

TOWN OF LINCOLN

BY-LAW NO. 80-85

A By-law to prescribe standards for the maintenance and occupancy of property in the Town of Lincoln.

WHEREAS the Council of the Corporation of the Town of Lincoln deems it necessary to pass a by-law for prescribing standards for the maintenance and occupancy of property within the Town of Lincoln and for prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards, or for the site to be cleared of all buildings, structures, debris or refuse, and left in a graded and levelled condition, and for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this By-law;

AND WHEREAS Section 36 of The Planning Act, R.S.O. 1970, Chapter 349, as amended by S.O. 1972, Chapter 118, Section 7, provides authority for the enactment of such a by-law if an Official Plan that contains provisions relating to property conditions is in effect in a municipality;

AND WHEREAS there is such an Official Plan in effect in the Town of Lincoln.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN enacts as follows:

SECTION 1 - GENERAL

1.1. Short Title

1.1.1 This By-law shall be cited as the "Property Standards By-law."

1.2. Application

1.2.1 Except as herein provided, the standards set in this

By-law are prescribed as the standards for the maintenance of all property in the Town of Lincoln and all property in the Town of Lincoln shall be maintained in compliance with these standards.

- 1.2.2. The use of property that does not conform to the standards is prohibited.
- 1.2.3 Property below the standards prescribed by this By-law shall be repaired and maintained to comply with the standards or the land shall be cleared of all buildings or structures and left in a graded and levelled condition, as required by notice given by the Officer.
- 1.3. Definitions
- 1.3.1 "Accessory Building" means a detached or attached building which is subordinate to the main use of the lot and which is not used or intended for use as human habitation.
- 1.3.2 "Balustrade" means a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.
- 1.3.3. "Basement" means that portion of a building between two floor levels, with a minimum height of six feet four inches, which is partly underground, but which has at least one-half of its height from finished floor to finished ceiling above the average level of the adjoining ground.
- 1.3.4 "Bathroom" means a room containing at least a toilet and bathtub or shower, or two rooms which contain in total at least one toilet and one bathtub or shower.
- 1.3.5 "Bedroom" means a habitable room used for sleeping purposes.
- 1.3.6. "Boarder" shall mean a person who is provided with meals or room and meals, regularly for pay.
- 1.3.7 "Boarding House" shall mean a house where meals or lodging and meals are provided for pay.
- 1.3.8 "Cellar" means that portion of a building between two floor levels with a minimum height of six feet four inches which is partially or completely underground, and which has more than one-half of its height from floor to ceiling below average level of adjoining ground.
- 1.3.9 "Committee" means the Property Standards Committee as set out in Section 6 of this By-law.

- 1.3.10 "Corporation" means the Corporation of the Town of Lincoln.
- 1.3.11 "Crawlspace" means that portion of a building between two floor levels, or between a floor level and the ground, with a height of less than six feet four inches.
- 1.3.12 "Dwelling" means a building or structure, or part of a building which is used or intended to be used for the purposes of human habitation, and includes a building that would be used or would be intended to be used for such purposes except for its state of disrepair.
- 1.3.13 "Dwelling Unit" means one or more rooms connected together as a separate unit in the same structure, and constituting an independent housekeeping unit for residential occupancy by human beings, for living and sleeping purposes.
- 1.3.14 "Fire Chief" means the Fire Chief for the Town of Lincoln.
- 1.3.15 "Fire Resistance Rating" means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards as stated in The Building Code Act, 1974, S.O., 1974, and any amendments thereto or regulations thereunder.
- 1.3.16 "Habitable Room" means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes, with a minimum height of seven feet, except as hereinafter expressly provided.
- 1.3.17 "Lodging House or Rooming House" shall mean any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for the young or the aged, or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or specific Act.
- 1.3.18 "Means of Egress" means a doorway, hallway corridor, exterior passageway, or balcony, lobby, stair, ramp or other facility or combination thereof, provided for the escape of persons from a building, dwelling unit, floor area, contained open space or room to a public thoroughfare, street, lane, yard or other approved open space at grade level. Egress includes exits and access to exits. Elevators and windows shall not be considered as means of Egress.
- 1.3.19 "Medical Officer of Health" means the Medical Officer of Health for the Niagara Regional Health Unit.
- 1.3.20 "Multiple Attached Dwelling" means a building that is divided vertically into more than two dwelling units, each of which has an independent entrance, and shall include terrace housing and row housing.
- 1.3.21 "Multiple Dwelling" means a building containing three or more dwelling units.
- 1.3.22 "Non-habitable Room" means any room in a dwelling or dwelling

- 1.3.22 unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, cellar, recreation room, boiler room and other space for service and maintenance of the dwelling or for public use, or for access, or for vertical travel between storeys.
- 1.3.23 "Notice" means a notice of violation given under Section 6.3 of this By-law.
- 1.3.24 "Occupant" means any person or persons over the age of eighteen years in possession of the property.
- 1.3.25 "Officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
- 1.3.26 "Order" means an Order made under Section 6.4 of this By-law.
- 1.3.27 "Owner" includes 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 his own account, or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let and shall include 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.
- 1.3.28 "Property" means a building or structure or part of a building or structure, and includes the land and premises appurtenant thereto, mobile homes, mobile buildings and mobile structures, and all out-buildings, fences, steps, walks, walkways, driveways, parking spaces and erections thereon, whether heretofore or hereafter erected and includes and is divided into:
- (i) "non-residential property" which means property other than residential property;
 - (ii) "residential property" which means property which is occupied or capable of being occupied in whole or in part for the purposes of human habitation and is hereinbefore and hereinafter referred to as a dwelling, and
 - (iii) "vacant land" which means property on which there are no structures of any kind.
- 1.3.29 "Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law. All repairs shall be made in conformity with the provisions of The Ontario Building Code Act, 1974, The Ontario Water Resources Act, The Environmental Protection Act and any amendments to and any regulations proclaimed under the provisions of any of these Acts, the Regulations of the Hydro Electric Power Commission of Ontario and to all applicable by-laws of the Town of Lincoln.
- 1.3.30 "Roomer or Lodger" shall mean a person harboured, received or lodged, in a lodging house in return for compensation.
- 1.3.31 "Safe Temperature" means a temperature or any flammable surface, adjacent to the source of heat, which surface is not too hot for comfort when touched by the hand when any such source of heat has been producing heat continuously for a minimum of two hours.

