

**THE CORPORATION OF THE TOWN OF COBALT**

**BY-LAW NO. 2007-036**

**BEING A BY-LAW FOR THE ADOPTION OF STANDARDS  
FOR THE MAINTENANCE AND OCCUPANCY OF  
PROPERTY WITHIN THE MUNICIPALITY.**

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

**AND WHEREAS** the Official Plan of the Town of Cobalt includes provisions relating to property conditions;

**AND WHEREAS** the Council of The Corporation of the Town of Cobalt is desirous of passing a by-law under Section 15.1-(3) of the Building Code Act, S.O. 1992, c.23;

**AND WHEREAS** Section 15.6-(1) of the Building Code Act, S.O. 1992, c.23, requires that a by-law passed under Section 15.1 of the Building Code Act, S.O. 1992, c.23, shall provide for the establishment of a Property Standards Committee;

**AND WHEREAS** Section 15.5-(3) of the Building Code Act, S.O. 1992, C.23, provides Council the authority to set a fee for the issuance of a Certificate of Compliance.

**NOW THEREFORE** the Council of The Corporation of the Town of Cobalt hereby enacts the following as a bylaw:

1. That the Council of the Town of Cobalt adopts the "Property Standards", identified as Schedule "A", hereto attached and forming part of this by-law.
2. That the effective date of the by-law shall be the date of adoption.
3. That all resolutions/policies/by-laws (specifically By-law No. 93-17 and amendments) with respect to property standards are hereby repealed.
4. That the Clerk of the Town of Cobalt is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law.

**READ** a first and second time this 23<sup>rd</sup> day of October 2007.

**READ** a third time and passed this 23<sup>rd</sup> day of October 2007.

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Mayor

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C.A.O., Clerk-Treasurer

**SCHEDULE "A"**  
**TO BY-LAW NO. 2007-036**

**PROPERTY STANDARDS**

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# PART I

## DEFINITIONS

### PART 1 - DEFINITIONS OF WORDS AND PHRASES:

**1.01** Definitions of words and phrases used in this by-law that are not included in the list of definitions in this Part shall have the meanings as defined in Article 1.4.1.2 of the *Ontario Building Code* where so provided, and otherwise the meanings which are commonly assigned to them in the context in which they are used in this By-law.

**1.02** The words and phrases defined in this section have the following meaning for the purposes of this By-law .

“**Accessory Building**” means a detached *building* or structure, not used for human habitation, that is naturally and normally incidental and subordinate to the primary use of the *building* or structure located on the same *property*.

“**Apartment Buildings**” means a *building* containing two or more *dwelling units* which have interior access to each other or which share a common access to exit, or common exit through an internal or exterior corridor system, lobby or stair and includes all such buildings whether under single ownership or condominium tenor.

“**Approved**” means acceptance by the *Property Standards Officer* or the authority having jurisdiction.

“**Basement**” means a *storey* or *storeys* of a *building* located below the *first storey*.

“**Building**” means “building” as defined in the *Building Code Act*.

“**Building Code Act**” means the Building Code Act, S.O. 1992, c.23, as amended.

“**Common Area(s)**” means those areas of a *building*, on a *Residential Use Property* that are not located within a *dwelling unit*, which are accessible to and for the use of the occupants of the *building* and or the public, and includes, but is not limited to; interior and exterior stairs, stairways, fire escapes, corridors, hallways, landings, decks, platforms, mezzanines, lobbies, laundry rooms, garbage rooms, exercise rooms, recreational rooms, and toilet rooms.

“**Developed Lot**” means all *property* located in Residential, Commercial, Industrial, Recreational, or Institutional *zones*; and lands adjacent to buildings or structures located in Rural and Agricultural *zones*.

“**Dwelling Unit**” means a *suite* within a *building* on *residential use property* operated as a housekeeping unit, used or intended to be used exclusively as a domicile by 1 or more persons and usually contains cooking, eating, living, sleeping, and sanitary facilities.

