

The Corporation of the Municipality of Brockton



By-Law 2018-057

Being a By-Law to Prescribe Standards for the Maintenance and Occupancy of Property and to Repeal By-Law 2005-40 the Property Standards By-Law for the Municipality of Brockton.

Whereas under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, as amended, a By-Law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions related to property conditions;

And Whereas the Walkerton Community Official Plan includes provisions relating to property conditions;

And Whereas the Council of The Corporation of the Municipality of Brockton is desirous of passing a By-Law under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*;

And Whereas Section 15.6(1) of the *Building Code Act, S.O. 1992, c.23*, as amended, requires that a By-Law passed under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23* shall provide for the establishment of a Property Standards Committee;

And Whereas the Council of the Corporation of the Municipality of Brockton wishes to repeal By-Law 2005-40, the Property Standards By-Law for the Municipality of Brockton;

Now Therefore the Council of the Corporation of the Municipality of Brockton **enacts as follows:**

Short Title

This By-Law may be referred to as the "Property Standards By-Law"

Property Standards

Part I - Definitions

In this By-Law:

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

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

1.03 "Approved" means acceptance by the Property Standards Officer.

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

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

1.06 "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.

1.07 "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.

1.08 "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 (6 ft.) above grade.

1.09 "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.

1.10 "Habitable Room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.

1.11 "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 or an approved area of refuge usually located outside the building.

1.12 "Multiple Dwelling" means a building containing three or more dwelling units.

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

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

1.15 "Occupant" means any person or persons over the age of 18 years in possession of a property;

1.16 "Owner" includes:

- a) an owner in fee simple;
- b) the person managing or receiving the rent of the property 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 the property were let;
- c) a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property;

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

1.18 "Residential Property" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

1.19 "Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-Law.

1.20 "Swimming Pool" means a swimming pool or pool as defined in "The Municipality of Brockton By-Law Number 2008-31", the Pool Enclosure By-Law as amended.

1.21 "Toilet Room" means a room containing a water closet and a wash basin.

1.22 "Yard" means the land other than publicly owned land 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.

Part II - General Standards for All Property

2.01 No person, being the owner of a property, shall fail to maintain the property in conformity with the standards required in this By-law.

2.02 This By-law shall apply to all property within the Corporation of the Municipality of Brockton; notwithstanding, this By-Law shall not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farming practice provided for and defined under that Act.

2.03 Every building or structure shall be kept free of any condition which constitutes a health or safety hazard.

2.04 The owner of any property, as the case may be, which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures or debris and shall leave the property in a graded and levelled condition, provided that no building or structure on a Part IV heritage property or a part V heritage property shall be altered or cleared, including by not limited to removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*.

2.05 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.

Yards

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

- (1) Rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- (2) Wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (3) Long grass, (in excess of 20cm (8")), brush, undergrowth and noxious weeds as defined by the *Weed Control Act*;
- (4) Dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (5) Injurious insects, termites, rodents, vermin or other pests; and
- (6) Dead, decayed or damaged trees or other natural growth causing a hazard to persons or property.

Surface Conditions

2.07 Surface conditions of yards shall be maintained so as to:

- (1) prevent instability or erosion of soil;
- (2) prevent surface water run-off from entering basements;
- (3) be kept free of garbage and refuse;
- (4) be kept free of deep ruts and holes;
- (5) provide for safe passage under normal use and weather conditions, day or night; and
- (6) not to create a nuisance to other property.

Sewage and Drainage

2.08 Sewage shall be discharged into a sewage system.

2.09 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.

2.10 Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

Parking Areas, Walks and Driveways

2.11 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 litter.

2.12 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use.

Accessory Buildings, Fences, and Other Structures

2.13 Accessory buildings, fences, retaining walls, swimming pool enclosures and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair so as to properly perform its intended function.

2.14 Provisions for the repair and maintenance of swimming pool enclosures shall apply in all zones and properties within the Municipality of Brockton.

2.15 Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

Garbage Disposal

2.16 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage and refuse that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a reasonably clean and reasonably odour free condition at all times.

2.17 All garbage and refuse shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection By-Law where applicable.

2.18 Garbage storage areas shall be screened from public view.

Compost Heaps

2.19 The owner or occupant of a residential property may provide for a compost heap in accordance with current best practices and health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, or a commercial plastic enclosed container designed for composting.

Part III - Residential Rental Property Standards

General Conditions

3.01 Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal By-Laws.

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

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

Pest Prevention

3.04 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*.

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

Structural Soundness

3.06 Every building or 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.

3.07 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

Foundations

3.08 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance may include site grading, the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, dampproofing and waterproofing walls, joints, and floors.

Exterior Walls

3.09 Exterior walls of a dwelling and their components, including soffits, fascia, 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.

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

Windows and Doors

3.11 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably 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 re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

3.12 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.

3.13 Solid core doors, or doors with the required fire resistance rating, shall be provided for all

entrances to dwellings and dwelling units.

3.14 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

3.15 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

Roofs

3.16 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

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

Walls, Ceilings and Floors

3.18 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.

3.19 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.

3.20 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 cleaned.

Stairs, Porches and Balconies

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

Guards, Handrails and Railings

3.22 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 (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

Kitchens

3.23 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 (8 cubic feet);

(c) a counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and

(d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

Toilet and Bathroom Facilities

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

3.25 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 (so as to allow privacy for the persons using said room) and that can be opened from outside in an emergency.

3.26 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, heated passageway, hallway, corridor or other common space to the room or rooms containing the said facilities without passing through another rental unit and without travelling outside the building containing the dwelling units.

Plumbing

3.27 Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature ranging from 45°C (113°F) to 60°C (140°F).

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

3.29 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.

