

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1734

Being a by-law to repeal By-Law No. 1293 and provide standards for the maintenance and occupancy of property in the Town of Marathon

WHEREAS Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 and amendments thereto, provides that a Council of a municipality may pass by-laws to:

- (1) Prescribe standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards; and
- (2) Require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition; and

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

WHEREAS this by-law and any other by-laws hereafter passed with respect to rates or fees to be charged will be established in the current municipal "Fees and Charges" by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

This by-law may be cited as the "Property Standards By-law" of the Town of Marathon.

2.1 INTERPRETATION

2.1.1. In this by-law:

- i) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
- ii) a word interpreted in the singular number has a corresponding meaning when used in the plural.

2.1.2 It is declared that if any section, subsection or part or parts hereof be declared by any court of law to be invalid, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

2.1.3 If there is a conflict between a provision of this by-law and a provision of any other corporation by-law, the provision that provides the highest standard to protect the health, safety and welfare of the general public shall apply.

SECTION 2.2 DEFINITIONS

- 2.2.1 “**accessory building**” means a detached building or structure, not intended to be used for human habitation and which is subordinate to the primary use of the same property.
- 2.2.2 “**apartment building**” means a building containing more than two dwelling units with individual access from an internal corridor system.
- 2.2.3 “**areaway**” means a sunken space in front of a building, usually leading to the basement;
- 2.2.4 “**approved**” means acceptance by the authority having jurisdiction.
- 2.2.5 “**basement**” means that space of a building that is partly or entirely below grade and which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 2.2.6 “**boarded**” in relation to a vacant building means a building in which every door, window or other opening of the building has been sealed or covered by affixing wood, metal or some other material over it to prevent entry;
- 2.2.7 “**building**” means a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
- 2.2.8 “**building code**” means the Ontario Building Code Act, S.O. 1992, c.23. and its regulations;
- 2.2.9 “**combustible material**” means anything capable of or used for burning;
- 2.2.10 “**combustible liquid**” means any liquid having a flash point at or above 37.8°C and below 93.3°C;
- 2.2.11 “**committee**” shall mean the Property Standards Committee as established under this by-law.
- 2.2.12 “**Corporation**” shall mean the Corporation of the Town of Marathon.
- 2.2.13 “**decrepit**” means worn out by long use;
- 2.2.14 “**dilapidated**” means in a state of disrepair as a result of age or neglect;
- 2.2.15 “**dwelling**” shall mean a building or structure or part of a building or structure used or intended to be used as a domicile by one or more persons, usually containing cooking, eating, living, sleeping and sanitary facilities and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- 2.2.16 “**dwelling unit**” means a room or a suite operated as a house-keeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.
- 2.2.17 “**enforcement officer**” means a person authorized by a by-law of The Corporation to enforce the provisions of this by-law and includes without limits to the Municipal By-Law Officer, the Chief Building Official and the Marathon Fire Chief or his/her designate;

- 2.2.18 “**fire chief**” means the officer responsible for and in command of the Marathon Fire Department;
- 2.2.19 “**fire code**” means the regulations made under the Fire Protection & Prevention Act;
- 2.2.20 “**first storey**” means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres above grade;
- 2.2.21 “**flammable liquid**” means a liquid having a flash point below 37.8°C and having a vapour pressure not more than 275.8 kPa (absolute) at 37.8°C as determined by ASTM D 323, “Vapour Pressure of Petroleum Products (Reid Method)”;
- 2.2.22 “**flash point**” means the minimum temperature at which a liquid within a container gives off vapour in sufficient concentration to form an ignitable mixture with air near the surface of the liquid;
- 2.2.23 “**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 them;
- 2.2.24 “**habitable room**” means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes;
- 2.2.25 “**maintenance**” shall mean the preservation and keeping in repair of a property;
- 2.2.26 “**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 to a public thoroughfare usually located outside the building;
- 2.2.27 “**multiple dwelling**” means a building containing three or more dwelling unit;
- 2.2.28 “**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;
- 2.2.29 “**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;
- 2.2.30 “**occupant**” shall mean any person or persons in possession of the property;
- 2.2.31 “**officer**” shall mean a Property Standards Officer who has been assigned by Council with the responsibility of administering and enforcing this by-law;
- 2.2.32 “**owner**” shall mean (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would so receive the rent if such

land and premises were let, and (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