**“Exterior Envelope”** means those parts of a *building* normally exposed to the elements and the effects of the sun, rain, snow and wind including the walls, roofs, soffits, fascia, gable ends, windows, doors and portions of the foundation located above grade.

**“First Storey”** means the *storey* with its floor closest to grade and having its ceiling more than 1.8 metres (5 ft 11 in) above grade.

**“Guard”** means a protective barrier around openings in a floor, or at the open side or sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another.

**“Licensed Vehicle”** means any type of motorized vehicle or trailer or variation thereof that was originally manufactured for use on public roads or lands and includes automobiles, trucks, motorcycles, snowmobiles, ATV’s and similar recreational type vehicles.

**“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 *suite*, a room, or a contained open space, to a public thoroughfare or an approved area of refuge usually located outside the *building*.

**“Non-Residential Use Property”** means a *property* on which there are no *buildings* or structures that contain a *dwelling unit*, or on which no *buildings* or structures could lawfully be constructed that contain a *dwelling unit*, other than as permitted in *Industrial Zones*, and includes the lands and premises and *accessory buildings*, structures, fences or erections thereon or therein.

**“Ontario Building Code”** means O. Reg 350/06 made under the Building Code Act, S.O. 1992, c.23 and amendments thereto .

**“Owner”** shall mean and include:

- (a) the *person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would so receive the rent if such land and premise were let, and
- (b) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

**“Officer”** means a *Property Standards Officer*.

**“Noxious Weeds”** means noxious weeds as defined in the Weed Controls Act R.S.O. 1990, c.W.5

**“Pesticides Act”** means the Pesticides Act, R.S.O. 1990 c. P. 11

**“Person”** means an individual, firm or corporation.

**“Property Standards Officer”** means an *officer* who has been assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the *Building Code Act*.

**“Property Standards Committee”** means the Committee established pursuant to Section 15.6 of the *Building Code Act*.

**“Property”** means the area of land as further defined in this bylaw as *Residential Use Property*, *Non-Residential Use Property* and/or *Vacant Property*.

**“Residential Use Property”** means a *property* on which is located a *building*, or on which a *building* could lawfully be constructed for the use as a domestic establishment in which sleeping accommodation is provided for one or more persons but who are not harboured or detained there to receive medical care or treatment or who are not involuntarily detained, and includes any lands, and *accessory buildings* that are appurtenant to such *building* and all stairways, walkways, driveways, parking spaces, and fences associated with the *building* and its *yard*.

**“Standards”** means the minimum standards of the physical condition of a *building* to allow occupancy as prescribed for in this Bylaw.

**“Suite”** means a single room or a series of rooms of complimentary use, operated under a single tenancy, and includes, (a) *dwelling units*, (b) individual quest rooms in motels, hotels, boarding and rooming houses and dormitories, and (c) individual stores and individual or complimentary rooms for business and personnel services occupancies.

**“Toilet Room”** means a room containing a water closet and a wash basin.

**“Town ”** means the Town of Cobalt.

**“Undeveloped Property”** means land that is not a *Developed Lot*

**“Unlicensed Vehicle”** means any vehicle that is not a *licensed vehicle* and includes, but is not limited to construction and road building equipment, farm use motorized equipment, tractors, implements and allied equipment, boats, trailers and off road ATV’s, that were not originally manufactured for use on public roads or lands.

**“Vacant Property”** means the area of land situated between the perimeter lot lines of a lot, on which there are no building or structures or portions thereof currently constructed or situated.

**“Yard”** means vacant land on *developed lots* and area of land on *developed lots* between the exterior wall of any buildings or structures that are located on the lot, and the lot lines of said lot.

**“Zone(s)”** means a designated area of land use as prescribed in the Zoning bylaws currently in effect in the Town of Cobalt and amendments thereto.

