

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW No. XX/2024

Being a By-law for Prescribing Standards for the Maintenance and Occupancy of all Property Within the Municipality of Port Hope and to Repeal By-law 69/2006.

WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it desirable to enact the following by-law for prescribing standards for the maintenance and occupancy of all property within the Municipality and prohibiting the use of such property that does not conform to the standards; and for requiring property below the standards prescribed herein to be repaired and maintained so as to comply with said standards or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition;

AND WHEREAS it is Council's intention to apply property standards for purposes of enhancing public safety and regulating public nuisances;

AND WHEREAS Council acknowledges the importance and validity of the farming industry and desires not to unreasonably limit or unduly restrict normal farm practices;

AND WHEREAS the Municipality of Port Hope has in effect an "Official Plan" that includes provisions relating to property standards as provided in the Building Code Act, 1992, S.O. 1992, c.23;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Municipality of Port Hope enacts as follows:

PART 1

DEFINITIONS

In this By-law:

- 1.01 "Accessory Building" means a building or structure the use of which is incidental to that of the principal or main building on the property.
- 1.02 "Agricultural Operation" includes but is not limited to animal husbandry, ploughing, cultivating, spreading of fertilizers to promote crop growth, planting, spraying, harvesting, drying of crops, storage of agricultural materials (harvested product) and includes any working connection therewith and includes agricultural, aquacultural, horticultural and silvicultural operations.
- 1.03 "Agricultural Machinery and Equipment" means any equipment or device designed, intended and used in an agricultural operation, including but not limited to tractors, combines, elevators, driers, balers, off highway trucks, implements and including self-propelled implements of husbandry, chainsaws, irrigation pumps, crop conditioning and drying equipment, refrigeration units and crop protection equipment, but does not include wrecked, dismantled, discarded, inoperative or abandoned machinery, vehicles and/or their component parts unless it is necessary for the operation of a business enterprise lawfully situated on the property, or stored on the property for historical purposes.
- 1.04 "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.05 "Approved" means acceptance by the Property Standards Officer.
- 1.06 "Basement" means that portion of a building that is partly underground, which has half or more of its height, measured from floor to ceiling, above

- the finished grade level adjacent to the exterior walls of the building.
- 1.07 "Building" means a structure consisting of a wall, roof and floor or any of them or a structural system serving the function thereof.
- 1.08 "Building Code" means the Building Code Act, 1992, S.O. 1992, c.23 as amended, and includes regulations made thereunder.
- 1.09 "Cellar" means that portion of a building that is partly or entirely below ground and which has more than half of its height, measured from floor to ceiling, below the finished grade level adjacent to the exterior walls of the building.
- 1.10 "Committee" means the Property Standards Committee.
- 1.11 "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation.
- 1.12 "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.
- 1.13 "Fire Code" means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 as amended and includes the regulations made thereunder.
- 1.14 "First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 meters (6 feet) above grade.
- 1.15 "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.
- 1.16 "Habitable Room" means any room in a dwelling unit that is designed, used or intended to be used for living, cooking, sleeping or eating purposes.
- 1.17 "Means of Egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other exit facility 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 or an approved area of refuge usually located outside the building.
- 1.18 "Multiple Dwelling" means a building containing three or more dwelling units.
- 1.19 "Municipality" means the Corporation of the Municipality of Port Hope.
- 1.20 "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for 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.
- 1.21 "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.

- 1.22 "Normal Farm Practice" means a practice that:
- (a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or
 - (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- 1.23 "Occupant" means any person or persons over the age of sixteen years in possession of the property.
- 1.24 "Officer" means a Property Standards Officer/Provincial Offences Officer of the Municipality who has been assigned the responsibility of administering and enforcing this By-law and includes the Chief Building Official or designate.
- 1.25 "Owner" means the person, for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether on his/her own account or as agent, trustee, or any other person who would so receive the rent if such land and premises were let, and shall also include 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 of Maintenance and Occupancy of the property.
- 1.26 "Person" means an individual, firm, corporation, association or partnership.
- 1.27 "Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- 1.28 "Repair" means the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating, mending as may be required so that the property shall conform to standards established in this By-law.
- 1.29 "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 and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.30 "Sewage" means liquid or water borne waste of:
- (a) industrial or commercial origin; or
 - (b) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- 1.31 "Sewage System" means the municipal sanitary sewer system or a private sewage disposal system approved by the Medical Officer of Health but shall not include a system designed or intended strictly to handle ground water.
- 1.32 "Shipping Container" means a freight container that is used for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships for the purpose of moving goods and materials. A shipping container shall also include, but not be limited to, the body of a transport trailer or a straight truck and any prefabricated portable metal storage unit.

