Thursday, April 26th, 2012
2:30 p.m.
Lanark Highlands Municipal Office - 75 George Street, Lanark, Ontario
Council Chambers

*1:00 p.m.  “Special” Committee of the Whole – Property Standards By-law

Chair, Deputy Mayor Brian Stewart

1. CALL TO ORDER

2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

3. APPROVAL OF AGENDA

Suggested Motion:
“THAT, the agenda be adopted as presented.”

4. Building, Planning & Protective Services
   i) Draft Property Standards By-law – attached on pages 2-24

5. ADJOURNMENT
THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS

BY-LAW NO.

BEING a by-law to provide standards for the maintenance and occupancy of Urban and Rural property within the Township of Lanark Highlands.

WHEREAS the Council of the Corporation of the Township of Lanark Highlands is empowered to enact a by-law pursuant to the provisions of Section 15.1(3) of The Building Code Act, S.O. 1992 c.23 and amendments thereto.

AND WHEREAS pursuant to Section 15.6 of the Building Code, S.O. 1997 c.24, as amended, a by-law passed under section 15.1 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS there is an Official Plan in effect in the Township of Lanark Highlands that includes provisions relating to property conditions;

AND WHEREAS under the Tenant Protection Act, S.O. 1997 c.24, as amended, the Council of a local municipality may pass by-laws requiring landlords to provide adequate and suitable vital services to each of the landlord's rental units;

NOW THEREFORE the Council of the Corporation of the Township of Lanark Highlands HEREBY ENACTS that all property owners within the Township of Lanark Highlands are required to comply with the following minimum standards of maintenance occupancy:

PART I

DEFINITIONS

In this By-law, the following definitions shall apply:

1.1 "Accessory Building" means a use, building, or structure subordinate, incidental and exclusively devoted to the main use, building or structure located on the same lot therewith and not designed or intended for human habitation, unless specifically permitted by this By-law.

1.2 "Alteration" means (as applying to a building) a change from one major occupancy class or division to another, or to a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction, cutting into or removal of any wall, partition, column, beams, joist, floor or other support, or a change of the fixtures and equipment.
1.3 "Approved" means approved by the Property Standards Officer(s) for the Township of Lanark Highlands.

1.4 "Barrier" means a structure constructed similarly to a fence and having a height in excess of 2m (6.56 feet) from the ground.

1.5 "Basement" means a storey or storeys of a building located below the first storey.

1.6 "Building" means a structure as defined in the Building Code Act S.O. 1992, c.23, Section 1. (1)(a) or part of a structure occupied or capable of being occupied in whole or in part for its intended use and includes a vacant building or structure that could be intended for such use except for its state of disrepair.

1.7 "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.

1.8 "Commercial Property" means any property that is used or designed for the purpose of offices or the retail and wholesale buying or selling of commodities and includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.

1.9 "Committee" means the Property Standards Committee of the Township of Lanark Highlands, members of which are appointed by Council.

1.10 "Derelict Vehicle" means any vehicle boat, trailer or part of any vehicle, boat or trailer, that is in a wrecked, discarded, dismantled or partly dismantled state. The aforementioned does not preclude the occupant of any premises from repairing a vehicle for his/her own use and not for commercial purposes.

1.11 "Dwelling" means a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, and one or more families, but shall not include any mobile home, construction trailer, travel trailer, hotels, motels, a home for the aged, nursing home or hospital and includes a building that could be intended for such use except for its state of disrepair.

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, living, sleeping, and sanitary facilities.

1.13 "Excavation" means the space created by the removal of soil, rock or fill for the
purpose of construction.

1.14 **“Farm”** means lands, buildings and structures used for the growing of field crops, fruit crops, tree crops, flower gardening, vegetable gardening, nurseries, aviaries, apiaries, for grazing, breeding, raising, boarding or training of livestock, the breeding and raising of poultry, forestry and reforestation but shall not include kennels.

