, or partnership.

“Powder Room” shall mean a room containing a water closet and a wash basin, which are connected to the plumbing system.

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

“Repair” shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in the By-law. All repairs shall be made in conformity to the applicable provincial regulations.

“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 any lands or buildings that are appurtenant to such establishment, as well as all stairways, walkways, driveways, parking spaces and fences associated with the dwelling or its yard.

“Rubble” shall mean broken concrete, brick, broken asphalt, patio or sidewalk slabs.

“Sewage” shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof water or other storm runoff.

“Standards” shall mean the standards of physical conditions and occupancy set out in the by-law, and in the Ontario Building Code.

“Vehicle” shall mean a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power.

“Yard” shall mean land other than publicly owned land, around and appurtenant to

any property or any part of a building or structure, and used or intended to be used, or capable of being used in connection with said property and includes vacant land.

3. MAINTENANCE OF ACCESSORY BUILDINGS AND YARDS

3.1. Accessory Building

- 3.1.1. Every accessory building shall be kept in good repair and free from health, fire and accident hazards.
- 3.1.2. An accessory building or structure used or capable of being used as an outhouse or outdoor pit privy is prohibited and shall be removed from any property unless used on a temporary basis and in conjunction with:
 - a) a construction site, or
 - b) a public event

3.2. Drainage

- 3.2.1. Storm water shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement or cellar.
- 3.2.2. All owners or occupants shall prevent the erosion of the soil in the yard.
- 3.2.3. No roof drainage shall be discharged on sidewalks, stairs or neighbouring property.
- 3.2.4. No surface or groundwater shall be discharged on neighbouring property.

3.3. Fences

- 3.3.1. Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards and shall comply with the Town's Fences by-law (N° 35-2013), as amended from time to time.

3.4. Garbage Disposal

- 3.4.1. Sufficient receptacles shall be provided to contain all garbage, rubbish and waste. The receptacles shall be made of metal or plastic, made of watertight construction, be provided with a tight-fitting cover and be maintained in a clean state.
- 3.4.2. Every property shall be kept free of refuse or litter, both inside dwellings and in outside areas.
- 3.4.3. Every non-residential building shall provide sufficient receptacles to

contain all refuse and litter as may be left by customers or other members of the public.

- 3.4.4. Compostable material shall be disposed of in a composter, or with the garbage, as per the Town's waste management by-law (N°51-2022), as amended from time to time.

3.5. Landscaping

- 3.5.1. Suitable ground cover shall be provided to prevent erosion of the soil. Where grass forms a part of the ground cover, and such grass has been killed, such dead areas shall be re-sodded or seeded as often as required so as to restore the grass to living condition.
- 3.5.2. Areas within the yard not covered by buildings or structures, sidewalks, driveways and parking areas shall be maintained to a standard at least compatible with the abutting and adjoining properties.

3.6. Safe passage

- 3.6.1. Steps, walks, driveways parking spaces and similar uses of a yard shall be maintained to afford safe passage under normal use and weather conditions.
- 3.6.2. All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, compacted stone or paved stone and shall be kept in good repair free of dirt and litter.

3.7. Sewage

- 3.7.1. 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.

3.8. Signs

- 3.8.1. All signs permitted under by-laws of the Town shall be maintained in a good state of repair and shall conform to the Town's sign by-law (N° 75-2001), as amended from time to time.
- 3.8.2. Signs which are damaged or broken or which are excessively weathered or faded or upon which the finish is worn, peeled or cracked, shall, with their fastenings and supporting members, be removed or refinished and put in a good state of repair.

3.9. Yards

- 3.9.1. All yards shall be kept clean and free from rubbish, rubble or other debris and from objects or conditions that might create a health, fire or accident hazard, or an unsightly condition out of character with the surrounding environment. Yards shall also be maintained as per the requirements set out in the Town's Clean Yards by-law.
- 3.9.2. Dilapidated, collapsed structures or partially constructed structures that are not currently under construction or erection and any unprotected well or unsafe condition or unsightly condition, shall be remedied or removed from yard.
- 3.9.3. Any excavated hole in any yard shall be filled up unless enclosed by a temporary barrier at least 122 centimetres in height in such a manner as to prevent an unsafe condition. Temporary means not more than 30 days, unless approved by written confirmation from the Town.
- 3.9.4. Where a dwelling unit or accessory building has a solid fuel burning device, the storage in a yard of firewood shall:
- a) not be permitted in any front yard;
 - b) be arranged in one area, neatly piled;
 - c) not exceed a quantity that is placed in an area no greater than 4.8 metres in length, 2.5 metres in width and 1.2 metres in height.
 - d) be at least 1 metre from the property line.
- 3.9.10 A boat or boat and trailer combination that exceeds an overall length of 5.5 metres shall not be stored or placed in any front yard.
- 3.9.11 A boat or boat and trailer combination which exceeds an overall height of 3.5 metres as measured from the ground to the highest point of the boat shall not be stored or placed in any yard within 4.5 metres from the property line.
- 3.9.12 The provision of section 3.9.11 of this by-law shall not apply where the yard or land abuts a navigable body of water.
- 3.9.13 Bulk storage tank shall not be stored in any front yard and shall conform to the *Technical Standards and Safety Act*, as amended.