- 1.3.32 "Semi-detached dwelling" means a building vertically divided into two separate dwelling units, each of which has an independent entrance.
- 1.3.33 "Sewage" means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm water run-off.
- 1.3.34 "Sewerage System" means the sanitary sewage disposal system of the Town of Lincoln or the Regional Municipality of Niagara or a private sewage disposal system approved by the Medical Officer of Health and/or Ministry of the Environment.
- 1.3.35 "Standards" means the standards set out in this By-law.
- 1.3.36 "Storm Water System" means the storm water system of the Town of Lincoln or the Regional Municipality of Niagara and includes storm ditches.
- 1.3.37 "Toilet Room" means a room containing a water closet or toilet.
- 1.3.38 "Town" means the Corporation of the Town of Lincoln.
- 1.3.39 "Vehicle" means a motor vehicle, trailer, boat, motorized, snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 1.3.40 "Yard" means the land other than publicly owned land, around and appurtenant to the whole or any part of a building and used or intended to be used or capable of being used in connection with the said building, whether or not the land is owned by the owner of the building.

SECTION 2 - RESIDENTIAL PROPERTY STANDARDS

2.1 Pest Prevention

- 2.1.1 Dwellings shall be kept free of rodents, vermin and insects, and methods used for exterminating such rodents, vermin or insects shall be in accordance with the provisions of The Environmental Protection Act, S.O., 1971, Chapter 86, and The Pesticides Act, S.O., 1973, Chapter 25, and amendments thereto.
- 2.1.2 Basement or cellar windows used or required for ventilation, and every other opening in a basement or cellar or crawlspace, that might permit the entry of rodents, vermin and insects, shall be screened with wire mesh or other material as will effectively exclude rodents, vermin and insects.

2.2 Foundations

- 2.2.1 The foundation walls and the basement, cellar or crawlspace floor of the dwelling shall be maintained in good repair and structurally sound condition, so as to prevent dangerous settlement, the entrance of moisture, rodents, vermin and insects. Without restricting the generality of this Section,

maintenance includes shoring of the foundations, installing subsoil drains at the footing, grouting masonry cracks and waterproofing the walls or floors.

2.2.2 Basements or cellars which are served by a stairway leading from within the dwelling or from outside the dwelling shall have a concrete floor and when required for drainage, a floor drain shall be located at the lowest point of the said floor and connected to the storm water system if such is available.

2.3 Condition of Dwelling

2.3.1 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight, and any additional load to which it normally may be subject.

2.3.2 Materials which have been damaged or show evidence of dry rot or deterioration shall be repaired or replaced in a workmanlike manner.

2.4 Maintenance

2.4.1 Every floor, exterior wall, roof and porch or appurtenance of a dwelling shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the dwelling, or to the public.

2.5 Exterior Surfaces

2.5.1 The exterior walls of a dwelling and their components shall be maintained so as to prevent their deterioration due to weather and insects, and where necessary, shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints, and of the walls themselves by the installation or repairing of termite shields.

2.5.2 Exterior walls, roofs and other parts of a dwelling shall be kept free from objects or materials which have been improperly secured or which have become loose or insecure. Such objects or material shall be removed, properly secured or replaced.

2.6 Roofs

2.6.1 The roof of a dwelling shall be maintained in a water-tight condition so as to prevent leakage of water into the dwelling, and where necessary, shall be maintained by the repair of the roof and flashing, or by applying water-proofed coatings or coverings.

2.6.2 Where an eavestrough and downspouts are installed, the roof drainage shall be discharged into a storm drainage system when available or, in the event that storm drainage system is not available, the roof drainage shall be discharged onto the ground at least four feet from the building when it is physically possible to do so, and providing that it does not adversely affect adjacent properties.

2.7 Dampness

2.7.1 "The floors, ceilings and walls of every dwelling shall be kept free of moisture, dampness and resulting fungus growths.

2.8 Weatherproofing

2.8.o Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling, and rotted or damaged doors, door frames, window frames, sashes and casings shall be renewed and missing and defective door and window hardware, weather stripping and broken window glass shall be replaced and if missing, then placed.

2.9 Inside and Outside Stairs and Egress

2.9.1 Every inside or outside stair, porch, balcony or landing actually in use or available for use shall be maintained in good repair so as to be free of holes, cracks or other defects which constitute possible accident hazards, and all 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.

2.9.2 Every stairwell or open stairway leading to a higher storey or to a basement with five or more risers, and every porch, balcony, landing, raised floor, mezzanine, gallery, bridge, exterior passageway, or other location, more than twenty-four inches above an adjacent surface, shall be equipped with hand rails or balustrades, and maintained in good repair so as to provide adequate protection against accident or injury.

2.9.3 Every dwelling unit shall have a direct access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the street or grade level.

2.9.4 There shall be provided and maintained a secondary means of egress from the building for every dwelling unit located on each floor above the first floor and for two or more dwelling units located in the basement so as to provide a safe and convenient means of egress in case of an emergency.

2.9.5 The means of egress shall be to the satisfaction of the Town of Lincoln Fire Chief.

2.10 Walls and Ceilings

2.10.1 Every wall and ceiling in a dwelling unit shall be maintained so as to be easily cleaned and shall be maintained in good repair with respect to fire safety, so as to be free of holes, cracks, loose covering or other defects which would permit flame, excessive heat or water to enter a concealed space.

2.10.2 Interior finish materials for acoustical correction, surface insulation, decorative treatment on the surface of walls and ceilings, and interior trim shall be of material that will not, in burning, give off excessive amounts of smoke or objectionable gases so as to be injurious to health. Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which maintains their fire resistant quality.

