



The Corporation of the Town of Prescott
Property Standards By-law 47-2021

PROPERTY STANDARDS BY-LAW 47-2021

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**THE CORPORATION OF THE TOWN OF PRESCOTT
PROPERTY STANDARDS BY- LAW 47-2021**

A By-law for Prescribing Property Standards within the Town of Prescott.

WHEREAS the Official Plan for the Town of Prescott includes provisions relating to conditions of maintenance and occupancy of properties.

AND WHEREAS Section 15.1(3) of the *Building Code Act* S.O. 1992,c.23, provides that the Council may pass a by-law with respect to the prescribing standards for the maintenance and occupancy of property;

AND WHEREAS Section 35.3(1) and 45.1(1) of the *Ontario Heritage Act* R.S.O. 1990, c.0.18, as amended provides that a By-law may be passed by the Council of a municipality prescribing minimum standards for the maintenance of the heritage attributes of designated heritage properties within the municipality and requiring that designated heritage properties that do not comply with those standards be repaired and maintained to conform to those standards;

AND WHEREAS section 15.6(1) of the *Building Code Act*, R.S.O. 1992, c. 23, provides for the establishment of a Property Standards Committee;

AND WHEREAS it is deemed necessary and expedient to enact a by-law prescribing minimum standards for the maintenance and occupancy, to adopt a set of administration monetary penalty procedures and to appoint a Property Standards Committee:

NOW THEREFORE the Council of The Corporation of the Town of Prescott enacts as follows:

SECTION 1.0 TITLE

1.1 SHORT TITLE

This By-law shall be known and cited as the "Property Standards By-law"

SECTION 2.0 DEFINITIONS

As used in this by-law, the following terms shall have the meanings indicated:

(a) "acceptable" means

- (i) accepted by the Chief Building Official of the municipality of the Town of Prescott (hereinafter referred to as the Municipality) with respect to matters under the Building Code;

- (ii) accepted by the Chief Fire Official of the Municipality with respect to matters under the Fire Code;
- (iii) accepted by the By-Law Officer with respect to the standards set out in this By-Law.
- (b) "Accessory building" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property
- (c) "Administrative Monetary Penalty System" hereinafter referred to as "AMPS" means a fee as recognized under Town of Prescott By-law 48-2021. These fees are set out under Schedule A of By-Law 48-2021.
- (d) "Building Code" means the Building Code Act, S.O. 1992, c. 23 as amended and any regulations made under that Act. means the regulations made under Section 34 of the *Building Code Act*.
- (e) "Compliance Letter" means a written opinion of property compliance with the standards contained in this By-Law.
- (f) "Corporation" shall mean the Corporation of the Town of Prescott.
- (g) "Council" shall mean the Council of the municipality of the Town of Prescott
- (h) "Debris" means:
 - (i) any waste material of any kind whatsoever and without limiting the generality of the foregoing includes inoperative or unlicensed vehicles, boats, trailers or parts of any of the above-mentioned items.
 - (ii) any furniture, appliances, glassware, plastic items, materials from construction or demolition projects, old clothing, or bedding. It may also include excessive amounts of garden refuse, clippings, trees or tree branches, earth or fill. It may be any item or condition that might create a health, fire, or accident hazard.
- (i) "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- (j) "Dwelling unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.
- (k) "Exterior Property Areas" means the property excluding buildings.
- (l) "Fence" means any structure, wall, or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space,

restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

- (m) "Garage" means a building or part thereof intended for the storage or parking of motor vehicles.
- (n) "Ground Cover" means organic or non-organic material applied to prevent erosion such as concrete, flagstone, gravel, asphalt, grass, or other equivalent landscaping.
- (o) "Habitable Space" means any room in a dwelling unit used or designated to be used for the purpose of living, sleeping, cooking, personal hygiene, or preparation of food and without limiting the foregoing shall include a den, library, sunroom or recreation room or any combination thereof.
- (p) "Heritage Attributes" are the recognized part of a property, building or structure that contributes to the cultural heritage value or interest that is defined, described or can be reasonably inferred by the various tools and elements of the *Ontario Heritage Act, R.S.O. 1990, c. O.18*. This may include a by-law of designation, a Minister's Order, a by-law regarding a heritage conservation district or a conservation district strategic plan.
- (q) "Maintained" means to carry out any repairs, reconstruction, refinishing, or replacement of any part or parts of a structure or building or appurtenances including mechanical equipment required so they may properly perform the intended function.
- (r) "Means of egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- (s) "Municipality" means the Corporation of the Town of Prescott.
- (t) "Noxious Weeds" means any vegetation classed as noxious by the *Weed Control Act, R.S.O. 1990, c. W.5* as amended.
- (u) "Nuisance" shall mean an injurious, offensive, or objectionable condition and without limiting the generality of the foregoing shall include a condition which is of offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust, or objectionable odour, or by the reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste, or any material.
- (v) "Officer" is any person appointed by the municipality through a by-law for the purpose to administer and enforce by-laws within the Town. It shall also apply to any other recognized agency of the Province of Ontario or a person assisting the officer at the officer's request.

- (w) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (x) "occupant" means any person or persons, over the age of eighteen, in possession of the property.
- (y) "Owner" may include any and all persons registered upon title and deed of the property, any and all persons who are responsible to manage and or receive rent income from the property or whom would receive if rent was being paid, any and all persons who rent or lease a premise or any and all whom are responsible by contract to maintain or repair a property.
- (z) "Person" means and includes any individual, firm, partnership, corporation, company, association, or organization of any kind.
- (aa) "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether theretofore or hereafter erected and includes vacant property.
- (bb) "Town" means the Corporation of the Town of Prescott.
- (bb) "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a property that is capable of being used.

SECTION 3.0 GENERAL STANDARDS FOR ALL PROPERTIES AND USES

- (a) No owner or occupant of property shall use, occupy or allow, permit or consent to the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.
- (b) No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
- (c) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings or structures in disrepair, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and levelled condition.
- (d) All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.

- (e) All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.

SECTION 4.0 MAINTENANCE OF LANDS

4.1 CONDITION OF LANDS

- (a) All lands shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, or accident hazard.
- (b) All lands shall be kept clear of long grass (greater than 20 cm), brush, and undergrowth by cutting regularly and removing the cuttings from the lands.
- (c) Yards shall be kept clean and free of any vehicle including a trailer, machinery or parts thereof which is in a wrecked, discarded, dismantled, unlicensed, inoperative, or abandoned condition, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with all relevant by-laws of the municipality or other Acts.
- (d) All furniture used for exterior use shall be of an exterior grade material that readily repels water. Lands shall be kept clean and free from wrecked, discarded, dismantled, or inoperative recreation equipment and furniture.
- (e) Residential appliances such as refrigerators, stoves, and freezers, shall not be left on the exterior of a building and shall not be used as places of storage.
- (f) All lawns, hedges and shrubs shall be kept trimmed and in a sightly and neat condition so as to prevent undue overgrowth.
- (g) All hedges, trees, and shrubs must be kept trimmed and away from public sidewalks so as to not encroach on the sidewalk area.
- (h) Any hedges, tree, shrub, or planting that is deemed to obstruct or interfere with roadway sight line visibility shall be trimmed if possible or removed if deemed necessary to correct the sight line obstruction.
- (i) Trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed, or damaged, and brush shall be promptly removed from the property.

- (j) The ground shall be suitably covered so as to prevent erosion of the soil. A suitably maintained covering such as grass, gravel, asphalt, ground cover or plants shall be used.
- (k) Every tenant, occupant or lessee or owner of a residential, commercial, or industrial property shall maintain the property or part thereof and land which he occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.
- (l) The occupant of a residential property may provide for a compost heap or bin provided it is no larger than .55 square metres and one (1) metre in height and be retained on all sides by concrete blocks or lumber of the same height as the compost heap, or in a commercial plastic enclosed container designed for composting.
 - (i) Compost heaps or bins shall not be placed in the front yard or side yards, and shall not under any circumstances be located within any drainage swale.
 - (ii) Every compost heap or bin shall be maintained to deter animals.
- (m) Firewood shall be neatly piled in a rear yard only. Garden equipment shall be stored in the rear yard and in a clean and sightly condition.
- (n) No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area.
- (o) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard and shall provide unobstructed access for emergency vehicles.
- (p) Use of the sidewalk on King Street in the Core Commercial zone is permitted by commercial establishments for the display of merchandise during hours of operation provided that it does not impede the use of the sidewalk by pedestrians by maintaining at least a one point 1 (1.1) metre wide pathway.