- 1.33 “Standards” means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.34 “Toilet Room” means a room containing a toilet.
- 1.35 “Unsafe condition” means a condition that poses or constitutes a fire hazard or risk to life, limb or health of any person.
- 1.36 “Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power and or their component parts.
- 1.37 “Yard” means the land other than publicly owned land around or appurtenant to the whole or any part of a residential property and used or capable of being used in connection with the property.

PART II

GENERAL STANDARDS FOR ALL PROPERTY

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

YARDS, LANDS, VACANT LAND

- 2.02 All yards, compounds and lands whether vacant or not shall be kept clean and free from:
1. rubbish, garbage, waste and other debris;
 2. objects that are health, fire or accident hazards;
 3. wrecked, dismantled, discarded, unlicensed, inoperative or abandoned machinery, vehicles and/or their component parts unless it is necessary for the operation of a business enterprise lawfully situated on the property; and
 4. any unprotected well or other unsafe condition.

SURFACE LANDSCAPED CONDITIONS

- 2.03 Surface conditions of yards shall be maintained so as:
1. to prevent ponding of storm water, unless provided for by Municipally approved site plan agreement;
 2. to prevent instability or erosion of soil;
 3. to prevent surface water run-off from entering buildings on the property;
 4. to be kept free of garbage and refuse;
 5. to be kept free of deep ruts and holes; and
 6. to provide for safe passage under normal use and weather conditions, day or night.

SEWAGE AND DRAINAGE

- 2.04 Sewage shall be discharged into the sewage system and at no time shall sewage be discharged into the surface of the ground whether into a natural or artificial surface drainage system or otherwise.
- 2.05 Notwithstanding article 2.04 of this By-law, where a municipal sanitary sewer has not been installed, all sewage shall be discharged into a private sewage disposal system approved under the Building Code Act.
- 2.06 Roof or sump drainage shall not be discharged onto sidewalks, stairs, or directly onto adjacent property.
- 2.07 In areas serviced by municipal storm sewers, roof drainage shall be discharged through a building drain or an exterior conductor to the storm sewer system, unless alternative measures approved by the Municipality can be achieved.

PARKING AREAS, WALKS AND DRIVEWAYS

- 2.08 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free from rubbish, garbage, waste and other debris.
- 2.09 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES

- 2.10 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 2.11 Fence heights shall be no higher than 1.8 metres for residential areas.
- 2.12 Fence heights shall be no higher than 4 metres high in industrial and commercial areas.
- 2.13 All exterior exposed surfaces of accessory buildings or structures shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration, or be of a condition which is acceptable to the Municipality.

GARBAGE DISPOSAL

- 2.14 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property. 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.
- 2.15 All garbage, refuse, and ashes shall be promptly placed in the suitable container and made available for removal in accordance with the Northumberland County garbage by-law.
- 2.16 Garbage storage areas shall be screened from public view.
- 2.17 The collection and storage of waste/recyclable materials (Ex. Scrap Metal) shall not be permitted in any residential area and/or area where not permitted by the current Municipal Zoning By-law.

COMPOST HEAPS

- 2.18 The occupant of a residential property may provide for a compost heap in accordance with health regulations, provided that the compost pile is no larger than 2.3 square meters (25 square feet) and 1.2 meters (4 feet) in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, or a commercial plastic enclosed container designed for composting.

PART III

RESIDENTIAL STANDARDS GENERAL CONDITIONS

- 3.01 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 of garbage and debris on a regular basis, in accordance with municipal by-laws.
- 3.02 Every owner, tenant, occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3.03 Every owner or occupant shall maintain public hallways, stairways and means of egress, free from the accumulation or storage of garbage, refuse, appliances, or furniture.

YARDS

- 3.04 In addition to the General Requirements of Section 2.02, all yards shall be kept clean and free from:
- (1) long grass (maximum 10cm in height), brush, heavy undergrowth and overgrown trees;
 - (2) dilapidated, collapsed or partially constructed structures;
 - (3) termites, rodents, vermin or other pests; and
 - (4) dead, decayed or damaged trees or other natural growth that may cause personal or property damage.

