

CITY OF NIAGARA FALLS

A CONSOLIDATED BY-LAW

Being **By-law No. 98-050** as amended by:
By-law 99-152 and By-law 2000-091.

A by-law to prescribe standards for the maintenance and occupancy of property within the City of Niagara Falls.

WHEREAS the Council of The Corporation of the City of Niagara Falls has in effect, an official plan enacted pursuant to the *Planning Act, R.S.O. 1990, c.P.13*, as amended, that includes policies relating to the maintenance and occupancy of property within the City of Niagara Falls;

AND WHEREAS section 15.1(3) of the *Building Code Act, 1992, S.O. 1992,c.23*, as amended, states that the Council of a local municipality may pass a by-law for prescribing 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 to the standards, for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

PART 1 SHORT TITLE, SCOPE, AND DEFINITIONS

A. SHORT TITLE

1. This by-law may be cited as the “**Property Standards By-Law**”.

B. SCOPE

2. This by-law applies to all property in the City of Niagara Falls.

C. DEFINITIONS

3. In this by-law,
 - (1) “accessory building” means a building subordinate to and located on the same lot with the main building and which is not used for or as human habitation;
 - (2) “balustrade” means a protective barrier that acts as a guard around the openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another and such barrier may or may not have openings through it;
 - (3) “basement” means that portion of a building which has at least 50% and not more

than 80% of its height from finished floor to finished ceiling, above grade, and is below the first storey;

- (4) “bathroom” means a room containing at least one toilet and either a bathtub or shower, or two adjacent rooms containing at least one toilet and one bathtub or shower;
- (5) “bedroom” means a habitable room used by persons for sleeping purposes;
- (6) “boarding or rooming house” means a dwelling in which the proprietor supplies for gain lodging with or without meals to three or more persons other than the proprietor or members of his family but does not include a tourist establishment, hotel, hospital, home for the aged or other establishment otherwise classified or defined in this By-law;
- (7) “building” means a structure having a roof, supported by columns or walls and used for the shelter, accommodation or enclosure of person, animals, goods or chattels;
- (8) “Building Code” means the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, and the regulations made thereunder;
- (9) “cellar” means that portion of a building which has more than 50% of its height from finished floor to finished ceiling, below grade, and is below the first storey;
- (10) “Chief Building Official” means the Chief Building Official of the City of Niagara Falls;
- (11) “City” means The Corporation of the City of Niagara Falls;
- (12) “Clerk” means the Clerk of The Corporation of the City of Niagara Falls;
- (13) “Committee” means the Property Standards Committee as established and continued by this by-law in accordance with section 15.6 of the *Building Code Act, 1992*, c.23, as amended;
- (14) “Council” means the Council of The Corporation of the City of Niagara Falls;
- (15) “crawl space” means that portion of a building between two floor levels, or between a floor level and the ground, with a height of less than 2.03 m (6 ft., 8 in.);
- (16) “Director of Municipal Works” means the Director of Municipal Works for the City of Niagara Falls;
- (17) “dwelling unit” means a room or suite of two or more rooms designed or intended for use or used by a person or persons as an independent and separate housekeeping

establishment in which separate cooking facilities and sanitary conveniences are provided for the exclusive use of such person or persons;

- (18) “egress” includes exits, access to exits and windows which meet the appropriate size requirements of the Building Code;
- (19) “exit” means that part of the means of egress that leads from the floor area it serves, including any doorway leading directly from a floor area to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare;
- (20) “Fire Chief” means the Fire Chief for The Corporation of the City of Niagara Falls and shall include a Fire Prevention Officer;
- (21) “fire resistance rating” means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified test conditions, or as determined by extension or interpretation of information derived therefrom as prescribed in the Building Code;
- (22) “first storey” means the storey with its floor closest to grade and having its ceiling more than 1.8m (5 ft. 11 in) above grade;
- (23) “floor area” means the space on any storey of a building between exterior walls and required firewalls and includes the space occupied by interior walls and partitions, but does not include exits and vertical spaces that pierce the storey;
- (24) “grade” means the average level of proposed or finished grade adjoining a building at all exterior walls;
- (25) “guard” means a protective barrier around the openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it;
- (26) “habitable room” means any floor area or room in a dwelling unit used or intended to be used for living, sleeping, cooking, or eating purposes, including, but not limited to, a den, recreation room, family room, library room, sewing room or enclosed sunroom;
- (27) “hallway” means a corridor or passageway which connects rooms within a dwelling unit or which provides a means of egress within a multi dwelling building;
- (28) “kitchen” means a room within a dwelling unit equipped with a sink and equipped with electricity and necessary utility outlets suitable for the operation of a refrigerator and cooking stove;

- (29) “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, which provides for the escape of persons from any point in a building, dwelling unit, floor area, room, or contained open space to an open public thoroughfare, street, lane, yard or other open space at grade level protected from fire exposure, and includes exits and access to exits;
- (30) “Medical Officer of Health” means the Medical Officer of Health for the Regional Municipality of Niagara;
- (31) “multiple dwelling” means a building used or intended to be used for two or more dwelling units and shall include group dwellings either held or maintained under single ownership or established under the provisions of the *Condominium Act*, R.S.O. 1990, c.26, as amended, or as a Co-operative;
- (32) “multiple attached dwelling” means any room in a dwelling that is divided vertically into more than two dwelling units, each of which has an independent entrance, and shall include terrace housing and row housing;
- (33) “Municipality” means The Corporation of the City of Niagara Falls;
- (34) “non-habitable room” means any room in a dwelling or dwelling unit other than a habitable room, and includes any cellar, bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, crawlspace, boiler room or other space for service and maintenance of the dwelling, or for public use, or for access to and vertical travel between storey;
- (35) “non-residential property” means a building or structure or part of a building or structure not occupied or used in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant thereto and all accessory buildings, outbuildings, fences, steps, walks, walkways, driveways, parking spaces or erections thereon or therein, and includes vacant non-residential property;
- (36) “occupancy” means the use or intended use of a building or structure or part thereof for the shelter or support of persons, animals, or chattels and goods;
- (37) “occupant” means any person or persons over the age of eighteen (18) years in possession of the property;
- (38) “Officer” means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law by Council;
- (39) “Order” means an Order made under section 192 or section 207 of this by-law;