## PART II

### GENERAL STANDARDS FOR ALL PROPERTIES

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

#### YARDS

**2.02** Every *yard* in all *Zones* shall be kept clean and free from:

- (1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard.
- (2) wrecked, dismantled, discarded, abandoned or otherwise non operational *unlicensed vehicles* that are not necessary for the operation of a business enterprise lawfully situated on the property.
- (3) wrecked, dismantled, discarded, abandoned or otherwise non operational *licensed vehicles* that do not have current registration, and mechanical certification by the authority having jurisdiction so as to be deemed roadworthy for use on public streets or highways, that are not necessary for the operation of a business enterprise lawfully situated on the property.
- (4) dilapidated, collapsed, partially collapsed or partially constructed *buildings* or structures that are not currently under construction or renovation authorized by a permit issued pursuant to the *Building Code Act*.
- (5) *buildings* or structures which have sustained damage due to flood, fire, or the effects of wind, rain or snow that render the *building* unusable for its normal intended use, that are not under renovation authorized by a permit issued pursuant to the *Building Code Act*.
- (6) mobile homes, modular homes, or pre-manufactured type buildings that have been moved onto the property unless a permit to construct such buildings has been issued pursuant to the Building Code Act.

#### SURFACE CONDITIONS YARDS

**2.03** Surface conditions of *yards* on *developed lots* shall be maintained so as to:

- (1) prevent ponding of storm water;
- (2) prevent instability or erosion of soil;
- (3) prevent surface water run-off from entering *basements*;



- (4) not exhibit an unsightly appearance in comparison to adjacent property;
- (5) be kept free of deep ruts and holes;
- (6) provide for safe passage under normal use and weather conditions, day or night;
- (7) not to create a nuisance to other property;
- (8) kept free of *noxious weeds*;
- (9) kept free of dead, decayed or damaged trees or other natural growth;
- (10) kept free of injurious insects, termites, rodents, vermin or other pests.

## **SURFACE CONDITIONS OF DRIVEWAYS, PARKING AREAS, AND WALKWAYS**

**2.04** The surface condition of yards **on** *developed lots* used for vehicular traffic, driveways, parking areas or pedestrian walks shall be of asphalt, concrete, concrete paving stones, compacted stone or gravel and shall be kept in good repair free of dirt and litter so as to afford safe passage under normal use and weather conditions day or night.

## **ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES**

**2.05** *Accessory buildings*, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

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

## **GARBAGE DISPOSAL**

**2.07** Every owner of a *building*, dwelling, and *dwelling unit* shall provide a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the normal garbage collection days as established in the Town garbage collection 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 at all times.

**2.08** All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the Town Garbage collection by-law where applicable.

**2.09** All garbage storage areas shall be screened in a manner that does not allow viewing of the garbage from any location not on the same property.

## **COMPOSTING**

**2.10** All properties shall be permitted one compost pile in accordance with the health regulations, provided that the pile has an area not exceeding 2 square metres (21.5 ft<sup>2</sup>) and a height not exceeding 2 metres (6 ft 6 in), is enclosed on all sides by concrete block or lumber, or is contained in a metal or plastic barrel, a metal frame building with a concrete floor, or a commercial container designed for composting.

**2.11** No animal or human faeces shall be deposited into a compost pile.

**2.12** No animal based waste shall be deposited into a compost pile.

## PART III

### RESIDENTIAL STANDARDS

#### GENERAL CONDITIONS FOR THE *EXTERIOR ENVELOPE* AND THE *COMMON AREAS OF RESIDENTIAL USE PROPERTY*

**3.01** Every owner of a *building* on a *residential use property* shall maintain the *exterior envelope* and the *common areas* of the *buildings* located on the property in accordance with this Part.

#### PEST PREVENTION

**3.02** Openings in the *exterior envelope* of *buildings* on *residential use property* that may permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

**3.03** *Buildings* on the *residential use property* shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act* and all *Town* bylaws.

#### STRUCTURAL SOUNDNESS

**3.04** *Buildings* on *residential use property* shall be maintained in a structurally sound condition so as to be capable of withstanding the live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed.

**3.05** Foundation walls supporting *buildings* on *residential use property* shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, and the installation of sub soil drains at the footing level, grouting masonry cracks, and the damp proofing and waterproofing of walls and floors were necessary.