3.10. Air Conditioners

- 3.10.1. All air conditioners shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits

of the property by reason of noise or condensation drainage.

- 3.10.2. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable government regulations.

3.11. Burnt Material & Demolished Material

- 3.11.1. In the event of fire or explosion, damaged or partially burnt material, demolished material shall be forthwith removed from the premises, following the obtention of a demolition permit, except that such material may be temporarily stored for a maximum period of thirty (30) days within the barricaded fire damaged building or unit.
- 3.11.2. Any foundation left after a fire, explosion or the demolition of a structure shall be filled up and graded with an acceptable material within thirty (30) days, in such a manner as to prevent an accident hazard.

4. RESIDENTIAL STANDARDS

4.1. General Conditions

- 4.1.1. Every owner, tenant, occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose or garbage and debris on a regular basis, in accordance with municipal by-laws.
- 4.1.2. Every owner, tenant, occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture under their control, including corridors, entrances, laundry rooms, utility rooms and other common areas, in a clean, sanitary and safe condition.
- 4.1.3. Accumulations or storage of garbage, refuse, appliances or furniture in means of egress shall not be permitted.

4.2. Pest Prevention

- 4.2.1. Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*, 1990.
- 4.2.2. Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

4.3. Foundations

- 4.3.1. Foundation walls of a dwelling shall conform to the provisions provided in the Ontario Building Code and shall be maintained to prevent the entrance of insects, rodents and moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints and floors.

4.4. Windows and doors

- 4.4.1. Windows, doors, skylights and basement or cellar hatchways shall conform to the provisions provided in the Ontario Building Code, and shall be maintained in good repair, weather tight and draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, weatherstripping, caulking, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 4.4.2. In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware to permit locking or securing from either inside or outside the dwelling unit, as per the Ontario Building Code
- 4.4.3. All exterior and/or main door entrances of a dwelling unit shall be approved for such installation and shall conform to the Ontario Building Code.
- 4.4.4. In residential buildings, where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall always be maintained in good working order.
- 4.4.5. Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter sphere, as per the Ontario Building Code. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

4.5. Walls, ceilings and floors

- 4.5.1. Every wall, ceiling and floor in a dwelling shall be
- a) maintained in good repair
 - b) maintained so as to be easily cleaned, and
 - c) free of holes, cracks, loose coverings, or other defects.
- 4.5.2 Walls surrounding showers and bathtubs shall be maintained as to be water-resistant and readily cleaned.
- 4.5.3 Every floor in a dwelling shall be reasonably smooth and acceptably leveled.
- 4.5.4 Every floor in a dwelling shall be maintained so as to be free of all loose, warped, protruding, broken or rotted boards or other material that might cause an accident, allow dirt or mold to accumulate, or allow the entrance of rodents and other vermin or insects.
- 4.5.5 Every floor in a bathroom, powder room, kitchen, shower room and laundry room shall have a floor of water-repellent material.

4.6 Guardrails

- 4.6.1 A guard 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 60 cm between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. All guards and handrails shall be installed and maintained in good repair in accordance with the Ontario Building Code.

4.7 Kitchens

- 4.7.1 Every dwelling shall contain a kitchen area equipped with the following, which shall be installed in accordance with the applicable government regulations:
- a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - b) suitable storage area of not less than 0.23 cubic metres;
 - c) a counter or work area at least 0.61 metre in width by 1.22 metres 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.

- e) Where appliances are provided, they shall be maintained in good repair and in safe condition.

4.8 Toilet and bathroom facilities

- 4.8.1 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water, as per part 7 of the Ontario Building Code.
- 4.8.2 Every required bathroom or powder room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the user.
- 4.8.3 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing said facilities.