2.10.3 Walls around a bathtub or shower shall be so maintained as to be water resistant and readily cleaned.

2.11 Doors

2.11.1 Existing doors and frames shall be maintained in a sound operative condition.

2.11.2 At least one entrance door in every dwelling unit shall be capable of being locked from both inside and outside.

2.11.3 New doors shall comply with the requirements of Ontario Regulation 925/75 as amended.

2.12 Floors

2.12.1 Crawlspace shall have a floor or ground cover in compliance with Ontario Regulation 925/75.

2.12.2 Every floor in a dwelling or attached to a dwelling, shall be smooth and level and shall be maintained in good repair so as to be free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces in a dangerous condition defective floor boards shall be repaired or replaced.

2.12.3 Where floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt, or may cause an accident, the linoleum or other covering shall be repaired, replaced or removed.

2.14.4 The floor of every bathroom, shower room and toilet room shall be so maintained as to be water resistant and readily cleaned.

2.13 General Cleanliness

2.13.1 Every floor, wall, ceiling, furnishing and fixture in a dwelling shall be maintained in a sanitary condition, and the dwelling shall be kept free from rubbish and debris.

2.14 Storage Space

2.14.1 Every dwelling unit shall be provided with space for the storage of linen and clothes. This may include free standing wardrobes and/or satisfactory hook racks.

2.14.2 Every dwelling unit shall be provided with space for general storage. In a multiple dwelling such space may be in a communal general storage area.

2.15 Access to Enclosed Space

2.15.1 An access opening of at least one foot eight inches by two feet four inches shall be provided to every crawl space or other enclosed space, and to every attic and roof space exceeding two feet in height.

2.16 Water

2.16.1 Every dwelling unit shall be provided with an adequate supply of portable running water from a source approved by the Medical Officer of Health.

2.16.2 Where a dwelling is occupied at any time between the first of October and the first of May, every sink, washbasin, bathtub, or shower required by this By-law shall have an adequate supply of hot and cold running water.

2.16.3 Every water heater installed for the purpose of supplying hot running water to the occupants of a dwelling unit shall be capable of heating water to a temperature of 120 degrees Fahrenheit. (49 degrees Celsius).

2.16.4 A supply of water sufficient to adequately flush the toilet shall be supplied to every toilet.

2.17 Sewerage System

2.17.1 Every plumbing fixture in every dwelling shall discharge the water, liquids or sewage into drainage piping which shall be connected to a municipal sewerage system, or a system approved by the Medical Officer of Health and/or the Ministry of the Environment.

2.18 Plumbing

2.18.1 All plumbing, drain pipes, water pipes and plumbing fixtures in every dwelling, and every connecting line to the sewerage system shall be maintained in good repair and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing and all waste pipes shall be connected to the sewerage system through water seal traps.

2.19 Toilet, Kitchen and Bathroom Facilities

2.19.1 Every dwelling unit (except as otherwise provided in Section 2.19.2) shall contain at least the following plumbing fixtures:

- (a) a toilet or water closet;
- (b) a sink or washbasin;
- (c) a kitchen sink;
- (d) a bathtub or shower.

2.19.2 The occupants of not more than two legal non-conforming dwelling units, as defined in the applicable area zoning by-law, may share a single bathroom provided;

- (a) a total or not more than ten persons occupy the dwelling units, and
- (b) access to the bathroom can be gained without going through habitable rooms of another dwelling unit or through an open area which is not normally heated during the season in which heat is required.

2.19.3 Where a dwelling unit contains rooms intended to be used in conjunction with a rooming or lodging house, the occupants may share a single bathroom, provided that;

- (a) a total of not more than ten persons occupy the dwelling units, and
- (b) for each additional ten persons or part thereof, there shall be an additional toilet and bathtub or shower, and
- (c) access to the bathroom can be gained without going through

- 2.19.3. (c) habitable rooms of another dwelling unit or through an open area which is not normally heated during the season in which heat is required.
- 2.19.4 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.
- 2.19.5 All bathrooms and toilet rooms shall be fully enclosed so as to provide privacy for the occupant.
- 2.19.6 No toilet or urinal shall be located within a room that is used for:
- (a) the preparation, cooking, storing or consumption of food, or,
 - (b) sleeping purposes.
- 2.20 Kitchen Facilities
- 2.20.1 A cooking space with an adequate and approved heat supply shall be provided for each dwelling unit.
- 2.20.2 There shall be a clear space above any exposed cooking surface of a cooking apparatus of at least twenty-four inches. The cooking apparatus must conform to the appropriate provincial regulations governing the type of fuel being used for such cooking apparatus.
- 2.21 Heating System
- 2.21.1 Every dwelling which is occupied at any time between the 15th day of September and the 31st day of March, shall be provided with a heating system capable of continuously maintaining a room temperature under all conditions of 70 degrees F. (21 degrees C.) in all habitable rooms, bathrooms and toilet rooms, unless otherwise permitted by the Medical Officer of Health.
- 2.21.2 The heating system required by Section 2.21.1 shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.
- 2.21.3 No room heater shall be placed so as to cause a fire hazard to walls, curtains or furniture, and shall not impede the free movement of persons within the room where the heater is located.
- 2.21.4 All heating and cooking apparatus or equipment involving combustion shall be properly connected to a chimney or a flue which provides sufficient outlet for the escape of all noxious gases, so as to prevent any health, fire, or accident hazard, by a rigid and permanently-sealed connection.
- 2.21.5 All heating and cooking apparatus or equipment involving combustion shall be properly connected to the supply line by a rigid and permanently-sealed connection or by means of a double wall flexible connector as approved by the Provincial Gas Company or the Town of Lincoln.
- 2.21.6 Solid fuel-fired barbeques shall not be used on the balconies of multiple dwellings.

4.22 Furnace Room - Air Supply and Fuel Storage

- 2.22.1 In multiple dwellings with a common central heating system, the heating system shall be located in a separate room having floors, walls, ceiling and doors with a fire resistance rating of not less than one hour. The room shall not be used for the storage of fuels or any other material and shall be kept clear of all debris and rubbish.
- 2.22.2 A space that contains a heating unit shall have natural or mechanical means of supplying air by ventilation duct from out of doors in such quantities as to provide adequate combustion.
- 2.22.3 Where a heating system, or part of it, or any auxiliary heating system, burns solid or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- 2.22.4 Fire dampers, where required, shall be installed and maintained in compliance with Ontario Regulation 925/75 and amendments thereto.