4.2 DRAINAGE

- (a) All sanitary sewage and organic waste shall be discharged into an approved sewage system.
- (b) Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface draining system or otherwise.

- (c) No roof drainage shall be discharged on sidewalks, stairs, and neighbouring properties, or onto any impervious surface within the road allowance.
- (d) Storm water shall be drained from the lands but shall not be directed to cause recurrent ponding of water on adjacent properties or so as to result in the entry of water into a basement or cellar.
- (e) Snow storage shall be maintained so as not to cause a hazard on the property and be maintained in such a manner and location on the property so as to prevent a hazard, sight line interference, flooding, erosion, and other damage to neighbouring private or public lands.
- (f) No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property is a construction site for which a building permit is in effect.
- (g) No fill shall be left in an uncovered state (not covered by seed or sod) on any property for longer than thirty (30) days unless the property is a construction site for which a building permit is in effect, or a property being subdivided under subdivision agreement with the Town of Prescott.
- (h) Fill shall not be placed on any lot to alter drainage from any previously approved drainage plan or lot grading certificate. If no plans are available for a property, no owner shall alter any grade at a lot line without receiving approval from the Town. No fill shall be placed temporarily or permanently that creates any adverse drainage condition to an adjacent property.

4.3 WALKS, PARKING AREAS, DRIVEWAYS

- (a) Suitably surfaced walks shall be made available and maintained leading from the main entrance of a building to the street or driveway.
- (b) All steps, walks, driveways, parking spaces, and similar areas shall be maintained to afford passage free from hazards at all times to any person using the same, including the removal of ice and snow.
- (c) All areas used for vehicular traffic and parking shall be covered with asphalt, crushed stone, or gravel surfacing, be graded, drained and free from debris or other litter and kept in good repair at all times.

4.4 DAMAGED MATERIAL

- (a) In the event of fire or explosion, damaged or partially burned 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 (90) days.

(b) Damaged or partially burnt material shall only be removed from the property once investigations are completed by fire authorities.

(c) Fire damaged buildings, or portions thereof, shall be repaired to comply with the Ontario Building Code or shall be demolished accordingly.

4.5 LIGHTING STANDARDS

(a) All artificial lighting standards, fixtures, and connections installed in yards and parking areas shall be kept in a good, safe, rust-free condition, and in good working order.

(b) Any lights used to illuminate yards or parking areas shall be so arranged or shielded to deflect light away from abutting properties and / or the public right-of-way.

4.6 FENCES

(a) A fence erected on a property or separating adjoining properties must be consistent with the Fence By-law 07-2000 as amended, and shall be maintained:

(i) in good repair (free from loose or insufficiently secured, rotten, warped or broken materials);

(ii) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to;

(iii) shall be free of dangerous objects; and

(iv) be reasonably plumb, unless specifically designed to be other than vertical.

4.7 RETAINING WALL

(a) All retaining walls, screen walls, and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

4.8 ACCESSORY BUILDINGS

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

(i) constructed with suitable materials;

(ii) maintained in good repair; and

(iii) be protected from deterioration by the application of paint or other suitable protective material.

4.9 SWIMMING POOLS

- (a) Swimming pools and the fences and gates surrounding same, shall be constructed in a manner that is consistent with the Fence By-Law 07-2000 and maintained in a safe condition.
- (b) Electrical fixtures and lines supplying same shall be installed or reinstalled in accordance with the Ontario Electrical Code and any amendments thereto, to ensure at all times the safety of the users of the pool.
- (c) Water in the pool shall be properly filtered and purified so as to present no health hazard.

4.10 VEHICLES, RECREATIONAL VEHICLES, BOATS & TRAILERS

- (a) No recreational vehicles, boats, or trailers shall be stored in the front yard of any residential property, save and except for in an approved driveway.
- (b) No derelict or inoperable vehicles, recreational vehicles, boats, or trailers shall be kept in any residential property unless properly housed in a garage.
- (c) No person shall perform repairs or work on vehicles, including recreational vehicles, boats and trailers, in a residential zone, except in the case of work on a vehicle for personal use only and that it shall be completed within a reasonable time frame.
- (d) No storage of such vehicles, boats or trailers nor the completion of repairs or work upon such items shall infringe on the neighbour's enjoyment of their property.