1.15 **“Fence”** means a structure constructed of materials such as wire mesh, solid wood or boards, rail lattice, rod iron etc, having a height from the ground of 2m (6.56 feet) or less. The ground shall be measured from the highest grade where there is a discrepancy in heights between adjoining properties.

1.16 **“First Storey”** means the storey with its floor closest to grade and having its ceiling more than 1.8 m (5’ 11”) above grade.

1.17 **“Grade”** means the average level of proposed or finished ground adjoining a building at all exterior walls.

1.18 **“Guard”** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landings, 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 them.

1.19 **“Habitable Room”** means a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a den, library or enclosed sunroom but shall not include any porch, veranda, unfinished attic, unfinished basement or unfinished cellar.

1.20 **“Industrial Property”** means any property that is used for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. In addition, includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.

1.21 **“Institutional Property”** means any property that is used for a non-commercial purpose by an organized body or society. This definition may include Municipal property, Schools, Hospitals, etc.

1.22 **“Land(s)”** means grounds and vacant lot(s) exclusive of buildings save and except an accessory building.
1.23 "Maintenance" means the preservation and keeping in repair of a property.

1.24 "Means of Egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, 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 of a public thoroughfare or an approved area of refuge usually located outside the building.

1.25 “Multiple Use Dwelling” means a building containing both a dwelling unit and a non-residential property.

1.26 “Multiple Dwelling” means a building containing three or more dwelling unit

1.27 “Municipality” means the Corporation of the Township of Lanark Highlands

1.28 “Naturalized Gardens” means an area on a property that promotes ecological restoration and is planted with wildflowers, shrubs, trees, grasses or other plants whether native or non-native and may include other natural elements such as rocks, water or wood, that are consistent with a natural landscape.

1.29 "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.

1.30 "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.

1.31 "Noxious Weed" means any weeds classed as noxious by the Weed Control Act, R.S.O. 1990, c.W.5.

1.32 "Occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.

1.33 "Occupant" means any person or persons over the age of eighteen in possession of the property.

1.34 "Officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law by the Municipality.

1.35 “Owner” includes:
   a) the person(s) who presently manages or receives the rent of; or the person(s) designated on the assessment roll as owning the land or
premises whether on his/her own account or as an agent or trustee of any person(s) or the person(s) who would so receive the rent if such land or premises were let.

b) lessee or occupant of the property who, under terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.

1.36 "Person" means an individual, firm, corporation, association or partnership.

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

1.38 “Rental Unit” means a dwelling unit within a residential rental property that consists of 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, living, sleeping, and sanitary facilities.

1.39 "Repair" means the provisions of such facilities and the making of additions, or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.

1.40 "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 land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.

1.41 "Residential Rental Property" means any property that is used or designed for uses as a leased domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.

1.42 "Rural Lands" means all lands situated within the Township of Lanark Highlands
1.43 **Site Triangle** means the triangular space formed by intersecting streets lines and a line drawn from a point in one street line to a point on the other street line, each such point being six metres from the point of intersection of the street lines measured along the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

1.44 **Sewage System** means the municipal sewer system if one is available, and if not, a private sewage disposal system approved under the Building Code Act and regulations.

1.45 **Standards** means the standards of the physical condition and of occupancy prescribed for property by this By-law.

1.46 **Unsafe Condition** means the physical state of a property, structure, barrier, fence and/or building(s), whether vacant or occupied, that in the opinion of the Property Standard Officer is a hazard to the public regarding fire, accident, health or safety.

1.47 **Urban Lands** means only those lands locally known as the Village of Lanark, Middleville, Hopetown, McDonald’s Corners, Watson’s Corners and Elphin whose boundaries are identified in the Municipality’s Zoning By-law and within all registered plans of subdivision.

1.48 **Vehicle** includes an automobile, truck, motorcycle, motorized snow vehicle, bus, trailer, traction engine, road-building machine and any vehicle drawn, propelled or driven by any kind or power, including muscular power, but does not include vehicles running only upon rails or vehicles used in farm operations.