4.9 Plumbing

- 4.9.1 Each washbasin, bathtub or shower and kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius and not more than 49 degrees Celsius.
- 4.9.2 Every dwelling unit shall be provided with an adequate supply of potable running water from the water treatment plant of the Corporation.
- 4.9.3 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition, free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 4.9.4 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 4.9.5 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts is hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleaning.

4.10 Electrical service

- 4.10.1 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system, as required under the Ontario Electrical Safety Code.
- 4.10.2 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings 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 by the Electrical Safety Authority.
- 4.10.3 Extension cords shall not be used on a permanent basis, or for any appliances.
- 4.10.4 Every bathroom, powder room, kitchen, laundry room, basement, mechanical room, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 4.10.5 Lighting fixtures and appliances installed throughout a residential building, including dwelling unit, including stairways, hallways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

4.11 Heating, heating systems, chimneys, and vents

- 4.11.1 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining a room temperature of 22° Celsius in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.
- 4.11.2 All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards provided by the Ontario Building Code, and any other applicable regulations, as amended.
- 4.11.3 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location to be free from fire or accident hazard, as per any applicable provincial laws related to residential units.
- 4.11.4 Every dwelling shall be constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed, or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall

conform to the Ontario Building Code.

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

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

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

4.12 Fire escapes, alarms and detectors

4.12.1 Each dwelling and each dwelling unit shall be provided with a smoke alarm in conformity with provincial standards. Carbon monoxide detectors and fire alarms shall be required depending on the dwelling type, as per the Ontario Building Code.

4.12.2 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an open able window or door in accordance with the Ontario Building Code or the Ontario Fire Code, where applicable.

4.13 Egress

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

4.14 Natural light

4.14.1 As per the Ontario Building Code, every habitable room except a kitchen or bathroom shall have a window or windows, skylights or translucent panels facing outside and admits as much natural light equal to not less than:

- a) ten (10) percent of the floor area for living and dining rooms; and
- b) five (5) percent of the floor area for bedrooms and other finished rooms.

4.15 Ventilation

4.15.1 Every habitable room in a dwelling unit, including kitchens, bathrooms, or powder rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres, or an approved system of mechanical ventilation such that provides hourly air exchanges, as per the Ontario Building Code.

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

4.15.3 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

4.16 Elevating devices

4.16.1 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans and emergency communication systems shall be operational and maintained in good condition, as per applicable standards in the Ontario Building Code and other applicable regulations.

4.16.2 Passenger elevating devices shall conform to CSA B355 “lift for persons with physical disabilities”.

4.17 Occupancy standards

4.17.1 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed the permitted number allowed per each bedroom, as per the Ontario Building Code.

4.17.2 No room shall be used for sleeping purposes unless it has a minimum width of 1.8 metres and a floor area of at least 5.5 square metres. A room used for sleeping purposes by two or more persons shall have a floor area of at least 3.7 square metres per person.

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

- a) each habitable room shall comply with all the requirements set out in this by-law and the Ontario Building Code;
- b) floor and walls shall be constructed so as to be damp proof and impervious to water leakage;
- c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code or Ontario Fire Code where applicable;

- d) access to each habitable room shall be gained without passage through a service room and shall have a secondary means of egress.

4.18 Roofs

- 4.18.1 Roofs of dwellings and their components shall be maintained in a weather tight and water-tight condition, free from loose or unsecured objects or materials.
- 4.18.2 The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.
- 4.18.3 Where eavestroughs, downspouts, and/or roof gutters are provided, they shall be kept in good repair, free from leaks and obstructions, and properly secured to the building.

4.19 Stairs, porches, and balconies

- 4.19.1 Inside and outside stairs, porches, decks, treads, risers, balconies, and landings shall be maintained so as to be free of holes, cracks, snow, ice and other defects that may constitute accident hazards. Existing stair treads 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.

4.20 Structural soundness

- 4.20.1 Every part of a building structure shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- 4.20.2 Walls, roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials.
- 4.20.3 If, in the opinion of the officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, and giving details of the findings of such examination be submitted to the officer.

4.21 Exterior walls

4.21.1 Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors shall be maintained in good repair, free from cracked, broken, or loose masonry units, stucco and other defective cladding or trim, rust and rust damage. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects, vermin or other damage.

4.21.2 Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti, and similar defacements.