- (40) “owner” includes
 - (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 receive the rent if the 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;
- (41) “person” includes an individual, firm, corporation, association, partnership, trust, unincorporated organization or the heirs, executors, administrators or other legal representatives of a person;
- (42) “potable water” means water that is fit for human consumption;
- (43) “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, accessory buildings, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (44) “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 a property conforms with the standards established in this by-law;
- (45) “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 any lands and premises appurtenant thereto and all accessory buildings, outbuildings, fences, steps, walk, walkways, driveways, parking spaces and erections thereon, whether heretofore or hereafter erected, and includes vacant residential property;
- (46) “sanitary conveniences” means a toilet, urinal, bidet or bed-pan washer;
- (47) “semi-detached dwelling” means a building divided vertically into two separate dwelling units, each of which has an independent means of egress or doorways to the exterior;
- (48) “sewage” means any liquid waste containing animal, vegetable, or mineral matter in suspension or solution, but does not include roof water or other storm water run-off;
- (49) “sewage system” means the City’s sanitary sewage system or a private sewage disposal system approved by the governmental authority having jurisdiction over

the sewage system;

- (50) “storey” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;
- (51) “toilet room” means a room within a dwelling unit containing a toilet;
- (52) “vehicle” means any motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment utilizing any kind of power, including muscular power;
- (53) “yard” means the land, other than publicly owned land, around and appurtenant to the whole or any part of a residential property or non-residential property and used or capable of being used in connection with the property.
- (54) “zoning by-law” means the City of Niagara Falls zoning by-law 79-200, as amended or any successor by-law.

PART II STANDARDS FOR ALL PROPERTY

A. GENERAL

- 4. All repairs and maintenance of property required by the standards prescribed in this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

B. STRUCTURAL ADEQUACY

- 5. Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - (1) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - (2) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - (3) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and
 - (4) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

6. If in the opinion of the Officer there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the Officer may alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the examination and may order that such building or structure or parts thereof be examined and written report be prepared by a professional engineer, licensed to practice in Ontario.
7. The examination and testing of any building or structure or parts thereof required by section 6 of this by-law shall be conducted in a manner acceptable to the Officer and the Officer may order the examination and testing to be at the owner's expense.
8. If the owner or agent retains the engineer to prepare a written report in accordance with section 6 of this by-law, the owner shall submit the report to the Officer for evaluation and review.
9. All details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer, shall be included with the report referred to in section 6 of this by-law.
10. No person may add, remove, repair or modify any structural element of the building or structure, until a permit has been issued by the Chief Building Official in accordance with the Building Code.
11. On the completion of any work required in the report prepared by the professional engineer, the professional engineer shall submit to the Officer a further report, signed and stamped by the professional engineer, that all of the work has been satisfactory completed as required by the first report.
12. If in the opinion of the Officer, materials forming part of the building or structure are damaged, decayed or deteriorated, the Officer may order that these materials be repaired or replaced in a worker like manner acceptable to the Officer.

C. FOUNDATIONS, WALLS, COLUMNS, BEAMS, FLOORS,
ROOF SLABS AND BALCONIES

13. The foundations, walls, column, beams, floors, roof slabs and balconies of a building including storage garages shall be maintained:
 - (1) in good repair and structurally sound;
 - (2) free from decayed, damaged or weakened sills, piers, posts or other supports;
 - (3) in a manner so as to prevent the entry of moisture and rodents, insects or vermin into the building;

- (4) in a manner so as to prevent settlement of the building and shall be so maintained by restoring or replacing of the foundation, walls, columns, beams, floors and roof slabs and where necessary, by the shoring of the walls and floors, installing sub-soil drains at the footing, grouting masonry cracks, waterproofing the walls and by other methods which are practical and necessary for the purposes mentioned above; and
 - (5) free from objects or materials improperly secured or which have become loose or insecure and where necessary, such objects or material shall be removed, and properly secured or replaced.
14. The exterior walls of a building shall be maintained:
 - (1) in good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, loose or unsecured objects; and
 - (2) to prevent their deterioration due to weather and rodents, insects or vermin and where necessary, shall be so maintained by the painting, restoring, or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weathertight finishing, or the installation of termite shields, if required.
15. Without limiting the generality of the foregoing, the weathertight finishing of an exterior wall shall include the following:
 - (1) the application of a weather resistant material to all exterior wood and metal work;
 - (2) the restoring, repairing or replacing of the exterior wall, brick and mortar, stucco lathing and plaster, cladding, coping and flashing; and
 - (3) the waterproofing of the exterior walls and joints.
16. All exterior surfaces which have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
17. Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when such application is impractical or ineffective.
18. The cladding on the exterior walls of all buildings shall consist of masonry, stucco, wood, plywood, metal or other materials of equivalent strength and durability in accordance with the Building Code.
19. Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, fire escapes,

pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:

- (1) in good repair;
 - (2) free from rubbish and debris;
 - (3) properly and safely anchored;
 - (4) protected against deterioration and decay by the periodic application of a weather resistant material such as paint; and
 - (5) free from broken or missing glass.
20. Exterior doors, windows, skylights, basement hatchways including storm and screen doors and storm windows shall be:
- (1) maintained in good repair and weathertight;
 - (2) free from rotted or defective members;
 - (3) free from defective or missing hardware;
 - (4) free from torn, damaged or missing screens;
 - (5) free from defective or missing weatherstripping or caulking;
 - (6) free from defective storm or screen doors; and
 - (7) free from broken or missing glass.
21. Every opening in an exterior wall which is not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin, insects or rodents
22. Section 21 of this by-law does not apply where it can be shown to the satisfaction of the Officer that the implementation of this section would adversely affect the normal operations of a non-residential property.

D. FLOORS

23. Every floor in a building or structure shall be maintained in a sanitary condition, in good repair so as to be reasonably smooth, level and free from stains, rubbish, debris, warped, broken or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are a fire, health or other hazard.

24. Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such manner as is required by all relevant government regulations.
25. The floors of rooms in which plumbing fixtures are installed shall be maintained as to be water resistant.
26. Crawl spaces shall have a concrete floor or ground cover in compliance with the Building Code.

E. CHIMNEY, FLUES AND RELATED HEATING EQUIPMENT

27. Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained free from obstruction and comply with all applicable government regulations and shall prevent:
 - (1) obstruction to the free passage of persons within a building;
 - (2) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
 - (3) the entrance of smoke or gases into a building; and
 - (4) fire, health or other hazards.
28. Where a heating system or part thereof, or any auxiliary heating system, burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire, health or hazards.
29. All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable government regulations.
30. Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.
31. Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:
 - (1) installed and maintained so as to prevent the escape of smoke or gases into the building;

- (2) clear of obstructions;
 - (3) free from open joints;
 - (4) free from broken and loose masonry; and
 - (5) in good repair and plumb.
32. A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good repair, properly secured and free from fire, health, or other hazards.

