

BY – LAW NUMBER 147-2011

**A BY-LAW TO ESTABLISH STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF ALL PROPERTY
IN THE CITY OF WINDSOR AND TO REPEAL BY-LAW
156-2005, AS AMENDED**

Passed the 6th day of September, 2011

WHEREAS Section 15.1(3) of the *Building Code Act*, S.O. 1992, c. 23, as amended authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards; and for requiring any property that does not conform with the standards to be repaired and maintained to conform with the standards as described herein or the site to be cleared of all buildings, structures, debris or refuse and the lands left in a graded and levelled condition;

AND WHEREAS the Official Plan for The Corporation of the City of Windsor includes provisions relating to property conditions as required by Section 15.1(3) of the *Building Code Act*, S. O. 1992, c. 23, as amended;

AND WHEREAS Section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that Council may, by by-law, impose fees for services and activities provided or done by or on behalf of The Corporation of the City of Windsor;

AND WHEREAS Council passed Resolution M194-2011 at a meeting held August 8, 2011, authorizing the amendment of By-law 156-2005, as amended, which is a by-law to establish standards for the maintenance and occupancy of property in the City of Windsor;

AND WHEREAS it is deemed more expedient to repeal said by-law and replace it with a new consolidated document which incorporates the changes authorized in Resolution M194-2011;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

SECTION 1 SHORT TITLE

1.1 This by-law may be cited as the Property Standards By-law.

SECTION 2 DEFINITIONS

2.1 In this by-law:

ACCEPTABLE means:

- (a) accepted by the Chief Building Official of the Corporation with respect to matters under the Building Code; or
- (b) accepted by the Property Standards Officer with respect to the standards set out in this by-law.

ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building or a part of the main building, devoted exclusively to a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

ACT means the *Building Code Act*, S.O. 1992, c. 23, as amended or any successor thereof.

APPLIANCE means a device to convert fuel to energy and includes all components, controls, wiring and piping required as part of the device by the applicable standard referred to in the Building Code.

BARRIER-FREE means that a building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.

BASEMENT means a storey, which is partially below grade, where the vertical distance from the grade to the floor is equal to or less than the vertical distance from the grade to the ceiling next above.

BUILDING means any structure used or intended to be used for supporting or sheltering any use or occupancy.

BUILDING CODE means the Regulations under the Act.

CELLAR means any part of a building where the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling above.

CHIEF BUILDING OFFICIAL means the Chief Building Official of the City or his/her designate.

CITY means The Corporation of the City of Windsor.

COUNCIL means the Council of the City.

CRAWLSPACE means an enclosed space between the undersides of a floor assembly and the ground cover directly below, with a clearance of less than 1.8 metres (5 feet 11 inches) in height.

DERELICT BUILDING shall mean:

- (a) a building which has been left vacant by the owner for a period of two years or more, or
- (b) a building damaged by fire, storm or other catastrophic event where, in the opinion of the Officer the building is beyond reasonable repair
(Derelict Building definition - added B/L 213-2011. Dec. 5/11)

DWELLING means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purposes of human habitation, but does not include a hotel or motel.

DWELLING UNIT means a room or suite of rooms used by or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit.

EXIT means that part of a means of egress that leads from the floor area it serves, including any doorway leading directly from a floor area to a public thoroughfare or to a suitable open space.

FLOOR AREA means the maximum area contained within the outside walls of a building or within the walls of a room, as the case may be.

GRADE means the average level of proposed or finished ground adjoining a building at all exterior walls.

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.

HABITABLE ROOM means any room in a dwelling unit used or capable of being used for living, sleeping, cooking or eating purposes.

HERITAGE ATTRIBUTES means;

- (a) The attributes or features of property, buildings or structures that contribute to the property's cultural heritage value or interest that are defined or described or that can be reasonably inferred:
 - i. In a by-law designating a property passed under section 29 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation, or otherwise;
 - ii. In a Minister's order made under section 34.5 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise;
 - iii. In a by-law designating a heritage conservation district passed under section 41 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise; or
 - iv. In the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise.

- (b) The elements, features or building components including, roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

(heritage attributes definition- added B/L 213-2011, Dec. 5/11)

HERITAGE PROPERTY means real property, and includes all buildings and structures thereon, in the City that:

- (a) Has been designated by the City under section 29 of the *Ontario Heritage Act* or by the appropriate Minister under section 34.5 of the *Ontario Heritage Act*, or,
- (b) Is within a heritage conservation district pursuant to Part V of the *Ontario Heritage Act*."