3.30 All plumbing fixtures shall be connected to the sewer system through water seal traps.

3.31 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.

Electrical Service

3.32 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

3.33 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Electrical Safety Authority.

3.34 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.

3.35 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.

3.36 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

Heating, Heating Systems, Chimneys and Vents

3.37 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining a main floor ambient temperature of 21 degrees Celsius (70 degrees Fahrenheit) 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. No rental dwelling unit shall be supplied with portable heating

equipment as the primary source of heat.

3.38 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the *Energy Act*, as amended or other applicable legislation as enforced by Wood Energy Technology Transfer Inc (WETT), Technology Standards and Safety Authority (TSSA), Electrical Safety Authority (ESA) or other authority having jurisdiction.

3.39 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.

3.40 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code and/or the Ontario Fire Code as applicable.

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

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

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

Fire Escapes, Alarms and Detectors

3.44 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 (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.

3.45 In addition to the provisions of Article 3.46 hereof, in every dwelling unit in a building, a listed CO alarm and smoke alarms, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area in accordance with the Ontario Fire Code. The products of combustion detector referred shall be:

- a) equipped with visual or audio indication that they are in operating condition;
- b) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling or in accordance with the manufacturer's recommendations.

3.46 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

Access and Egress

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

3.48 Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,060 by 560 mm, (42 x 22 inches) with a sill height of not more than 900 mm, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

Natural Light

3.49 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

Ventilation

3.50 Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.

3.51 All systems of mechanical ventilation shall be maintain in good working order.

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

Elevating Devices

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

Disconnected Utilities

3.54 Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility except where payment for such utilities is clearly stated in the written tenancy agreement to be the responsibility of the tenant and payment is clearly in arrears.

Occupancy Standards

3.55 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft), of habitable floor area. For the purpose of computing habitable floor area, any area with a consistent minimum ceiling height of less than 2.1 metres (7 ft.) shall not be considered.

3.56 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.

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

- (a) each habitable room shall comply with all the requirements set out in this By-Law;
- (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- (c) each habitable room shall be separated from service rooms by a fire separation meeting the requirements of the Ontario Fire Code and/or the Ontario Building Code as applicable;
- (d) access to each habitable room shall be gained without passage through a service room.

Part IV - Vacant Lands and Buildings

Vacant Lands

4.01 Vacant land shall be maintained to the standards as described in Part II of this By-Law.

4.02 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water except those areas specifically designed for storm water management.

Vacant Buildings

4.03 Vacant buildings shall be kept cleared of all garbage, rubbish and debris.

4.04 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

4.05 Where a building remains vacant for a period of more than '90' days, the owner shall ensure that all utilities servicing the building, which are not required for safety or security, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjoining property.

4.06 Abandoned signs, as defined in the Municipality of Brockton Sign By-law, are not permitted and a Property Standards Officer may require removal or covering of such signs in a manner similar to section 4.04.

Part V - Non-Residential Property Standards

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

Yards

5.02 The yards of non-residential property shall be maintained to the standards as described in Part II, Article 2.02 of this By-Law.

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

Parking Areas, and Driveways

5.04 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. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.

5.05 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.

Structural Soundness

5.06 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, 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.

5.07 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

Exterior Walls

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

5.09 Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

Guards, Railings and Handrails

5.10 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 (24") between adjacent levels. A handrail shall be installed and maintained good repair in all stairwells. Guardrails shall be installed and maintained good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

Lighting

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

Part VI

Administration and Enforcement

6.01 This By-Law shall apply to all properties within the limits of the Municipality of Brockton except those properties containing more than 4 hectares in area and zoned A1 or EP in “the Comprehensive Zoning By-law of the Municipality of Brockton”, By-Law 2013-26, as amended. This by-law shall also apply to any dwelling unit which is subject to a tenancy agreement in any zone within the Municipality of Brockton.

This By-Law shall not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farm practice provided for or defined under that Act.

6.02 The imperial measurements contained in this By-Law are given for reference only.

Enforcement

6.03 The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law.

6.04 If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards prescribed in this By-law, he or she may issue an order and such order shall be served on the owner of the property and may be served on such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

Property Standards Committee

6.05 Council shall appoint at large, by a Resolution, (or By-Law) of Council no fewer than three (3) persons of the municipality to the Property Standards Committee for a term of office concurrent with Council.

6.06 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*.

Penalty

6.07 A person who fails to comply with an order that is final and binding under this By-Law is guilty of an offence and upon conviction shall be liable to a fine of not more than \$50,000.00 for a first offence and to a fine of not more than \$100,000.00 for any subsequent offence.

6.08 If the owner fails to comply with a final and binding property standards Order, the Corporation of the Municipality of Brockton may cause the property to be repaired or demolished in accordance with such Order, and the Municipality or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers.

6.09 Upon completion of the work necessary for compliance with the property standards order under section 6.08, the Municipality of Brockton shall have a lien on the property for the amount spent on the repair or demolition and the amount shall have priority lien status, which means the amount may be added to the tax roll for the property and collected in the same manner as property taxes.

Validity

6.10 If a court of competent jurisdiction declares any provision or provisions of this By-Law invalid, such provision or provisions are deemed severable, and it is the intention of council that the remainder of the By-law remain in full force and effect.

6.11 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.

Transitional Rules

6.12 After the date of the passing this By-Law, Municipality of Brockton By-Law 2005-40 and By-Law 2008-33 are hereby repealed.

6.13 Any order issued, proceeding being conducted or other action being carried out under By-Law 2005-40 or By-Law 2008-33 are deemed to continue under this By-Law.

6.14 This By-Law shall come into force and effect on the date of its passing.

Read, Enacted, Signed and Sealed this 23rd Day of July, 2018.

Mayor – David Inglis

CAO/Clerk – Sonya Watson