PEST PREVENTION

- 3.05 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, R.S.O. 1990, c. P.11 as amended.
- 3.06 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

STRUCTURAL SOUNDNESS

- 3.07 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight together with the loads that may be applied thereto by reason of its use and occupancy and natural causes as set out in the Building Code.
- 3.08 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

FOUNDATIONS

- 3.09 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Required maintenance may include the shoring of the walls to prevent settling, installing sub soil drains at the footings, grouting masonry cracks and waterproofing walls, joints, and floors.
- 3.10 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers that meet Ontario Building Code standards.

EXTERIOR WALLS

- 3.11 Exterior walls of a dwelling and their components, including soffits and fascia shall be maintained in good repair free from cracked, broken or loose masonry, stucco, and other defective cladding or trim. Paint or other suitable preservative or coating shall be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.12 Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

WINDOWS AND DOORS

- 3.13 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, so as to prevent heat loss and infiltration by wind or rain into the building. Required maintenance may include painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall be maintained in good repair.
- 3.14 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow the locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit the locking or securing from either inside or outside the dwelling unit.
- 3.15 Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 3.16 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 3.17 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere.

ROOFS

- 3.18 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 3.19 Accumulations of ice and/or snow shall be promptly removed from the roofs of dwellings and accessory buildings which slope toward a highway or sidewalk or walkway where such conditions could hinder the safe passage of the public.

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

WALLS, CEILINGS AND FLOORS

- 3.21 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 3.22 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of loose, warped, protruding, broken, or rotted boards or other material that might cause an unsafe condition or allow the entrance of rodents and other vermin or insects.
- 3.23 Every floor in a bathroom, toilet room, shower room, laundry room and kitchen shall be maintained so as to be impervious to water.

STAIRS, PORCHES AND BALCONIES

- 3.24 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects that may constitute an unsafe condition. 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.

GUARDRAILS AND BALUSTRADES

- 3.25 A guard, handrail or banister shall be installed so as to prevent accident or injury as required by the Building Code. A handrail shall be installed and maintained in good repair in all stairwells. Guards shall be installed and maintained in good repair around all landings, porches and balconies. Guards, handrail or banisters shall be constructed and maintained rigid in nature and to withstand the loads to which they are subject to, due to intense use.

KITCHEN FACILITIES

- 3.26 Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling and every dwelling unit shall be provided with each of the following:
- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - (b) a storage area having a content of at least 0.85 cubic metres.
 - (c) a counter or work area of at least 0.7 square metres, exclusive of the sink, and covered with a material that is imperious to moisture and grease and is easily cleanable; and
 - (d) a space sufficient to accommodate for cooking and refrigeration appliances including the suitable electrical or gas connections.

TOILET AND BATHROOM FACILITIES

- 3.27 Every dwelling unit shall contain a bathroom consisting of at least one fully operational toilet, wash basin, and bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply

of hot and cold running water. Every toilet shall have a suitable supply of running water.

- 3.28 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door.
- 3.29 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

PLUMBING

- 3.30 Every dwelling unit shall contain at least one water closet, one wash basin, a bathtub or shower, and one kitchen sink. All plumbing fixtures shall comply with the minimum requirements of the Ontario Building Code at the time of installation or replacement. All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a maximum temperature of not more than 49 degrees Celsius (120 °F).
- 3.31 Every dwelling unit shall be provided with an adequate supply of potable running water.
- 3.32 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.33 All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 3.34 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defect that may harbor germs or impede thorough cleansing.

ELECTRICAL SERVICE

- 3.35 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 3.36 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 Power Corporation Act, R.S.O. 1990, c. P.18 as amended.
- 3.37 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 square feet) of floor space and for each additional 9.3 square metres (100 square feet) of floor area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 3.38 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 3.39 Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid an unsafe condition in

normal use.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 3.40 Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 °F) 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 units to the required standard.
- 3.41 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Technical Standards and Safety Act, 2000, S.O. 2000, c.16 as amended or other applicable legislation.
- 3.42 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as not to create an unsafe condition.
- 3.43 Every dwelling shall be so 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 and the Fire Code.
- 3.44 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.
- 3.45 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 shall include the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 3.46 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.

FIRE ESCAPES, ALARMS AND DETECTORS

- 3.47 All fire escapes, alarms and detectors shall conform to the requirements of the Building Code and the Fire Code.
- 3.48 All dwellings and dwelling units shall have alarms and/or detectors installed in accordance with the requirements of the Building Code and the Fire Code.

