

A BYLAW IN THE TOWN OF DUCK LAKE TO ESTABLISH AND ENFORCE MINIMUM STANDARDS OF MAINTENANCE AND REPAIR OF BUILDINGS IN THE TOWN OF DUCK LAKE.

WHEREAS Section 8 of The Municipalities Act provides that a Council may, by bylaw establish minimum standards for the safety, health and welfare of people and the protection of people and property:

AND WHEREAS it is deemed desirable to provide for the matters referred to above and to establish minimum standards for the states of repair and maintenance of existing Buildings;

NOW THEREFORE THE COUNCIL OF THE TOWN OF DUCK LAKE IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

PART I – INTERPRETATION

1. This Bylaw shall be cited as the “Maintenance and Occupancy Bylaw”.
2. Application:

This Bylaw shall apply to all Buildings, structures and Dwelling Units within the Town of Duck Lake except for Town-owned properties which are obtained through tax enforcement proceedings or to which *The Tax Enforcement Act* otherwise applies.
3. Definitions in this Bylaw:
 - a) “Accessory Building” means a building or structure
 - b) Appurtenant to a main building forming part of a dwelling; and
 - c) Located on the same lot as a main building and includes a building or structure partly or wholly attached to the main building
 - d) “Act” means *The Municipalities Act*
 - e) “Approved” means permitted, inspected or approved by the governmental agency or other authority having jurisdiction over the subject matter to which the approval relates;
 - f) “Building” means any structure used or occupied or intended for supporting or sheltering any use or occupancy and includes a trailer, mobile home or portable structure that is:
 - g) Not in storage;
 - h) Situated within the urban municipality for a period of more than 30 days
 - i) “Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
 - j) “Inspector” means the building inspector for the Town and anyone acting or authorized by the Town administrator or building inspector to act on behalf of the building inspector in the administration of the responsibilities under this bylaw;
 - k) “Local Development Appeals Board” means the Local Development Appeals Board established pursuant to *The Planning and Development Act*.
 - l) “Medical Health Officer” means a medical health officer within the meaning of *The Public Health Act*, and a public health officer or designated public health officer under any Act that may be substituted for *The Public Health Act*;
 - m) “NBC” means the National Building Code of Canada as adopted and amended by *The Uniform Building and Accessibility Standards Act of Saskatchewan*;
 - n) “NFC” means the *National Fire Code of Canada* as adopted and amended by *The Saskatchewan Fire Prevention Act*;
 - o) “NFPA” means the current published standards of the National Fire Protection Association as same may be amended, revised and replaced;
 - p) “Occupant” includes a person residing on or in the land or buildings and a leaseholder or renter;
 - q) “Owner” means a person who has any right, title, estate or interest in land or improvements other than that of a mere occupant, tenant or mortgagee;

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- t) “Plumbing and drainage regulations” means the regulations governing plumbing and drainage under *The Public Health Act* or such other provincial regulations as may be promulgated under *The Public Health Act*, which govern plumbing and drainage;
- s) “Portable structure” means a building which is capable of being moved from site to site;
- t) “Service room” means any room containing a fuel-fired boiler or furnace designed to provide heat to a building;
- u) “Town” means the Town of Duck Lake.
- v) “Town Council” means the Council of the Town of Duck Lake.

4. All words, either in this bylaw or in the schedules hereto, shall be interpreted to include a corporation or partnership or such number and gender as the context may require. Headings shall not be given any effect in determining the proper interpretation of this bylaw. “Used” and “occupied” have the ordinary meaning and also mean “intended or arranged and designed to be used or occupied” Words in the masculine gender shall include the feminine gender or the neuter gender, whenever the context so requires.

PART II – CONFLICTING ACTS

5. This bylaw establishes the minimum standards for the occupancy of buildings and for the maintenance of building interiors and exteriors and is not intended to relieve any person from complying with any other Act, regulation or bylaw relating to building construction and repair, fire safety or public health.