1.49 **Water body** means any bay, lake, river, canal as well as any floodplain associated with the water body, but excluding a drainage or irrigation channel and any other watercourse.

1.50 **Watercourse** means any depression one metre or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well defined banks, as well as any floodplain associated with the watercourse and includes creeks, streams, municipal drains and other similar watercourses.

1.51 **Waterfront Property** means a piece of land fronting on a water body.

1.52 **Yard**

a) In urban lands means the land around or adjoining to the whole or any part of a residential, commercial, industrial or institutional property and
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used or capable of being used in connection with the property; and for estate lots, it generally refers to the lawn portion of a property.

b) In rural lands means the one acre of land immediately around or adjoining to a residential, commercial, industrial or institutional property and excludes barnyards and land under farm operations.

1.51 Any word or term not defined in this by-law shall have the meaning ascribed to it in the Building Act or the Ontario Building Code.

PART II

URBAN LAND

GENERAL STANDARDS FOR ALL PROPERTY

2. 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, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

2.1 CONDITIONS OF LANDS

2.1.1. All urban lands shall be kept clean and free from rubbish and debris and from objects or conditions such as holes that might create a health, fire or accident hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants.

2.1.2. No person shall excavate and leave said land in an excavated condition unmarked for longer than fourteen (14) days.

2.1.3. No derelict vehicle, scrap and/or junk material including, without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof shall be parked, stored, moored or left on lands or water front property unenclosed except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.

2.1.4 Where vehicles, trailers, boats, barges or mechanical equipment are stored, they shall be screened from the street and public by a fence/barrier or suitable planting and shall be in conformance with the applicable zoning requirements for that location.
2.1.5 All municipal lands will be maintained in accordance with municipal policy.

2.2. CONDITIONS OF YARDS

2.2.1 Every yard, including vacant lots, shall be kept clean and free from:

1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
2) appliances such as refrigerators, stoves and freezers and are not permitted to be used as places of storage;
3) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
4) dilapidated, collapsed or partially constructed structures which are not currently under construction that poses a safety hazard;
5) injurious insects, termites, rodents, vermin or other pests; and
6) dead, decayed or damaged trees that poses a safety hazard.

2.2.2 No person shall plant, grow, maintain, or permit on his/her property any hedge, shrub, plant or tree where:

a) its location creates a public safety hazard;
b) it affects the safety of vehicular traffic or pedestrian traffic;
c) overhangs or encroaches upon any sidewalk or pavement or traveled portion of any street or highway posing a safety risk to pedestrians and motorists; or
d) it is located in a site triangle with a height higher than 0.8 metres (2.62 ft)

2.2.3 The owner of a residential property shall maintain the residential property or part thereof and land which he/she occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris in accordance with the Township of Lanark Highlands' Garbage By-law.

2.2.4 Grass and plants shall be tended and maintained, except on lands in current crop production, pasture land, town land designated as open space and reforested land. Heavy growth and noxious weeds, as defined by the Weed control Act, shall be controlled. Notwithstanding the aforementioned, a naturalized garden that is tended and maintained shall be permitted within this by-law.

2.2.5 Compost heaps shall be retained on all sides by lumber, concrete blocks, plastic containers, or other materials suitable for such a use.
2.2.6. Compost heaps shall not be located in any front yard. All compost heaps located within a rear and/or a side yard must meet the accessory structure setbacks set out in the Municipality’s Zoning By-law.

2.2.7. Firewood and building materials shall be neatly piled in rear or interior side yards only. All required yard setbacks prescribed in the zoning by-law shall apply.

2.3  DRAINAGE

2.3.1. Sewage and organic waste shall be discharged into an approved sewage system.

2.3.2. No sewage shall be discharged onto the surface of the ground or into a natural or artificial surface drainage system.

2.3.3. Storm water shall be drained from the yard so as to prevent recurrent or excessive ponding or the entrance of water into a basement or cellar.