#### EXTERIOR ENVELOPE

**3.06** The *exterior envelope* of *buildings* on *residential use property*, including siding or cladding, masonry, soffits, fascia, and trim components shall be maintained in good repair, free from loose or improperly secured objects or materials. Paint or other suitable preservatives or coatings must be applied where necessary so as to prevent deterioration due to weather conditions, insects or other hazards.

**3.07** The *exterior envelope* of a *buildings* on *residential use property* shall be kept free of signs, painted slogans, graffiti and similar defacements that have not been *approved* by the *Town* .

## WINDOWS AND DOORS

**3.08** Windows, doors, skylights, and *basement* hatchways in the *exterior envelope* of *buildings* on *residential use property* shall be maintained in good repair, weather tight and draught free, so as to prevent heat loss and infiltration by the elements. Maintenance includes painting, and the repair or replacement of damaged doors, door frames, window frames and sashes, and the replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

**3.09** Windows and doors in a required *means of egress* shall be equipped with hardware that can be readily opened from the interior without keys, special devices or special knowledge and shall be maintained in operable condition.

**3.10** Doors between the *common areas* of *buildings* and individual *suites* shall be equipped with dead bolt type locking device with a bolt throw with a minimum 1inch.

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

**3.12** All windows located above the second story in the *exterior envelope* of a *building* on *residential use property* that have a sill height less than 1000 mm (3 ft 3 in) from the adjacent floor level shall be equipped with an *approved* safety device that prevents any part of the window from being opened to a position that would permit the passage of a 100 mm diameter (4 inches) sphere, or the window shall be protected by a *guard* described in Part III Sections 3.22 of this by-law.

**3.13** Notwithstanding section 3.12, where an exterior balcony is constructed the full length of the window and this balcony is equipped with an *approved* guard system, the safety device described in section 3.12 need not be installed on the window.

## ROOFS

**3.14** Roofs and their components on *buildings* on a *residential use property* shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

**3.15** Roofs shall be kept clear of accumulations of ice or snow where the such accumulations could result in hazard as a result of the ice or snow falling from the roof, or could effect the structural integrity of the *building* as determined by the *Property Standards Officer*.

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

## **INTERIOR WALLS, CEILINGS AND FLOORS**

**3.17** Every wall, ceiling and floor in the *common area* of a *building* on a *residential use property* shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects and where any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

## **INTERIOR AND EXTERIOR STAIRS, PORCHES, BALCONIES, LANDINGS, MEZZANINES AND FIRE ESCAPES**

**3.18** Every stair, porch, balcony, landing, mezzanine and fire escape located in the *common area* or on the *exterior envelope* of a *building* on a *residential use property* shall be maintained in good repair and where any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

## **GUARDS**

**3.19** Every open side of a stair, porch, balcony, landing, mezzanine or fire escape that is located in the *common area* or on the *exterior envelope* of a *building* on a *residential use property*, in which there is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface within 1.2 m (3ft. 11 in) from the walking surface has a slope of more than 1 in 2, shall be protected by a *guard* constructed to the *standards* as described in Sections 3.20 of this By-law.

**3.20** *Guards* where required elsewhere in this By-law shall:

- a) not have any component that facilitates climbing located between 100 mm (4 in.) and 900 mm (35 in.) above the floor level of the stair, porch, balcony, landing, mezzanine or fire escape that the guard is designed to protect,
- b) be not less than 900 mm (35 inches) in height, measured vertically from a line drawn through the outside edges of the stair nosing or from the surface of a ramp
- c) be not less than 1 metre (39.4 inches) in height above a surface described in Sec 3.19 or Sec 5.09 of this By-law.
- d) not have any openings which will allow the passage of a spherical object having a diameter of more than 100 mm (4 in.), and
- e) be capable of supporting a horizontal load applied inward or outward at the top of 3.0 kN/m (200 lb/ft), a vertical load of 1.5 kN/m (100 lb/ft), and a concentrated horizontal load of .5 kN (113 lb) applied to individual elements whether they be panels or pickets. These loads need not be considered to act simultaneously with the horizontal load.