2.23 Chimneys

- 2.23.1 Any mechanism or structure used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smoke pipe, vent pipe or similar adequate chimney subject to Section 2.21.4.
- 2.23.2 Every chimney, smoke pipe, flue and gas vent actually in use or available for use on a dwelling, shall be maintained so as to prevent the escape of gases into the dwelling. Without limiting the generality of the foregoing, maintenance shall include keeping all open joints sealed, and repairing all broken and loose masonry. Every chimney, smoke pipe, flue and gas vent on a dwelling shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom, or in contact therewith, does not exceed a safe temperature.
- 2.23.3 Every chimney, smoke pipe, flue and gas vent actually in use or available for use shall be kept clear of obstruction.

2.24 Fireplaces

- 2.24.1 Fireplaces and similar installations used or intended to be used for burning fuels other than gas and open fires shall be connected to approved chimneys, smoke pipes, or flues that are separate from any flue that acts as a gas vent and shall be installed so that nearby adjacent combustible material and structural members shall not be heated so as to exceed a safe temperature.

2.25 Electrical Service Installation

- 2.25.1 Electrical wiring conduit and electrical services in every dwelling shall be in compliance with and maintained according to the regulations made by the Hydro Electric Power Commission of Ontario, pursuant to the Power Commission Act, and lighting equipment, shall be installed throughout the dwelling so as to provide adequate illumination for the intended use of each space.

- 2.25.2 Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- 2.25.3. In every dwelling, an adequate and safe illuminating device shall be installed in every habitable room, bathroom, toilet room, laundry room, vestibule, hall, stairway, furnace room and utility room.
- 25.4 All common halls and stairs in multiple dwellings shall be continuously lighted by a minimum of one watt per square foot of floor area.
- 2.26 Ventilation and Natural Light
- 2.26.1 Every habitable room, other than a living room or a dining room, shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area of three square feet, and shall be located in the exterior walls or through skylight openings of roof ventilators. Openings shall be adequately screened to prevent the entry of insects
- 2.26.2 An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes air once each hour.
- 2.26.3 Every bathroom or room containing a toilet or urinal shall be provided with an opening or openings for natural ventilation located in an exterior wall or through skylight openings and all such openings shall have a minimum aggregate, unobstructed free flow of one square foot. Openings shall be adequately screened to prevent the entry of insects, vermin and rodents.
- 2.26.4 An opening for natural ventilation may be omitted from a bathroom or room containing a toilet or urinal, where a system of mechanical ventilation has been provided such as an exhaust fan with a duct leading to outside the dwelling which will provide at least one air change once each hour.
- 2.26.5 All systems of mechanical ventilation shall be maintained in good repair.
- 2.26.6 Every basement or cellar or crawlspace shall be vented to the outside air by means of screen windows which can be opened, or by louvres with screen openings, the area of which shall not be less than one square foot for every five hundred square feet of enclosed area. An opening for natural ventilation for a basement or cellar may be omitted where a mechanical ventilation system has been provided which changes air at least once each hour.
- 26.7. Every enclosed attic or roof space shall be vented by openings to the exterior to provide at least one square foot of unobstructed vent area for every three hundred square feet of attic or roof space, and the vents may be roof, eave or gable end type or any combination thereof.
- 2.26.8 Every habitable room, except the kitchen and the bathroom shall have a light transmitting area of 10 percent of the floor area so as to provide adequate natural lighting.

2.27 Maintenance of Yards

- 2.27.1 Every owner or occupant of grounds, yards or vacant lots shall keep and maintain the same in a neat and clean condition and free from refuse, debris, rubbish, branches, bush or tree clippings, motor vehicles not containing current license plates, automobile wrecks, bodies, frames and accessories and any other discarded material or thing that constitutes a health, fire or safety hazard.
- 2.27.2 All yards shall be kept free from excessive growth of weeds. Noxious plants as defined in The Noxious Weeds Act shall be eliminated from all yards.
- 2.27.3 Any vehicle, including a boat or trailer or part thereof which is in a wrecked, discarded, dismantled, partly dismantled, inoperative or abandoned condition shall not be parked, stored or left in a yard but this shall not prevent the occupant of any premises from repairing a vehicle for his own use and for commercial purposes if commercial purposes are a permitted use of the property while such repair is actively carried on.
- 2.27.4 Furniture other than lawn or garden furniture shall not be stored or left in a yard.
- 2.27.5 Any refrigerator, stove, washing machine, clothes dryer or other electrical appliance shall not be stored or left in the yard.

28 Drainage

- 2.28.1 All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent recurrent ponding or the entrance of water into a basement or cellar or crawlspace.
- 2.28.2 Sewage shall be discharged into the sewerage system as provided in Section 2.17.1 and sewage of any kind shall not be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.

2.29 Driveways

- 2.29.1 Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.

2.30 Fences and Accessory Buildings

- 30.1 Accessory buildings and all fences shall be kept in good repair and free from fire, health or accident hazards and shall be protected by paint, preservative or other weather resistant material.
- 2.30.2 Where an accessory building or a yard is found to harbour noxious insects or rodents, all necessary steps shall be taken to eliminate such insects or rodents, and to prevent their recurrence.
- 2.30.2 Where an accessory building or fence is not maintained in accordance with these standards, it shall be repaired or removed from the yard.

2.31.1 Every dwelling and every dwelling unit within the dwelling shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes.

2.31.2 All household garbage and refuse shall be stored in a sanitary manner in plastic bags or other containers, and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time which might constitute a fire, health or accident hazard.

2.31.3 Outside receptacles shall be:

(a) made of a water-tight construction;

(b) provided with a cover adequate to prevent the escape of garbage, refuse and debris; and

(c) maintained in a clean state.

2.32 Occupancy Standards

2.32.1 The maximum number of occupants in a dwelling unit shall not exceed one person per one hundred square feet of habitable room floor area.

