

## **AGENDA**

**A meeting of the Council of the Corporation  
of the Town of Northeastern Manitoulin and the Islands  
to be held on Tuesday, January 5<sup>th</sup>, 2021  
Electronic Format at 7:00 p.m.**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Disclosure of Pecuniary Interest & General Nature Thereof**
- 4. Minutes of Previous Meeting**
  - i. Confirming By-Law 2021-01
- 5. New Business**
  - i. By-law 2004-36B - Property Standards
- 6. Correspondence**
- 7. Minutes and Other Reports**
  - i. Mayors update
- 8. Adjournment**

**THE CORPORATION OF THE TOWN OF  
NORTHEASTERN MANITOULIN AND THE ISLANDS**

**BY-LAW NO. 2021-01**

Being a by-law of the Corporation of the Town of Northeastern Manitoulin and the Islands to adopt the minutes of Council for the term commencing December 4, 2018 and authorizing the taking of any action authorized therein and thereby.

WHEREAS the Municipal Act, S.O. 2001, c. 25. s. 5 (3) requires a Municipal Council to exercise its powers by by-law, except where otherwise provided;

AND WHEREAS in many cases, action which is taken or authorized to be taken by a Council or a Committee of Council does not lend itself to an individual by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NORTHEASTERN MANITOULIN AND THE ISLANDS ENACTS AS FOLLOWS:

1. THAT the minutes of the meetings of the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands for the term commencing December 4<sup>th</sup>, 2018 and held on:  
December 22nd  
are hereby adopted.
2. THAT the taking of any action authorized in or by the minutes mentioned in Section 1 hereof and the exercise of any powers by the Council or Committees by the said minutes are hereby ratified, authorized and confirmed.
3. THAT, where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the minutes mentioned in Section 1 hereof or with respect to the exercise of any powers by the Council or Committees in the above-mentioned minutes, then this by-law shall be deemed for all purposes to be the by-law required for approving and authorizing the taking of any action authorized therein or thereby or required for the exercise of any power therein by the Council or Committees.

4. THAT the Mayor and proper Officers of the Corporation of the Town of Northeastern Manitoulin and the Islands are hereby authorized and directed to do all things necessary to give effect to the recommendations, motions, resolutions, reports, action and other decisions of the Council or Committees as evidenced by the above-mentioned minutes in Section 1 and the Mayor and Clerk are hereby authorized and directed to execute all necessary documents in the name of the Corporation of the Town of Northeastern Manitoulin and the Islands and to affix the seal of the Corporation thereto.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
5th day of January 2021.

Al MacNevin

Mayor

Pam Cress

Clerk

**The Corporation of the Town of Northeastern Manitoulin and the Islands  
Minutes of meeting held Tuesday, December 22nd, 2020  
Electronic Format at 7:00p.m.**

**PRESENT:** Mayor Al MacNevin, Councillors: Barb Baker, Al Boyd, Laurie Cook, Mike Erskine, Bruce Wood, Jim Ferguson, Dawn Orr and William Koehler

**STAFF PRESENT:** David Williamson, CAO  
Pam Cress, Clerk

Mayor MacNevin called the meeting to order at 7:00 p.m.

**Resolution No. 326-12-2020**

Moved by: W. Koehler  
Seconded by: J. Ferguson  
RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands approves the agenda as presented.

Carried

**Resolution No. 327-12-2020**

Moved by: M. Erskine  
Seconded by: B. Wood  
RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands reads a first, second and third time and finally passes by-law 2020-57, being a by-law to adopt the minutes of Council for the term commencing December 4, 2018 and authorizing the taking of any action authorized therein and thereby.

Carried

**Resolution No. 328-12-2020**

Moved by: M. Erskine  
Seconded by: L. Cook  
RESOLVED THAT the Planning Authority of the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands authorizes a budget that specifically excludes amortization expenses in the amount of \$ 1 659 462.00 as attached and as provided by Bill 162, The Budget Measures Act 2009 and Reg 284/09 for the 2021 budget year.

Carried

**Resolution No. 329-12-2020**

Moved by: W. Koehler  
Seconded by: M. Erskine  
RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands writes the Minister of Transportation Caroline Mulroney in support of Wiikwemkoong Unceded Territory and their request for better maintenance of Hwy 6.