2.3.4. No roof or sump pump drainage shall be directly discharged onto sidewalks, stairs, neighbouring property, and roadways or into a sanitary sewer system unless the municipality authorizes approval.

2.3.5. All air conditioners located in buildings shall be equipped with proper devices for the prevention of condensation drainage upon public sidewalks or neighbouring properties.

2.4. WALKS, PARKING AREAS, DRIVEWAYS

2.4.1. 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.

2.4.2. All areas used for vehicular traffic and parking shall be kept free of rubbish, garbage and other litter and shall be kept in good repair.

2.5  LIGHTING STANDARDS

2.5.1. All artificial lighting for parking areas shall be maintained in good working order.

2.5.2. Any lights used to illuminate yards or parking areas shall be so arranged to direct the light downward only onto the yard or parking area and away from any adjoining lands or the sky.

2.5.3. Where lawn lamps are deemed as a requirement in a subdivision
agreement, such lawn lamps shall be functional and operated in accordance with the requirement in the subdivision agreement.

2.6 DAMAGED MATERIAL

2.6.1. In the event that a building is severely damaged due to a fire, explosion or by natural causes, measures shall be taken as soon as possible to secure the damaged property insofar as permitted by the proper authorities to prevent access and injury.

2.6.2. Damaged or partially burnt material shall be removed forthwith once the investigations are completed and authorization to do so is provided by the appropriate fire authorities.

2.7 FENCES, BARRIERS

2.7.1. Fences, barriers, and retaining walls shall be kept in good repair and shall be free from hazards or risks that may cause accidents, fire or be a danger to health.

2.7.2. No fences, barriers or retaining walls may be built on the property line of an adjoining property that is in close proximity to the neighbouring dwelling unit that might limit emergency access to any buildings on the adjoining property.

2.7.3. No person shall erect, construct, or place a fence in any residential zone within the Township of Lanark Highlands, with a height in excess of 2m. (6.56ft)

2.7.4. No person shall erect, construct or place a barrier in any residential zone within the Township of Lanark Highlands unless otherwise specified by a site plan control agreement or any other legislation which would deem a barrier a necessity.

2.7.6. The provisions of sections 2.7.3., and 2.7.4. do not apply to a barrier erected upon abutting lands that are used for industrial and/or commercial purposes, railway right-of-ways, and hydro, telephone, utility or public works installations that are deemed to be hazardous to the public, or are being used for screening and/or sound barriers.

2.8 ACCESSORY BUILDINGS

2.8.1. Accessory buildings and other structures appurtenant to property shall be maintained in structurally sound condition and in good repair.
2.8.2. Where an accessory building is not maintained in accordance with these standards, it shall be removed from the yard or repaired to the minimum standards prescribed in this by-law.

3. PROPERTY STANDARDS

3.1 STRUCTURAL STANDARDS

3.1.1. Every part of a building or a structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load for which it was designed. The structural condition of the structure must be in accordance with the structural safety factors required by the Ontario Building Code.

3.2. GENERAL CLEANLINESS

3.2.1. Every building and dwelling unit shall use sufficient weather resistant receptacles to contain all garbage, rubbish and ashes, as required by the Township of Lanark Highlands, relating to the handling, collecting and disposal of garbage, ashes and other refuse.

3.2.2. Garbage, rubbish and ashes shall be promptly stored in approved receptacles and removed as required by the Township of Lanark Highlands. Garbage shall be stored in the rear yard if an area in the building is not available.

3.2.3. Receptacles shall be:

a) made of metal or plastic
a) of watertight construction
b) capable of being tightly closed; and
c) maintained in a clean state

3.2.4. Materials of an inflammable nature shall, if they are lawfully on the property, be safely stored in accordance with appropriate legislation.

3.2.5. Containers shall be made available in a prominent position on non-residential property for the disposal of refuse which may be discarded by customers and others, and the land shall be kept free from refuse.

3.2.6. Hallways and stairways in a building shall be kept free from accumulation, storage of garbage, refuse or any other thing or object that may cause a health or accident hazard.