2.2.33 “**person**” shall mean an individual, firm, corporation, association or partnership;

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

2.2.35 “**repair**” shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in the by-law. All repairs shall be made in conformity to the Ontario Building Code Act, the Ontario Water Resources Act, the Plumbing Regulations, the Regulations of Hydro Electric Power Commission of Ontario and Regulations made under the Public Health Act of Ontario;

2.2.36 “**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;

2.2.37 “**rubble**” shall mean broken concrete, brick, broken asphalt, patio or sidewalk slabs;

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

2.2.39 “**standards**” shall mean the standards of physical conditions and occupancy set out in the by-law;

2.2.40 “**toilet room**” shall mean a room containing a water closet and wash basin;

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

2.2.42 “**yard**” shall mean land other than publicly owned land, around and appurtenant to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with said property and includes vacant land.

SECTION 3 GENERAL

3.1 The standards for maintenance and occupancy as prescribed in this By-Law applies to all the property in the Town of Marathon.

3.2 The owner of any property which does not conform to the standards established in the By-law and the Schedules attached to this By-law and forming part of the By-law, shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and leveled condition.

SECTION 4 MAINTENANCE OF ACCESSORY BUILDINGS AND YARDS

4.1 ACCESSORY BUILDING

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

4.2 DRAINAGE

- 4.2.1 No roof drainage, storm water drainage, sump pump discharge, or discharge from a swimming pool shall be directed or discharged onto a sidewalk, stair or neighbour's property.
- 4.2.2 Storm water and pumped discharge shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a building and in a manner that will minimize erosion of adjacent properties.

4.3 FENCES

- 4.3.1 Fences and barriers shall be kept in good repair and free from accident hazards.
- 4.3.2 Retaining walls shall be maintained in good repair, capable of performing their intended function.

4.4 GARBAGE DISPOSAL

- 4.4.1 Sufficient receptacles shall be provided to contain all garbage, rubbish and waste. The receptacles shall be made of metal or plastic, made of watertight construction, be provided with a tight fitting cover and be maintained in a clean state.
- 4.4.2 Every property shall be kept free of refuse or litter.
- 4.4.3. Every non-residential building shall provide sufficient receptacles to contain all refuse and litter as may be left by customers or other members of the public.
- 4.4.4. The occupant of a residential property may provide for a compost heap in accordance with the health regulations and by-laws of the corporation.

4.5 LANDSCAPING

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

4.6 SAFE PASSAGE

- 4.6.1 Steps, walks, ramps, driveways, parking spaces and similar uses of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.
- 4.6.2 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 dirt and litter.
- 4.6.3 Where buildings and property have been designated, designed, constructed or altered for Barrier-Free Access, every barrier free path of travel and all barrier free features and equipment shall be installed in accordance with Part 3 Section 3.8 of the Building Code, and shall be maintained in good repair and shall function as designed.

4.7 SEWAGE

Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

4.8 SIGNS

- 4.8.1 All signs permitted under by-laws of the Corporation shall be maintained in a good state of repair.
- 4.8.2 Signs which are damaged or broken or which are excessively weathered or faded or upon which the finish is worn, peeled or cracked, shall, with their fastenings and supporting members, be removed or refinished and put in a good state of repair.