Carried

**Resolution No. 330-12-2020**

Moved by: D. Orr  
Seconded by: J. Ferguson  
BE IT RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands does now adjourn at 7:497 pm.

Carried

Al MacNevin Mayor

Pam Cress Clerk

**THE CORPORATION OF THE TOWN OF NORTHEASTERN  
MANITOULIN and the ISLANDS**

**BY-LAW NUMBER No. 2004-36 B**

**As amended - June 7, 2011**

**As amended - January 2021**

Being a By-law for the prescribing of standards for the maintenance and occupancy of property within the Town of Northeastern Manitoulin and the Islands, prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property not in conformity with the standards prescribed herein to be repaired and maintained to conform to the standards, or the site thereof to be cleared of all buildings and structures and left in a graded and leveled condition and for the continuation of a Property Standards Committee

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WHEREAS the Municipal Council of the Corporation of the Town of Northeastern Manitoulin and the Islands deems it desirable to prescribe standards for the maintenance and occupancy of property for the protection of the safety, health and well being of the public and to prevent the degradation of neighbourhoods within the Town;

NOW THEREFORE pursuant to the Building Code Act, 1992, Sections 15.1 to 15.8 inclusive, Council of the Corporation of the Town of Northeastern Manitoulin and the Islands enacts as follows:

1. DEFINITIONS: In this By-law:
  - (a) "COMMITTEE" means a Property Standards Committee established under this By-law.
  - (b) "OCCUPANT" means any person or persons in possession of the property.
  - (c) "OFFICER" means a By-Law Enforcement Officer who has been assigned the responsibility of administering and enforcing this By-law.
  - (d) "CORPORATION" means The Corporation of the Town of Northeastern Manitoulin and the Islands.
  - (e) "OWNER" includes:
    - i) 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
    - ii) 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.
  - (f) "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, temporary structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
  - (g) "REPAIR" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in the By-law.
2. This By-law applies to all property within the municipal limits of the Town of Northeastern Manitoulin and the Islands.
3. The minimum standards of this By-Law are violated only when deemed so in the opinion of the By-Law Enforcement Officer or Property Standards Committee.
4. The standards for maintenance and occupancy of property set out in Schedule "A" attached hereto and forming part of this By-law, are hereby prescribed for all property within the municipal limits of the Town of Northeastern Manitoulin and the Islands.
5. The occupancy or use of any property that does not conform with the standards prescribed in Schedule "A" is prohibited.
6. The owner or occupant of any property shall repair and maintain that property in accordance with the standards prescribed in Schedule "A" or the site shall be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition, and the owner shall be subject to charges under the Ontario Building Code.
7. This By-law shall be administered and enforced by a By-Law Enforcement Officer or Officers appointed by By-law and who shall administer and enforce this By-law in accordance with the provisions of the Building Code Act, 1992 and amendments thereto.

8. Any investigation or action commenced pursuant to the provisions of this by-law shall be instituted only upon receipt of a written complaint signed by the complainant.
9. (1) Following the inspection of a property, the By-Law Enforcement Officer may, or on the request of the owner shall, issue to the owner a Certificate of Compliance, if in his opinion, the property is in compliance with the standards prescribed by this By-law.  
(2) The fee for the issuance of a Certificate of Compliance issued in accordance with Section 15.5 of the Building Code Act 1992, shall be \$100.00 payable prior to the issuance of the Certificate. The amount of the fee may be varied from time to time by Resolution of Council, without an amendment to this By-law.
10. The Property Standards Committee shall be composed of three (3) persons who shall hold office for the term of Council or as otherwise appointed from the date of appointment and thereafter until a replacement is appointed by Resolution of Council. All members of the Property Standards Committee shall be and remain residents of the Town of Northeastern Manitoulin and the Islands. Any vacancy on the Committee prior to the expiration of the relevant term shall be filled forthwith by a Resolution of Council appointing a replacement member for the balance of the relevant term.
11. Where a provision of this By-law conflicts with provisions of another By-law in force in the Town of Northeastern Manitoulin and the Islands, the provision that establishes the higher standard to protect the health, safety and welfare of the general public, shall prevail.
12. Any person convicted of an offence under this by-law is subject to a minimum fine, under Section 12. (1) the Provincial Offences Act of \$1,000 for first offence. The minimum fine shall double for each subsequent conviction under this by-law.
13. If any provision of this By-law is declared invalid for any reason by a Court of Competent jurisdiction, the remainder of the By-law shall continue in force.
14. This By-law may be cited as the "Maintenance and Occupancy Standards By-law".  
READ a first, second and third time and finally passed this 1<sup>st</sup> day of December, 2004.  
READ a first, second and third time and finally passed the 7<sup>th</sup> day of June, 2011  
READ a first, second and third time and finally passed the 5<sup>th</sup> day of January , 2021