## **HANDRAILS**

**3.21** Every ramp, and stairway with 3 risers or more in the *common area* and *exterior envelope* of a *building* on a *residential use property*, shall have a handrail on at least one side, and where 1.5 metre (59 in) or more in width, shall have handrails on both sides. Handrails shall be constructed to the *standards* as described in Section 3.22 of this By-law.

**3.22** Handrails where required elsewhere in this By-law shall be continuously graspable along their entire length and shall:

- a) have a circular cross-section with an outside dimension of not less than 30 mm (1-3/16 in) and not more than 50 mm (2 in) or be any non-circular shape with a graspable portion that has a perimeter not less than 100 mm (4 in) and not more than 155 mm (6-1/8 in) and whose largest cross-sectional dimension is not more than 57 mm (2-1/4 in),
- b) be not less than 800 mm (2 ft 7 in) and not more than 965 mm (3 ft 2 in) high, measured vertically from a line drawn through the outside edges of the stair nosing or from the surface of the ramp,
- c) be continuous throughout the length of the stairway, including landings, except interrupted by doorways or newels at changes of direction,
- d) have a clearance of not less than 40 mm (1-9/16in) between the handrail and any wall to which it is fastened, and
- e) shall be designed and constructed to withstand the loading values obtained from the non-concurrent application of
  - i) a concentrated load not less than 0.9 kN (200 lb) applied at any point and in any direction for all handrails, and
  - ii) a uniform load not less than 0.7 kN (47 lb/ft) applied in any direction to handrails.

**ELECTRICAL SERVICE**

**3.23** Every *building* on a *residential use property* that has access to hydro shall be wired for electricity and shall be connected to an approved electrical supply system unless it can be shown that an alternate method of supply is being provided.

**3.24** The electrical wiring, fixtures, switches, receptacles, and appliances located or used in a *building* in a *residential use property* shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.

**3.25** Lighting fixtures and appliances installed in *common areas* of *building* on a *residential use property* shall provide an average level not less than in Table 3.27 at the floor or tread level and at angles and intersections and changes of level where there are stairs or ramps.

**Table 3.27 Lighting for Common Areas**  
Forming part of Section 3.27

Rooms or spaces	Minimum Illumination, lx (ft-candle)	Minimum Lighting Power Density, W/M <sup>2</sup> (W/ft <sup>2</sup> ) of floor area (incandescent lighting)
Storage rooms	50 (4.6)	5 (0.46)
<i>Service Rooms</i> and laundry areas	200 (18.6)	20 (1.86)
Garages	50 (4.6)	5 (.046)
Service hallways and stairways	50 (4.6)	5 (.046)
Recreation rooms	100 (9.3)	10 (0.93)
Public water-closet rooms	100 (9.3)	10 (0.93)

## **HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

**3.26** The *common area* of a *building* on a *residential use property* located within the interior of the *exterior building envelope* shall be provided with a heating system and those areas shall be maintained with a minimum ambient temperature of 18 degrees Celsius (64° F.).

**3.27** The heating required in Section 3.26 shall be maintained in an operational condition at all times.

**3.28** Notwithstanding Section 3.26, the minimum ambient temperature requirement does not apply to storage rooms, service rooms or recreation rooms.

## **ELEVATING DEVICES**

**3.29** Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems in the *common areas* of a *building* on a *residential use property* shall at all times be operational and maintained in good condition and *approved*.

## **DISCONNECTED UTILITIES**

**3.30** *Owners of residential use property* or any *person* or *persons* acting on behalf of such *owner* shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to the *common area of a building* on a *residential use property*, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

## PART IV

### VACANT LANDS AND BUILDINGS

#### VACANT LANDS

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

#### VACANT BUILDINGS

**4.02** *Vacant buildings* shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

**4.03** The owner or agent of a vacant building shall board up the building to the satisfaction of the *Property Standards Officer* by covering all openings through which entry may be obtained with a minimum of 12.7 mm (1/2 inch) weatherproof plywood or 11.1 mm (7/16 in) oriented strand board, securely fastened to the *building* and painted a colour compatible with the surrounding walls.