SECTION 5.0 MAINTENANCE OF BUILDINGS

5.1 STRUCTURAL STANDARDS

- (a) Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load for which it was designed having a factor of safety required by the Ontario Building Code.
- (b) Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced.

- (c) Walls, roofs and other exterior parts of the building shall be free from loose or improperly secured objects or materials. Such part or material shall be removed, properly secured or replaced.
- (d) The owner shall be responsible for submitting an inspection report prepared, stamped and signed by an engineer qualified in the pertinent field and licensed in the Province of Ontario. Such report shall be submitted for all buildings and structures when the structural capacity of any part of such building or structure is in doubt in the opinion of the Property Standards Officer.

5.2 GENERAL CLEANLINESS

- (a) Every floor, wall, ceiling and parts thereof, shall be maintained in a clean and sanitary condition and buildings shall be kept free from rubbish and debris.
- (b) Hallways and stairways in a building shall be kept free from accumulation, storage of garbage, refuse or any other thing or object that may cause a health or accident hazard.

5.3 GARBAGE STORAGE AND DISPOSAL

- (a) Every building and every dwelling unit shall use sufficient weather resistant receptacles to contain all solid waste, as required by Town of Prescott By-laws, relating to the handling, collecting and disposal of garbage, ashes, and other refuse.
- (b) Solid waste shall be promptly stored in suitable receptacles and removed as required by the said By-law. Such receptacles shall be constructed of watertight material, provided with a tight-fitting cover, and shall be maintained in a clean and odour free condition.
- (c) Suitable garbage receptacles are to be stored in the rear yard if an area is not available in the building.
- (d) Buildings or structures used for the storage of solid waste prior to disposal shall be deemed to be accessory buildings or structures within the meaning of this By-law.

5.4 PEST PREVENTION

- (a) Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.
- (b) Openings and holes in a building that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.

5.5 FOUNDATION WALLS AND BASEMENT

- (a) All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- (b) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.
- (c) Every building shall be supported by a suitable foundation as prescribed by the Ontario Building Code, as amended.
- (d) Where foundation walls have been painted, they shall be maintained in a clean and slightly condition and free of peeling or flaking paint.

5.6 EXTERIOR SURFACE

- (a) All exterior walls and exposed wooden surfaces not inherently resistant to deterioration shall be periodically treated with a protective coating of paint, or otherwise repaired, coated, sealed or treated to protect them from deterioration or weathering, or by replacing of the surface.
- (b) Concrete, brick, metal and other similar surfaces that have been painted, shall be maintained in a clean and slightly condition and free of peeling or flaking paint.
- (c) Every floor, exterior wall, roof and porch or appurtenance thereto shall be maintained so as to prevent collapse of the same or injury to the occupants of the building or to the public.
- (d) Exterior walls of a building and its components shall be free of unauthorized signs, painted slogans, graffiti, and similar defacements.

5.7 WEATHER PROOFING

- (a) Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.
- (b) Dangerous accumulations of both snow and ice shall be removed as soon as possible from the roofs of buildings.
- (c) Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be reasonably watertight and securely fastened to the building at all times and the runoff contained within the property and not onto neighboring or public property.

5.8 STAIRWAYS AND PORCHES

- (a) Inside or outside stairways and any porch, deck, balcony, verandah or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which may constitute a possible accident hazard and all coverings, treads or risers that show excessive wear, or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- (b) A handrail and guard shall be installed in a stairwell or open stairway with more than three risers and a guard shall be installed on the open sides of any balcony or landing more than two feet above any adjacent surface. In accordance with the Ontario Building Code, handrails and guards shall be maintained in good repair so as to provide protection against accident or injury.
- (c) Every unenclosed porch or unenclosed balcony, and all interior and exterior stairs, and common corridors shall be kept free of garbage, waste or appliances and shall not be used for storage purposes.