F. STAIRS, HANDRAILS, BALUSTRADE AND GUARDS

33. All stairs, porches and landings, all treads and risers, and all supporting structural members shall be maintained free from defects and hazards and be capable of supporting all loads to which they might be subjected.
34. A handrail shall be provided and maintained in good condition, and in accordance with the Building Code.
35. In the case where a guard serves as a handrail, guards shall be provided and maintained so as to afford reasonable protection against accident or injury to any person in or on a property. Without limiting the generality of the foregoing:
- (1) all balconies shall be provided with a guard, 1070 mm (42 inches) in height and having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4 inches) and having no member, attachment or openings which will facilitate climbing located between 100 mm (4 inches) and 900 mm (36 inches) above the floor or bottom of the guard and maintained in good repair;
 - (2) all landings, galleries, mezzanines, raised floors, and roofs to which access is provided for other than maintenance purposes and other locations exceeding 600 mm (24 inches) in height shall be provided with a guard, 1070 mm (42 inches) in height having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4 inches) in residential properties or any other occupancy where children may be present and not more than 200 mm (8 inches) in all other occupancies and maintained in good repair;
 - (3) all required exit stairs shall be provided with a guard, 920 mm (37 inches) in height having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4 inches) and maintained in good repair; and
 - (4) all open sides of ramps, retaining walls and at other locations where the vertical distance to the surface or horizontal plane below exceeds 600 mm (24 inches) and may present a danger to persons on the property shall be provided with a guard,

1070 mm (42 inches) in height having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4 inches) and having no member, attachment or openings which will facilitate climbing located between 100 mm (4 inches) and 900 mm (36 inches) above the ground or the bottom of the guard and maintained in good repair.

G. SEWAGE DISCHARGE

36. Sewage shall be discharged into a sewage system in accordance with all applicable law.
37. Sewage of any kind shall not be discharge onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
38. Every plumbing fixture in every building shall discharge the water, plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction.

H. ROOFS

39. All roofs shall be maintained:
 - (1) in a watertight condition so as to prevent leakage of water into the building or structure;
 - (2) free from loose or unsecured objects or materials;
 - (3) free from dangerous accumulations of snow or ice or both;
 - (4) free from fire, health or other hazards;
 - (5) so that roof decks and related guards are in good state or repair; and
 - (6) free from conditions causing or contributing to leaks.
40. No roof drainage shall be discharged on an entrance-way, walkway, sidewalk, stair or neighbouring property, or on to any highway, or in such a manner that it will penetrate or damage a building, structure or property.
41. Every eaves trough, roof gutter, rainwater pipe, downspouts and flashing shall be properly secured and be kept in good repair, free from obstructions and health hazards.
42. No eaves trough or downspout shall be discharged into the sanitary sewer system, either directly or indirectly and every roof drainage shall be discharged onto the ground at least

1 metre (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

43. Storm water shall be drained so as to prevent the entrance of water into a basement or crawlspace.

I. AIR CONDITIONERS AND WATER COOLED EQUIPMENT

44. Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.
45. Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.
46. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

J. DAMAGE BY FIRE, STORM OR OTHER CAUSES

47. A building or structure damaged by fire, storm or other causes shall be demolished or repaired.
48. Where a building or structure is damaged by fire, storm or other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.
49. Defacement by smoke or by other causes on the exterior wall and surface of the building or structure or of the remaining parts of the building or structure, shall be removed and the defaced areas refinished with the care, skill and quality acceptable in the trades concerned and with materials suitable and sufficient for the purpose.
50. In the event of fire or explosion, damaged or partially burnt material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety days.

K. VACANT BUILDINGS

51. If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance

thereto of all unauthorized persons.

52. If a building remains vacant for a period of more than ninety days, the owner or agent thereof, shall ensure that all utilities serving the building are properly disconnected or otherwise and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

L. DEMOLITION

53. Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, debris, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
54. Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.
55. Prior to demolishing any building, a Demolition Permit must first be obtained from the Chief Building Official.

PART III STANDARDS FOR YARDS, PARKING AREAS AND ACCESSORY BUILDINGS OF ALL PROPERTIES

A. GENERAL MAINTENANCE

56. Every yard and vacant lot shall be kept clean and free from:
 - (1) rubbish, waste, brush, or other debris and from objects or conditions, such as holes or excavations, that might create a fire, health or other hazard;
 - (2) injurious insects, rodents, vermin and other pests and any condition which might result in the harbouring of such pests;
 - (3) dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition;
 - (4) dilapidated, collapsed or unfinished structures and from the storage or accumulation of materials that create a nuisance; and
 - (5) refrigerators, stoves, washing machines, clothes dryers, or other electrical appliances and furniture, other than lawn or garden furniture that is in good repair.

57. No motor vehicle, other than a currently licensed motor vehicle capable of being driven on a highway, shall be parked on any property, except in an enclosed building, unless the parking of the unlicensed or inoperative motor vehicle is incidental to a permitted use under the City's Zoning By-laws for the zone in which the property is located.
58. No vehicle, boat, trailer, machinery or part thereof which is in an unusable, wrecked, discarded, dismantled, partially dismantled, inoperative or abandoned condition, shall be parked, stored or allowed to remain on any property or yard.
59. Section 58 of this by-law does not apply to prohibit:
 - (1) any storage permitted by the City's Zoning By-law;
 - (2) the operation of a salvage yard in accordance with any applicable law; or
 - (3) the active repair of the vehicle, boat, trailer, machinery or part thereof by the occupant or owner of the property for his, her, or its own use.
60. All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.
61. No fill shall be allowed to remain in an unlevelled state on any property for longer than seven days, unless the property is:
 - (1) a construction site for which a building permit is in effect;
 - (2) a property being subdivided under subdivision agreement with the City; or
 - (3) property upon which material is being stored with the approval of the Director of Municipal Works or the Regional Municipality of Niagara in connection with a public works contract.
62. No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty days unless the property is:
 - (1) a construction site for which a building permit is in effect;
 - (2) a property being subdivided under subdivision agreement with the City; or
 - (3) property being actively farmed.
63. Lawns, hedges, bushes, shrubs and trees will not be permitted to become overgrown or unsightly.
64. Walks, steps, driveways, parking lots and other similar public access areas of a yard shall

be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.

B. EXTERIOR LIGHTING AND SUPPORTS

65. If exterior lighting is provided for exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas fo a yard of a property, the exterior lighting and their supports and connections thereto shall be maintained and kept in a safe condition, in good repair and in good working order to provide adequate light.

C. FENCES AND RETAINING WALLS

66. Fences, enclosures, retaining walls and all structures appurtenant to a property shall be:

- (1) maintained in good repair;
- (2) maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- (3) maintained free from fire, health, or other hazards;
- (4) protected from deterioration by the application of paint or other suitable protective materials or constructed of a material that is inherently resistant to such deterioration;
- (5) made with suitable materials and designed and erected in a worker like manner; and
- (6) capable of performing safely the function for which they were constructed.