4.9 YARDS

- 4.9.1 All yards shall be kept clean and free from rubbish, rubble or other debris and from objects or conditions that might create a health, fire or accident hazard, or an unsightly condition out of character with the surrounding environment.
- 4.9.2 Wrecked, dismantled, inoperative or unused vehicles or machinery or any part thereof or unlicensed vehicles where the said vehicle would require a licence under the Highway Traffic Act, shall not be parked, stored or left in any yard, except in accordance with the following:
- (a) the vehicle and parts are stored in an enclosed building; or
 - (b) the vehicle and parts are fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair, in which case no more than one (1) such covered vehicle shall be permitted in any yard.
- 4.9.3 All yards shall be kept free of weeds, and heavy undergrowth shall be eliminated.
- 4.9.4 All lawns shall be kept trimmed neatly and shall not exceed 20 centimetres in height.
- 4.9.5 Dilapidated, collapsed structures or partially constructed structures that are not currently under construction or erection and any unprotected well or unsafe condition or unsightly condition, shall be remedied or removed from any yard.
- 4.9.6 Water in a swimming pool shall be kept and maintained in a condition that is not a health or safety hazard, or is malodorous, or is a breeding place for insects.

- 4.9.7 All yards shall be kept clean and free from any dead, decayed or damaged trees and branches or limbs thereof which create an unsafe or unsightly condition.
- 4.9.8 Any excavated hole in any yard shall be filled up unless enclosed by a temporary barrier at least 122 centimetres in height in such a manner as to prevent an unsafe condition.
- 4.9.9 Where a dwelling unit or accessory building has a solid fuel burning device, the storage in a yard of firewood shall:
- (a) not be permitted in any front yard;
 - (b) be arranged in one area, neatly piled;
 - (c) not exceed a quantity that is placed in an area no greater than 4.8 metres in length, 2.5 metres in width and 1.2 metres in height.
 - (d) Be at least 1 metre from the property line.
- 4.9.10 A boat that exceeds an overall length of 5.5 metres shall not be stored or placed in any front yard.
- 4.9.11 A boat or boat and trailer combination which exceeds an overall height of 3.5 metres as measured from the ground to the highest point of the boat shall not be stored or placed in any yard within 4.5 metres from the property line.
- 4.9.12 The provision of section 3.9.13 of this by-law shall not apply where the yard or land abuts a navigable body of water.
- 4.9.13 Bulk storage tank shall not be stored in any front yard and shall conform to the Technical Standards & Safety Act, 2000, as amended.
- 4.9.14 Furnaces, water and fuel tanks, household furniture, refrigerators, freezers, stoves or similar appliances whether operable or inoperable or any part thereof shall not be stored or left in any yard except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition.

4.10 AIR CONDITIONERS

All air conditioners shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits of the property by reason of noise or condensation drainage.

4.11 BURNT MATERIAL & DEMOLISHED MATERIAL

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

SECTION 5 RESIDENTIAL STANDARDS

5.1 GENERAL CONDITIONS

- 5.1.1. Every owner, tenant, occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or

control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.

5.1.2 Every owner, tenant, occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture under their control, including corridors, entrances, laundry rooms, utility rooms and other common areas, in a clean, sanitary and safe condition.

5.1.3 Accumulations or storage of garbage, refuse, appliances or furniture in means of egress shall not be permitted.

5.2 PEST PREVENTION

5.2.1 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act R.S.O.1990, C.P.-11 and amendments thereto, and all regulations passed pursuant thereto.

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

5.3 FOUNDATIONS

Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp-proofing and waterproofing walls, joints and floors.

5.4 WINDOWS AND DOORS

5.4.1 Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors, it shall also be maintained in good repair.

5.4.2 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.

5.4.3 All exterior and or main door entrances of a dwelling unit shall be approved for such installation.

5.4.4 In residential buildings where there is a voice communication unit installed 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 time.

5.5 WALLS, CEILINGS AND FLOORS

5.5.1 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.

5.5.2 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.

5.5.3 Every floor in a bathroom, toilet room, kitchen, shower room and laundry room shall be maintained so as to be impervious to water and readily cleanable.