EGRESS

- 3.49 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.
- 3.50 Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 0.35m² (3.8 sq. ft.) and no dimension less than 380 mm (15 inches) with a sill height of not more than 1 metre (39 inches), above the inside floor. A

single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

- 3.51 All required means of egress shall be maintained so as to permit safe, continuous and unobstructed passage at all times.
- 3.52 A required exit shall not pass through an attached garage or built-in garage or an enclosed part of another dwelling unit.

LIGHTING

- 3.53 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.
- 3.54 All public hallways and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.

NUISANCE LIGHTING

- 3.55 Residential exterior lighting fixtures shall be installed and maintained so as to prevent the light from being pointed directly at any other property.

VENTILATION

- 3.56 Every habitable room in a dwelling unit, as well as kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air as required by the Building Code.
- 3.57 All systems of mechanical ventilation shall be maintained in good working order.
- 3.58 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

ELEVATING DEVICES

- 3.59 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.

DISCONNECTED UTILITIES

- 3.60 Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

OCCUPANCY STANDARDS

- 3.61 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres of habitable floor area. For the purpose of computing habitable floor area any area with the minimum ceiling height less than 2.1 meters shall not be considered as habitable.

- 3.62 No room shall be used for sleeping purposes unless it has a minimum width of two meters and a floor area of at least seven square meters. A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres per person.
- 3.63 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;
 - (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - (c) each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the Ontario Building Code; and
 - (d) access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.

PART IV SPECIAL CIRCUMSTANCES

STORAGE OF EQUIPMENT/MATERIALS

- 4.01 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 feet) in height and not greater than 2.6 metres (8.5 feet) and maintained in good repair. This provision shall not apply to areas covered by a Site Plan Control Agreement.

PARKING AREAS, AND DRIVEWAYS

- 4.02 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of rubbish, garbage, waste and other debris. Notwithstanding the foregoing, for non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface, or shall be treated to prevent dust.
- 4.03 All vehicles shall be parked on designated parking surfaces as required and outlined in the Municipal Zoning By-law.
- 4.04 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.

SHIPPING CONTAINERS

- 4.05 Shipping containers as defined shall only be permitted and used in areas of the Municipality as outlined in the current Zoning By-law.

STRUCTURAL SOUNDNESS

- 4.06 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 as set out in the Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- 4.07 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

EXTERIOR WALLS

- 4.08 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. Paint or some other suitable preservative or coating shall be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 4.09 Exterior walls of a building or a structure, fencing materials and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements including but not limited to offensive materials.

GUARDRAIL AND BALUSTRADES

- 4.10 A guard, handrail or banister shall be installed so as to prevent accident or injury as required by the Building Code. A handrail shall be installed and maintained in good repair in all stairwells. Guards shall be installed and maintained in good repair around all landings, porches and balconies. Guards, handrail or banisters shall be constructed and maintained rigid in nature and to withstand the loads to which they are subject to, due to intense use.

LIGHTING

- 4.11 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, as amended, for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

VACANT OR DAMAGED BUILDINGS

- 4.12 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.
- 4.13 Where any building is vacant, unoccupied, or has been damaged by accident, storm, neglect or other causes or intentional damage, the owner or agent shall protect such building against the risk of accidental or intentional damage to the property, or such damage as may be caused to other properties, arising from the entry of unauthorized persons to the building, by effectively preventing entrance by unauthorized persons to the satisfaction of the Property Standards Officer.
- 4.14 For the purpose of Section 4.02, doors, windows, hatches and other openings through which entry may be obtained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing the openings.

- 4.15 Where a vacant or damaged property has not been sufficiently secured, the officer may issue an Order requiring the owner to secure the property in any of the following ways:
- a) boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building;
 - b) rigid composite panels, securely fastened to the building;
 - c) sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
 - d) brick and mortar securely fastened to the building; or
 - e) concrete blocking and mortar securely fastened to the building. The options listed above shall be considered progressively more secure with clause (e) being the most secure. It shall be the officer's discretion to determine the minimum level of security required.
- 4.16 Where it has been shown that a proper level of security has not been achieved, or the owner's control, attendance or lack of security measures to protect the property suggests a more secure option be used, the officer may order the owner to supply more stringent security measures as may be necessary beyond the options listed in Section 4.15.
- 4.17 Where a building remains vacant for a period of more than ninety (90) days, or in the opinion of the officer further measures are required, the officer shall ensure that all utilities serving the building, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property.
- 4.18 Any such work required under Part 4 of this By-law shall be done in compliance with the Ontario Building Code, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of property.