67. When fences, enclosures, retaining walls and all structures appurtenant to a property are not maintained in accordance with section 66 of this by-law, they shall be repaired or removed from the yard.

D. ACCESSORY BUILDINGS

68. The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:

- (1) constructed with suitable materials;
- (2) maintained in good repair;
- (3) maintained to prevent an unsafe condition; and

- (4) protected from deterioration by the application of paint or other suitable protective material.
69. When foundations, walls, roofs and all part of accessory buildings and other structures appurtenant to the main building are not maintained in accordance with section 68 of this by-law, they shall be repaired or removed from the yard.

PART IV SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

A. GENERAL

70. Every owner or occupant of a dwelling unit shall:
- (1) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a sanitary condition;
 - (2) keep all exits unobstructed;
 - (3) maintain the dwelling unit, including the floors, walls, and ceilings, in a sanitary condition free from rubbish and debris; and
 - (4) keep the dwelling unit free of rodents, insects or vermin which may be deleterious to the safety, health and welfare of the occupants or which may encourage infestation by such pests.
71. In multiple dwellings, glazed doors, windows and other transparent surfaces in those parts of the building used by tenants in common, shall be kept in a sanitary condition.
72. Every wall, ceiling, staircase and landing, finishing, fixture and appliance in a dwelling unit shall be maintained in a sanitary condition and the dwelling unit shall be kept free from rubbish and debris.

B. OCCUPANCY STANDARDS

73. A non-habitable room shall not be used as a habitable room.
74. No kitchen shall be used as a bedroom.
75. 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.
76. The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
77. The minimum area of a bedroom in a dwelling unit used by only one person shall be 6

square metres (64.5 square feet).

78. The minimum area of a bedroom in a dwelling unit used as a bedroom by two or more persons shall be 4 square metres (43 square feet) for each person.
79. Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches), except that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) and the area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.
80. No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
 - (1) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - (2) each habitable room shall comply with all the requirements for ingress, egress, light, ventilation and ceiling height set out in this by-law;
 - (3) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water; and
 - (4) each habitable room shall be separated from the fuel-fired central heating equipment or other similar hazardous equipment, water heating system, or incinerator by a partition having a fire resistance rating of at least one hour.

C. FOUNDATION WALLS, BASEMENTS, FLOORS

81. A foundation wall, basement, cellar or crawl space floor, slab on grade, exterior wall and roof shall be structurally sound, weathertight and damp-proofed and shall be maintained so as to be protected against deterioration, including that due to weather, fungus, dry rot, rodents, insects or vermin.
82. Basements, cellars and crawl spaces, which are served by a stairway leading from within a residential property shall have a concrete floor and where a gravity connection is available, a floor drain shall be located at the lowest point of the said floor connected to the sewerage system.
83. Storm water run-off shall be drained from the grounds of the residential property and any area below exterior grade so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.

D. FLOORS, STAIRS

84. Every stairwell or open stairway leading to a higher storey or to a basement with three or more risers, and every porch, balcony or landing more than 0.6 metres (24 inches) above an adjacent surface, shall be equipped with handrails or balustrades, maintained in good repair so as to provide adequate protection against accident or injury.

E. DOORS

85. Interior doors and doorframes, including automatic door openers and closers, and all necessary hardware shall be maintained in good repair to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.
86. Doors connecting dwelling units to the exterior or to an entrance or to an exit system shared in common with other dwelling units shall have locking devices and other necessary hardware installed and be maintained in good repair, and shall be openable from the inside without requiring keys, special devices or specialized knowledge of the door opening mechanism.
87. In the public parts of multiple dwellings, missing, cracked and broken glass in door panels, glass screens, and windows shall be replaced with approved glass or similar materials.

F. WINDOWS AND WALL OPENINGS

88. Every habitable room in a dwelling unit, except a kitchen, shall contain an outside window or windows that shall be maintained in good repair, and shall:
- (1) have a total light transmitting area of not less than 10 percent of the floor area in living room and dining room and have a total light transmitting area of not less than 5 percent of the floor area in bedrooms and other finished rooms;
 - (2) when designed to open, be easily opened and closed at all times and the area of the openable portion shall comply with the requirements of the Building Code;
 - (3) be provided with proper and suitable hardware and effective locking devices; and
 - (4) have the total transmitting area of windows in window-wells counted in the calculations stated above, provided that one half of the 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.
89. All windows in a dwelling unit designed to be opened shall be fitted with screens so as to prevent the entrance of rodents, large insects and vermin and shall be maintained in good

repair.

90. Every floor level containing bedrooms shall be provided with at least one outside window that can be opened from the inside without the use of tools. Every such window shall provide an unobstructed open portion, having a minimum area of 0.35 square metres (3.8 square feet) with no dimension of the openable portion less than 0.38 metres (15 inches).
91. Except for basement areas, the window referred to in Section 90 shall have a maximum sill height of 1 metre (3 feet, 3 inches) above the floor.
92. Where a window required in section 90 opens into a window-well, a clearance of at least 550 mm (22 in) shall be provided in front of the window. Where the sash swings towards the window-well, the operation of the sash shall not reduce the clearance in a manner that would restrict escape in an emergency.

G. INTERIOR WALLS

93. Every wall and ceiling in a dwelling shall be maintained in good repair, so as to be free of holes, cracks, damage, deterioration and loose plaster or other defeats and finished to match the existing wall or ceiling.
94. Walls around a bathtub or shower shall be maintained so as to be water resistant.
95. Repairs made to the walls and ceilings of a building or in a dwelling unit, shall be completed in a worker like manner.
96. Previously finished wall and other surfaces in the public parts of multiple dwellings shall be maintained in good repair.

H. VENTILATION

97. In every dwelling unit all habitable rooms, bathrooms and toilet rooms shall have adequate ventilation, either natural or mechanical.
98. Where a system of mechanical ventilation or air conditioning is provided, it shall be maintained in a good working condition.
99. In multiple 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.
100. A mechanical ventilation system in a laundry room, garbage room, corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be:

- (1) maintained in good repair and in good working order;
 - (2) maintained in a safe condition; and
 - (3) maintained in a sanitary condition.
101. Every habitable room shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area of 0.3 square metres (3.23 square feet), and shall be located in the exterior walls or through skylight openings or roof ventilators. Openings shall be adequately screened to prevent the entry of rodents, insects or vermin.
102. Except as provided above, openings for natural ventilation may be omitted if a system of mechanical ventilation provides one complete air change per hour.
103. Subject to section 104 of this by-law, every kitchen, bathroom or any room containing a toilet or urinal shall be provided with an opening or openings for natural ventilation, located in an exterior wall or through skylight openings. All openings shall have a minimum aggregate, unobstructed free flow of 0.09 square metres (1 square foot) and these openings shall be adequately screened to prevent the entry of insects, vermin or rodents.
104. An opening for natural ventilation may be omitted from a bathroom or room containing a toilet or urinal, where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the dwelling.
105. Every basement or crawlspace shall be vented to the outside air by means of screened windows which can be opened, or by louvres with screened openings, the area of which shall not be less than 0.09 square metres (1 square foot) for every 46.45 square metres (500 square feet) of enclosed area.