Alan MacNevin Mayor

Pam Cress Clerk

**Town of Northeastern Manitoulin and the Islands**  
**SCHEDULE “A”**  
**To By-Law No. 2004-36 B**  
*As amended*

Specifying the minimum standards for the maintenance and occupancy of property.

**1. DEFINITIONS** In this schedule

- a) “**APPROVED**” means
  - i) the approval of the Chief Building Official with respect to matters under the Ontario Building Code;
  - ii) the approval of the Fire Chief with respect to matters under the Fire Code;
  - iii) the approval of the By-Law Enforcement Standards Officer in respect to all other matters regulated by this by-law.
- b) “**DWELLING UNIT**” means one or more habitable rooms arranged for the domestic use of one or more individuals living together which may be rented for occupancy with or without cooking and sanitary facilities.
- c) “**EXTERIOR PROPERTY AREAS**” means the building lot excluding buildings.
- d) “**FENCE**” includes a privacy or other screen.
- e) “**GROUND COVER**” means organic or non-organic material applied to prevent erosion such as concrete, flagstone, gravel, asphalt, grass or other equivalent landscaping.
- f) “**NEIGHBOUR**” means a person who lives nearby, normally in a house or apartment that is next door or, in the case of houses, across the street
- g) “**NOISE**” means sound that is likely to disturb any person, or that is likely to interfere with the reasonable use and enjoyment of a premise or residence.
- h) “**NON-HABITABLE SPACE**” means a bathroom, water closet compartment, basement, cellar, corridor, stairway, storage or furnace room and accessory space used for the maintenance or access within a building or a room or space which does not comply with the minimum standards for human habitation specified in this by-law.
- i) “**NUISANCE**” means unreasonable, unwarranted, unlawful interference with a right common to the general public
- j) “**PERSON**” includes a person, firm, corporation, association, or partnership.
- k) “**RESIDENCE BUILDING**” means a building containing within its walls one or more dwelling units and which may or may not contain other uses.
- l) “**SALVAGE YARD**” includes a scrap yard, junkyard and a wrecking yard whether or not an active business is carried on and whether or not the yard is used for storage of salvage.
- m) “**SIGN**” includes an advertising device or notice and means any medium, including its structure and other component parts which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information or advertising purposes.
- n) “**UNSAFE CONDITION**” means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the property.
- o) “**YARD**” means an open area of land on the same lot as a building or structure, unoccupied and unobstructed except as otherwise provided or required by Zoning By-Laws No. 2002-31 and 2002-32 of the Town of Northeastern Manitoulin and the Islands, and located between the exterior wall of the building and adjacent limit of said lot.