3.2.7. Buildings, dumpsters or structures used for the storage of garbage, rubbish, ashes and other refuse, prior to disposal, shall be deemed to be
accessory buildings or structures within the meaning of this by-law and the current Municipal Zoning By-law.

3.3.  PEST PREVENTION

3.3.1. Buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with provisions of the Pesticide Act, R.S.O. 1990 Chapter P.11 and all regulations passed pursuant thereto.

3.3.2. Openings and holes, within a building containing residential units, inclusive of chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.

3.4.  EXTERIOR SURFACE

3.4.1. Exterior walls of a building and their components shall be maintained in good repair, free from cracked, broken or loose masonry units and other defects to such attachments as soffits, fascia, cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

3.4.2. Exterior walls of a commercial, industrial or an institutional building and their components shall be free of painted slogans, graffiti and similar defacements.

3.5.  WATER PROOFING/ICE & SNOW REMOVAL

3.5.1. The roof of a building including the fascia, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into a building.

3.5.2. Dangerous accumulations of snow or ice shall be removed as soon as possible from the roofs of buildings.

3.5.3. Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be watertight and securely fastened to the building at all times.

3.6.  STAIRWAYS, PORCHES, DECKS

3.6.1. Inside or outside stairways and any porch, deck, balcony, veranda or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which may present a possible accident hazard.
In addition, all coverings, treads or risers that are broken, warped or loose and all supporting structural members that are rotted or deteriorated beyond repair shall be replaced.

3.6.2. A handrail 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 600 mm (24”) 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, and decks. Guardrails, balustrades and handrails shall be constructed and maintained in a firm and inflexible condition as prescribed in the Ontario Building Code.

3.6.3. Inside or outside stairways must be maintained free from accumulations of items, things or ornaments that may pose a safety or a fire hazard when entering or exiting a building.

3.7 FIRE PREVENTION EQUIPMENT

3.7.1. Fire prevention equipment such as smoke alarms or other fire detection devices and carbon monoxide detection equipment shall be installed as prescribed in the Ontario Building Code and the Ontario Fire Code and shall be maintained in good working order so as to effectively perform their intended function.

3.7.2. Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached though a window opening or door.

3.8 EGRESS

3.8.1. All buildings shall be provided with an adequate egress from every floor area in accordance with the Ontario Building Code and the Ontario Fire Code.

3.8.2. Every dwelling and every dwelling unit shall have an adequate means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level in accordance with the Ontario Building Code and the Ontario Fire Code.

3.9 OCCUPANCY STANDARDS

3.9.1. No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

3.9.2. Where the area of a habitable room space, within a dwelling unit, is
combined with a kitchen and a dining area, the habitable room space alone in a dwelling unit that contains sleeping accommodations for not more than two persons, shall be not less than 11 square metres (118 square feet) as prescribed by the Ontario Building Code.

3.9.3. For the purpose of computing the habitable room space in Subsection 3.9.2, any child under one year of age shall be deemed one-half person as prescribed by the Ontario Building Code.

3.9.4. For the purpose of computing the habitable room space in Subsection 3.9.2, the floor area under a ceiling which is less than 2.1 metres (6 ft) high shall not be counted as prescribed by the Ontario Building Code.

3.9.5 Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 6 square metres (65 square feet) with not less than 4.6 square metres (50 square feet) for each additional occupant, provided that for the purpose of this Subsection, two children under the age of six years may be counted as one person as prescribed by the Ontario Building Code.

4 VACANT BUILDINGS

4.1 VACANT BUILDINGS

4.1.1. The owner of a vacant building shall secure and/or board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry can be achieved.

4.1.2. No partially or completely vacant building shall remain boarded up for a period longer than two (2) years. After the said two (2) years or an alternate time period set by the Property Standards Officer, the owner or agent or other person responsible, shall forthwith make the necessary repairs to make it fit for a dwelling or other authorized uses in accordance with the Township of Lanark Highlands' Zoning By-law.

4.1.3. 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.