6. If there is an inconsistency between this bylaw and:

- a) *The Uniform Building and Accessibility Standards Act*;
- b) *The Fire Prevention Act*.
- c) *The Public Health Act*. or
- d) Any bylaw relating to building construction, fire safety or public health; the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

PART III – STANDARDS

7. Duty to Maintain:

- a) All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.
- b) No person shall cause or permit the occupancy or use of any property, including land, building or structures that do not conform to the minimum standards.
- c) Every occupant of a property, including land, buildings and structures, shall:
 - a. keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
 - b. maintain exits to the exterior of the building in a safe and unobstructed condition;
 - c. dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards; and
 - d. keep any supplied fixtures clean and sanitary and exercise reasonable care in their property use and operation.

8. The standards for repair and maintenance of a Building as set forth in Schedule “A” to this Bylaw shall be the minimum standards for the Town of Duck Lake, and the said Schedule “A” is hereby enacted and adopted as part of this bylaw.

PART IV - ENFORCEMENT

9. Enforcement of Bylaws:

- a) The administration and enforcement of this Bylaw is hereby delegated to the Inspector and the Town Administrator.

10. Inspections:

- a) The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized.

- b) Inspections under this Bylaw shall be carried out in accordance with Section 362 of The Municipalities Act.
No person shall obstruct the Inspector or a municipal inspector who is authorized to conduct an inspection under this section, or a person who is assisting a municipal inspector
- c) Upon completion of an inspection, if the Inspector is of the reasonable opinion that the condition of the Building is hazardous to the health of the occupants, he shall direct a report to the Medical Health Officer requesting an inspection and provide a copy of same to Town Council.

11. Order to Remedy Contraventions:

If the Inspector finds that a person is contravening this Bylaw, the Inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

- a) Orders given under this Bylaw shall comply with Section 364 of The Municipalities Act.
- b) Orders given under this Bylaw shall be served in accordance with Section 390 of The Municipalities Act.

12. Appeal of Order to Remedy:

Any persons served with an Order referred to in Section 11 hereof shall, within 15 days of receipt of an Order, be permitted the opportunity to appeal the Order to Town Council and make representations with respect to the matters contained within the Order pursuant to section 365 of the Act.

13. If representation has been made to Town Council pursuant to Section 12 hereof, Town Council may:

- a) confirm, modify or repeal the Order appealed from; or
- b) substitute its own Order or decision containing the particulars required by Section 365(3) of the Act.

Town Remediying Contraventions

14. Where an Order made pursuant to Section 364 of the Act is not complied with within the time allowed, as may be confirmed or modified, the Inspector shall direct a report to Town Council concerning placarding and any actions or measures he recommends to be undertaken with respect to the Building for purposes of Section 366 of the Act.

15. The Town may, in accordance with Section 366 of The Municipalities Act, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

16. Civil Action to Recover Costs:

The Town may, in accordance with Section 368 of The Municipalities Act, collect any unpaid expenses and costs incurred in remediying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

17. Adding Amounts to Tax Roll:

The Town may, in accordance with Section 369 of The Municipalities Act, add any unpaid expenses and costs incurred by the Town in remediying a contravention of this Bylaw to the taxes on the property on which the work was done.

PART V – OFFENCES and PENALTIES

18. Any owner of a Building that fails to maintain the Building so that it conforms to the minimum standards described in Schedule "A" to this Bylaw shall be guilty of an offence and punishable on summary conviction.

19. Where an Order has been made pursuant to Section 364 of the Act and either all appeals pertaining thereto are completed or the time limit for appeal has expired, and the Building continues to not conform with the minimum maintenance standards, the Owner shall be guilty of an offence and punishable on summary conviction.

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20. Any person, other than an Inspector, who removes or defaces or destroys a Notice or Order posted pursuant to the authorities referred to in this Bylaw is guilty of an offence and punishable on summary conviction.

21. Any person who represents himself as a person designated pursuant to Section 9 of this Bylaw when not so authorized is guilty of an offence punishable on summary conviction.

22. Any person in violation of a provision of this Bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine of not less than \$500.00 but not exceeding:

- a) \$10,000.00 in the case of an individual; or
- b) \$25,000.00 in the case of a corporation.
- c) in the case of a continuing offence, to a maximum daily fine not exceeding \$2,500 per day.