FIRE DAMAGED BUILDINGS

- 4.19 Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.
- 4.20 Where a building has been damaged by fire, the officer may order the owner to restore the building to meet the requirements of this By-law and the Ontario Building Code.
- 4.21 When the fire-damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be brought into compliance with all applicable sections of this By-law and the Ontario Building Code.
- 4.22 The exterior walls and other surfaces of the building shall have smoke damage or other defacement removed and the surfaces refinished.
- 4.23 Where, in the opinion of the officer, restoration as specified in Section 4.20 is not possible or economically feasible, the officer may order the building demolished and debris removed from the property.

DESIGNATED HERITAGE BUILDINGS

DEFINITIONS

4.24 In Sections 4.12 through 4.25 of this By-law:

“heritage attributes” has the same meaning as in section 1 of the *Ontario Heritage Act*;

“heritage property” means property that has been designated under section 29 or section 34.5 of the *Ontario Heritage Act* or property that is located within an area that has been designated under section 41 of the *Ontario Heritage Act* as a heritage conservation district; and

“*Ontario Heritage Act*” means *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended from time to time.

GENERAL

- 4.25 Despite any provision of this by-law, the *Ontario Building Code* or the *Building Code Act, 1992*, no building or structure located on a heritage property may be altered, demolished, removed, or relocated except in accordance with this By-law and *Ontario Heritage Act* including any permits or permissions required under such Act.
- 4.26 In addition to the minimum standards for the maintenance and occupancy set out elsewhere in this By-law, the owner of a heritage property shall maintain, preserve and protect its heritage attributes.
- 4.27 In the event of conflict between anything in Sections 4.11 through 4.25 of this By-law and any other sections of this By-law, Sections 4.11 through 4.25 shall prevail.

REPAIR OF HERITAGE ATTRIBUTES

- 4.28 Where a heritage attribute of a heritage property can be repaired, the heritage attribute shall not be replaced and shall be repaired,
- (a) in such a manner that minimizes damage to the heritage attributes and maintains the design, colour, texture, grain or other distinctive features of the heritage attribute; and
 - (b) using the same types of material as the original attribute and in keeping with the design, colour, texture, grain and any other distinctive features of the original attribute.
- 4.29 Where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material will be considered, in consultation with the Heritage Port Hope Advisory Committee, and approved by the Chief Building Official or designate.

REPLACEMENT OF HERITAGE ATTRIBUTES

- 4.30 Where a heritage attribute of a heritage property cannot be repaired, the heritage attribute shall be replaced in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the heritage attribute, using the same types of material as the original.

- 4.31 Where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material may be used.
- 4.32 Prior to replacing any heritage attribute, the owner of the heritage property shall consult with the Municipality's Heritage Committee.
- 4.33 The removal of the original material shall be documented by photographs, to-scale drawings, and/or any means identified by Municipal staff.

VACANT HERITAGE PROPERTIES

- 4.34 Notwithstanding Sections 4.12 through 4.18 (VACANT OR DAMAGED BUILDINGS) of this By-law, where a heritage property remains vacant for a period of ninety (90) days or more, the owner shall ensure that all utilities serving the property are properly disconnected, terminated or capped, unless in the opinion of the Chief Building Official or designate, such utilities (i) are necessary for the safety and security of the property, (ii) provide, maintain and monitor property heating and ventilation, or (iii) are otherwise required by law to remain connected.
- 4.35 Notwithstanding Sections 4.12 through 4.18 (VACANT OR DAMAGED BUILDINGS) of this By-law, the owner of vacant heritage property shall protect all structures and buildings on the property against the risk of fire, weather, neglect, intentional damage or damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing the buildings and structures in a suitable manner determined by the Chief Building Official or designate, that may include the following:
 - a) Lock all doors and windows and ensure on-going maintenance.
 - b) Post "No Trespassing" signs.
 - c) Post a heritage notice that complies with the Municipality's sign by-law that states:

 Heritage Notice

 The structure on this property is a designated heritage resource protected under the *Ontario Heritage Act* and applicable municipal law. Please help us conserve our heritage. For more information contact:

 Municipal Staff – Heritage at the Development Team Office located at 5 Mill Street, Port Hope
 - d) Close all basement hatches, openings, walkways and windows.
 - e) Remove ladders, tools, equipment and other materials that might be used to gain interior access.
 - f) Remove rubbish, garbage, parts of vehicles and other equipment, discarded furniture, appliances, machinery and debris from inside buildings and structures and from around the property.