(heritage property definition - added B/L 213-2011, Dec. 5/11)

MAINTAIN means to keep all property in a condition that is in compliance with this By-law.

MEANS OF EGRESS means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof for the escape of persons from any point in a building floor area, room or contained open space to a public thoroughfare or other suitable open space, and includes exit and access to exits.

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 thereto and all outbuilding fences or erections thereon or therein.

OCCUPANT means any person or persons over the age of eighteen years in possession of the property.

OFFICER means a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the Act.

ONTARIO BUILDING CODE means the regulations made under section 34 of the Act.

ONTARIO HERITAGE ACT means the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18 as amended. (added – B/L 213-2011, Dec. 5/11)

OWNER includes the registered owner and 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 receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards of this by-law.

PARKING AREA means an area, other than an outdoor storage yard, which is capable of being maintained for the parking of five (5) or more operable motor vehicles and shall include all parking spaces, access areas, collector aisles and manoeuvring aisles.

PART IV HERITAGE PROPERTY means property designated under section 29 or 34.5 of the *Ontario Heritage Act* (added B/L 213-2011, Dec. 5/11)

PART V HERITAGE PROPERTY, means property designated under section 41 of the *Ontario Heritage Act*. (added B/L 213-2011, Dec. 5/11)

PERSON includes any individual, an owner, occupant, agent, contractor, tenant, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau or mortgagee.

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, retaining walls, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant property.

REPAIR includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that the property conforms to the standards established in this by-law.

RESIDENTIAL PROPERTY means a building or structure or part of a building or structure 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 the land and premises appurtenant thereto and all mobile buildings or structures, outbuildings, retaining walls, fences and erections thereon, whether heretofore or hereafter erected.

SERVICE ROOM means a room provided in a building to contain equipment associated with building services.

SEWAGE means any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include storm water.

SEWAGE SYSTEM means the City of Windsor's system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the City of Windsor.

STOREY means that portion of a building between any floor, and the floor, ceiling, or roof next above. Any portion of a building which is partly below grade shall be deemed to be a storey if the vertical distance from the finished grade to the floor is equal to or less than the vertical distance from the finished grade to the ceiling next above. Any portion of a storey exceeding four (4) metres (13 feet, 1 inch) in height shall be deemed to be an additional storey.

STORM WATER means discharge from a surface as a result of rainfall, snow melt and snow fall.

SUITE means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

UNSAFE CONDITION means any condition that could cause undue hazard to the health or safety of any person authorized or unauthorized on or about the property.

VACANT BUILDING shall mean a building which is neither used nor occupied by the owner, for a period of more than 120 days. **(added B/L 213-2011, Dec. 5/11)**

YARD means the land other than land publicly owned around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

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

SECTION 3 AUTHORITY

3.1 The Chief Building Official shall administer this by-law.

3.2 This by-law shall be enforced by the Chief Building Official and any Officers assigned the responsibility of administering and enforcing this by-law.

SECTION 4 PROPERTY STANDARDS COMMITTEE

4.1 For the purpose of this by-law, there is hereby established a Property Standards Committee which shall be composed of not fewer than three members.

4.2 The members of the Property Standards Committee shall remain in office at the pleasure of Council, and they shall be paid such compensation as the Council may provide, and when a vacancy occurs in the membership of the Property Standards Committee, the vacancy shall forthwith be filled.

4.3 The members of the Property Standards Committee shall select one of themselves to act as chair, who shall preside at all meetings thereof. In case of the absence of the chair, the Property Standards Committee may appoint another member as acting chair.

4.4 A majority of the members of the Property Standards Committee shall constitute a quorum and the Property Standards Committee may adopt its own rules of procedure.

4.5 Any member of the Property Standards Committee may administer oaths.

4.6 The Property Standards Committee shall appoint a secretary who shall keep on file minutes and records of all applications and the decisions thereon, and all other official business of the Property Standards Committee, and Section 253 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, applies with necessary modifications to such documents.

4.7 The Property Standards Committee shall give notice or direct that notice be given of the hearing of an appeal to such person(s) as the Property Standards Committee considers advisable.

4.8 An owner who appeals an order shall pay the fee as outlined in the Planning Fee Schedule as amended, at the time the appeal is filed.

SECTION 5 STANDARDS

5.1 The standards for the maintenance and occupancy of property set out in this by-law and appended hereto as "Schedule A", are prescribed and adopted as the minimum standards for all property in the City.