PART VI – SEVERABILITY

23. If a Court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

24. Repeal of Bylaws:
Bylaw No. 6002 is hereby repealed.

25. Coming into Force:
This bylaw shall come into force and take effect on, from and after the final passing thereof.

Read a first time this 11th day of march, 2020

Read a second time this 11th day of march, 2020

Read a third time and finally passed this 11th day of march, 2020.



Donna Pihl

Mayor

[Signature]

Administrator

CERTIFIED TRUE AND CORRECT COPY OF BYLAW
No. 2020-03
of the Town of Duck Lake on the
11th day of March, 2020.
[Signature]
Administrator

All references made are from the *National Building Code of Canada* unless otherwise indicated to reference another code or Act.

PART 1 – ACCESSORY BUILDINGS

ACCESSORY BUILDINGS

1. All accessory buildings shall be maintained to the following standards:
 - (a) To prevent deterioration due to weather;
 - (b) To be free from health, fire and accident hazards;
 - (c) To be free from insects, rodents and vermin.

PART 2 – BUILDING EXTERIORS OF ALL BUILDINGS

A. EXTERIOR SURFACES

1. All exterior equipment on a building including fans, vents, and air conditioners shall be maintained:
 - (a) In good repair and free of accident and fire hazards;
 - (b) In a rust-free condition.
2. Signs, billboards, posters and address signs attached to a building shall be maintained:
 - (a) So as not to cause any unsafe conditions;
 - (b) Without any visible deterioration of the sign and its supporting structure when viewed from any property including the property on which the sign is situated.
3. Sign-supporting structures and cables that are unused or not properly secured on any building shall be removed.

B. DOORS, WINDOWS, SHUTTERS AND HATCHWAYS

1. All doors, windows, storm or screen windows, shutters and hatchways in the exterior walls of a building shall be maintained in a weather tight condition so as to perform their intended function; including:
 - (a) Repairing, refitting or replacing of defective doors, storm doors, windows and storm windows, frames, sashes, casings, shutters, hatchways or screens;
 - (b) Repairing or replacing defective or missing hardware so as to be capable of being locked;
 - (c) Rescreening or weather stripping;
 - (d) Painting or application of a similarly effective preservative.
2. Except where a bedroom door provides access directly to the exteriors, each bedroom shall have not less than one outside window capable of being opened from the inside without the use of tools or special knowledge. The window shall provide an unobstructed opening of not less than 280 mm (15 1/4") in height or width and must have a minimum total area of .35m². Where a window opens into a window-well, a clearance of not less than 550 mm (22") shall be provided in front of the window.
3. In buildings intended for use on a continuing basis during the winter months, windows which separate heated space from unheated space or from the exterior shall be provided with storm sash or double glazing.
4. When an opening to the exterior of a building is used or required for ventilation or illumination and is not required to be protected by a door window or similar closure, it shall be protected with a wire mesh screen, metal grill or other equivalent durable material suitable to prevent the intrusion of rodents and other vermin.
5. In the case of an unoccupied or vacant building, only exterior doors, windows (including storm or screen windows), shutters and hatchways shall be required to comply with Sections B1 and

B4 excepting, in the case where the building has been damaged by fire, such openings may be boarded securely until the building is repaired or demolished.

C. EXTERIOR WALLS

1. Every exterior wall of a building shall be protected with siding, including flashing, trim and other special-purpose accessory pieces required for the siding system being used, sufficient to restrict the entry of rain and snow into the wall assembly.
2. Every exterior wall of a building shall:
 - (a) Be free of holes, breaks, loose or rotting boards or timbers, and any other conditions capable of admitting rain or dampness to the interior portions of the walls or the interior spaces of the building; and
 - (b) Be maintained so as to prevent deterioration due to weather and shall be maintained by restoring or repairing of the walls by:
 - (i) Coping or flashing
 - (ii) Waterproofing of joints and of the walls themselves; or
 - (iii) Covering the walls with a protective surface sufficient to resist deterioration of the structural surface.
3. Without limiting the generality of the above, a protective surface of the exterior of a building shall be deemed to require repair if:
 - (a) The protective surface paint is extensively blistered, cracked, flaked, scaled or chalked away; or
 - (b) The pointing of any brick or stone wall is loose or has fallen out.
4. All architectural features of the exterior of a building shall be maintained in good repair with proper anchorage and in a safe condition.