5.6 GUARDRAILS

5.6.1 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing, or a height of 600 mm 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, and balconies. Guardrails, balustrades and handrails shall be constructed and maintained to the minimum standards set out the Ontario Building Code.

5.7 KITCHENS

Every dwelling shall contain a kitchen area equipped with:

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

5.8 TOILET AND BATHROOM FACILITIES

5.8.1 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of cold running water.

5.8.2 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked from the inside so as to allow privacy for the persons using said room.

5.8.3 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

5.9 PLUMBING

5.9.1 Each washbasin, bathtub or shower and kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius.

5.9.2 Every dwelling unit shall be provided with an adequate supply of potable running water.

- 5.9.3 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.9.4 All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 5.9.5 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 defects that may harbour germs or impede thorough cleansing.

5.10 ELECTRICAL SERVICE

- 5.10.1 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system as required under the Electrical Safety Code of Ontario.
- 5.10.2 The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electricity and shall be connected to an approved electrical supply system as required under the Electrical Safety Code of Ontario.
- 5.10.3 Extension cords shall not be used on a permanent basis.
- 5.10.4 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.
- 5.10.5 Lighting fixtures and appliances installed in a residential building, including stairways, hallway, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards under normal use.

5.11 HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

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

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

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

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

5.12 FIRE ESCAPES, ALARMS AND DETECTORS

5.12.1 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten persons in accordance with the Ontario Building Code or the Ontario Fire Code, where applicable.

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

5.13 EGRESS

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

5.14 NATURAL LIGHT

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, which provides natural light from an opening or openings 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.

5.15 VENTILATION

5.15.1 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings of at least 0.28 square metres providing an unobstructed free flow of air for ventilation or an approved system of mechanical ventilation that provides hourly air exchanges.

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

5.15.3 All enclosed areas including basements, crawl spaces and attics or roof spaces shall be adequately ventilated to prevent the build up of stale air or moisture within the space.

5.16 ELEVATING DEVICES

Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans and emergency communications systems shall be operational and maintained in good condition.

5.17 OCCUPANCY STANDARDS

- 5.17.1 No room shall be used for sleeping purposes unless it has a minimum width of 2 metres and a floor area of at least 7 square metres. A room used for sleeping purposes by two or more persons shall have a floor area of at least 4.2 square metres per person.
- 5.17.2 The number of occupants residing on a permanent basis in an individual dwelling unit shall not exceed the permitted number of occupants allowed per each bedroom based on floor area of the bedrooms.
- 5.17.3 Any basement or portion thereof, used as a dwelling unit shall conform to the following requirements:
- (a) each habitable room shall comply with all the requirements set out in this by-law;
 - (b) floor and walls shall be constructed so as to be damp proof and impervious to water leakage.
 - (c) Each habitable room shall be separated from service rooms by a suitable fire separation approved under the Ontario Building Code or Ontario Fire Code, where applicable;
 - (d) Access to each habitable room shall be gained without passage through a service room.

5.18 ROOFS

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

5.19 STAIRS, PORCHES AND BALCONIES

Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, snow, ice and other defects that may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be immediately repaired or replaced.

5.20 STRUCTURAL SOUNDNESS

- 5.20.1 Every part of a building structure shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- 5.20.2 Walls, roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials.
- 5.20.3 If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario

and employed by the owner of the building or authorized agent, and that a written report providing details of the findings of such examination be submitted to the Officer. The Officer may also order that the report include drawings for any recommended remedial work designed by the engineer.

5.21 EXTERIOR WALLS

5.21.1 Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors shall be maintained in good repair free from cracked, broken or loose masonry units, stucco and other defective cladding or trim. 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.

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

SECTION 6 VACANT LANDS AND BUILDING

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

6.2 The owner of a vacant building shall ensure that the building is secure from unauthorized entry by complying with either Part I or Part II of Appendix "A" of this by-law entitled "Security Requirements for Vacant Buildings."