4.1.4. Where a vacant building is not maintained or fixed in accordance with this By-law, it shall be remedied. Vacant buildings deemed by the Chief Building Official as a health and safety issue and that have not been remedied to the satisfaction of the Property Standards Officer shall be removed from the property and the land or waterfront property shall be left in a graded level condition.
PART III

RURAL LANDS

GENERAL STANDARDS FOR ALL PROPERTY

5. 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, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

5.1 CONDITIONS OF LANDS

5.1.1. All rural lands shall be kept clean and free from objects or conditions that might create a health, fire or safety hazard.

5.1.2. No person shall excavate and leave said land in an excavated condition unmarked for longer than fourteen (14) days.

5.1.3. No derelict vehicle scrap and/or junk material including without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof shall be parked, stored, moored or left on lands or water front property unenclosed except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.

5.1.4 Where vehicles (farm operation vehicles excluded), trailers, boats, barges or mechanical equipment are stored, they shall be screened from the street and public by a fence/barrier or suitable planting and shall be in conformance with the applicable municipal zoning requirements for that location.

5.1.5 All municipal lands will be maintained in accordance with municipal policy.

5.2 CONDITIONS OF YARDS

5.2.1 Every yard shall be kept clean and free from:

1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;

2) appliances such as refrigerators, stoves and freezers and are not permitted to be used as places of storage;
5.2.2. The owner of a residential property shall maintain the residential property, which he/she occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris in accordance with the Township of Lanark Highlands’ Garbage By-law.

5.2.3. Grass and plants shall be tended and maintained, except on lands in current crop production, pasture land, town land designated as open space and reforested land. Heavy growth and noxious weeds, as defined by the Weed Control Act, shall be controlled. Notwithstanding the aforementioned, a naturalized garden that is tended and maintained shall be permitted within this by-law.

5.3 DRAINAGE

5.3.1. Sewage and organic waste shall be discharged into an approved sewage system.

5.3.2. No sewage shall be discharged onto the surface of the ground or into a natural or artificial surface drainage system.

5.3.3. Storm water shall be drained from the yard so as to prevent recurrent or excessive ponding or the entrance of water into a basement or cellar.

5.4. WALKS, PARKING AREAS, DRIVEWAYS

5.4.1. Steps, walks, driveways, parking spaces and other similar areas on residential rental, commercial, industrial or institutional property shall be maintained so as to afford safe passage under normal use and weather conditions, day or night.

5.4.2. All areas on residential rental, commercial, industrial or institutional property used for vehicular traffic and parking shall be kept free of rubbish, garbage and other litter and shall be kept in good repair.

5.5 LIGHTING STANDARDS

5.5.1. All artificial lighting for parking areas on residential rental, commercial, industrial or institutional property shall be maintained in good working
5.5.2. Any lights used to illuminate yards or parking areas on residential rental, commercial, industrial or institutional property shall be so arranged to direct the light downward only onto the yard or parking area and away from any adjoining lands or the sky.

5.6 DAMAGED MATERIAL

5.6.1. In the event that a building is severely damaged due to a fire, explosion or by natural causes, measures shall be taken as soon as possible to secure the damaged property insofar as permitted by the proper authorities to prevent access and injury.

5.6.2. Damaged or partially burnt material shall be removed forthwith once the investigations are completed and authorization to do so is provided by the appropriate fire authorities.

5.7 FENCES, BARRIERS

5.7.1. Fences, barriers, and retaining walls on residential, commercial, industrial or institutional property shall be kept in good repair and shall be free from hazards or risks that may cause accidents, fire or be a danger to health.

5.7.2. No fences, barriers or retaining walls may be built on the property line of an adjoining commercial, industrial or institutional property that is in close proximity to the neighbouring property that might limit emergency access to any buildings on the adjoining property.

5.7.3. The provisions of this section do not apply to a barrier erected upon abutting lands that are used for industrial and/or commercial purposes, railway right-of-ways, and hydro, telephone, utility or public works installations that are deemed to be hazardous to the public, or are being used for screening and/or sound barriers.