## PART V

### NON-RESIDENTIAL USE PROPERTY STANDARDS

#### YARDS

- 5.01** Yards in *non-residential use property* shall be maintained to the standards as described in Part II of this By-Law.
- 5.02** The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard, or an unsightly condition. Where conditions are such that a neat and orderly fashion is achieved, however the site is still offensive to view from a location not on the property, as determined by the *Property Standards Officer*, the offensive area shall be suitably enclosed by a solid wall or a painted board or privacy type fence not less than 1.800 metre (6 ft) in height, which shall be maintained in good repair.

#### PARKING AREAS AND DRIVEWAYS

- 5.03** All areas used for vehicular traffic and parking on a *non-residential use property* shall have a surface covering of asphalt, concrete, compacted stone or gravel sufficient to support the loads it will be subjected to and the covering shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, where a *non-residential use property* abuts a *residential use property*, all areas used for vehicular traffic and parking on the *non-residential use property* located within 30 meters (100 feet) of the *residential use property* shall have a surface covering of asphalt or similar hard surface, or such other measures as required shall be undertaken to eliminate the effects of dust, sand or gravel particles originating on those areas from being displaced onto the adjoining *residential use property* by the effects of wind or rain.
- 5.04** All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

#### STRUCTURAL SOUNDNESS

- 5.05** Every part of a *building* or structure on a *non-residential use property* shall be maintained in a sound condition so as to be capable of withstanding the anticipated live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed under normal use, having a level of safety required by the *Ontario Building Code*. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

## **EXTERIOR WALLS**

**5.06** Exterior walls and their components on a *building on non-residential use property*, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim and shall be free of unauthorized *signs*, painted slogans, graffiti and similar defacement that have not been approved by the *Town* . Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

## **ROOFS**

**5.07** Roofs and their components on *buildings on non-residential use property* shall be maintained in a weather tight condition, free from loose or unsecured objects or material and shall be kept clear of accumulations of ice or snow where such accumulation may have a detrimental effect on the structural integrity of the building or where such accumulations otherwise creates a hazard.

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

## **GUARDS**

**5.09** Every open side of a stair, porch, balcony, landing, mezzanine or fire escape that is located on the exterior or interior of a *building on a non-residential use property*, and in which there is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface within 1.2 m (3ft. 11 in) from the walking surface has a slope of more than 1 in 2, shall be protected by a *guard* constructed to the *standards* as described in Sections 3.20 of this By-law.

**5.10** Notwithstanding Section 5.09, if it can be shown that children will unlikely be present except under strict supervision, guards in a *building* of Industrial Occupancy may be built with openings that will prevent a spherical object having a diameter of 200 mm (7-7/8 inches) from passing through it.

**5.11** Notwithstanding Section 5.09, if it can be shown that children will unlikely be present except under strict supervision, guards in a *building on a non-residential use property* are not required at loading docks, maintenance pits or at such locations where the presence of the guard would detrimental to the functionality of the business currently operating in the *building*.

## **HANDRAILS**

**5.12** Every ramp, and stairways with 3 risers or more in a *building on a non-residential use property*, shall have a handrail on at least one side, and where 1.5 metre (60 inches) or more in width, shall have handrails on both sides. Such handrails shall be constructed to the standards as described in Section 3.22 of this By-law.

## LIGHTING

- 5.13 Every *building on non-residential use property* shall have sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.
- 5.14 Notwithstanding Section 5.14, interior or exterior lighting on *non-residential use property* shall not be positioned or directed in manner that causes any impairment of use or enjoyment of neighbouring properties or causes a hazard to pedestrian or vehicular traffic on public streets, highways, or pedestrian walkways.