SECTION 6 CERTIFICATE OF COMPLIANCE

- 6.1 Following the inspection of property, the Officer may, or upon the request of the owner, shall where no building permit was required, issue to the owner a certificate of compliance if, in the Officer's opinion, the property is in compliance with the standards set out in this by-law.
- 6.2 Where the owner has made a written request for a Certificate of Conformance, all fees associated with the Order pursuant to the City of Windsor User Fees Schedule, as passed and amended by Council, from time to time shall be paid prior to the issuance of the Certificate.

SECTION 7 PERMITS AND FEES

- 7.1 Every property owner who has a property subject to corrective measures under this by-law shall obtain a building permit unless exempted in writing by the Chief Building Official or designate.
- 7.2 The minimum permit fee is as per the "City of Windsor user Fee Schedule", as passed by and amended by Council from time to time. Additional inspections where the minimum permit fee has been used, shall be billed in accordance with the "City of Windsor user Fee Schedule", as passed by and amended by Council from time to time.

SECTION 8 COMPLIANCE

- 8.1 All owners or occupants of property shall comply with the standards prescribed in this by-law and any Property Standards Order as confirmed or modified.
- 8.2 All property within the municipality that does not conform with the standards contained in this by-law shall be repaired and maintained to conform with the standards or that the site be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.
- 8.3 All repairs and maintenance of property shall be carried out with suitable and sufficient materials in a manner acceptable to the Officer.
- 8.4 All new construction or repairs shall conform to the Ontario Building Code and any other applicable legislation.

SECTION 9 ENFORCEMENT AND PENALTY

- 9.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- 9.2 An owner who fails to comply with an Order that is final and binding is guilty of an offence under Section 36(1) of the *Act*, and is liable to a penalty or penalties as set out in Section 36 of the *Act*.

SECTION 10 VALILDITY AND SEVERABILITY

- 10.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- 10.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION 11 REPEAL AND TRANSITION

- 11.1 Except as provided by Section 11.2 hereof, By-law Number 156-2005, as amended, is hereby repealed.
- 11.2 Notwithstanding Section 11.1 hereof, the provisions of By-law Number 156-2005, as amended, shall continue to apply to any properties in respect of which an Order has been given under the said by-law until such Order has been concluded.

SECTION 12 EFFECTIVE DATE

- 12.1 This by-law shall come into force and take effect on the day of the final passing thereof.

EDDIE FRANCIS, MAYOR

CLERK

First Reading - September 6, 2011
Second Reading - September 6, 2011
Third Reading - September 6, 2011

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SCHEDULE 'A'

PART 1:

STANDARDS FOR ALL PROPERTIES

- 1.1 Every owner of a residential property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with municipal by-laws.
- 1.2 Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under his/her/its control in a clean, sanitary and safe condition.
- 1.3 Accumulations or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.
- 1.4 Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight, the loads due to the use and occupancy, and the loads imposed by natural causes such as wind, rain and snow.
- 1.5 Where the Officer has doubt as to the structural condition or adequacy of the property, the Officer may request that a report of a professional engineer and/or architect, licensed to practice in Ontario, or other competent person acceptable to the Chief Building Official or designate, be prepared at the owner's expense, and be submitted to the Officer.
- 1.6 In every building or structure, the foundations, piers, posts or other similar supports shall be maintained in good repair and structurally sound. Where necessary, foundation walls shall be extended below the frost line, provided with subsoil drains at the footings, shored, waterproofed, and treated or repaired to prevent moisture penetration or footing settlement. Every foundation wall, basement, cellar or crawlspace shall be maintained so as to protect the building against deterioration, including that due to weather, water entry, dry rot, and infestation by rodents, vermin or insects. The perimeter of slab on grade type foundations shall be maintained to prevent rodent infestation.
- 1.7 All exterior walls shall be maintained in a watertight condition and in good repair so that they remain straight, level and plumbed (unless otherwise designed), presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged, defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects.
- 1.8 Exterior doors, windows and skylights shall be maintained in good repair and weather tight. Rotted and defective doors, door frames, window frames, sashes and casings shall be renewed and defective door and window hardware, weather stripping, caulking and broken glass shall be replaced.
- 1.9 All stairs, porches, landings, loading docks, guards, handrails, balconies, canopies, awnings, fire escapes, rainwater pipes, flashings, and supports for solar panels, air conditioners and all similar equipment shall be maintained in good repair, properly anchored and free from defects and unsafe conditions.
- 1.10 A handrail or guard shall be provided and maintained in good repair as follows:
 - (a). At least one side of stairs less than 1 100 mm (3ft 7in) in width,
 - (b) two sides of stairs 1 100 mm (3ft 7in) in width or greater, and
 - (c) two sides of a curved stair used as an exit.
 - (d) Handrails are not required for stairs
 - i) within dwelling units having not more than 2 risers, or
 - ii) for exterior stairs having not more than 3 risers and serving not more than one dwelling unit.
 - (e) Only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve not more than one dwelling unit.