5.9 GARAGES AND CARPORTS

- (a) The construction between an attached or built-in garage and a dwelling unit shall provide and maintain an effective barrier to gas and exhaust fumes.
- (b) The door between an attached or built-in garage and a dwelling unit shall be tight-fitting and weather-stripped to provide and maintain an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
- (c) Garages and carports, including floors, shall be maintained in good repair and free from hazards.
- (d) Temporary fabric covered structures meant for vehicles shall adhere to the following conditions;
 - (i) limit of one per lot regardless of size,
 - (ii) have a maximum size of 60 metres squared (592 square feet),
 - (iii) meet the requirements of the Town zoning By-law,
 - (iv) are adequately ground anchored,
 - (v) maintained in good condition
 - (vi) taken down during the time that on street parking is allowed overnight

within the Town

5.10 FLOORS

- (a) Every floor shall be smooth and even and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- (b) Where a floor covering has become worn or torn so that it may create an unsafe condition, the floor covering shall be repaired or replaced.
- (c) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and readily washable.
- (d) Every floor in a building common element area shall be maintained in a clean sanitary condition.

5.11 WALLS AND CEILINGS

- (a) Every wall and ceiling in a building shall be maintained so as to be a continuous surface, free of holes, cracks, loose, torn or worn coverings or other defects.
- (b) Walls surrounding showers and bathtubs shall be impervious to water. Caulking around the bathtub or shower shall be maintained in good repair.

5.12 DOORS, WINDOWS, AND SECURITY

- (a) Windows, doors and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft-free to prevent heat loss and infiltration by the elements. Rotted or damaged doors, door frames and their components, window frames, sashes and casings shall be renewed and defective hardware; weather-stripping and broken window glass shall be replaced.
- (b) All windows intended to be opened shall be readily operable under normally applied pressure so as to perform their intended function without jamming or binding.
- (c) In a dwelling unit, all windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.
- (d) In a building where a security locking-and-release system has been provided, and that system is controlled from each dwelling unit, such system shall be

maintained in good repair and in an operating condition.

- (e) Where mailboxes are supplied for the use of occupants, they shall be maintained in good condition and free of defects at all times. Damaged boxes or defective locks are to be repaired or replaced.

5.13 ROOFS

- (a) The roof of every building or structure shall be structurally sound, weatherproof and free of loose or unsecured objects and materials and excessive accumulations of ice and snow. Improperly secured objects and materials shall be removed, repaired, or replaced.
- (b) All roof flashing, gutters, valleys, eaves troughs and down pipes shall be secured, free of rust and maintained in a serviceable condition.
- (c) All soffit and fascia components of a building shall be secured and maintained in good repair and properly painted or otherwise treated

5.14 CHIMNEYS

- (a) Every chimney, smoke pipe, vent, flue or similar apparatus serving a heating device or system shall be:
 - (i) installed and maintained so as to prevent the escape of smoke or gases into the building;
 - (ii) clear of obstructions;
 - (iii) free from open joints;
 - (iv) free from broken and loose masonry;
 - (v) in good repair, securely anchored and plumb.

5.15 WATER SUPPLY

- (a) Every building required to have a water supply shall be provided with an adequate supply of potable running water from a source approved by the authority having jurisdiction.
- (b) An adequate supply of hot and cold running water shall be supplied to every sink, wash basin and bathtub or shower.
- (c) Hot water as required by 4.13 (b) shall be supplied at a temperature dictated by the Ontario Building Code, as amended.

- (d) Every water closet shall be supplied with an adequate supply of water to flush the toilet.

5.16 PLUMBING SYSTEM

- (a) All buildings shall have the sanitary facilities connected to a sewage system approved by the Town of Prescott.
- (b) Plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connection line to the sewage system, shall be maintained in good working order and free from leaks and defects. All water pipes and appurtenances thereto shall be protected from freezing. Plumbing fixtures and piping shall conform to the Ontario Building Code.
- (c) Waste pipes shall be connected to the sewage system through water seal traps.
- (d) Any connection with the potable water supply that constitutes a cross-connection shall be corrected in a manner as required by the Town of Prescott.
- (e) Plumbing systems on a property shall be provided, installed and maintained in compliance with the respective requirements of any applicable Act or By-law; in good working order and good repair; and in a safe condition.

5.17 TOILET AND BATHROOM FACILITIES

- (a) Every dwelling unit except as otherwise provided shall contain bathroom plumbing fixtures consisting of at least one water closet, one wash basin and one bathtub or shower in accordance with the Ontario Building Code.
- (b) All bathrooms and toilet rooms shall be located within and be accessible from within the dwelling unit.
- (c) All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed and locked so as to provide privacy for the occupant.