## PART VI

### ADMINISTRATION AND ENFORCEMENT

**6.01** This By-Law shall apply to all property within the limits of the Town of Cobalt

**6.02** Only the values provided with metric units of measure which appear in this By-law are official. Imperial equivalent values that appear in brackets are included for convenience only.

### CERTIFICATE OF COMPLIANCE

**6.03** Where an *Officer* has inspected a *property* and is of the opinion that the *property* is in compliance with the standards established in this By-law, he may issue a Certificate of Compliance to the *owner*.

**6.04** An *Officer* shall issue a Certificate of Compliance to the *owner* of a property who has requested one, where the *Officer* has inspected the *property* and is of the opinion that the *property* is in compliance with the standards established in this By-law, and the *owner* has paid the fee set by Council pursuant to Section 15.5-(3) of the *Building Code Act*.

**6.05** The fee for issuance of a Certificate of Compliance with the standards established in this By-law by an Officer shall be One Hundred and Fifty Dollars (**\$150.00**).

### OFFICERS

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

### PROPERTY STANDARDS COMMITTEE

**6.07** Council shall appoint by by-law The Mayor and all members of Council to the *Property Standards Committee* for a term of office concurrent with Council.

**6.08** The Mayor, or designate of the *Town* shall act as chairman of the *Property Standards Committee*.

**6.09** The Clerk, or designate of the *Town* shall act as secretary of the *Property Standards Committee*.

**6.10** Every person who initiates an appeal of an Order made under section 15.2 (2) of the *Ontario Building Code Act, S.O. 1992, c23*, shall submit a Notice of Appeal in the time frame and in the manner as prescribed in section 15.3 (1) of the *Act*. All Notices of Appeal shall be accompanied by a non-refundable payment of one hundred dollars (\$100.00).

## **COMPLIANCE**

**6.11** The *owner* of any *property* that does not conform to the standards as set out in this By-law shall repair and /or maintain said *property* to comply with the standards or the *property* shall be cleared of all *buildings*, structures, debris or refuse and left in a levelled and graded condition.

## **PENALTY**

**6.12** 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.

## **VALIDITY**

**6.13** If an article of this By-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

**6.14** Where a provision of this By-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

## **FORMS**

**6.15** The form for use as an “Informal Notice” shall be on Form PS-A-01 as laid out in Appendix “1” to this Schedule.

## **ORDERS**

**6.16** Where an “Informal Notice has been provided, “AN ORDER TO REMEDY VIOLATION OF STANDARDS OF MAINTENANCE AND OCCUPANCY” issued pursuant to Section 15.2-(2) of the Building Code Act shall be on Form PS-A-02 as laid out in Appendix “2” to this Schedule.

**6.17** Where no “Informal Notice” has been provided, “AN ORDER TO REMEDY VIOLATION OF STANDARDS OF MAINTENANCE AND OCCUPANCY” issued pursuant to Section 15.2-(2) of the Building Code Act shall be on Form PS-A-03 as laid out in Appendix “3” to this Schedule.

**6.18** A “NOTICE OF APPEAL TO THE PROPERTY STANDARDS COMMITTEE” issued pursuant to Section 15.3-(1) of the Building Code Act shall be on Form PS-A-04 as laid out in Appendix “4” this Schedule.

Town logo  
Town of Cobalt By Law Enforcement  
18 Silver Stree, Cobalt, ON  
PO. Box 70, Cobalt, ON P0J 1C0  
(705) 679-8877

Roll No.: - \_\_\_\_\_

**CORPORATION OF THE TOWN OF COBALT  
INFORMAL NOTICE**

Date: \_\_\_\_\_

*Owner's Name and Address*

Dear Sir/ Madam:

*RE: Description and Location of  
Property*

Be advised that on ( *Date of Inspection* ) an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-law No. \_\_\_\_\_.

**Schedule "A"**, attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the By-law.

Be advised that By-law No. \_\_\_\_\_ gives the municipality the authority to issue an **ORDER TO COMPLY** pursuant to Section 15.2-(2), *Ontario Building Code Act, S.O. 1992, c.23*.