- 1.11 A guard shall be installed and maintained in good repair as follows:
- (a) Except for the edges of the floor pits in repair garages and loading docks, every surface to which access is provided for other than maintenance purposes, including but not limited to exterior lands, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, shall be protected by a guard on each side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than 600 mm (23 5/8 in).
 - (b) Every exterior stair with more than 6 risers and every ramp shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds 600 mm (23 5/8 in).
 - (c) When an interior stair has more than 2 risers, the side of the stair and the landing or floor level around the stairwell shall be enclosed by walls, or be protected by guards, except that a stair to an unfinished basement in a dwelling unit is permitted to have 1 unprotected side.
- 1.12 All roofs shall be maintained in good repair and in a watertight condition.
- 1.13 Water runoff from roof surfaces shall discharge into an eaves trough or gutter and thence to a downpipe, discharging directly into the municipal storm system if approved or authorized by the City Engineer, or to a point of disposal acceptable to the Officer.
- 1.14 Every chimney, prefabricated chimney, smoke pipe, flue and gas vent in use or available for use in a building shall:
- (a) be of a type listed for the appliance for which it is being used, properly secured, free from fire hazards and unsafe conditions;
 - (b) be maintained so as to prevent the escape of combustion gases into the building;
 - (c) be adequately supported as to maintain proper alignment;
 - (d) be kept clear of obstructions;
 - (e) be sealed at all joints or tightly sealed; and
 - (f) all deteriorated and/or loose masonry shall be repaired.
- 1.15 All fuel burning heating equipment shall:
- (a) be connected to a chimney or flue, which vents to the exterior of the building;
 - (b) be furnished with an adequate supply of combustion air to ensure proper combustion of the appliance; and
 - (c) be maintained in a good state of repair and in a safe operating condition.
- 1.16 All sewage shall be discharged directly into the municipal sewage system where one is available. Where a municipal sewage system is not available, an alternate means of disposal, acceptable to the Officer, shall be used and maintained in good repair.
- 1.17 A property shall be deemed to be serviced by a sewer if the sewer is within 30.5 metres (100 feet) of any boundary line of the said property. In the case of the Sandwich South Planning District Lands (formerly Sandwich South land) and where the sanitary sewers become available those homes therein with septic systems less than 10 years old shall be allowed a three (3) year extension.
- 1.18 A building or structure damaged by fire, storm or other causes, shall be repaired or demolished as soon as is practicable. Until the necessary repair or demolition can be carried out, the building or structure shall be properly supported and barricaded to prevent fire hazards and unsafe conditions.

- 1.19 The owner of every building damaged by fire, storm, wind or similar event, until repairs have been completed, shall effectively:
- (a) protect every such property against the further risk of fire or unsafe conditions,
 - (b) prevent the entrance thereto of unauthorized persons and
 - (c) protect the interior from rain, snow or other environmental elements that would cause the building to further deteriorate. **(Section 1.19 added, B/L 213-2011, Dec. 5/11)**
- 1.20 All materials used to board buildings shall be covered and maintained with a preservative so as to match the existing building's exterior elements and acceptable to the Officer. **(Section 1.20 added, B/L 213-2011, Dec. 5/11)**
- 1.21 Where a building or structure is demolished:
- (a) the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and levelled condition;
 - (b) unless new construction is to commence immediately on the same footings and/or foundation walls, the footings and foundations shall be removed unless authorized by the Chief Building Official;
 - (c) only clean, inert or native material shall be used as backfill;
 - (d) building rubble including but not limited to, broken bricks and concrete, shall not be acceptable as backfill material;
 - (e) building services such as gas, electrical and water lines, sewer lines, and other such services, shall be properly capped off; and
 - (f) the site shall be properly graded and otherwise restored to the satisfaction of the Officer to ensure that water will not pond on the site, or drain onto adjoining properties.
- 1.22 Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, in the opinion of the Officer, free from the outlines of partitions, stairs, doors, floors and from areas of multi-coloured paint or wallpaper. **(Sections 1.21 and 1.22 renumbered, B/L 213-2011, Dec. 5/11)**
- 1.23 All properties and every yard shall be kept clean and free from rubbish, brush or other debris and from objects or conditions, such as holes or excavations, that might create a fire hazard or unsafe conditions;
- 1.24 Premises that create a nuisance shall be buffered from adjoining or nearby private properties or public areas so as to minimize the effect of the nuisance. Without limiting the generality of the foregoing, such buffering shall be acceptable to the Officer, and shall include the provision and maintenance of:
- (a) an effective system to cover, contain and facilitate the collection and removal of waste materials and debris; and
 - (b) an effective barrier to prevent the entry of unauthorized persons onto construction sites, outdoor storage yards, or any other properties where an unsafe condition may exist.