6.3 The owner is exempt from Sub-Section 6.2 if the property, where the vacant building is located, is staffed by security personnel twenty-four hours per day.

6.4 The owner of a vacant building shall maintain the building in compliance with the standards set out in Appendix "B" of this by-law entitled "Maintenance Standards for Vacant Buildings."

6.5 The Corporation may cause the site to be cleared of all buildings, structures, debris or refuse and left in graded and level condition should the owner fail to comply with section 6.2 and section 6.4 of this by law.

6.6 The owner of a non-residential or multi-residential building which is vacant shall file a fire safety plan with the Fire Chief in accordance with the Ontario Fire Code, Ontario Regulation 213/07 made under the Fire Protection and Prevention Act 1997 as amended, within sixty (60) days of the building becoming vacant.

6.7 Vacant land shall be maintained to the standards as described in Section 4 Article 4.9 of the by-law.

6.8 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

SECTION 7 NON-RESIDENTIAL PROPERTY STANDARDS

7.1 YARDS

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.

7.2 PARKING AREAS AND DRIVEWAYS

- 7.2.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete or other dust free, suitable cover and shall be kept in good repair, free of dirt and litter.
- 7.2.2 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions. Commercial parking areas shall contain suitable markings such as painted lines and/or signs, to indicate parking spaces, egress and ingress.
- 7.2.3 For all buildings requiring a fire route, said fire route shall be designed and signs erected and maintained as per the Ontario Building Code.

7.3 STRUCTURAL SOUNDNESS

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

7.4 EXTERIOR WALLS

- 7.4.1 Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco and other defective cladding or trim. 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.
- 7.4.2 Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

7.5 GUARDRAILS

A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing, or a height of 600 mm 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, and balconies. Guardrails, balustrades and handrails shall be constructed and maintained to minimum standards set out in the Ontario Building Code.

7.6 LIGHTING

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 for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties and roadways.

SECTION 8 ADMINISTRATION

8.1 VALIDITY

- 8.1.1 This by-law shall apply to all property within the boundaries of the Corporation of the Town of Marathon.
- 8.1.2 Where a provision of this by-law conflicts with a provision of another by-law in force within the municipality, the provisions that establish the highest standards to protect the health, safety and welfare of the general public, shall prevail.
- 8.1.3 If any section, clause or provision of this by-law is for any reason held by a court of competent jurisdiction to be invalid, the validity of the remaining sections shall continue to be in effect until repealed.

8.2 PROPERTY STANDARDS OFFICER AND PROPERTY STANDARDS COMMITTEE

- 8.2.1 The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this by-law.
- 8.2.2 Council shall appoint at large, by resolution or by By-law of Council no fewer than three (3) persons of the municipality to the Property Standards Committee for the term of office concurrent with Council.
- 8.2.3 Every person who initiates an appeal of an Order made under Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment of one hundred twenty-five dollars (\$125.00).

8.3 PENALTY

- 8.3.1 An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence and on conviction is liable to a fine as prescribed by law.
- 8.3.2 Despite subsection 8.3.1, if a corporation is guilty of an offence under this by-law, upon conviction the corporation is liable to a fine as prescribed by law.

8.4 ISSUANCE OF CERTIFICATE OF COMPLIANCE

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

SECTION 9 COMPLIANCE

- 9.1 The owner of any property which does not conform to the standards as set out in this by-law shall repair and/or maintain said property to comply with the standards, or, otherwise, the owner shall clear the property of the non-complying, buildings, structures, debris or refuse and leave the property in a levelled and graded condition.

SECTION 10 TRANSITIONAL RULES

10.1 This by-law shall not be constructed to reduce or mitigate any restrictions or regulations lawfully imposed by the Corporation or any other authority having jurisdiction to make such restrictions or regulations.