2.32.2 For the purpose of computing the habitable floor area, the floor area under a ceiling which is less than seven feet high shall not be counted unless there is a sloping ceiling, then the habitable floor area shall be in accordance with Ontario Regulation 925/75 and amendments thereto or unless the habitable area is a bedroom in which case 2.32.4(a) and (b) shall apply.

2.32.3 A bedroom shall be a habitable room and no hallway shall be used as a bedroom.

2.32.4 (a) No room in a dwelling shall be used as a bedroom unless it has a minimum width of six and one-half feet and a minimum floor area of sixty square feet, and a room used as a bedroom by two or more persons shall have a floor area of at least forty square feet for each person using the room.

(b) At least one-half of the required minimum floor area shall have a ceiling height of six feet four inches, and no floor area with a ceiling height of less than four feet six inches shall be counted.

2.32.5 A non-habitable room shall not be used as a habitable room.

2.32.6 In multiple dwellings, each habitable room shall be separated from the common central heating system, water heating system and incinerator by a fire separation having a fire resistance rating of at least one hour.

2.33 Protective Guards in Multiple Dwellings Exceeding Three Storeys in Building Height

2.33.1 Guards providing adequate protection against accident or injury shall be provided for all unprotected openings and open spaces in multiple dwellings exceeding three storeys in building height in the following locations:

(1) around every roof to which access is provided for other than maintenance;

(2) Around every raised floor, mezzanine, balcony, gallery, bridge,

exterior passageway or other location when the difference in elevation between floor levels or between floor and ground levels is greater than twenty-four inches.

- (3) Around every open side of a landing in a public stairway.
- (4) Across every window or glass panel in an exit stairway, public hallway or corridor or any area accessible to the public that extends to less than forty-two inches above the stairs, landing or floor.
- (5) Except as provided in sentence (6) across any window located more than six feet above the ground level and that extends within thirty inches of the floor unless such window has fixed glazing.
- (6) All opening windows within a dwelling unit may be equipped with latching or automatic engaging devices to control the window opening and screens, in lieu of the protective guard provided such windows are manufactured to the appropriate Government specifications as outlined in Section (3) of Article 3.6.2.2. of Ontario Regulation 925/75.

2.33.2 For the purpose of this Section, a guard shall be at least four inches in height and the size of any opening through such guard shall be such a size as to prevent the passage of a spherical object having a diameter of four inches. Every required guard shall be designed so that no member, attachment or opening located between four inches and thirty-six inches above floor level will facilitate climbing.

SECTION 3 - NON-RESIDENTIAL PROPERTY STANDARDS

3.1 Maintenance of Yards

- 3.1.1 All yards shall be kept clean and free from rubbish or other debris, and from objects or conditions that might create a health, fire or accident hazard.
- 3.1.2 All yards shall be kept free from excessive growth of weeds and grasses. Noxious plants, as defined in The Noxious Weeds Act, shall be eliminated from all yards.
- 3.1.3 No vehicle which is in a wrecked, discarded, dismantled, or inoperative condition, and no mechanical equipment, automotive and mechanical parts shall be parked, stored or left in the yard unless such vehicles, mechanical equipment, automotive and mechanical parts are required for business purposes as part of a business licensed for such purpose, where a license is required or zoning permits.
- 3.1.4 Where a business requires outdoor storage for any purpose, no articles, goods or materials shall be stored in the open on the lot or exposed to public view, unless the same is surrounded by a decorative screen fence at least six feet in height.

3.1.5 Steps, walks, driveways, parking spaces and similar areas of the yard shall have a stable, dust-free surface and shall be maintained so as to afford safe passage under normal use and weather conditions.

3.1.6 The lawns, hedges and bushes shall -

- (a) be kept trimmed, and
- (b) not be overgrown or unsightly.

2.1.7 The yard shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.

3.2 Sewage and Drainage

3.2.1 Sewage or organic waste shall be discharged into a sewerage system.

3.2.2 Rain water from a roof area of 500 square feet or more shall be conveyed to a storm sewer and, if such a storm sewer is not available, the rain water shall be disposed of in such a manner as not to create a nuisance.

3.2.3 Storm water shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement or cellar.

3.2.4 Roof drainage or surface water shall -

- (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar, and
- (b) not be channelled to discharge on sidewalks, stairs or neighbouring property.

3.2.5 Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.

3.3. Safe Passage

3.3.1 Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.

3.4 Accessory Buildings

3.4.1 An accessory building shall be kept -

- (a) in good repair;
- (b) free from health, fire and accident hazards; and
- (c) protected by paint, preservative or other weather-resistant material.

3.5 Fences

3.5.1 A fence or retaining wall shall be:

(a) installed around the parking area of drive-in eating establishments except at the private approaches, and

(b) constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining property.

3.5.2 All fences around or on non-residential property shall be:

(a) kept in good repair;

(b) free from accident hazards; and

(c) protected by paint, preservation or other weather-resistant material.

3.6 Signs

3.6.1 All signs and billboards shall be maintained in good repair and any signs which are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state of repair.

Maintenance of Buildings

3.7 Garbage Disposal

3.7.1 Every building shall be provided with sufficient receptacles to contain all garbage, rubbish, ashes and trade waste.

3.7.2 Receptacles shall be acceptable plastic bags or other containers that are:

(a) made of water-tight construction;

(b) provided with a tight-fitting cover; and

(c) maintained in a clean state.

3.7.3 Plastic bags shall not be stored outdoors unless protected from damage.

3.7.4 Every building shall be provided with rodent-proof storage space for garbage and trade waste.

3.7.5 Containers shall be made available for the disposal of refuse which may be discarded by customers and the yard shall be kept free of such refuse.

3.8 Pest Prevention

3.8.1 The property shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of The Pesticides Act, 1973, S.O., 1973, Chapter 25 as may be amended from time to time and all regulations passed pursuant thereto.

3.8.2 A basement or cellar window used or required for ventilation and any other opening in a basement or cellar, including a floor drain that may permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material as will effectively exclude rodents.