- 1.25 Regarding yard conditions:
- (a) In yards of multiple dwellings and non-residential properties, sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using walkways.
 - (b) Artificial lighting standards and fixtures shall be kept in a safe condition, in working order and in good visual condition.
 - (c) Walkways shall be maintained, resurfaced or regraded as necessary to ensure a reasonably smooth, slip free and safe surface for pedestrian traffic.
- 1.26 Except where part of a storm water management system, all vacant lots and every yard shall be graded and maintained in such a manner as to prevent:
- (a) water from entering into buildings;
 - (b) surface drainage from adversely affecting adjacent properties; and
 - (c) soil erosion.
- 1.27 The storm water run-off from all downspouts or impervious surfaces shall be contained within the limits of the premises from which it originated and directed to a point of disposal deemed acceptable by the Officer.
- 1.28 Retaining walls, signs and all structures appurtenant to a property shall be maintained in good repair, free from unsafe conditions including fire hazards and capable of safely performing the function for which they were designed.
- 1.29 Existing barriers required for sound attenuation shall be maintained safe and structurally sound.
- 1.30 All parking areas shall be:
- (a) entirely paved and maintained with a hard surface consisting of concrete, asphalt, paving brick or block or similar material;
 - (b) provided with an internal drainage system satisfactory to the Officer, which discharges into the municipal storm system;
 - (c) provided with curbs or curb stops to minimize the risk of vehicles damaging fences, lamp standards and other structures;
 - (d) lighted in such a way as to deflect away from nearby properties.
- 1.31 Fire detection systems, fire alarm systems and sprinkler systems, where required, shall be maintained in working condition and records for the routine testing and maintenance of these systems shall be readily available for the Officer's review upon demand.
- 1.32 The integrity of all fire separations shall be maintained.
- 1.33 Elevators, hoists, lifts, moving walkways and escalators shall be maintained in good working order and in a safe and operative condition and records for the routine testing and maintenance of these systems shall be readily available for the Officer's review upon demand.
- 1.34 Parking garages and parking structures shall be:
- (a) maintained in a clean and safe condition;
 - (b) adequately ventilated at all times to provide (3.8L/s/m^2) (0.75 cfm/ft^2) of floor area minimum if ventilated by mechanical means);
 - (c) adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux (five foot-candle) at floor level over the entire floor area with a minimum level of 11 lux (one foot-candle) at any location on the floor; and
 - (d) equipped with wire screens or other suitable means of protection for lighting fixtures, so as to prevent accidental or malicious damage.

- 1.35 All existing barrier-free requirements shall be maintained in existing buildings.
- 1.36 The following types of classes of buildings and structures shall be upgraded to be barrier free:
- (a) medical and dental facilities;
 - (b) places of public assembly occupancy including schools, colleges, universities and places of instruction/training;
 - (c) banks and other financial institutions;
 - (d) restaurants with more than 60 seats;
 - (e) rest homes and lodging homes; and
 - (f) commercial occupancies including retail stores and offices, but limited to those that are more than three storeys in height or more than six hundred square metres (6,456 square feet) in floor area.
- 1.37 Barrier free requirements shall not be required to exceed the standards contained in the Ontario Building Code.
- 1.38 A requirement of Section 1.36 and 1.37 shall be deemed to be complied with if, in the opinion of the Officer, the building will provide accessibility to persons with disabilities, taking into consideration physical limitations in the design of the building that may make some upgrading impractical.
- 1.39 Barrier-free parking shall meet the following requirements:
- (a) Within each parking area to which the public has access, there shall be provided and maintained reserved parking spaces for handicapped persons as required by City of Windsor Parking By-law No. 9023, or any successor thereof;
 - (b) There shall be provided and maintained at least one curb cut and/or ramp which has a minimum width of 1 metre and a maximum slope of 1:12. The said curb cut or ramp shall be designed and located so as to provide unobstructed access between the handicapped parking space(s) and the principal pedestrian building entrance;
 - (c) A barrier free path of travel shall be provided from the entrance to at least one parking level, where a passenger elevator serves an indoor parking level; and,
 - (d) All areas intended to be used by wheelchair accessible vehicles to gain access to a parking space shall have a vertical clearance of not less than 2100 mm (6 feet, 11 inches).
- 1.40 Every property owner, and every occupant in that part of a property that he or she occupies or controls, shall maintain the property free from rodents, vermin, termites, injurious insects and other pests, and from conditions which might encourage infestation by such pests.
- 1.41 Means of egress and exits shall be provided and maintained to the satisfaction of the Officer and shall conform, where practical, to the intent of the Ontario Building Code.
- 1.42 All equipment, components and supplies or replacement equipment, components and supplies must be Canadian Standards Association approved or otherwise listed in a manner consistent with the Ontario Building Code as amended or other authority having jurisdiction.