## EXTERIOR PROPERTY AREAS

2. (1) Exterior property areas shall be maintained in a neat and tidy condition and so as not to detract from the neighbouring environment or present a hazard to any person.
- (2) Without restricting the generality of subsection (1), maintained in a neat and tidy condition includes removal of:
  - a) rubbish, garbage, brush, waste, litter and debris;
  - b) injurious insects, termites, rodents, vermin and other pests;
  - c) noxious weeds and excessive growth of other weeds;
  - d) ground cover, hedges and bushes which are unsightly or unreasonably overgrown in relation to the neighbouring environment;
  - e) dead, decayed or damaged trees or other growth and the branches and limbs thereof which create an unsafe or unsightly condition;
  - f) wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles or trailers, water craft, unless authorized to conduct or operate a wrecking business and then only if the articles are kept in a manner to avoid an unsafe or unsightly condition deleterious to the neighbouring environment;
  - g) machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an unsafe condition or which is unsightly or not in keeping with the neighbouring properties;
  - h) dilapidated or collapsed structures or erections, and the filling or protecting of any unprotected well;
  - i) the owner(s) of property, will be responsible to cut the grass by June 15<sup>th</sup> of each calendar year and thereafter as necessary, or the Town at their desecration will have the grass cut and costs will be added to their tax roll;
- (3) Driveways, ramps, parking areas, paths, outside stairs and landings shall be:
  - a) surfaced, resurfaced, repaired or regraded to provide a safe surface for pedestrian or vehicle use;
  - b) provided with suitable markings to indicate parking spaces and ingress and egress routes; and
  - c) promptly cleared of snow and ice.
- (4) Suitable ground cover shall be provided to maintain a good appearance, prevent erosion of the soil and so as to be in harmony with the neighbouring environment. Where grass forms a part of the ground cover it shall be resodded or reseeded as often as required to maintain the grass in a living condition.
- (5) Lighting fixtures and their supports shall be maintained in a safe condition, in working order and of good appearance.
- (6) Ground cover, hedges, trees, landscaping and site facilities required as a condition of site development or redevelopment shall be maintained in living condition or in a good state of repair. The By-Law Enforcement Officer may accept alternatives provided the intent of the original condition of approval are maintained.

## PONDING

3. (1) Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition or harmful to the environment. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede the natural flow of water.
- (2) Storm water run-off from downspouts and impervious surfaces shall be contained within the limits of the property until absorbed by the soil or drained to a swale, watercourse or storm sewer.

## FENCES

4. Fences shall be kept:
  - a) protected by paint, preservative or other weather resistant material unless the aesthetic characteristics of the fence are enhanced by the lack of such material;
  - b) in a structurally sound condition and plumb, unless specifically designed to be other than vertical;

- c) in good repair and free of accident hazards; and
  - d) so as not to present an unsightly appearance.
- SIGNS**
- 5. (1) Signs shall be maintained:
    - a) so as not to cause any unsafe condition;
    - b) in a vertical plane unless otherwise erected and approved, in which case such sign shall be maintained as erected and approved;
    - c) without any visible deterioration of the sign and its structure when viewed from any property other than the property on which the sign is situated; and
    - d) in conformance with the requirements of the sign by-law of the Corporation of the Town of Northeastern Manitoulin and the Islands.
  - (2) Signs that are unused or not cared for or discarded shall be removed from the property or shall be stored within a building.

**RETAINING WALLS**

- 6. (1) Retaining walls shall be maintained in good repair and free from accident hazards.
- (2) Without restricting the generality of subsection (1), the maintenance includes:
  - a) redesigning, repairing or replacing of all deteriorated, damaged, misaligned or missing portions of the wall, or railings and guards appurtenant thereto;
  - b) installing subsoil drains where required to maintain the stability of the wall;
  - c) grouting masonry cracks;
  - d) applying a coating of paint or equivalent preservative.

**BUFFERING**

- 7. (1) Property that becomes nuisance to:
  - a) the occupants or users of nearby property; or
  - b) the residents of the neighborhood; or
  - c) users of streets or parks; shall be buffered to minimize the effect of the nuisance and in a manner approved in writing by the By-Law Enforcement Officer.
- (2) Without limiting the generality of subsection (1), the buffer shall include where appropriate:
  - a) a barrier to prevent lighting and vehicle headlights from shining directly into a dwelling unit;
  - b) the provision and maintenance of an effective barrier to prevent material from being blown onto the adjacent property;
  - c) the provision and maintenance of a visual screen or site facilities to minimize nuisances which are not in keeping with the neighbouring environment.