I. HEATING

106. The heating system in a dwelling unit shall be maintained in good working condition and shall comply with the following:
- (1) every dwelling shall be provided with a heating system capable of continuously maintaining a room temperature under all conditions, of 21 degrees Celsius (70 degrees Fahrenheit) in all habitable rooms, bathrooms, and toilet rooms, unless otherwise permitted by the Medical Officer of health; and
 - (2) such temperatures referred to in subsection (1) above, shall be maintained between the 15th day of September in each year and the 31st day of May of the following year.
107. No room heater shall be placed so as to cause a fire hazard to walls, floors, curtains, or

furniture, and shall impede the free movement of persons within the room in which the heater is located.

108. All heating and cooking apparatus or equipment involving combustion of solid-fuel shall be connected to an approved chimney or a chimney flue that provides sufficient outlet for the escape of all noxious gases by means of a rigid and permanently sealed connection and which prevents any health, fire or other hazard.
109. All heating and cooking apparatus or equipment involving combustion of solid fuel shall be properly connected to the supply line by a rigid and permanently sealed connection.
110. No barbecues shall be used within a dwelling unit, or in or on a balcony of a multiple dwelling.

J. FURNACE ROOM - AIR SUPPLY AND FUEL STORAGE

111. In all multiple dwellings with a common central heating system, the heating system shall be located in a separate room having floors, walls, ceiling and doors which form a fire separation with a fire resistance rating of not less than one hour and such room shall not be used for the storage of fuels or any other material, and shall be kept clear of all debris and rubbish.
112. A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.
113. Fire dampers, where required, shall be installed and maintained in compliance with the Building Code or other applicable government regulations.

K. FIREPLACES

114. Fireplaces, wood burning stoves and other solid-fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent and shall be installed so that nearby adjacent combustible material and structural members shall not be heated so as to exceed a safe temperature and in accordance with the standards of the Underwriters Laboratory of Canada pursuant to the Building Code.

L. PLUMBING AND DRAINAGE SYSTEMS

115. All plumbing, drainpipes, water pipes, plumbing fixtures, appliances and every connecting line to the sewerage system, shall:
 - (1) be maintained in good repair and free from leaks and defects;

- (2) be protected from freezing;
 - (3) comply with the requirements of all applicable government regulations; and
 - (4) be maintained in a sanitary condition.
116. Every dwelling unit shall be provided with an adequate supply of potable water from the municipal supply system or from a source approved by the Medical Officer of Health.
117. Every sink, wash basin, laundry facility, bathtub or shower in a dwelling unit shall have an adequate supply of hot and cold running water.
118. Every water heater installed for the purpose of supplying hot running water to the occupants of a dwelling unit, shall be capable of heating water to a minimum temperature of 49 degrees Celsius (120 degrees Fahrenheit).
119. A toilet shall be located within and be accessible from within every dwelling unit and shall be located and equipped to afford privacy to persons using such toilet.
120. A supply of water sufficient to adequately flush a toilet shall be supplied to every toilet.

M. KITCHEN FACILITIES

121. Every kitchen in a dwelling unit shall be provided with an approved gas or electrical supply for cooking purposes.
122. Each kitchen in a dwelling unit shall be:
- (1) equipped with a sink that:
 - (a) is provided with potable cold and hot water;
 - (b) is maintained in a state of good repair; and
 - (c) has a worktop and back splash with an impervious surface;
 - (2) equipped with electricity and necessary utility outlets suitable for the operation of a refrigerator and cooking stove;
 - (3) when equipped with a refrigerator and/or a cooking stove, such appliances shall be maintained in good repair and working order; and
 - (4) equipped with a hood fan ventilator to the interim located above the cooking surface of a cooking apparatus.

123. Every kitchen shall have a clear space above any exposed cooking surface of a cooking apparatus of at least 0.61 m (24 inches).

N. TOILET AND BATHROOM FACILITIES

124. Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
125. The occupants of not more than two legal non-conforming dwelling units in a building, or where a dwelling unit contains rooms intended to be used in conjunction with a boarding or rooming house, as defined in the Zoning By-law, the occupants of said building may share a single bathroom provided that:
- (1) a total of not more than ten persons occupy the dwelling units in total; and
 - (2) the access to the bathroom can be gained without going through a habitable room of any dwelling unit or through an open area which is not normally heated during a season in which heat is required.
126. All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.
127. All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
128. No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

O. ELECTRICAL SUPPLY AND LIGHTING

129. Every dwelling unit shall be connected to an electric supply system and shall be wired for electricity.
130. The electrical wiring, pipes for conducting electrical wiring and electrical services in every dwelling unit and all equipment and appliances for use in a dwelling unit or accessory building shall be maintained in good working order so as not to cause a fire or electrical shock hazard and shall be in compliance with all applicable government regulations.
131. Adequate artificial light shall be available at all times, in all rooms and in every stairway, hall and basement in a dwelling unit.
132. All fuses or overload devices shall not exceed the limits imposed by the applicable government regulations.

133. In multiple dwellings, every stairway, hall exit and entrance, and all other parts of the building used by the tenants in common shall be adequately lighted at all times.
134. Without limiting the generality of the foregoing, lighting shall be considered adequate:
- (1) if there is sufficient light to provide an average level of illumination of at least 21.6 lux (2 foot-candles) at floor level in corridors halls and at exits and entrances;
 - (2) where corridors, stairs and stair landings are illuminated by a common system, the average level of illumination provided at tread level on the stairs and at floor level on the landing shall be at least 21.6 lux (2 foot-candles); or
 - (3) where corridors, stairs and stair landings are not illuminated by a common system or by the lighting fixture provided for in adjacent corridors, the average level of illumination provided at tread level on the stairs and at floor level on the landing shall be at least 16.2 lux (1.5 foot-candles).
135. The level of illumination at any location on the floor level in corridors, halls, exits, entrances and stairs of a building shall not be less than 11 lux (1 foot-candles).

P. SEPARATIONS

136. Every dwelling unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from a part of the building that is not used for human habitation into other parts of the dwelling unit.