D. ROOFS AND EAVESTROUGHS

1. Every roof of a building including related roof structures, guards and lightning arrestors shall be maintained and repaired so as to properly perform the intended function, and be capable of supporting the loads to which it may be subjected.
2. Chimneys, smoke or vent stacks and other roof structures of a building shall be maintained plumb and in good repair so as to be free from:
 - (a) Loose bricks, mortar, and loose or broken capping; and
 - (b) Loose or rusted stanchions, guy wires, braces and attachments; and
 - (c) Any fire or accident hazard.
3. Downspouts shall be provided, and where they are not connected to a sewer, extensions shall be provided to carry rainwater away from the building in a manner which will prevent soil erosion and be maintained:
 - (a) In good repair;
 - (b) Free from leaks; and
 - (c) Free from hazards which are capable of jeopardizing health.
4. No roof drainage from a building shall be directly discharged on public walkways or conveyed so as to cause dampness in the walls, ceilings or floors of any portion of any building.
5. Fascia boards, soffits, cornices and flashings of a building shall be maintained in a watertight condition.

E. ROOF-MOUNTED STRUCTURES

1. Antennas and structures of similar character attached to a building shall be maintained:
 - (a) Plumb, unless specifically designed to be other than vertical;
 - (b) In good repair and free of fire and accident hazards; and
 - (c) In a rust-free condition.

F. PROJECTIONS AND ATTACHMENTS

1. On a building, every floor, stairway, verandah, porch, deck, loading dock, balcony, fire escape, exhaust duct, marquee sign, awning, stand pipe, and every appurtenance attached thereto shall be maintained so as not to constitute an accident hazard and to be capable of supporting the loads to which it may be subjected, including:
 - (a) Repairing or replacing floors, treads or risers that show excessive wear or are broken, warped, loose or otherwise defective;
 - (b) Repairing, renewing or supporting structural members that are rotted, deteriorated or loose;
 - (c) Providing, repairing or renewing balustrades, guardrails and railings;
 - (d) Painting or applying other equivalent preservative; and
 - (e) Repairing or reconstructing the floor, stair, verandah, porch, deck, loading dock, balcony or other appurtenances out-of-plumb, off-level or out of the alignment to which it was designed, or constructed.

2. (a) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof of a building to which access is provided for other than maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 600 mm (24”).

(b) Every exterior stair of a building which has more than 6 risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 600 mm (24”).

G. VERMIN AND RODENTS

1. All buildings shall be maintained so as to prevent the entry of vermin, rodents and insects and shall be kept rodent- and vermin-free so as not to constitute a health hazard.
2. Any condition liable to cause the presence of vermin, insects or rodents shall be removed from a building. The owner shall ensure that the building does not remain infested with vermin. The owner shall take such preventative measures as are necessary to prevent the reappearance of such vermin, insects and rodents.

PART 3 – BUILDING INTERIORS FOR RESIDENTIAL OCCUPANCIES

A. ACCESS

1. Access openings to crawl spaces, attics and similar spaces in a building must be provided and shall be:
 - (a) Of adequate size – minimum of 500 mm (20”) x 700 mm (28”);
 - (b) Accessible; and
 - (c) Maintained in good repair and fitted with a door or cover.

B. CLEANLINESS

1. (a) To the extent of the conditions capable of constituting a health, fire or accident hazard, a building shall be maintained so that every floor, wall, ceiling, furnishing and fixture therein is in a clean and sanitary condition, free from rubbish and other debris or conditions which constitute a fire, accident or health hazard as is appropriate to the use which is being made of the building.
(b) A building shall be maintained free of manure, excrement, refuse, liquid and solid wastes which are capable of constituting a health, fire or accident hazard.