**STRUCTURAL CAPACITY**

- 8. (1) A building, or part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by natural causes such as snow, wind and all other as set out in the Ontario Building Code.
- (2) The factor of safety specified in the Ontario Building Code is the minimum standard.
- (3) The above standards and factors are to be met without exceeding soil capacity and the maximum differential or other settlement specified in the Ontario Building Code.
- (4) If the Chief Building Official is not satisfied that the structural capacity of any part of a building meets the standards, he may require the owner to establish structural capacity and the submission of a report, prepared, sealed and signed by a professional engineer who is qualified in this field and licensed by the Association of Professional Engineers of Ontario.



## UNSAFE CONDITIONS

9. (1) Unsafe conditions on property shall be abated forthwith to the satisfaction of the By-Law Enforcement Officer.
- (2) Where there is a condition on the property which is unsafe, the Ontario Building Code and the Fire Code shall apply to the extent necessary to abate the unsafe condition.
- (3) Without limiting the generality of subsections (1) and (2), abating of an unsafe condition includes:
  - a) the provision and repair of appropriate fire and gas separation and fire protection;
  - b) the provision, repair and maintenance of adequate and appropriate early warning, fire extinguishments, and fire fighting equipment and devices;
  - c) the provision of smoke control measures appropriate to the use and occupancy of the building, floor area, suite of rooms, room or space, and to the existing construction and building services;
  - d) the provision or repair of exit lighting and emergency lighting;
  - e) the provision or repair of stairs, balustrades, railings, guards and screens so as to minimize the risk of accident;
  - f) the provision, repair and maintenance of exits and means of egress to permit clear passage and safe egress from anywhere within the building to a location of safety;
  - g) the proper handling, storage and discharge of flammable liquids;
  - h) the proper handling, storage and discharge of dangerous materials and chemicals;
  - i) the storage of combustible materials so as to minimize fire spread and permit effective fire control;
  - j) the control of hazardous industrial processes and operations and the prevention of explosion;
  - k) the proper maintenance of fire extinguishers and all other provided early warning fire extinguishments and fire control equipment and devices;
  - l) removal of garbage, refuse and pests such as rodents, vermin, termites and injurious insects;
  - m) the elimination of fire hazards or other conditions which may be a hazard to life or which risk serious injury to persons normally in or about the subject building, floor area, suite of rooms, room, space or property.
- (4) The owner shall canvass all tenants promptly and shall, at the request of an occupant, provide and install safety devices on windows with movable sash and on balcony doors to prevent risk of accident to small children. Such safety devices shall be installed in a manner to prevent small children from opening a door or window to beyond four (4) inches. A special notice shall be given to the tenants drawing their attention to the fact these devices are available; said special notice to be incorporated in the lease.

## EXTERIOR SURFACES

10. (1) All exterior surfaces on a building that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be refinished with an equivalent preservative or protective finish.
- (2) Appropriate measures shall be taken to remove all objectionable marking, stains, or other defacement, occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the markings, stains or defacement occurred.
- (3) Glazed doors, windows and other transparent surfaces shall be kept reasonably clean so as to permit unimpeded visibility and unrestricted passage of light.
- (4) A building damaged by fire or other causes shall be repaired to its original condition and as may otherwise be required by this by-law, or the building shall be demolished or the damaged portion removed and the property left in a graded, level and tidy condition.
- (5) Without restricting the generality of subsection (4) repairs shall include:
  - a) abating any unsafe condition;
  - b) refinishing so as to be in harmony with adjoining undamaged surfaces and the neighbouring environment.
- (6) Nothing in this section shall be construed as preventing doors, windows and other openings in the exterior of an unoccupied building from being protected from damage or to prevent entry, for such time as a building remains unoccupied.

- (7) Materials used for protection in accordance within subsection (6) shall be afforded an application of paint, varnish or other approved colouring or preservative on the exterior, to maintain an appearance commensurate with the surrounding environment.

#### **DOORS, WINDOWS, SHUTTERS AND HATCHWAYS**

11. (1) All doors, windows, including storm and/or screen windows, shutters and hatchways in a building shall be maintained weather tight, draft free and so as to perform their intended function.
- (2) Without restricting the generality of subsection (1), the maintenance includes:
- a) the repair, refitting, replacing or renewing of damaged, decaying, or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens;
  - b) re-glazing or fitting with an approved translucent substitute;
  - c) repairing or replacing defective or missing hardware;
  - d) re-screening or weather-stripping;
  - e) painting or the applying of a similarly effective preservative.
- (3) When an opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure it shall be protected with:
- a) a wire mesh screen, metal grille or other equivalent durable material; or
  - b) other protection so as to effectively prevent the entry of rodents or vermin.
- (4) In an unoccupied building only exterior doors, windows, including storm and/or screen windows, shutters and hatchways need comply with subsections (1), (2), and (3).