PART 2:

SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

- 2.1 Every owner, and every occupant in that part of a non-residential property that he or she occupies or controls, shall maintain the property:
 - (a) in a clean, sanitary and safe condition, free from litter, garbage and debris, including such litter and garbage as may be left by customers or other members of the general public, and shall provide containers for the disposal of such litter or garbage; and
 - (b) free from objects or conditions which create fire hazard or unsafe conditions.
- 2.2 All non-residential properties shall be adequately ventilated by natural or mechanical means in a safe and working order and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety as described in the current edition of the American National Standards Institute/American Society of Heating, Refrigerating and Air Conditioning Engineers, (ASHRAE) Standard 62.1.
- 2.3 In all parts of a non-residential building, a minimum level of illumination of 50 lux (4.6 foot-candles) shall be provided and maintained which will adequately protect all persons within the building from unsafe conditions.
- 2.4 All non-residential buildings, or parts thereof, normally heated, shall be provided with a heating system maintained in a safe and working order, free from unsafe conditions or fire hazards and capable of supplying sufficient heat to maintain a minimum temperature of 20° C (68° F) during hours of occupancy.
- 2.5 Plumbing systems, fixtures and appliances in all non-residential buildings shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects.
- 2.6 In a building used in part for residential purposes, and in part for non-residential purposes, wherein noxious fumes, or gases are, or could be, present, all separations between the non-residential portion and the residential portion shall be of gas-tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes, or gases through the separation.

PART 3:

SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

- 3.1 Every cabinet, cupboard, shelf and counter top in a dwelling unit shall be maintained in a structurally sound condition, free from cracks and deterioration.
- 3.2 Interior claddings of every wall and ceiling shall be maintained so as to be free of large holes, cracks, leaks, deteriorating material, visible mould and mildew, and loose material.
- 3.3 Floors and finished flooring (including carpeting) shall be maintained in a structurally sound condition and be free of *visible* mould and mildew, holes, cracks or other defects which may cause an unsafe condition or trip hazard.
- 3.4 Cracked and broken glass in door panels, missing screens, and missing windows shall be replaced with approved glass or similar materials. All operable windows and all doors shall be capable of being opened from the inside without the use of specialized tools and maintained in good repair. All materials referred to in this section shall be to the satisfaction of the Officer to provide an acceptable level of fire protection.

- 3.5 Every dwelling and every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 21° C (70° F) when the outside temperature is -18° C (0° F) and be safely operable.
- 3.6 Heating systems, including stoves, heating appliances, fireplaces, chimneys, fans, pumps and filtration equipment shall be maintained in a good state of repair and in a safely operable condition.
- 3.7 No dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- 3.8 Only heating equipment approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 3.9 Every parking garage shall be so constructed and protected as to prevent the passage of noxious fumes and gases from any part of the garage into any other part of the dwelling used or intended to be used for human occupancy.
- 3.10 Unless specifically exempted under other governmental regulations, every dwelling and dwelling unit shall be provided with at least a water closet (toilet), a wash basin, a bath tub or shower, and a kitchen sink, all of which shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects. The water closet, wash basin, bath tub and/or shower shall be located within, and be accessible from within, the dwelling or dwelling unit and shall be located and equipped to afford privacy to persons using such fixtures.
- 3.11 No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.
- 3.12 Adequate hot water at a temperature of at least 40°C (104° F), and cold running water, as may be applicable, shall be provided to every plumbing fixture.
- 3.13 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.
- 3.14 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 sq. metres (120 sq. ft.) of floor space and for each additional 9.3 sq. metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 3.15 Adequate artificial light shall be available at all times, in all habitable rooms, common areas, means of egress, exits and corridors.
- 3.16 Every habitable room in a dwelling, except a kitchen, shall maintain an outside window or windows which shall be maintained in good repair, and which shall have a total light transmitting area of not less than five per cent (5%) of the floor area of the room for bedrooms, and not less than ten per cent (10%) of the floor area for all other habitable rooms.
- 3.17 Every habitable room in a dwelling shall contain windows that are capable of being opened from the inside or vents providing a minimum unobstructed ventilation area to the outdoors of 0.14 square metres (1.5 square feet) per occupant for sleeping areas, and a minimum of 0.28 square metres (3 square feet) per occupant for all other habitable rooms. Every bathroom or water closet room shall contain windows capable of being opened from the inside, or vents, providing a minimum unobstructed ventilation area to the outdoors of 0.09 square metres (1 square foot); and every unfinished basement or cellar area shall contain said windows or vents providing a minimum unobstructed ventilation area to the outdoors equal to 0.2 per cent (0.2%) of the floor area.