3.9 Basement Floors

3.9.1 Basement, cellar or crawlspaces which are not served by a stairway leading from the building or from outside the building may have a dirt floor, provided it is covered with a moisture proof covering.

3.9.2 Basements or cellars which are served by a stairway leading from the building or from outside the building shall have a concrete floor and, where required, with a floor drain located at the lowest point of said floor and connected to a sewerage system.

3.9.3 A concrete floor in a basement or cellar shall be free from major cracks, breaks or such as to create a hazardous condition.

3-10 Foundations

3.10.1 The foundation walls shall be maintained in good repair and structurally sound and when required shall be so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and waterproofing the walls.

3.10.2 Every building, unless of the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.

3.10.3 All footings, foundation walls, piers, slabs-on-grade shall be of masonry or other suitable material.

3.10.4 Subsections 3.10.2 and 3.10.3 do not apply to accessory buildings.

3.11 Condition of Building

3.11.1 Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.

3.11.2 Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

3.11.3 All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.

3.12 Exterior Surfaces

- 3.12.1 The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by -
- (a) painting, restoring or repairing of the walls, coping or flashing; or
 - (b) the waterproofing of joints and of the walls themselves.
- 3.12.2 All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be -
- (a) maintained in good repair,
 - (b) properly anchored, and
 - (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- 3.12.3 All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.
- 3.12.4 All air conditioners shall be maintained in a safe mechanical and electrical condition.
- 3.13 Roofs
- 3.13.1 The roof, cornice and flashing shall be maintained in a water-tight condition so as to prevent leakage of water into the building.
- 3.14 Dampness
- 3.14.1 The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a cellar, basement or crawlspace floor.
- 3.15 Doors and Windows
- 3.15.1 All exterior openings for doors and windows shall be fitted with doors or windows.
- 3.15.2 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the building.
- 3.15.3 Doors, door frames, window frames, sashes, casings and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- 3.15.4 Broken glass and missing or defective door and window hardware shall be repaired or replaced.

3.15.5 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 building.

3.16 Stairs, Porches and Balconies

3.16.1 Every inside or outside stair, porch, balcony or landing actually in use or available for use shall be maintained in good repair so as to be free of holes, cracks, or other defects which constitute possible accident hazards, and all 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.

3.17 Balustrades and Handrails

3.17.1 Every stairwell or open stairway leading to a higher storey or to a basement with five or more risers, and every porch, balcony, landing, raised floor, mezzanine, gallery, bridge, exterior passageway, or other location, more than 24 inches above an adjacent surface, shall be equipped with handrails or balustrades, maintained in good repair so as to provide adequate protection against accident or injury.

3.18 Walls and Ceilings

3.18.1 Every wall and ceiling shall be -

- (a) maintained so as to be easily cleaned, and
- (b) free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space.

3.18.2 Where occupancies are separated vertically, the dividing walls shall -

- (a) be continued in the basement from the top of the footings or the floor to the underside of the finished floor space,
- (b) be continued in the attic from the top of the finished ceiling surface to the underside of the finished roof surface,
- (c) consist of two ½" layers of gypsum wallboards or material of equivalent fire resistance rating, and
- (d) be tightly sealed with caulking of mineral wool or similar non-combustible material.

3.18.3 Where the dwelling unit and non-residential occupancy are separated horizontally, there shall be a finished ceiling separating these occupancies, which shall -

- (a) consist of two ½" layers of gypsum wallboard or material of equivalent fire resistance rating, and

(b) be tightly sealed with caulking or mineral wool or similar non-combustible material.

3.19 Floors

3.19.1 Every floor shall be smooth and level, and maintained in good repair so as to be free of all loose, warped, protruding, broken or rotted boards that may cause an accident or allow dirt to accumulate.

3.19.2 Where floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, the linoleum or other covering shall be repaired, replaced or removed.

3.19.3 Every toilet room shall have a floor of water repellent construction.

3.20 Cleanliness

3.20.1 Every floor, wall, ceiling, fixture, appliance and equipment shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.

3.30.2 The building shall be kept free from rubbish, debris or any condition which constitutes a fire, health or accident hazard.

3.21 Egress

3.31.1 There shall be provided two means of egress from every floor area, where in the opinion of an officer, the existing exits are inadequate for the safety of every person in the building.

3.21.2 All means of egress shall be -

(a) maintained in good repair, and

(b) free of objections or conditions which constitute an accident or fire hazard.

3.22 Heating System

3.22.1 Where persons are employed in duties and operations in an enclosed space or room within a building and not engaged in physical activity, the heating equipment shall be capable of providing sufficient heat in such spaces or rooms to maintain a temperature of not less than 70°F. or 21° Celsius during normal working hours.

3.22.2 The heating system required by subsection 3.22.1 shall be maintained in good working condition so as to be capable of heating the building safely to the required standard.

3.22.3 Auxiliary heaters shall not be used as a primary source of heat.

3.22.4 A room heater shall not be placed so as to

(a) cause a fire hazard to walls or any other equipment; or

- (b) impede the free movement of persons within the room where the heater is located.
- 3.22.5 Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be -
 - (a) provided and maintained in a convenient location, and
 - (b) properly constructed so as to be free from fire or accident hazards.
- 3.22.6 An adequate supply of fuel shall be available at all times.
- 3.22.7 Equipment burning fuels shall be properly vented by a connecting duct or flue pipe leading to a chimney or a vent flue.
- 3.22.8 Where combustible materials are stored in the basement, the fuel-burning heating system shall be enclosed.
- 3.22.9 Every chimney, smoke pipe, flue and vent shall be maintained so as to -
 - (a) prevent gases from leaking into the building or property; and
 - (b) be free of any defects.
- 3.22.10 A fuel burning central heating system in a mixed use building shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than one hour.
- 3.22.11 Subsection 3.22.10 does not apply where -
 - (a) there is a fire separation between the dwelling unit and the non-residential property having a fire resistance rating of one hour, or
 - (b) the dwelling unit and non-residential property are occupied by the same tenant.
- 3.22.12 Where, in the opinion of an Officer, there exists a hazardous condition due to storage in or use of space adjacent to a heating system, the furnace shall be enclosed in accordance with the provisions of subsection 3.22.10 hereof.
- 3.22.13 The enclosure referred to in subsections 3.22.10 and 3.22.12 shall be vented to provide sufficient combustion air for the heating equipment directly from the outside air.