6. PROPERTY STANDARDS

6.1 STRUCTURAL STANDARDS

6.1.1. Every part of a building or a structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load for which it was designed. The structural condition of the structure must be in accordance with the structural safety factors required by the Ontario Building Code.

6.2. GENERAL CLEANLINESS
6.2.1. Every residential, commercial, industrial or institutional property and dwelling unit shall use sufficient weather resistant receptacles to contain all garbage, rubbish and ashes, as required by the Township of Lanark Highlands, relating to the handling, collecting and disposal of garbage, ashes and other refuse.

6.2.2. Garbage, rubbish and ashes shall be promptly stored in approved receptacles and removed as required by the Township of Lanark Highlands. Garbage shall be stored in the rear yard if an area in the building is not available.

6.2.3. Receptacles shall be:
   a) made of metal or plastic
   b) of watertight construction
   c) capable of being tightly closed; and
   d) maintained in a clean state

6.2.4. Materials of an inflammable nature shall, if they are lawfully on the property, be safely stored in accordance with appropriate legislation.

6.2.5. Containers shall be made available in a prominent position on residential rental, commercial, industrial or institutional property for the disposal of refuse which may be discarded by customers and others, and the land shall be kept free from refuse.

6.2.6. Hallways and stairways in a residential rental, commercial, industrial or institutional property shall be kept free from accumulation, storage of garbage, refuse or any other thing or object that may cause a health or accident hazard.

6.2.7. Buildings, dumpsters or structures used for the storage of garbage, rubbish, ashes and other refuse, prior to disposal, shall be deemed to be accessory buildings or structures within the meaning of this by-law and the current Municipal Zoning By-law.

6.3. PEST PREVENTION

6.3.1. Residential rental, commercial, industrial or institutional property shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with provisions of the Pesticide Act, R.S.O. 1990 Chapter P.11 and all regulations passed pursuant thereto.

6.3.2. Openings and holes, within a building containing rental units, inclusive of chimneys, windows, doors, vents, holes for pipes and electrical fixtures,
cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.

6.4. EXTERIOR SURFACE

6.4.1. Exterior walls of a residential, residential rental, commercial, industrial or institutional property and their components shall be maintained in good repair, free from cracked, broken or loose masonry units and other defects to such attachments as soffits, fascia, cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

6.4.2. Exterior walls of a commercial, industrial or institutional property and their components shall be free of painted slogans, graffiti and similar defacements.

6.5. WATER PROOFING/ICE & SNOW REMOVAL

6.5.1. The roof of a residential, residential rental, commercial, industrial or institutional property including the fascia, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into a building.

6.5.2. Dangerous accumulations of snow or ice on a residential rental, commercial, industrial or institutional property shall be removed as soon as possible from the roofs of buildings.

6.5.3. Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be watertight and securely fastened to the building at all times.

6.6. STAIRWAYS, PORCHES, DECKS

6.6.1. Inside or outside stairways on residential rental property and any porch, deck, balcony, veranda or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which may present a possible accident hazard. In addition, all coverings, treads or risers that are broken, warped or loose and all supporting structural members that are rotted or deteriorated beyond repair shall be replaced.

6.6.2. A handrail 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 600 mm (24”) 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, and decks. Guardrails, balustrades and handrails shall be constructed and maintained in a firm and inflexible condition as prescribed in the Ontario Building Code.

6.6.3. Inside or outside stairways on residential rental property must be maintained free from accumulations of items, things or ornaments that may pose a safety or a fire hazard when entering or exiting a building.

6.7  FIRE PREVENTION EQUIPMENT

6.7.1. Fire prevention equipment such as smoke alarms or other fire detection devices and carbon monoxide detection equipment shall be installed as prescribed in the Ontario Building Code and the Ontario Fire Code and shall be maintained in good working order so as to effectively perform their intended function.

6.7.2. Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached though a window opening or door.