SECTION 11 AUTHORITY

11.1 That By-Law No. 1293 is hereby repealed.

11.2 This by-law shall come into force on the date of its passing.

FORCE AND EFFECT

THAT this by-law shall come into force and take effect immediately upon passing.

READ A FIRST AND SECOND TIME THIS 18th DAY OF JULY, A.D., 2011.

.....
Mayor

(SEAL)

.....
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 18TH DAY OF JULY, A.D., 2011.

.....
Mayor

(SEAL)

.....
Clerk

APPENDIX "A"**TO BY-LAW NO. 1734
SECURITY REQUIREMENTS FOR
VACANT BUILDINGS**

The owner of a vacant building shall comply with either Part I or Part II of this Appendix.

PART 1

In order to comply with Part I of this Appendix, the owner of a vacant building shall ensure that

- (a) all exterior doors to the dwelling are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
- (b) all windows are either permanently sealed or locked so as to prevent entry;
- (c) all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the building; and
- (d) all windows are in good repair, and properly glazed; and
- (e) take such other actions as may be required to secure the building.

PART II

In order to comply with Part II of this Appendix, the owner of a vacant building shall ensure that:

- a) all doors, windows and other openings, other than the principal entrance, at the basement and first floor levels are covered with a solid piece of plywood, at least 11 millimetres (1/2") thick and secured with coated spikes or screws at least 75 millimetres (3") in length, spaced not more than 150 millimetres (6") on centre;
- b) the principal entrance is covered with a solid piece of plywood, at least 11 millimetres (1/2") thick, adequately secured with screws at least 50 millimetres (2") in length, spaced not more than 150 millimetres (6");
- (b.1) windows, doors and other openings above the first level of a vacant building are covered with a solid piece of plywood, at least 8 millimetres (3/8") thick and secured with coated spikes at least 75 millimetres (3") in length, spaced not more than 150 millimetres (6") millimetres on centre;
- c) where plywood is applied to openings, it is installed from the exterior, fitted within the frames in a watertight manner, and protected from the elements with paint or preservatives.
- d) all floors above the first floor are rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters (13') or guarding them in some other manner acceptable to an enforcement officer;
- e) all areaways are adequately covered and the covers secured so as to prevent shifting; and

- f) where they are not necessary to maintain fire protection systems or fire alarms, electricity, gas and water are cut off in a manner satisfactory to an enforcement officer;
- g) take such other actions as may be required to secure the building.

APPENDIX "B"**TO BY-LAW NO. 1734
MAINTENANCE REQUIREMENTS FOR
VACANT BUILDINGS**

The owner of a vacant building must maintain it in compliance with the following standards:

Exterior Walls

1. (1) The exterior of every building shall be constructed, repaired and maintained in a manner that;
 - a) ensures the integrity of the building envelope to protect the building from the weather and from infestations of insects, rodents and other pests, and
- (2) Without restricting the general requirements set out in Sub-Section 1(1):
 - a) all exterior surfaces shall consist of materials that provide adequate protection from the weather;
 - b) all exterior walls and their components, including coping and flashing, shall be maintained in good repair;
 - c) all exterior walls shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;
 - d) exterior wood surfaces shall be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;
 - e) no more than 25% percent of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
 - f) the mortar of any masonry or stone exterior wall may not be loose or dislodged;
 - g) the exterior of every building shall be free of graffiti; and
 - h) loose material shall be removed from exterior walls, doors and window openings.

Roofs

2. (1) Roofs must be constructed and maintained so as to prevent:
 - a) rainwater or snow falling on the roof from entering the building;
 - b) rainwater or snow falling on the roof from negatively affecting neighbouring buildings or properties;
 - c) objects and materials from falling from the roof.
- (2) Without restricting the general requirements set out in Sub-Section 2(1):
 - a) all roofs, including fascia boards, soffits, cornices, flashing, eavestroughing and downspouts shall be maintained in a watertight condition;

- b) roof drainage shall be controlled in order to eliminate or minimize runoff to neighbouring properties that;
 - (i) accumulates or causes ground erosion;
 - (ii) causes dampness in the walls, ceilings or floors of any portion of any neighbouring building;
 - (iii) accumulates on sidewalks or stairs in a manner so as to create a hazardous condition;
- c) loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a building.