Q. MEANS OF EGRESS

137. Every dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to an exit or the outside of the building at street or grade level.
138. Where a residential building contains dwelling units located below grade, then unless the door to the exterior provides access or egress directly at ground level, then secondary means of egress shall be provided as follows:
- (1) by means of a stairway directly to the exterior, which is fire-separated from the other dwelling units;
 - (2) by means of a fire-separated, shared means of egress with another dwelling unit; or
 - (3) by means of one or more windows, which meet all of the following requirements:
 - (a) the minimum unobstructed area is 0.38 square metres (4 feet);

- (b) the minimum dimension is 460 mm (18 in.);
 - (c) the maximum height of the window-sill above the floor is 1m (39 in.);
 - (d) the window opens inwards; and
 - (e) if the window-sill is below exterior grade, there is a window-well not more than 1m (39 inches) below exterior grade outside the window, having a minimum dimension of at least 1m (39 in.) out from the window.
139. Where a residential building contains dwelling units located above the ground floor, then, unless the exterior door opens directly to the exterior with direct access to ground level, a secondary means of egress shall be provided as follows:
- (1) by means of a stairway directly to the exterior which is fire-separated from the other dwelling units;
 - (2) by means of a fire-separated shared means of egress from the second floor with another dwelling unit; or
 - (3) in the case of a dwelling unit located on the third floor, by means of a fire-separated shared means of egress from another dwelling unit when inter-connected smoke alarms are installed.
140. The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
141. Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
142. A means of egress from a residential building or dwelling unit shall be kept clean and free from rubbish or other debris that might create a fire or hazard.
143. Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
144. In every multiple dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.

R. ELEVATING DEVICES

145. Elevating devices in residential properties, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and be operational.

S. PROTECTIVE GUARDS IN MULTIPLE DWELLINGS EXCEEDING THREE STOREYS IN BUILDING HEIGHT

146. Guards shall be provided for all unprotected openings and open spaces in multiple dwellings exceeding three storeys in building height in the following locations:
- (1) around every roof to which access is provided, other than for maintenance;
 - (2) around every raised floor, mezzanine, balcony, gallery, bridge exterior passageway or other location when the difference in elevation between floor levels or between floor and ground levels is greater than 0.6 metres (24 inches);
 - (3) around every open side of a landing in a public stairway;
 - (4) across every window or glass panel in an exit stairway, public hallway or corridor or any area accessible to the public that extends to less than 1.07 metres (42 in.) above the stairs, landing or floor;
 - (5) except as provided in this by-law, across any window located more than 1.83 metres (6 feet) above the ground level and that extends within 1 metre (30 inches) of the floor unless such window has fixed glazing; and
 - (6) all opening windows within a dwelling unit may be equipped with latching or automatic engaging devices to control the window opening and screens, in lieu of the protective guard provided such windows are manufactured to the appropriate standards as outlined in the Building Code.
147. For the purpose of section 146 of this by-law, a guard shall be at least 1.07 metres (42 inches) in height and the size of any opening through such guard shall be such a size as to prevent the passage of a spherical object having a diameter of 0.10 metres (4 inches).
148. Guards around exterior balconies of buildings of residential occupancy shall be designed so that no membrane, attachment or opening located between 0.10 metres (4 inches) and 0.9 metres (36 inches) above the balcony floor will facilitate climbing.

T. REFUSE AND GARBAGE STORAGE

149. In multiple dwellings, every garbage chute, garbage disposal room, garbage storage area,

garbage container or receptacle shall be maintained in a sanitary condition free from odours and smells.

150. Garbage chutes and garbage disposal rooms must be kept in use and maintained in working order at all times.
151. Garbage chutes and garbage disposal rooms shall have fire doors fitted with self closing devices and all necessary hardware and every such door shall be a good fit in its frame and shall be maintained in good repair.
152. Every residential building and every dwelling unit within the residential building shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes.
153. All household garbage and refuse shall be stored in a sanitary manner and shall not be permitted to accumulate and remain in, or on, the premises such that it might constitute a fire, health or safety hazard.

U. PEST CONTROL

154. Residential buildings, dwelling units and yards shall be kept free of rodents, insects or vermin, and methods used for exterminating such rodents, insects or vermin, shall be in accordance with all applicable government regulations.
155. All windows used or required for ventilation, and every other opening in a basement or crawlspace, that might permit the entry of rodents, insects or vermin, shall be screened with wire mesh, or other material that will effectively exclude rodents, insects or vermin.

V. EXTERIOR - WEATHERPROOFING

156. Windows, exterior doors and basement or crawlspace hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling, and rotted or damaged doors, door frames, window frames, sashes and casings shall be repaired or replaced, and defective door and window hardware, weather-stripping and broken window glass shall be replaced.

W. GARAGES AND CARPORTS

157. The construction between an attached or built-in garage and a dwelling unit shall provide an effective barrier to gas and exhaust fumes.
158. A door between an attached or built-in garage and a dwelling unit shall be tight-fitting and weather-stripped to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.

159. Garages and carports including floors shall be maintained in good repair and free from hazards.

PART V SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

A. DUTIES OF OWNERS AND OCCUPANTS

160. Every owner, and every occupant in that part of non-residential property that is occupied or controlled by the occupant, shall maintain the property:
- (1) in a sanitary and safe condition, free from litter, refuse and debris including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - (2) free from objects conditions which are health, fire or safety hazards; and
 - (3) free from rodents, insects or vermin.

B. VENTILATION

161. All non-residential properties shall be adequately ventilated by natural or mechanical means 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.
162. Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.
163. Where a system of mechanical ventilation to exhaust noxious fumes, gases, dust or sawdust from a building is installed, the discharge from the system shall comply with the Building Code.
164. Mechanical ventilating equipment and the supports for each equipment shall be maintained in good repair and in safe mechanical condition.

C. MEANS OF EGRESS

165. All means of egress within a non-residential property shall be:
- (1) maintained free from all obstructions or impediments;
 - (2) provided with clear, unobstructed and readily visible exit signs, for every required

exit; and

- (3) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

D. INTERIOR WALLS, CEILING AND FLOORS

166. In every non-residential property, interior walls, floors and ceilings shall be maintained:

- (1) free from health, fire and other hazards;
- (2) in good repair and free from holes, large cracks, broken plaster and loose or broken masonry;
- (3) in a sanitary condition which is reasonable considering the use or operation;
- (4) free from missing, cracked and broken glass in door panels, glass screens and windows. Cracked and broken glass in door panels, glass screens and windows shall be replaced with approved glass or other approved material;
- (5) plaster repairs made to the walls and ceilings shall be completed in a workerlike manner;
- (6) glazed doors, windows and other transparent surfaces shall be kept in a reasonably sanitary condition; and
- (7) interior doors and door frames including automatic door openers and closers and all necessary hardware shall be maintained in good repair to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.