- g) All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters, and by removing or cladding towers that may be used to access the property.
- h) Significant trees, plantings, grass, lawns, flower beds, hedgerows, bushes, vines and other vegetation on grounds surrounding vacant heritage buildings, structures and other resources shall be maintained and protected at all times in accordance with relevant municipal by-laws.
- i) Chain-off driveways and all other direct means of vehicular access to the property, while still permitting authorized vehicular and emergency vehicular access when necessary; chains should be no greater than 10mm (3/8 inch) in diameter and of a grade 30 or comparable.
- j) All boards shall be installed from the exterior and interior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding.
- k) All boards shall be fastened securely in a manner that minimizes damage to the heritage attributes.
- l) All boards used shall be painted in a manner to reflect the panes of glass, frames and muntins that were or are found on the opening that is being boarded over or the panes of glass shall be painted in matte black and the window frames and muntins shall be painted in a colour which matches that of the original opening.
- m) All boards not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.
- n) Temporary metal security fencing may be required around the perimeter of a vacant heritage property. The fence shall be 2 metres in height above grade, equipped with a horizontal top rail. The temporary fence shall be erected and securely anchored and maintained at all times with all gates locked with appropriate high security pad locks.
- o) Exterior lighting fixtures may be required to be installed and/or maintained in the front porch, veranda, or area adjacent to the front and rear entrance of the building or structure, and must be activated by motion sensors, and shall maintain an average level of illumination of at least 50 lux at ground level.

MARIJUANA GROW HOUSES AND CLANDESTINE DRUG OPERATIONS

- 4.36 In the event that an officer has been notified by a police service that a property has been or is being used as either a Marijuana Grow House or a Clandestine Drug Operation facility, the officer shall, in addition to any other action ordered or permitted by law, register any and all Orders issued pursuant to an Order or Orders Requiring Compliance under the authority of section 15.2 of the *Building Code Act, 1992, S.O. 1992*, against the title of the property at the local Land Registry Office.

- 4.37 The Order referred to in Section 4.36 shall contain a Schedule which will state:

“This property has been identified as having been used as a Marijuana Grow Operation (Clandestine Drug Operation facility). Operations of this nature are well known to have detrimental effects on the air quality, electrical systems and structural elements within the structure. It is the opinion of the Municipality that this property should not be occupied until all matters referred to in this Order have been addressed and resolved to the satisfaction of the investigating officer.”

PART V

EXEMPTIONS FOR AGRICULTURAL OPERATIONS

- 5.01 The exemption provisions of Part V shall not be applicable to a Residential Property or dwelling appurtenant to lands being used for agricultural operations.
- 5.02 The provisions of Sections 2.02 subsection 3. shall not apply so as to prohibit or restrict storage of agricultural machinery and equipment or vehicles used in agricultural operations provided they are in good working order.
- 5.03 The provisions of Section 2.03 subsections 1., 5., and 6., shall not apply to lands used in agricultural operations.
- 5.04 The provisions of Section 2.13 shall not apply to accessory buildings or structures used for agricultural operations.
- 5.05 The provisions of Sections 4.01, 4.03, 4.04, 4.08, 4.09 and 4.11 of Part IV shall not apply to lands used for agricultural operations.

PART VI

ADMINISTRATION AND ENFORCEMENT

- 6.01 This By-law shall apply to all property within the limits of the Municipality and shall be enforced on a written complaint basis only.
- 6.02 The imperial measurements contained in this By-law are given for reference only.
- 6.03 No person shall,
- (a) occupy,
 - (b) use,
 - (c) permit the use of,
 - (d) rent, or
 - (e) offer to rent,
- any property that does not conform to the Standards.

OFFICERS

- 6.04 The Council of the Municipality shall appoint Municipal Law Enforcement Officer(s)/Property Standards Officer(s) responsible for the administration and enforcement of this By-law.

- 6.05 An officer or any person acting under his/her instructions may at reasonable times and on producing proper identification, enter and inspect any property.
- 6.06 An officer or any person acting under his/her instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a Search Warrant issued under section 21 of the Building Code Act.