#### **FOUNDATIONS, WALLS, COLUMNS AND BEAMS**

12. (1) The foundations, walls, columns and beams of a building shall be maintained in good repair.
- (2) Without restricting the generality of subsection (1), the maintenance of walls, columns and beams of a building includes:
- a) extension of the wall foundations below grade or regarding to provide adequate frost cover;
  - b) installing subsoil drains where such would be beneficial;
  - c) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
  - d) grouting and waterproofing the walls and joints;
  - e) making sills, piers, posts or other supports insect proof by coating with preservative or other approved method;
  - f) the applying of approved materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear;
  - g) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building or to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
  - h) the restoring, repairing or replacing of:
    - i) the foundations, walls, columns and beams; or
    - ii) components, claddings, finishes and trims forming a part thereof.
- (3) Foundations, walls, columns and beams within an unoccupied building are exempt from the requirements of subsections (1) and (2) unless the deterioration is detrimental to the exterior appearance of the building or creates an unsafe condition on or adjacent to the property.

#### **FLOORS, STAIRS, VERANDAH, PORCHES, DECKS, LOADING DOCKS AND BALCONIES**

13. (1) Every floor, stair, verandah, porch, deck, loading dock, balcony and every appurtenance attached thereto shall be maintained, reconstructed or repaired so as to be of good appearance, safe to use and capable of supporting the loads to which it may be subjected as specified in the Ontario Building Code.
- (2) Without restricting the generality of subsection (1), the maintenance reconstructing or repairing includes:

- a) repairing or replacing floors, treads or risers that show excessive wear or are broken, warped, loose or otherwise defective;
- b) repairing, renewing or supporting structural members that are rotten, deteriorated or loose;
- c) providing, repairing or renewing balustrades, guardrails and railings; and
- d) painting or the applying or renewing balustrades, guardrails and railings.

(3) Floors, stairs, verandah, porches, decks, loading docks, balconies and every appurtenance attached thereto within the exterior walls of an unoccupied building are exempt from the requirements of subsections (1) and (2).

#### **ROOFS AND ROOF STRUCTURES**

- 14. (1) Every roof including attached structures, guards and lightning arrestor shall be maintained and repaired so as to properly perform its intended function, be of good appearance and so as to be capable of supporting the loads to which it may be subjected as specified in the Ontario Building Code.
- (2) Without restricting the generality of subsection (1), the maintenance and repair includes:
  - a) removal of loose, unsecured or unsafe objects and materials;
  - b) dangerous accumulations of snow and ice;
  - c) other accident and fire hazards;
  - d) other unsightly objects and conditions detrimental to the appearance of the building.
- (3) Chimneys, smoke or vent stacks and other roof structures shall be maintained plumb and in good repair so as to be free from:
  - a) loose bricks, mortar, and loose or broken cappings;
  - b) loose or rusted stanchions, guy wires, braces and attachments;
  - c) any fire or accident hazard;
  - d) unsightly objects and conditions detrimental to the appearance of the building.

#### **GANTRIES AND ANTENNAS**

- 15. (1) Gentries, antennas and structures of similar character shall be maintained:
  - a) plumb, unless specifically designed to be other than vertical;
  - b) in good repair and free of fire and accident hazards;
  - c) in a relatively rust free condition; and
  - d) so as not to present an unsightly appearance.
- (2) All free-standing radio and television towers shall be closed in up to a height of eight (8) feet from the ground.
- (3) All the radio and television towers shall be enclosed by affixing to all sides of the tower a

#### **INTERIOR CLADDING AND FINISHES**

- 16. (1) Interior cladding and finishes of walls, floors and ceilings shall be repaired and maintained:
  - a) in a clear, odour free and sanitary condition, reasonable for the normal use or occupancy of the room, space, corridor or stairway;
  - b) in good repair, free from holes, loose boards, broken, torn, damaged, decayed or stained materials;
  - c) free of objectionable markings or other defacement; and
  - d) so as to possess the fire resistive properties required by the Ontario Building Code and the Fire Code.
- (2) In addition to the maintenance required by subsection (1), floors shall be maintained free of

depressions, protrusions, deterioration or other defects which could create an unsafe condition or which are out of character with the normal use of the area in which such defect occurs.