3.23 Plumbing

- 3.23.1 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewerage system shall be maintained in good working order and free from leaks and defects.

3.23.2 All water pipes and appurtenances thereto shall be protected from freezing.

3.23.3 All waste pipes shall be connected to the sewerage system through water seal traps.

3.24 Toilet Room Facilities

3.24.1 Buildings where people work shall have a minimum of one water closet and one wash basin supplied with an adequate supply of hot and cold running water located in an enclosed room and accessible from within the building.

3.24.2 All toilet rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.

3.24.3 All toilet facilities and toilet rooms shall be kept clean and neat at all times.

3.24.4 The toilet room walls and ceiling of every toilet room shall be provided with a smooth surface and where paint is used as the surface coating it shall be maintained and painted as is necessary for cleanliness.

3.24.5 Every toilet room shall be provided with toilet paper, soap, and individual towels or other means of drying.

3.24.6 Every toilet room shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of one square foot.

3.24.7 An opening for natural ventilation may be omitted from a toilet room where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the building.

3.24.8 Where mechanical ventilation is used, the provisions of subsection 3.27.2 and 3.27.3 of Section 3.27 apply.

3.25 Electrical Service

3.25.1 Fuses or overload devices shall not exceed limits set by the Hydro-Electric Power Commission of Ontario.

3.25.2 Where, in the opinion of the Officer, a hazardous condition exists, extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis.

3.25.3 The electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of the Hydro-Electric Power Commission of Ontario.

3.26 Light

3.26.1 Sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish illumination in all passageways and stairways whenever the building is in use, and in all stairways provided for use in case of fire or other emergency.

3.27 Ventilation

3.27.1 Every room where people work shall have an opening or openings for natural ventilation which openings shall -

(a) have a minimum aggregate unobstructed free flow area of three square feet, and

(b) be located in the exterior walls or through openable parts of skylights.

3.27.2 An opening for ventilation may be omitted if mechanical ventilation is provided which changes the air once each hour.

3.27.3 Where mechanical ventilation is used, the ventilating duct which is on the exterior wall shall be located not less than six feet from a window located in an adjoining building.

3.28 Basement, Cellar or Unheated Crawlspace

3.28.1 Every basement, cellar or unheated crawlspace shall be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall not be less than one percent of the floor area for basements and one square foot per 500 square feet of crawlspace area.

3.28.2 An opening for natural ventilation may be omitted from the basement or unheated crawlspace where a system of mechanical ventilation has been provided which changes the air once each hour.

SECTION 4 - VACANT LAND

4.1 Vacant land shall be kept clean and free from rubbish or other debris, and objects or conditions that may create a health, fire or accident hazard.

4.2 All vacant land shall be graded, filled up or otherwise drained so as to prevent recurrent ponding of storm water.

SECTION 5 - PROTECTION OF PERSONS AND PROPERTY FROM FIRE

5.1 All residential property, non-residential property and vacant land shall comply with the terms of The National Fire Code.

SECTION 6 - ADMINISTRATION AND ENFORCEMENT

6.1 Application

- 6.1.1 This By-law shall apply to all property within the limits of the Town of Lincoln.
- 6.1.2 Where a provision of this By-law conflicts with a provision of another by-law in force in the Town of Lincoln, the provisions of this By-law shall prevail and nothing in the By-law shall be deemed to exempt any land, building or structure from the regulations or requirements of any Municipal Zoning By-law.
- 6.1.3 If any section of this Property Standards By-law is for any reason held to be invalid, that section shall be deemed to be severable and the remaining sections shall remain in effect until repealed.
- 6.1.4 Notwithstanding any notice, direction or order issued or given hereunder, it shall be the responsibility of the owner to ensure that property owned by the owner is repaired and maintained in accordance with the provisions of this By-law.

6.2 Officers

- 6.2.1 The office of the Property Standards Officer is hereby created and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this By-law, subject to review by the Property Standards Committee.
- 6.2.2 The Property Standards Officer may, from time to time, designate other persons to act as his assistant in the administration and enforcement of this By-law.
- 6.2.3 The Property Standards Officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.
- 6.2.4 The Officer or any person acting under his 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 16 of The Summary Convictions Act if applicable or under any other Legislative authority that applies.

6.3 Notice of Non-Conformity

- 6.3.1 If, after inspection, the Officer is satisfied that in some respect the property does not conform to the standards prescribed in this By-law, the Officer shall issue and serve or cause to be served by personal service or sent by prepaid, registered mail, a Notice of Non-Conformity.
- 6.3.2 The Notice shall be served upon or mailed to the owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office and the Sheriff's Office, to have any interest therein, and at the same time, a copy of such Notice may be provided to all occupants.

6.3.3 - The Notice shall state -

- (a) that the property does not conform to the standards prescribed in this By-law;
- (b) the particulars of non-conformity;
- (c) the date, time and place of a hearing to be held by the Officer to hear representations;
- (d) that any person served with the Notice, or his representative is entitled to appear at the said hearing and make such representation and present such evidence as he so desires, and that in the event he does not appear at the said hearing, a decision may be made by the Officer in his absence;
- (e) the address of the Officer for service;
- (f) that any person affected by an Order made by the Officer pursuant to the Notice, has the right of appeal to the Property Standards Committee and shall state the manner in which such an appeal may be made;
- (g) any other information which the Officer deems necessary.

6.4 Orders

6.4.1 After the time afforded by the Notice for making representations, the Officer may make and serve or cause to be served or send by prepaid registered mail to the owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office and the Sheriff's Office, to have any interest therein, an Order.

6.4.2 The Order shall contain:

- (a) the municipal address or the legal description of the property;
- (b) 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;
- (c) the period in which there must be a compliance with the terms and conditions of the Order;
- (d) 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; and
- (e) the final date for giving Notice of Appeal from the Order.