ORDER TO REMEDY

- 6.07 Where an officer finds that a property does not conform to any of the standards prescribed in this By-law, the officer is authorized to, and may, make an Order,
- (a) stating the municipal address or the legal description of such property;
 - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
 - (c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the owner's expense; and
 - (d) indicating the final date for giving notice of appeal from the Order.
- 6.08 Service of any Order in accordance with section 6.07 shall be deemed to have been made on the fifth day after mailing of the Order.
- 6.09 An Order issued in accordance with section 6.07 shall be served on the owner of the property and such other persons affected by it as the officer determines.
- 6.10 A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code, so as to provide for:
- (a) repair of the property; or
 - (b) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition, where the cost of doing the work does not exceed an estimated \$50,000.
- 6.11 Where the estimated cost of doing the work exceeds \$50,000, the officer shall seek the authorization from Council to carry out the requirements of the order.
- 6.12 Upon completion of the work, the Corporation shall have a lien on the land for the amount spent on repair or demolition. The amount shall be deemed to be municipal real property taxes and may be added by the Corporation to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

REGISTRATION OF ORDER

- 6.13 An Order made under section 6.07 may be registered in the proper land registry office and, upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served under section 6.07 and, when the requirements of the Order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

PROPERTY STANDARDS COMMITTEE

- 6.14 There shall be and is hereby established a Property Standards Committee consisting of three members who shall be ratepayers in the Municipality, appointed by By-law to hold office for the term of Council, in accordance with the Committee By-law 05/2021 or any subsequent by-law that follows it.
- 6.15 A member of the Council of the Municipality or an employee of the Municipality or of a local board is eligible to be a non-voting member of the Committee.
- 6.16 The Committee shall elect from among themselves a Chair and shall make provision for a Secretary, said Secretary being an employee of the Municipality, but not an officer.
- 6.17 The Secretary shall keep on file minutes and records of applications and the decisions thereon, and all other official business of the Committee.
- 6.18 When the owner or occupant upon whom an Order has been served in accordance with section 6.07 is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of Appeal by registered mail to the Secretary of the Committee, within fourteen days after service of the Order.
- 6.19 An Order that is not appealed within the time referred to in section 6.18 shall be deemed to be confirmed.
- 6.20 Upon receipt of the Notice of Appeal the Secretary shall determine a date, time and place for the hearing of the Appeal which shall take place not less than seven days and not more than thirty days from the date of receipt of the aforementioned Notice of Appeal and shall give notice of the date, time and place of the appeal to the Applicant, the Committee members and the Officer.
- 6.21 Where an Appeal has been taken, the Committee shall hear the Appeal and shall have all the authority and functions of the Officer and may confirm, modify, or rescind the Order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the By-law and of the Official Plan or policy statement are maintained.

APPEAL TO ONTARIO COURT

- 6.22 The Municipality or any owner or occupant or other person affected by a decision of the Committee may appeal to a judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Superior Court of Justice for an appointment within fourteen days after a copy of the Decision is sent.

PENALTY

- 6.23 No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. If an owner or occupant fails to demolish or repair the property in accordance with an Order as confirmed or modified, the Municipality in addition to other remedies:
- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
 - (b) shall not be liable to compensate such owner, occupant or another person having interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this article; and
 - (c) may cause a prosecution to be brought against any person who is in breach of such an Order.
- 6.24 Any person who fails to comply with an Order issued by a Property Standards Officer/Provincial Offences Officer is guilty of an offence and upon conviction is liable to a penalty or penalties as provided by the Building Code Act, 1992, S.O. 1992, c.23.
- 6.25 If this By-law is contravened and a conviction entered, the Court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

VALIDITY

- 6.26 It is hereby declared that each and every one of the provisions of this By-law is severable and that, if any provision of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every one of the then remaining provisions hereof shall remain in full force and effect to the fullest extent permitted by law.
- 6.27 Where a provision of this By-law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 6.28 This By-law may be cited as “The Property Standards By-law”.
- 6.29 This By-law shall come into force and effect upon the date of its final passing.

REPEAL OF EXISTING BY-LAW

- 6.30 By-law 69/2006 and its amendments are hereby repealed.

BYLAW READ AND PASSED in Open Council this ____ day of _____, 2024.

Olena Hankvisky, Mayor

Shrishma Davé, Clerk