### **VENTILATION SYSTEMS**

17. (1) Ventilation as required by the Ontario Building Code shall be provided to all rooms and spaces within a building to prevent accumulations of heat and contaminants likely to create a potential fire, explosion toxic or health hazard.
- (2) Ventilation systems shall be:
  - a) regularly cleaned and maintained in good repair, working order and in a safe condition at all times;
  - b) in conformance with the requirements of the Ontario Building Code

### **HEATING AND MECHANICAL SYSTEMS**

18. (1) A heating system shall be provided in all buildings, capable of supplying, during normal hours of occupancy, sufficient heat to maintain a temperature of not less than 20 degrees Celsius or 68 degrees Fahrenheit at the outside design temperature specified in the Ontario Building Code.
- (2) The heating system and temperature required by subsection (1) need not be provided for spaces in a building not normally heated.
- (3) The heating system required by subsection (1) and other mechanical systems shall be provided, maintained and operated:
  - a) in accordance with the requirements of the Ontario Building Code and the Energy Act of Ontario; and
  - b) free of hazards that could cause an accident.

### **ELECTRICAL SYSTEMS**

19. (1) A dwelling unit, and where required by the Ontario Building or Electrical Codes, buildings shall be connected to an electrical supply system and shall be wired to receive electricity.
- (2) The capacity of the connection to the building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be adequate for the use and intended use and shall be maintained in good working order, free from fire and accident hazards, in compliance with the Ontario Electrical Code.
- (3) Adequate interior and exterior lighting fixtures shall be installed and maintained so that the work or operations normally carried out on the property, or the use of the property, can be undertaken in safety and without undue eyestrain.

### **DRAINAGE AND PLUMBING SYSTEMS**

20. (1) Drainage and plumbing systems on the property shall be provided, installed and maintained in good working order:
  - a) in compliance with the requirements of the Ontario Building Code, the Ontario Water Resources Act, the Environmental Protection Act of Ontario and their Regulations; and
  - b) free from leaks, defective or dripping taps and other defects
- (2) Water run-off from roof surfaces shall discharge into an eavestrough or gutter and thence to a down pipe, discharging into a storm sewer and maintained:
  - a) watertight and free from leaks;
  - b) working order and free from health and accident hazards.
- (3) Down pipes need not be connected to a storm sewer when arranged to discharge water run-off at least three feet from the building and contained on the property.
- (4) Eaves troughs, gutters, down pipes and storm sewer when arranged to discharge water run-off at least three feet from the building and contained on the property.

### **SEWAGE DISPOSAL**

21. (1) When a sanitary sewer is installed on a street or road, all sewage from the abutting property shall be discharged into the sanitary sewer.
- (2) When a sanitary sewer has not been installed on a street or road, all sewage from each

abutting property shall be discharged into private sewage disposal systems on the subject property; each such system shall be approved by and maintained to the satisfaction of the Medical Officer of Health.

### REFUSE DISPOSAL

22. (1) Every residence building storey having a common access corridor to individual apartments shall be equipped with a garbage or refuse room accessible to all tenants on the floor, and every residence building exceeding two storeys in height shall have a garbage chute connecting the aforesaid rooms to a common room at or near grade or, in the alternative to the foregoing, a compacting or garbage grinding disposal unit shall be installed in each tenancy and an interior central storage room with a disposal facility shall be provided.
- (2) In all other buildings, sufficient rooms with containers and receptacles shall be provided to safely contain all garbage, rubbish, ashes, waste and other refuse, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with the by-laws of the municipality.
- (3) The facilities required by subsections (1) and (2) shall be designed and installed as required by the Ontario Building Code.
- (4) In the event that strict application of subsection (1), (2) and (3) above are not practical, the By-Law Enforcement Officer may accept alternative measures, provided that the resultant standard is generally equivalent to the standard herein required,
- (5) External containers and receptacles, where permitted by subsection (4), shall be screened from view and shall be provided with covers so that the material contained therein need not be exposed to view or to insects or other pests. Such covers shall at all times prevent the aforesaid exposure, except when the receptacles are actually being filled or emptied.
- (6) Garbage chutes, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as necessary to be clean, odour free and in operable condition.