6.8  EGRESS

6.8.1. All residential rental, commercial, industrial or institutional buildings shall be provided with an adequate egress from every floor area in accordance with the Ontario Building Code, the Ontario Fire Code and the Ontario Farm Building Code.

6.8.2. Every dwelling and every dwelling unit shall have an adequate means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level in accordance with the Ontario Building Code and the Ontario Fire Code.

6.9  OCCUPANCY STANDARDS

6.9.1. No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

6.9.2. Where the area of a habitable room space, within a dwelling unit, is combined

6.9.3. For the purpose of computing the habitable room space in Subsection 6.9.2, any child under one year of age shall be deemed one-half person as prescribed by the Ontario Building Code.

6.9.4. For the purpose of computing the habitable room space in Subsection 6.9.2, the floor area under a ceiling, which is less than 2.1 metres high
shall not be counted as prescribed by the Ontario Building Code.

6.9.5. Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 6 square metres (65 square feet) with not less than 4.6 square metres (50 square feet) for each additional occupant, provided that for the purpose of this Subsection, two children under the age of six years may be counted as one person as prescribed by the Ontario Building Code.

7. VACANT BUILDINGS

7.1 VACANT BUILDINGS

7.1.1. The owner of a vacant residential, commercial, industrial or institutional building shall secure and/or board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry can be achieved.

7.1.2. No partially or completely vacant residential, commercial, industrial or institutional building shall remain boarded up for a period longer than two (2) years. After the said two (2) years or an alternate time period set by the Property Standards Officer, the owner or agent or other persons responsible, shall forthwith make the necessary repairs to make it fit for a dwelling or other authorized uses in accordance with the Township of Lanark Highlands’ Zoning By-law.

7.1.3. Residential, commercial, industrial or institutional 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.

7.1.4. Where a residential, commercial, industrial and institutional vacant building is not maintained or fixed in accordance with this By-law, it shall be remedied. Vacant buildings deemed by the Chief Building Official as a health and safety issue and that have not been remedied to the satisfaction of the Property Standards Officer shall be removed from the property and the land or waterfront property shall be left in a graded level condition.

PART IV

8. ADMINISTRATION AND ENFORCEMENT

8.1 ADMINISTRATION
8.1.1 This By-law applies to all properties within the Township of Lanark Highlands

8.2 OFFICERS AND INSPECTORS

8.2.1 The person(s) appointed as Property Standards Officer(s) for the Corporation of the Township of Lanark Highlands shall be responsible for the administration and enforcement of this By-law.

8.3 PROPERTY STANDARDS COMMITTEE

8.3.1 A Property Standards Committee shall be established and shall consist of a minimum of three (3) people appointed by Council.

8.3.2 The members of the Committee shall appoint one of themselves as Chair, and when the Chair is absent, the Committee may appoint another member to act as Chair pro tempore and any member of the Committee may administer oaths.

8.3.3 The Secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee and Section 254 of the Municipal Act applies mutatis mutandis to such documents. The Secretary shall be comprised of a Municipal Staff member, appointed by the Committee.

8.3.4 A majority of the Committee constitutes a quorum and the Committee may adopt its own rules of procedure but before hearing an appeal it shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive notice.

8.3.5 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the order and may:

   a. Confirm, modify or rescind the order to demolish or repair;

   b. Extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the by-law and of the Official Plan or policy statement are maintained.

8.4 PENALTY

An owner of any property who fails to comply with an order that is final and binding under this by-law is guilty of an offense under section 36(1) of the Building Code Act, S.O. 1992, c.23 and is liable to a penalty or penalties as set out in section 36 of that Act.
8.5 SEVERABILITY

8.5.1. Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.

8.5.2. Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.

8.5.3. This By-law shall come into force and take effect upon its passing.

9. SHORT TITLE

9.1 This By-law shall be sited as the “Property Standards By-law.”

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY COUNCIL THIS ___DAY OF ____, 2012.

__________________________
Mayor

__________________________
Clerk