C. MOISTURE AND DAMPNESS

1. A basement, unheated crawl space and other like space in a building shall be adequately drained. A crawl space in a building shall be vented by natural or mechanical means. Vents for a crawl space in a building shall be designed to prevent the entry of snow, rain and insects, and shall be provided with tight-fitting covers to prevent air leakage in winter if the crawl space is heated.
2. Every floor, every ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be maintained free from dampness.
3. Subsection 2 does not apply to:
 - (a) Any non-habitable basement or cellar; and
 - (b) A garage

D. EGRESS

1. Every building shall provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade levels. They shall be protected by fire separations as required by the NBC.
2. All dwelling units shall have access to egress as required by NBC.
3. Every means of egress from a building which is occupied shall be:
 - (a) Maintained in good repair; and
 - (b) Free of objects or conditions which are capable of constituting a health, accident or fire hazard.

E. TOILET AND BATHROOM

1. Every dwelling used as a dwelling unit shall contain plumbing fixtures in good working order, consisting of at least:
 - (a) A water closet;
 - (b) A wash basin; and
 - (c) A bathtub or shower.
2. All bathrooms and toilet rooms in a building used as a dwelling unit shall be:
 - (a) Located in and accessible from within the building;
 - (b) Fully enclosed with a door so as to provide privacy for the occupancy;
 - (c) Where one bathroom or toilet room is used by more than one dwelling unit, fully enclosed with a door capable of being locked from the inside so as to provide privacy for the occupant; and
 - (d) Appointed with a wash basin located within or conveniently adjacent thereto.
3. Every sink, wash basin, bathtub and shower in a building which is required by *The Public Health Act*, and this bylaw shall be capable of supplying sufficient water within the building so as not to jeopardize the health of the occupants.
4. All toilet facilities and toilet rooms in a building used as a dwelling unit shall be maintained free from conditions capable of constituting a health hazard. The toilet room walls and ceilings shall be maintained in a smooth condition which does not absorb moisture to an extent capable of constituting a health, fire or accident hazard.)
5. Waterproof finish shall be provided to a height of not less than 1.8 m (72") above the floor in shower stalls, 1.2 m (48") above the rims of bathtubs equipped with showers and 400 mm (16") above the rims of bathtubs not equipped with showers in a building used as a dwelling unit. Waterproof finish shall consist of ceramic, plastic or metal tile, sheet vinyl, tempered hardboard or linoleum.

6. Every toilet room in a building used as a dwelling unit 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 be a minimum aggregate unobstructed free-flow area of 100 mm² except where an approved system of mechanical exhaust ventilation has been provided.
7. In a building used as a dwelling unit including a rooming house, convenient access shall be provided from a common hallway or passageway, without exiting from the building, or passage through another occupant's dwelling unit to a water closet, wash basin, and bathtub or shower.
8. Where a water closet is used by the occupants of more than one dwelling unit in a building, the room in which it is located shall be accessible only from the common hall of the building, and it shall not be located in any room that is used for the preparation, cooking, storing or consumption of food, or for sleeping purposes.
9. Seats shall be provided for all water closets in a building used as a dwelling unit, and such seats shall be kept in good repair.

F. FOUNDATIONS, FOUNDATION WALLS AND SUPPORTS

1. Every foundation wall or foundation support forming part of a building shall be maintained in good repair so as to prevent settlement of the building or the entrance of moisture, including:
 - (a) Jacking up, underpinning, replacing or shoring the walls or supports where necessary;
 - (b) Replacing subsoil drains at the footing;
 - (c) Grouting cracks; and
 - (d) Waterproofing the wall and joints.
2. All foundation supports forming part of a building shall be maintained in good repair so as to provide adequate support of the building, including:
 - (a) Repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
 - (b) Making sills, piers, posts or other supports waterproof, weatherproof and rodent-, vermin-, or insect-proof by the application of paint or other suitable materials;
 - (c) Using suitable means to jack up or support the building where necessary; and
 - (d) The application of approved materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear.

G. FLOORS

1. Every floor in a building shall:
 - (a) Be free of all loose, warped, protruding, broken or rotted materials;
 - (b) Be free of defective floors boards; and
 - (c) Be reasonably level and smooth and maintained in good condition.