5.18 KITCHENS

- (a) Every self-contained dwelling unit shall contain a kitchen area equipped with cupboards for storing food, a countertop work area, space for a stove and refrigerator, and a sink supplied with hot and cold running water. Cupboards are to be maintained in good repair at all times.
- (b) Every kitchen shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes and be connected to approved and

certified appliances.

- (c) Countertop work areas shall be impervious to moisture and grease, be kept in good repair and free from defects that may harbour germs or impede thorough cleansing.

5.19 HEATING (HVAC) SYSTEMS

- (a) It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
- (b) Only heating equipment approved for use by a recognized standards and testing authority shall be provided.
- (c) No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- (d) Solid fuel burning appliances shall conform to the standards as set out in the Ontario Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- (e) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
- (f) Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions.
- (g) Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

5.20 ELECTRICAL SERVICES

- (a) Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite or building.
- (b) The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.

- (c) Extension cords are not permitted on a permanent basis.
- (d) The use of electrical generators to provide electrical service to a property shall be limited to provide emergency backup power only, for a maximum of three (3) days unless approval for a longer period is obtained from the Town.
- (e) Dwellings that are not connected to an approved permanent electrical system, shall be deemed to be uninhabitable until such time that the connection to an approved permanent electrical source has been established and is operational.

5.21 LIGHTING

- (a) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and good working order.
- (b) Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

5.22 VENTILATION

- (a) Every habitable space, bathroom or toilet room shall be provided with either natural ventilation or a mechanical ventilation system in accordance with the Ontario Building Code.
- (b) All systems of mechanical ventilation shall be maintained in good working order.
- (c) All enclosed spaces including basements, cellars, attics or roof space and crawl spaces, shall be adequately ventilated.

5.23 FIRE PREVENTION EQUIPMENT

- (a) Fire prevention equipment shall be maintained in good working order so as to effectively perform their intended function and installed in accordance with the Ontario Building Code and the Ontario Fire Code.

5.24 ELEVATORS

- (a) Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be maintained in a safe

condition and in good working order and in accordance with all governing Provincial Regulations.

5.25 MEANS OF EGRESS

- (a) All means of egress within multiple unit dwellings, converted dwellings or a non-residential property shall be maintained free from all obstructions or impediments, be provided with a clear, unobstructed and readily visible exit sign for every required exit, and be provided with lighting facilities capable of illuminating the means of egress to ensure safe passage of persons exiting the building.
- (b) Every dwelling and every dwelling unit shall have a means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- (c) Buildings using a fire escape as a secondary means of egress shall maintain the escape in good condition, free from obstructions and easily reached through an operable window or door.

5.26 OCCUPANCY STANDARDS

- (a) No person shall use or permit the use of a non-habitable space in a dwelling for a habitable space purpose.
- (b) The maximum number of occupants in a dwelling unit shall be based upon two persons per bedroom.
- (c) No room shall be used for sleeping purposes unless the provisions contained in the Ontario Building Code, as amended has deemed it acceptable.
- (d) Every habitable space shall have a minimum ceiling height that is consistent with the Ontario Building Code, as amended.
- (e) No portion of a building shall be occupied if it does not meet the requirements of this By-law.

5.27 UNFINISHED BUILDINGS OR STRUCTURES

- (a) All buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a six (6) months or, where applicable, in accordance with all relevant legislation.
- (b) The worksite on which unfinished buildings or structures exist shall be maintained in a safe and healthy manner.

5.28 VACANT BUILDINGS AND UNITS

- (a) All vacant buildings and vacant units shall be registered on the vacant building and follow the provisions as set out in the By-law 46-2021 Vacant Building Registry By-law

SECTION 6.0 HERITAGE PROPERTIES

6.1 HERITAGE ATTRIBUTES

- (a) In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the owner or occupant of a property that has been designated as heritage shall.
 - (i) Maintain, preserve and protect the heritage attributes of the heritage property so as to maintain its heritage character as well as its visual and structural integrity.
 - (ii) Maintain the heritage property in a manner that will ensure the protection and preservation of its heritage value and attributes.