It is desired that you will comply with this informal notice so that the aforementioned procedural step will not be necessary.

A follow-up inspection of this property will take place on or about ( *Date* \_\_\_\_\_ ) to ascertain compliance.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

\_\_\_\_\_  
Property Standards Officer

*Town Logo*

Town of Cobalt By Law Enforcement  
18 Silver Street, Cobalt, ON  
P.O. Box 70, Cobalt, ON P0J 1C0  
(705) 679-8877

Roll No.: \_\_\_\_\_

**CORPORATION OF THE TOWN OF COBALT**

**ORDER TO REMEDY VIOLATION  
OF STANDARDS OF MAINTENANCE AND OCCUPANCY**

*Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23*

Date: \_\_\_\_\_

*Owner's Name and Address*

Dear Sir/ Madam:

**RE:** *Description and Location of Property in Violation*

**WHEREAS** on ( *Date* ) you were served with an Informal **NOTICE** that required you to remedy certain violations of standards of maintenance and occupancy at your property, described above.

**AND WHEREAS** you have failed to remedy the noted violation(s) as set out in **Schedule "A"**, attached hereto and which forms part of this **ORDER**.

**THEREFORE, IT IS HEREBY CHARGED THAT** the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law No. \_\_\_\_\_ on or before (Date)

**TAKE NOTICE** that if such violations are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner.

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

*If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, the owner may appeal to the committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.*

**FINAL DATE FOR APPEAL:**

\_\_\_\_\_

Property Standards Officer

**Form PS-A-03**

*Appendix "3" of Schedule "A" of By-law 2007-*

*Town Logo*

Town of Cobalt  
18 Silver Street, Cobalt, ON  
P.O. Box 70, Cobalt, ON P0J 1C0  
(705) 679-8877

Roll No.: \_\_\_\_\_

**CORPORATION OF THE TOWN OF COBALT**

**ORDER TO REMEDY VIOLATION  
OF STANDARDS OF MAINTENANCE AND OCCUPANCY**

*Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23*

Date: \_\_\_\_\_

*Owner's Name and Address*

Dear Sir/ Madam:

**RE:** *Description and Location of Property in Violation*

**BE ADVISED** that on ( *Date of Inspection* ) an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-law No. \_\_\_\_\_.

The violation(s) are set out in **Schedule "A"**, attached hereto, and forms part of this **ORDER**

**IT IS HEREBY CHARGED THAT** the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law No. \_\_\_\_\_ on or before *Date*

**TAKE NOTICE** that if such violation(s) are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner.

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

*If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, the owner or occupant may appeal to the committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.*

**FINAL DATE FOR APPEAL:**

\_\_\_\_\_  
**Property Standards Officer**



**TOWN LOGO**

Town of Cobalt By Law Enforcement  
18 Silver Street, Cobalt, Ontario  
P.O. Box 70, Cobalt ON P0J 1C0

*Appendix "4" of Schedule "A" of By-law 2007-\*\*\**

Roll No.: \_\_\_\_\_

**CORPORATION OF THE TOWN OF COBALT**

**NOTICE OF APPEAL  
TO PROPERTY STANDARDS COMMITTEE**  
*Pursuant to Section 15.3-(1) of the Ontario Building Code Act*

Date: \_\_\_\_\_

To the Secretary  
Property Standards Appeal Committee  
Corporation of the Town of Cobalt  
P.O. Box  
Cobalt, ON  
P0J 1C0

**RE: Order to Remedy Violation of Standards of  
Maintenance and Occupancy at:**

*Description and Location of Property in Violation*

**TAKE NOTICE** of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned on

Name (Owner or Agent)

Address:

Telephone Number:

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

An owner or occupant who has been served with an order made under *The Building Code Act*, S.O. 1992, Chapter 23, Section 15.2(2) 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 fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

\_\_\_\_\_  
**Signature of Owner or Authorized Agent**