6.4.3 The Officer may grant an extension of the time limited for compliance with any Order given by him pursuant to the provisions of this By-law, provided there is evidence of intent to comply with any such Order, or that conditions exist which, in the opinion of the Officer, prevent immediate compliance.

6.5 Service

- 6.5.1 A Notice under Section 6.3.1 or an Order under 6.4.1, when sent by registered mail, shall be sent to the last known address of the person to whom it is sent.
- 6.5.2 If the Officer is unable to effect service under Section 6.3.1 or Section 6.4.1, he shall place a placard containing the terms of the Notice or Order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the Notice or Order on the Owner or other persons, and no other person shall pull down, obstruct or deface such placard.
- 6.5.3 An Order under Section 6.4.1 may be registered in the proper Registry Office or Land Titles 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 6.4.1. When the requirements of the Order are found by the Officer to have been satisfied, the Officer shall forthwith register in the proper Registry Office or Land Titles Office a certificate that such requirements have been satisfied, which certificate shall operate as a discharge of such Order.
- 6.5.4 Following an inspection of a property, the Officer may, or on the request of the Owner, shall issue to the Owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-law. The fee for such a certificate issued at the request of the Owner shall be \$10.00.

6.6. Property Standards Committee

- 6.6.1 The Property Standards Committee is hereby established which shall consist of not less than three ratepayers of the Town of Lincoln, who shall hold office for a term of three years, except that in making the first appointments to the Committee the Council shall designate members who shall hold office:
- (a) until the first day of January of the year following the date of appointment;
 - (b) until the first day of January of the second year following the date of appointment; and
 - (c) until the first day of January of the third year following the date of appointment,
- respectively, so that as nearly as possible, one-third of the members shall retire each year.
- 6.6.2 Members shall hold office until their successors are appointed and are eligible for re-appointment. When a member ceases to be a member before the expiration of his term, the Council shall appoint another person for the unexpired portion of that term.

- 6.6.3 A member of the Council of the Town of Lincoln or an employee of the Town of Lincoln, or of a local board thereof, shall not be eligible to be a member of the Committee, but a teacher employed by a Board of Education or School Board is not deemed to be an employee for the purposes of this Section.
- 6.6.4 The members of the Committee shall elect one of themselves as Chairman. When the Chairman is absent through illness or otherwise the Committee may appoint another to act as Chairman pro tempore. The Committee shall make provision for a secretary for the Committee. Any member of the Committee may administer oaths.
- 6.6.5 The Secretary shall keep on file minutes and records of all applications and the decisions thereon, and of all other official business of the Committee, and Section 216 of The Municipal Act applies mutatis mutandis to such documents.
- 6.6.6 The members of the Committee shall be paid such compensation as Council may, from time to time, provide.
- 6.6.7 A majority of the Committee constitutes a quorum. The Committee may adopt its own rules of procedure but before hearing an appeal under Section 6.7.2 shall give notice or direct that notice be given of such hearing, to such persons as the Committee consider should receive such notice.
- 6.7 Appeal to Property Standards Committee
- 6.7.1 Where the Owner or occupant or any person affected by an Order under Section 6.4.1 upon whom an Order has been served in accordance with Section 6.5.1, is not satisfied with the terms or conditions of the Order, he may appeal to the Committee by sending 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.
- 6.7.2 Where an appeal has been taken, the Committee shall hear the appeal within fourteen days, and shall have all the powers and functions of the Officer, and may confirm the Order to demolish and repair, or may modify or quash it, or may extend the time for complying with the Order, provided that in the opinion of the Committee the general intent and purpose of the By-law and of the Official Plan are maintained.
- 6.7.3 The Committee shall cause a copy of the Decision of the Committee to be sent to the Owner and the occupants, and to any person affected by the decision, at their last known addresses, and to the Officer, by prepaid registered mail, within fourteen days of the decision.
- 6.8 Appeal to County Court
- 6.8.1 The Corporation of the Town of Lincoln or any Owner or occupant or person affected by a decision under Section 6.7.2 may appeal to a Judge of the County Court for the Judicial District of Niagara North by so notifying the Clerk of the Corporation in

writing, and by applying for an appointment within fourteen days after the sending of a copy of the decision.

- 6.8.2 The Judge shall, in writing, appoint a day, time and place for the hearing of the appeal, and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.
- 6.8.3 The appointment shall be served in the manner prescribed by the Judge.
- 6.8.4 The Judge on such appeal has the same powers and functions as the Committee.
- 6.9 Finality of Order
- 6.9.1 The Order as deemed to have been confirmed pursuant to Section 6.7.1 or as confirmed or modified pursuant to Section 6.7.2, or in the event of an appeal pursuant to Section 6.8.1 as confirmed or modified by the Judge shall be final and binding upon the Owner and occupants, who shall make the repair or effect the demolition within the time and in the manner specified by the Order.
- 6.10 Remedies
- 6.10.1 Where an Order has been served or sent out pursuant to Section 6.4.1, the owner of the property shall repair and maintain the property to the satisfaction of the Officer or clear the property and leave it in a graded and levelled condition, in accordance with the particulars set forth in the Order.
- 6.10.2 Following the issuance of the Order, the Officer may issue a Notice and may serve the Notice either personally or by prepaid registered mail upon the owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office and the Sheriff's Office to have any interest therein prohibiting the use of the property that does not conform to standards.
- 6.10.3 The Officer may cause to be placed in a prominent position on the property which does not conform to the standards contained in this By-law, a placard stating that such property does not conform to the minimum standards set out in this By-law and in what particulars it fails to conform to the standards, and no person shall pull down, obstruct or deface such placard.
- 6.10.4 If the owner or occupant of the property fails to demolish the property or to repair in accordance with an Order as confirmed or modified, the Corporation in addition to all other remedies shall
- (a) have the right to demolish or repair the property accordingly, and for this purpose with its servants and agents from time to time, to enter in and repair property, and
 - (b) not be liable to compensate such Owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation, in order with the provisions of this Section.