E. PLUMBING

167. In every non-residential property, plumbing fixtures shall be provided and installed in accordance with the requirements of all applicable government regulations.

168. All plumbing, drain pipes, water pipes and plumbing fixtures in every non-residential property and every connecting line to the sewage system, shall be maintained in good working order and free from leaks and defects and in compliance with all applicable government regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

F. HEATING

169. Where a heating system is provided in a non-residential property, it shall be maintained in a safe and good working condition free from fire, health or other safety hazards.

G. ELEVATING DEVICES

170. Elevating devices in a non-residential property, including all parts, lightning fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.

H. ELECTRICAL SERVICES AND LIGHTING

171. Every non-residential property shall be wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power is available at all times.
172. The electrical connections to and the wiring system of a non-residential property shall be installed and maintained in good working order and in compliance with the requirements of all applicable government regulations.
173. In all parts of a non-residential building, a level of illumination shall be provided and maintained which will adequately protect all persons within the building from fire, health or other safety hazards.
174. Artificial lighting shall be provided and maintained in good working order at all times in every stairway, hall, passageway, furnace room, boiler room and in every room in which plumbing fixtures are installed.

PART VI ADMINISTRATION AND ENFORCEMENT

A. PROPERTY STANDARDS OFFICER

175. The Council of the Municipality may appoint an Officer(s) responsible for the administration and enforcement of this by-law.
176. Any building, housing, plumbing, heating or public health inspectors or fire prevention officers of the Municipality are hereby authorized and directed to act as an assistant to the Officer from time to time.
177. The Officer may, from time to time, designate other persons to act under the Officer's instructions in the administration and enforcement of this by-law.

B. PROPERTY STANDARDS COMMITTEE

178. The Property Standards Committee is hereby continued which shall be composed of not less than three persons, who are ratepayers of the City of Niagara Falls.
179. The members of the Committee shall be appointed for a three year term at a regular meeting of Council and thereafter Council shall forthwith fill any vacancies as they occur.
180. Members of the Committee shall hold office until their successors are appointed and are eligible for re-appointment. When a member of the Committee ceases to be a member before the expiration of their term, the Council shall forthwith appoint another person for the unexpired portion of that term.
181. The members of the Committee shall elect one among them as Chair and when the Chair is absent through illness or otherwise, the Committee may appoint another member as acting Chair.
182. The Committee shall make provision for a secretary for the Committee.
183. Any member of the Committee may administer oaths.
184. The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee and section 74 of the *Municipal Act*, R.S.O. 1990, c.M.45, as amended, applies with necessary modifications to such documents.
185. The members of the Committee shall be paid such compensation as Council may, from time to time, provide.
186. A majority of the Committee constitutes a quorum for transacting the Committee's business.
187. The Committee may adopt its own rules of procedure, but before hearing an appeal under section 200 of this by-law, the Committee shall give notice or direct that notice be given as such hearing to such persons as the Committee considers advisable.

C. INSPECTIONS

188. Subject to section 191, an Officer and any person acting under the Officer's instructions may, without a warrant at all reasonable times and upon producing proper identification, enter and inspect the property to determine:
 - (1) whether the property conforms with the standards prescribed in this by-law; or
 - (2) whether an Order made under section 192 of this by-law has been complied with.
189. For the purposes of an inspection under section 188 of this by-law, an Officer and any

person acting under the officer's instructions may,

- (1) require the production for inspection of documents or things, including drawings of specifications that may be relevant to the property or any part thereof;
 - (2) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to a property or part thereof;
 - (4) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
 - (5) alone or in conjunction with a person possessing special expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
 - (6) order the owner of the property to take and supply at the owners expense such tests and samples as are specified.
190. (1) The Officer shall divide any sample taken under section 189 (5) of this by-law into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time that the sample is taken and provides the necessary facilities.
- (2) If an Officer takes a sample under section 189 (5) of this by-law and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from who the sample was taken.
- (3) An Officer shall provide a receipt for any document or thing removed under section 189 (2) of this by-law and shall promptly return them after the copies or extracts are made.
- (4) Copies of or extracts from documents and things removed under section 189 of this by-law which are certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentially value as the originals.
191. Except under the authority of a search warrant issued under section 158 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, or the Building Code an Officer or any person acting under the Officer's instructions, shall not enter any room or place actually used as a dwelling unit unless:
- (1) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a

search warrant; or

- (2) a warrant is obtained; or
- (3) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and safety of any person; or
- (4) the entry is necessary to terminate a danger under section 207 of this by-law; or
- (5) the Officer has served the occupier with notice of his or her intention to enter the premises, and the entry is necessary to repair or demolish the property pursuant to an Order made under section 192 of this by-law.

D. NON-COMPLIANCE ORDERS

192. An officer who finds that a property does not comply with the standards prescribed in this by-law may make an Order and the Order shall contain;
- (1) the municipal address or the legal description of the property;
 - (2) the reasonable particulars of the repairs to be made or a statement that the site is to be cleared of all buildings or structures, debris or refuse and left in a graded and leveled condition;
 - (3) the time period for complying with the terms and conditions of the Order;
 - (4) notice that, if the repair or clearance is not carried out within the time period specified in the Order, the municipality may carry out the repair or clearance at the owner's expense; and
 - (5) the final date for giving notice of appeal from the Order.
193. The Order shall be served on the owner of the property and such other persons affected by the Order as the officer determines, and a copy of the order may be posted on the property.
194. An Order may be registered in the proper Land Registry Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been saved with the Order on the date on which the Order was served under section 195 and, when the requirements of the Order are found by the Officer to have been satisfied, the Clerk shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which certificate shall operate as a discharge of the Order.

E. SERVICE

195. An Order, required under this by-law to be served, shall be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or that person's agent for service. An order served by registered mail shall be deemed to have been served on the 5th day after the date of mailing.
196. The Officer shall in addition to service set out at section 195 of this by-law, when serving an Emergency Order obtained under section 207 of this by-law post the Order on the property.
197. No person shall remove, pull down, obstruct the visibility of or deface the Order placed in accordance with section 196 of this by-law, unless authorized by the Officer.

F. CERTIFICATE COMPLIANCE

198. Following an inspection of a property, the Officer may, on the request of the owner and pay more of a fee, issue to the owner a certificate of compliance, if in the Officer's opinion, the property is in compliance with the standards of this by-law. The fee for such a certificate shall be set out in By-law No. 98-114.