5. VACANT LANDS AND BUILDINGS

5.1 Vacant buildings

5.1.1. Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

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

5.2. Vacant lands

5.2.1. Vacant land shall be maintained to the standards as described in section 3.9 of this by-law.

5.2.2. Vacant land shall be graded, filled, reseeded or resodded, so as to be properly drained to prevent recurrent ponding of water.

6. NON-RESIDENTIAL PROPERTY STANDARDS

6.1. Yards

6.1.1. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire, accident, hazard, or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions

are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres in height and maintained in good repair.

6.2. Parking areas and driveways

- 6.2.1. All areas used for vehicular traffic and parking shall have a surface covering of asphalt or concrete and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties that abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- 6.2.2. All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- 6.2.3. All buildings requiring a fire route, said fire route shall conform to the Ontario Building Code, and other applicable regulations. The fire route shall be structurally sufficient to accommodate heavier vehicles, to the satisfaction of the Town.

6.3. Structural soundness

- 6.3.1. Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced and may need to be verified by a professional engineer, licensed to practice in Ontario.
- 6.3.2. Walls, roofs and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

6.4. Exterior walls

- 6.4.1. Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair, free from cracked, broken or loose masonry units, stucco and other defective cladding or trim, rust and rust damage. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects, vermin or other damage.
- 6.4.2. Exterior walls of a building or a structure and their components shall be free of unauthorized signs, painted slogans, graffiti and similar

defacements.

6.5. Guardrails

6.5.1. A guard 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 60 cm between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. All guards and handrails shall be installed and maintained in accordance with the Ontario Building Code.

6.6. Lighting

6.6.1. 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 for industrial and commercial properties by the *Occupational Health and Safety Act, 1990*. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties and roadways.

7. ADMINISTRATION

7.1. Validity

7.1.1. This by-law shall apply to all property within the boundaries of the Corporation of the Town of Hawkesbury.

7.1.2. Where a provision of this by-law conflicts with a provision of another by-law in force within the municipality, the provisions that establish the highest standards to protect the health, safety and welfare of the general public, shall prevail.

7.1.3. If any section, clause or provision of this by-law is for any reason held by a court of competent jurisdiction to be invalid, the validity of the remaining sections shall continue to be in effect until repealed.

7.2. Property Standards Officer and Committee of Adjustment

7.2.1. Council shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this by-law.

7.2.2. A committee of adjustment shall be established as per By-law N° 75-2018.

7.2.3. Every person who initiates an appeal of an Order made under Section

15.2(2) of the *Ontario Building Code Act*, 1992, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment of two hundred fifty dollars (\$250.00), as per the Town's administrative fees by-law.

7.3. Penalty

- 7.3.1. Any person who contravenes any provision of this By-law shall be liable to pay the Town an Administrative Monetary Penalty, upon issuance of a penalty notice in accordance with the Town of Hawkesbury's Administrative Monetary Penalties System (AMPS) By-law, as may be amended from time to time.
- 7.3.2. Despite subsection 7.3.1, if a corporation is convicted of an offence under this by-law, upon conviction, is liable to a fine as prescribed by law.

7.4. Issuance of Certificate of Compliance

- 7.4.1. Following the inspection of a property, the Officer may, or on the request of the Owner, issue to the Owner a Certificate of Compliance if, in their opinion, the property is in compliance with the standards of this by-law.
- 7.4.2. If a Certificate of Compliance is issued at the request of the Owner, the Owner shall pay a fee of sixty dollars (\$60.00).

8. COMPLIANCE

- 8.1. The owner of any property which does not conform to the standards as set out in this by-law shall repair and/or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a leveled and graded condition.

9. TRANSITIONAL RULES

- 9.1. After the date of passing this by-law, By-law N° 75-2001 shall apply only to those properties in which an Order to Comply has been issued prior to the date of 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 with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

10. ENACTMENT

- 10.1. That By-law N° 50-2001 and all amending by-laws, as well as by-law N° 30-96 are hereby repealed.
- 10.2. That Schedule "A-4" be added to be part of Schedule A "Designated by-laws" of By-law N° 8-2024 Administrative Monetary Penalty System.
- 10.3. That this by-law shall come into force on the date of its passing.

**READ A FIRST, SECOND AND DULY PASSED UPON THE THIRD READING,
THIS 13th DAY OF MAY 2024.**

Robert Lefebvre, Mayor

Sonia Girard, Clerk