- 3.18 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved guard or a mechanism that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (4 inch) sphere. Such safety devices shall offer protection to the height of at least 1.07 m (3 feet 6 inches) above the floor but shall not prevent the windows from being fully opened by an adult without the use of tools during an emergency.
- 3.19 In lieu of the natural ventilation required by section 3.16, mechanical ventilation shall be permissible. The system shall be capable of providing at least one (1) air change per hour.
- 3.20 In dwellings, every laundry room, garbage room corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated, and where a system of mechanical ventilation is used it shall be maintained in good working condition.
- 3.21 The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square metres (97 square feet) of habitable room floor area.
- 3.22 A room used for sleeping purposes shall have a minimum floor area of 6 square metres (64.5 square feet) and shall not be occupied by more than 1 person for each 4 square metres (43 square feet) of floor area thereof.
- 3.23 Every habitable room shall have a ceiling height of at least 2.1 metres (6 feet, 11 inches) except that at least one-half of any bedroom located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.3 metres (7 feet, 7 inches) and the floor area of that part of such room where the ceiling height is less than 1.4 metres (4 feet, 7 inches) shall not be considered as part of the floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- 3.24 No basement or cellar or portion thereof shall be used as a dwelling unit or habitable rooms of a dwelling unit, unless it meets the following requirements:
- (a) Access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - (b) in the calculations referred to in Section 3.15 provided that one-half of the total area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations.
 - (c) The minimum required unobstructed ventilation area to the outdoors shall not be limited to the requirements of Section 3.16, if, in the opinion of the Officer, the location of windows that are capable of being opened or vents, providing such ventilation, is such as to create a poorly and inadequately ventilated room.
 - (d) Except where a door on the same level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with:
 - i) At least one window that can be opened from the inside without the use of tools and,
 - ii) At least one window shall, in every bedroom, provide an unobstructed open portion having a minimum area of .35 m² (3.8 ft.²) with no dimension less than 380 mm 15 inches.
 - (d) Each habitable room shall be separated from service rooms by a suitable fire separation in compliance with Ontario Building Code Regulations.
- 3.25 Every dwelling unit shall be equipped with a smoke alarm that shall be:
- (a) installed on every floor level in conformance with the manufacturers' instructions or recommendations for installation;
 - (b) clearly audible within sleeping areas even though the doors to the sleeping areas may be closed;

- (b) either wired directly into the electrical system without a disconnect switch, or be battery powered. Sufficient additional replacement batteries shall be maintained nearby at all times as replacements for the smoke alarm, should it be battery powered so that at any given time such smoke alarm may have its battery or batteries replaced as warranted in order to keep it fully operational; and
 - (d) continuously operating, except during periods of unavoidable electrical power interruption or battery replacement, as the case may be.
- 3.26 Every dwelling unit that has fuel burning appliances, solid fuel burning appliances, or is attached to a storage garage, shall be equipped with a carbon monoxide detector conforming with current Ontario Building Code Regulations and shall be:
- (a) installed in conformance with Sentence (3) where a solid fuel-fired combustion appliance exists;
 - (b) installed on or near the ceiling in each room in which there is installed a solid fuel-burning appliance;
 - (c) permanently connected to an electrical circuit, and
 - i) shall have no disconnect switch between the over-current device and the carbon monoxide detector where practical;
 - ii) be wired so that its activation will activate all carbon monoxide detectors within the suite, where located within a suite of residential occupancy,
 - iii) be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located adjacent to a sleeping area, and,
 - iv) conform to:
 - (1) CAN/CSA – 6.19, “Residential Carbon Monoxide Alarming Devices” as amended;
 - (2) US 2034, “Single and Multiple Station Carbon Monoxide Alarms” as amended.
 - 4) plug-in types of detectors plugged into a duplex receptacle near the floor level are acceptable in locations where there may be a hardship complying with (a) (b) and (c) outlined above.