G. APPEAL TO PROPERTY STANDARDS COMMITTEE

199. An owner, occupant or other person affected by an Order who is not satisfied with the terms or conditions of the Order, may appeal to the Committee by sending a Notice of Appeal by registered mail or personal delivery to the Secretary of the Committee within fourteen days after service of the Order. An Order that is not appealed within time shall be deemed to be confirmed.
200. Where an appeal has been taken, the Committee shall hear the appeal within fourteen days after receipt of the Notice of Appeal or such other day as the Secretary of the Committee deems to be appropriately sufficient notice to give the owner, occupant or other person affected by an Order, the opportunity to be heard and the Committee may:
 - (1) confirm, modify or rescind the Order to demolish or repair; or
 - (2) extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of this by-law is maintained.
201. A copy of the decision of the Committee shall be sent by prepaid registered mail within fourteen days of the decision to the owner, occupants and all other persons to whom the Order had been served in accordance with section 193 of this by-law at their last known addresses.

H. APPEAL TO ONTARIO COURT (GENERAL DIVISION)

202. The Municipality or any owner or occupant or person affected by a decision under section 200 of this by-law may appeal to a Judge of the Ontario Court (General Division) by notifying the Clerk in writing and by applying to the Ontario Court (General Division) for an appointment within fourteen days after the date a copy of the decision was sent.
203. A Judge of the Ontario Court (General Division) shall in writing appoint a time and place for the hearing of the appeal and shall have the same powers and functions on appeal as the Committee.

I. FINALITY OF ORDER

204. An Order that is deemed to be confirmed pursuant to section 199, or that is confirmed or modified by the Committee pursuant to section 200, or, by a Judge pursuant to section 202, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the Order.

J. REMEDIES

205. Where an Order of an officer under section 192 has become final and binding as provided in section 204 of this by-law and the order has not been complied with, the municipality may cause the property to be repaired or demolished in accordance with the Order in addition to all other remedies, and
- (1) for this purpose may enter in and upon the property at any reasonable time without a warrant, with its employees and agents, in order to demolish or repair the property accordingly; and
 - (2) neither the municipality or a person acting on its behalf shall be 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 under this by-law.
206. Where the municipality demolishes or repairs a property pursuant to section 205, the municipality shall have a lien on the land for the amount spent on the repair or demolition under section 205 of this by-law and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk to the collector's roll, and be collected in the same manner, and with the same priorities, as municipal real property taxes.

K. EMERGENCY ORDERS AND POWERS

207. Despite any other provision of this by-law, if upon inspection of a property the Officer is

satisfied there is a non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an emergency order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

208. After making an emergency order under section 207 of this by-law, the Officer may, either before or after the order is served, take or cause to be taken any measures the Officer considers necessary to terminate the danger, and for this purpose, the municipality has the right, through its employees and agents at any time, to enter in and upon the property without a warrant.
209. The Officer, the municipality or anyone acting on behalf of the municipality 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 under section 208 of this by-law.
210. Where the emergency order made in accordance with section 207 of this by-law was not served before measures were taken to terminate the danger, the Officer shall as soon as is practical after the measures have been taken, serve copies of the order in accordance with sections 195 & 196 of this by-law on, the owner of the property and such other persons affected thereby as the officer determines and each copy of the order shall have attached to it a statement by the Officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.
211. Where the emergency order was served before the measures were taken, the Officer shall as soon as is practicable after the measures have been taken, serve a copy of the statement mentioned in section 210 of this by-law, in accordance with section 195 of this by-law, on the owner of the property and all such other persons affected thereby as the officer determines.
212. As soon as is practicable after the requirements of sections 210 or 211 of this by-law, have been complied with, the Officer shall apply to a Judge of Ontario Court (General Division) for an order confirming the emergency order made under section 207 of this by-law and the Judge shall hold a hearing for that purpose.
213. The Judge of the Ontario Court (General Division) in disposing of an application brought under section 212 of this by-law shall:
 - (1) confirm, modify or rescind the order; and
 - (2) determine whether the amount spent on measures to terminate the danger may be recovered in whole, or in part or not at all and the disposition of the Judge is final.
214. The amount determined by the Judge to be recoverable pursuant to section 213 of this by-law, shall be a lien on the land and shall be deemed to be municipal real property taxes, and may be added by the Clerk to the collector's roll, and be collected in the same manner, and

with the same priorities, as municipal real property taxes.

PART VII OFFENCES AND PENALTIES

215. (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, an officer in the exercise of a power or the performance of a duty under this by-law.
- (2) A refusal of consent to enter or remain in a place actually used as a dwelling is not hindering or obstructing within the meaning of subsection (1) above unless the officer is acting under a warrant, an emergency Order made pursuant to section 207 or sections 191(3) or 191(5) of this by-law.
- (3) Every person shall assist any entry, inspection, examination, testing or inquiry by an officer in the exercise of a power of performance of a duty under this by-law.
- (4) No person shall neglect or refuse,
- (a) to produce any documents, drawings, specifications or things required by an officer under section 189 of this by-law; and
 - (b) to provide any information required by an officer under section 189 of this by-law.
216. (1) A person is guilty of an offence if the person:
- (a) contravenes any section of this by-law; or
 - (b) fails to comply with an Order that is final and binding under this by-law.
- (2) Every director or officer of a corporation who contravenes subsection (1) above is guilty of an offence.
- (3) A person who is convicted of an offence is liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.
- (4) If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and not more than \$100,000 for a subsequent offence, and not as provided in subsection (3) above.
- (5) For the purposes of subsections (3) and (4), an offence is a subsequent offence if there has been a previous conviction under this by-law or a predecessor property standards by-law.

PART VIII TRANSITIONAL PROVISIONS

- 217. This by-law comes into force on the day that section 224 of Bill 96, S.O. 1997, c.24 is proclaimed.
- 218. After the date that this by-law comes into force, By-law No. 74-204, as amended, and By-law No. 76-148, as amended, apply only to the properties in respect of which a Notice or Order has been given under the said by-laws prior to the date that this by-law comes into force, and then only to such properties until such time as the work required by such Notice or Order has been completed or any enforcement proceedings in respect of such Notice or Order, including demolition or repair by the City, have been concluded.
- 219. Except for the purposes set out in section 218 of this by-law, By-law No. 74-204, as amended, and By-law No. 76-148, as amended, are hereby repealed on the date that this by-law comes into force.

PART IX SEVERABILITY AND SCHEDULES

- 220. If a Court of competent jurisdiction should declare any section of this By-law or part thereof to be invalid, it is hereby declared that the impugned section shall be severable and distinct from the remainder of this By-law and the remainder of the By-law shall be valid and shall remain in full force and effect.
- 221. Schedule "A" forms part of this by-law.

(Original By-law 98-50 was) passed this 2nd day of March, 1998.

E. C. WAGG / CITY CLERK

WAYNE THOMSON / MAYOR

First Reading: March 2nd, 1998
Second Reading: March 2nd, 1998
Third Reading: March 2nd, 1998