SECTION 7.0 GENERAL PROHIBITION

7.1 PROHIBITION

- (a) No person shall remove a direction and / or order posted by an Officer.
- (b) No person shall fail to comply with a direction and / or order of an Officer.
- (c) No person shall fail to maintain a safe access to a property.
- (d) No person shall fail to maintain a fence.
- (e) No person shall fail to maintain a building.
- (f) No person shall occupy or allow occupancy of a building which fails to meet human habitation and occupancy standards.

SECTION 8.0 ADMINISTRATION AND ENFORCEMENT

8.1 OFFICERS AND INSPECTORS

- (a) The person or persons appointed as By-Law Officers for the Corporation of the Town of Prescott shall be responsible for the administration and enforcement of this By-law.
- (b) Any Building Inspector of the Corporation, any Public Health Inspector of the Leeds, Grenville and Lanark District Health Unit and any inspector of the Fire Department of the Corporation are hereby authorized to act as an assistant to the By-Law Officer from time to time.
- (c) The By-Law Officer and any person acting under his or her instruction may at all reasonable times and upon producing proper identification enter and inspect any property.
- (d) The By-Law Officer and any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under Section 21 of the Building Code Act.

8.2 ABILITY TO ENTER AND INSPECT

- (a) A By-law officer and any person acting under his or her instruction may at any reasonable time and upon producing proper identification, enter and inspect all properties within the Town of Prescott. However, they will not enter a premise of constant habitation used as a dwelling without the consent of a recognized owner or under the authority of a search warrant issued under section 21 of the Building Code Act.

8.3 NOTICE PROHIBITING USE OF PROPERTY

- (b) The Property Standards Officer may issue a notice prohibiting the use of property that does not conform to the standards of this By-law.
- (c) The Property Standards Officer may cause a placard to be placed on the exterior of any building which does not conform to the standards contained in this By-law. The placard shall state the particulars of the non-conformity and that the use of the property is prohibited until it conforms to the standards set by this By-law. No person shall remove, deface or cover up any such placard.

8.4 ORDERS

- (a) An Officer who finds that a property does not conform to any of the standards may make and serve, or cause to be served upon, or send by prepaid

Registered Mail, or send my email, to such a person an order containing:

- (i) The municipal address or legal description of such property,
 - (ii) Reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition,
 - (iii) The period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not done within the time specified in the order, the Municipality may carry out the repair or clearance at the expense of the owner,
 - (iv) The final date for giving notice of appeal from the order.
- (b) A notice or an order under section 8.2 (a) when sent by Registered Mail shall be sent to the last known address of the party or parties involved.
- (c) A notice or an order under section 8.2 (a) when sent by email shall be sent to the last known email address of the party or parties involved.
- (d) If the Officer is unable to effect service under section 8.2 (a) he or she shall place a placard containing the terms of the order in a conspicuous place on the property and placing of the placard shall be deemed to be sufficient service of the order on the owner or other persons.
- (e) An order under section 8.2 (a) 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 served with the order on the date on which the order was served under section 8.2 (a) and when the requirements of the order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

8.5 EMERGENCY ORDERS

- (a) Notwithstanding any other provisions of this By-law, if upon inspection of a property the Officer is satisfied that there is non-conformity with the standards prescribed in the By-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.
- (b) The order under section 8.4 (a) shall be served on the owner of the property and such other persons affected thereby as the Officer determines and a copy shall be posted on the property.

- (c) After making an order under section 8.4 (a), the Officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant.
- (d) The Officer, Municipality or person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its power under section 8.4 (c).

8.6 PROPERTY STANDARDS COMMITTEE

- (a) The Council of the Town of Prescott has establish a Property Standards Appeals Committee that:
 - (i) subject to the Building Code Act, hears all appeals of orders issued under this by-law;
 - (ii) consists of no fewer than three (3) citizen members;
 - (iii) has its members appointed for a term equivalent to Council's term of office;
 - (iv) has an assigned staff member from the Town of Prescott to serve the role of secretary to the committee, performing the duties and obligations required by the Building Code Act; and
 - (v) has the power and duties prescribed by the Building Code Act.
- (b) An owner or occupant who has been served with an order made under section 8.3 (a) and 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 to the secretary of the committee within 14 days after being served with the order.
- (c) An order that is not appealed within the time referred to in section 8.5 (a) shall be deemed to be confirmed.
- (d) The committee shall hear the appeal.
- (e) On an appeal, the committee has all the powers and functions of the Officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of this By-law and the Official Plan or Policy Statement:

- (i) Confirm, modify or rescind the order to demolish or repair.
 - (ii) Extend the time for complying with the order.
- (f) The Municipality in which the property is situated or any owner or occupant or person affected by the decision under section 8.5 (d) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent.
- (g) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served.
- (h) On the appeal, the judge has the same powers and functions as the committee.
- (i) An order that is deemed to be confirmed under section 8.5 (b) or that is confirmed or modified by the committee under section 8.5 (d) or a judge under section 8.5 (g), as the case may be, shall be final and binding upon the owner or occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

8.7 POWER OF THE CORPORATION TO REPAIR

- (a) If an order of an Officer under section 8.3 (a) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly.
- (b) For the purposes of section 8.6 (a), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.
- (c) The municipality or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its power under section 8.6 (a).

8.8 MUNICIPAL LIEN

- (a) The municipality shall have a lien on the land for the amount spent on the repair or demolition under section 8.6 (a) and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the collector's roll and collected in the same manner and shall have priority lien status as described in Section 1 of the Municipal Act, 2001.

8.9 CERTIFICATE OF COMPLIANCE

- (a) Following the inspection of a property, the Officer may, and on the request of the owner shall, issue to the owner a Certificate of Compliance if, in his or her opinion, the property is in compliance with the standards. When such a certificate is issued at the request of the owner, the fee shall be \$50.00.

8.10 CONFLICTS – BYLAWS-STANDARDS-REGULATIONS

- (a) Where a provision of this By-law conflicts with the provisions of another By-law, Act or Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

8.11 PENALTIES

- (a) An owner who fails to comply with an order that is final and binding under this By-law is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.
- (b) An owner who fails to adhere to a notice or order that is confirmed or deemed confirmed may be subject to the administrative monetary penalties listed in Schedule A of this by-law.

8.12 TRANSITION

- (a) An order made pursuant to By-law 23-2000, the Property Standards By-law is continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- (b) All proceedings taken pursuant to By-law 23-2000, the Property Standards By-law shall be taken up and continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- (c) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-law 23-2000, the Property Standards By-law, the procedure established by this by-law shall be followed so far as it can be adopted.

8.13 VALIDITY

- (a) If any provision or article of this By-law is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the By-law and the remaining provisions or articles shall remain in effect until repealed.

8.14 EFFECTIVE DATE

(a) This By-law shall come into force and taken effect on January 1, 2022

8.15 REPEAL

(a) That By-law 23-2000 being a By-law prescribing Property Standards within the Town of Prescott be repealed as of January 1, 2022.

READ AND PASSED, SIGNED AND SEALED THE 1st DAY OF NOVEMBER, 2021.

Mayor

Clerk

**SCHEDULE “A”
TO BY-LAW 47-2021
Administrative Monetary Penalties**

1. For the purposes of this By-Law, Column 2 in the following table lists the provisions in this By-Law identified in the Schedule, or as amended.
2. Column 3 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.
3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 2.
4. Column 5 in the following table sets out the Administrative Penalty amount that is payable for the second contravention of the designated provisions listed in Column 2 within twelve (12) months of the first offence.
5. Column 6 in the following table sets out the Administrative Penalty amount that is payable for the third and subsequent contraventions of the designated provisions listed in Column 2 within twelve (12) months of the first offence.
6. Administrative Monetary Policies are administered under By-law 48-2021

Item 1	Designated Provisions 2	Short Form Wording 3	First Offence in a 12-month period 4	Second Offence within 12 months of the first offence 5	Subsequent Offences within 12 months of the first of offence 6
1	8.2	Failing to allow or hindering a by-law officer during a property inspection under this by-law.	\$200.00	\$400.00	\$1,000.00
2	8.3	Failing to comply with a notice or order within the allotted time frame.	\$200.00	\$400.00	\$1,000.00
3	8.6	All costs associated for work completed under this section shall be at cost with an administrative fee for work carried out as noted in this table.	\$200.00	\$400.00	\$1,000.00