### HUMAN HABITATION

23. (1) Non-habitable space shall not be used for human habitation.
- (2) No dwelling unit shall be occupied or be permitted to be occupied in sufficient numbers to constitute, in the opinion of the Medical Officer of Health, a physical or mental, health hazard.
- (3) No portion of a dwelling unit shall be used for human habitation unless:
  - a) the floors, walls and ceilings and openings in the exterior walls or roof are watertight, free from dampness and reasonably free from drafts at all times;
  - b) every habitable room, except a kitchen, contains one or more windows or skylights that;
    - i) open directly to the outside air; and
    - ii) have a total light transmitting area and openable ventilating area of not less than that required by the Ontario Building Code;
  - c) all windows and skylights are:
    - i) glazed or fitted with an approved substitute;
    - ii) provided with hardware and locking devices;
    - iii) maintained in good repair; and
    - iii) if required for ventilating purposes, capable of being easily opened and closed at all times;
  - d) a heating system is provided, and unless otherwise acceptable to the occupant and subject to subsection 18(1) operated so as to maintain a minimum temperature of not less than 20 degrees Celsius or 68 degrees Fahrenheit above zero between the fifteenth day of September to the first day of June of the year following.
- (4) Buildings used or to be used for human habitation shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of walls, ceilings and floors as required by the Ontario Building Code (including Sections 9.6, 9.7 and 9.26) or other repairs shall be effected which the By-Law Enforcement Officer deems to be the equivalent.
- (5) Anything employed in providing water or any energy source serving light, heat, refrigeration or cooking facilities in a dwelling unit occupied by a tenant shall not be disconnected, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- (6) Where there is fuel burning equipment in any occupied dwelling unit not occupied by the owner and the owner is required by the lease or agreement providing the occupancy to provide fuel, an adequate supply of fuel, in a convenient and safe location, shall be available at all times for the equipment.
- (7) Each kitchen in a dwelling unit shall be:

- a) equipped with a refrigerator and stove in good repair and in good working order;
  - b) provided with cupboards having a capacity of not less than four cubic feet multiplied by the total number of persons occupying the unit.
- (8) Every dwelling unit owned and occupied by handicapped person shall, on request, be altered and repaired so as to minimize inconvenience from the specified disability.
- (9) The opinion of a medical practitioner responsible for a patient or the Medical Officer for Health as to the need for alterations shall be adhered to with respect to subsection (8).

**NOISE OR NUISANCE**

- (1) No person shall or cause a mechanical sound that is constant or intermittent that continues over an extended period of time which interferes with the neighbors enjoyment of their property.

Noise generated in the normal course of doing business in an appropriate zone is exempt.

**SECURITY**

24. (1) Doors which allow access to or egress from a dwelling shall be equipped with a lock that:
- a) is a positive locking dead lock of a type that cannot be accidentally locked against entry by the closing of the door;
  - b) does not contravene Ontario Building Code regulations; and
  - c) is maintained in good repair and in an operative condition.
- (2) Exterior security locking and release, and voice communication systems, when provided, shall be maintained in good repair and operative condition, and in compliance with the requirements of the Ontario Building Code.

**RECREATIONAL FACILITIES**

25. (1) Recreational amenities, facilities and rooms required by the Corporation of the Town of Northeastern Manitoulin and the Islands for the use of occupants of a building shall be provided, installed, repaired and cleaned as necessary to maintain the recreational amenity, facility or room in a safe condition and so as to be constantly available for use at all reasonable hours.
- (2) Equipment meeting the recreational needs of the persons for who such facilities are provided shall be made available for use in the facilities described in subsection (1).