Foundations, Walls and Floors

- 3. (1) Every wall and floor shall be structurally sound and maintained in a condition so as to prevent undue settlement of the building and prevent the entrance of moisture, insects, rodents or pests.
- (2) Without restricting the general requirements set out in Sub-Section 3(1):
 - a) every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any normal load to which it may be subjected;
 - b) materials that have been damaged, or show evidence of rot or other deterioration shall be repaired or replaced.

Porches and stairs

- 4. (1) Every porch and stairway within, on or attached to a building shall be maintained in good repair so as to afford safe passage under normal use and weather conditions.
- (2) Without restricting the general requirements set out in Section 4(1):
 - a) wooden or metal exterior steps must be protected against deterioration by the application of appropriate protective coating.

Guards, Balustrades and Handrails

- 5. (1) All guards, handrails and balustrades shall be maintained in good repair and firmly attached so as to provide reasonable protection against accident and injury.
- (2) Exterior fire escapes must be maintained in good repair and free of obstructions.

Fire Protection Systems

- 6. (1) Unless a fire protection system has been decommissioned by permission of the Fire Chief or his/her designate, it shall be maintained in an operational condition. Electricity, gas and water shall not be cut off where they are necessary to maintain fire protection systems or fire alarms;
- (2) Unless a fire alarm system has been decommissioned by permission of the Fire Chief or his/her designate, it shall be connected to an approved fire signal receiving centre in compliance with CAN/ULC-S561-03,

adopted and published by the Underwriters' Laboratories of Canada, so as to notify the Fire Department of fire alarm activation in the building.

Yards

7. (1) Yards surrounding a vacant building shall be maintained so as to prevent
 - a) the accumulation of water which may cause ground erosion;
 - b) drainage of water that negatively affects neighbouring properties including dampness in the walls, ceilings or floors of any portion of any neighbouring building;
 - c) the accumulation of water on sidewalks or stairs in a manner so as to create a hazardous condition.
- (2) Without restricting the general requirements set out in Sub-Section 7(1), yards surrounding a vacant building shall be maintained so as to prevent the accumulation of;
 - a) rubbish, garbage, junk and other debris;
 - b) wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused vehicles, trailers, and other machinery or any parts thereof;
 - c) objects and conditions, including holes and excavations that pose health, fire or accident hazards.
- (3) Plants and vegetation in yards surrounding vacant buildings shall be kept trimmed.
- (4) Yards surrounding vacant buildings shall be:
 - a) covered with sufficient ground cover to prevent erosion; and
 - b) graded in such a manner so as to prevent:
 - i) excessive or reoccurring ponding of water; or
 - ii) excessive dampness from occurring in buildings on or adjacent to the yard; or
 - iii) any hazardous condition from being created on any private or public walkway, sidewalk or stairs.

Fences and Accessory Buildings

8. All fences and all accessory buildings on the property on which a vacant building is located must be kept:
 - a) weather resistant by the application of appropriate materials, including paint or preservatives; and
 - b) in good repair.

Storage of Combustible Material

9. (1) Unless approved in writing by The Municipality's Fire Chief,
 - a) combustible materials; or
 - b) flammable or combustible liquids or gases (including compressed gas);

must not be stored within a vacant building.

- (2) The Fire Chief may approve the storage of combustible materials or flammable or combustible liquids or gases pursuant to Section 12

where they can be stored without unduly increasing the likelihood that

- a) a fire will start;
- b) a fire will spread; or
- c) the safety of individuals, including fire fighters, will be jeopardized.