PART 4: (Part 4 added – B/L 213-2011, Dec. 5/11)

ADDITIONAL FOR VACANT BUILDINGS

4.1 GENERAL

- 4.1.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this bylaw, the owner of a vacant building, shall:
- (a) ensure that all utilities serving the building, which are not required for safety or security are properly disconnected or otherwise secured, to prevent damage to the building or adjoining property.
 - (b) Ensure that the property is kept free of rodents, vermin and other harmful pests and any conditions that would allow such pests to harbour in or about the building; and,

4.2 ADDITIONAL REQUIREMENTS FOR VACANT NON RESIDENTIAL BUILDINGS

- 4.2.1 The owner of every non residential vacant building shall keep the property free of conditions that promote the infestation of birds at all times.

4.3 ADDITIONAL REQUIREMENTS FOR RESIDENTIAL VACANT BUILDINGS

- 4.3.1 Despite any other provision of this bylaw, where a vacant residential property can be repaired, the building shall be repaired:
- (a) As soon as is possible in a manner consistent with other parts of this bylaw; and,
 - (b) Maintained in a manner so as not to become, in the opinion of the Officer, a nuisance.

4.4 CLEARING AND LEVELING OF RESIDENTIAL VACANT BUILDINGS

Despite any other provision of this bylaw an Officer may issue an order directing the owner to demolish a derelict or vacant building.

PART 5: (Part 5 added – B/L 213-2011, Dec. 5/11)

SUPPLEMENTARY STANDARDS FOR HERITAGE PROPERTIES

5.1. GENERAL

- 5.1.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this bylaw, the owner of a Part IV or Part V Heritage Property shall:
- (a) Maintain, preserve and protect the attributes of the Part IV or Part V Heritage Property so as to maintain its heritage character as well as its visual and structural heritage integrity;
 - (b) Maintain the Part IV or Part V Heritage Property in a manner that will ensure the protection and preservation of its heritage values and attributes; and,
 - (c) Obtain a heritage permit from Council or where applicable Council's designate prior to performing work or causing work to be performed under this section of the bylaw.

5.2 REPAIR OF HERITAGE ATTRIBUTES

- 5.2.1 Despite any other provision of this bylaw, where a heritage attribute of a Part IV or Part V Heritage Property can be repaired, the heritage attribute shall be replaced and shall be repaired:
- (a) In such a manner that minimizes damage to the heritage values and attributes and maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
 - (b) Using the same types of material as the original and in keeping with the design, colour, texture, grain or other distinctive features of the original; and,

- (c) Where the same types of materials as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material may be used if approved by Council or where applicable their designate.

5.3 REPLACEMENT OF HERITAGE ATTRIBUTES

5.3.1 Despite any other provision in this bylaw, where a heritage attribute of a Part IV or V Heritage Property cannot be repaired, the heritage attribute shall be replaced:

- (a) In such a manner as to replace the design, colour, texture, grain or other distinctive features and appearances of the heritage attribute, using the same types of materials as the original; and,
- (b) Where the same of materials as the original are no longer available, alternative types of materials that replicate the design, colour, texture, grain or other distinctive features of the original materials may be used.

5.4 CLEARING AND LEVELING OF HERITAGE PROPERTIES

Despite any other provision of this bylaw or the Act, no building or structure located on a Part IV or Part V Heritage Property may be altered, demolished, removed or relocated except in accordance with the *Ontario Heritage Act*.

5.5 VACANT HERITAGE PROPERTIES

5.5.1 Notwithstanding Part 4 of this bylaw:

- (a) Where a Part IV or Part V Heritage Property remains vacant for a period of 90 days or more, the owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes.
- (b) The owner of a vacant Part IV or Part V Heritage Property shall protect the building and property against the risk of fire, storm, neglect, intentional damage or other damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings to the building in the following manner:
 - (i) all boards shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding;
 - (ii) all boards shall be fastened securely in a manner that minimizes damage to the heritage attributes;
 - (iii) all boards shall be painted in a manner to reflect panes of glass, frames and mullions that were to be found on the opening that is being boarded over or the panes of glass shall be painted in matt black and the window frames and mullions shall be painted in a colour that of the original opening; and,

- (iv) all boards used for boarding and securing openings not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.”