H. BASEMENT FLOORS

1. Only basements or crawl spaces which are not served by a stairway leading from inside or outside of the building may have an earth floor.
2. A basement of a building which is served by a stairway leading from inside the building or from outside the building shall have a floor of concrete or other structurally sound material which is impervious to water, moisture and rodents.
3. The floor in a basement of a building shall be free from major cracks or breaks which are capable of constituting a health, fire or accident hazard.

I. KITCHENS AND ROOMS WHERE FOOD IS PREPARED

1. A room in a building used as a dwelling unit in which meals are prepared shall have a sink that is maintained in a condition sufficient to be free from conditions capable of constituting a health hazard.
2. Every kitchen in a building used as a dwelling unit shall be provided with approved gas or electrical supply for cooking purposes. There shall be clearances as follows:
 - (a) Horizontal clearances to combustible wall framing members or cabinetry within 450 mm (18") of the area where the range is to be located shall be protected above the level of the heating elements by materials by providing fire resistance not less than that of a 9.5 mm thickness of gypsum board, except that countertop splash boards or back plates which extend above the level of the heating elements need not be protected;
 - (b) A vertical clearance to cabinets of not less than 600 mm (24") shall be provided above the level of elements or burners of electric and gas-fired domestic ranges within 450 mm (18") from the edge of the appliance opening. This vertical clearance may be reduced to 450 mm (18"), provided the cabinets are noncombustible or are protected by asbestos millboard not less than 6 mm thick, covered with sheet metal not less than 0.33 mm thick, or there is a metal hood with a 125 mm (5") projection beyond the cabinets;
 - (c) A vertical clearance to cabinets of not less than 750 mm (30") shall be provided above the elements or burners of electric and gas-fired domestic ranges. This clearance can be reduced to 600 mm (24"), provided the cabinets are protected as in (b) above.

3. In a building used as a dwelling unit where a kitchen exhaust system has been installed, it shall be maintained in a condition sufficient to be free from conditions capable of constituting a health, fire or accident hazard.

J. LIGHTING AND ELECTRICAL

1. Fixtures for the provision of artificial light shall be maintained in good working order in every room, stairway, hall, elevator and basement in a building which is occupied.
2. All storage rooms, locker rooms, corridors, hallways and stairways in multiple dwellings and rooming houses shall be illuminated at a minimum 50 lux at all times so as to provide safe passage and to facilitate the maintenance or cleaning.
3. A building which is used as a dwelling unit(s) shall:
 - (a) Be wired for electricity
 - (b) Have lighting equipment installed and maintained throughout to provide adequate illumination; and
 - (c) Have sufficient electrical outlets so as to be free from conditions capable of constituting a health, fire or accident hazard.
4. An electrical light fixture shall be permanently installed and maintained in good working order in every water closet compartment, bathroom, shower room, kitchen, laundry room, furnace room, hall and stairway in a building used as a dwelling unit. All other rooms in a dwelling unit shall be provided with electrical outlets sufficient to be free from conditions capable of constituting a health, fire or accident hazard.
5. A building used as a multiple dwelling unit shall be maintained with an emergency lighting system located in all exits and accesses to exits which automatically comes on in a power failure and shall provide a minimum of 10 lux for a minimum of 30 minutes.

K. WATER SUPPLY AND SEWAGE DISPOSAL

1. Every building shall be provided with a supply of potable running water from a connection with the Towns water services system or other approved water system conforming with the requirements of Town bylaws and *The Public Health Act* shall be provided to a building when required by *The Public Health Act*.

2. Every building shall be provided with the Town's sanitary sewer system or other approved sewage disposal system conforming with the requirements of Town bylaws and *The Public Health Act*.

L. PLUMBING FACILITIES

1. All plumbing in a building, including plumbing fixtures, drains, water pipes and connecting lines to the water and sewer systems, shall be:
 - (a) Protected from freezing;
 - (b) Maintained in good working order;
 - (c) Repaired and free from leaks or other defects; and
 - (d) Maintained in compliance with plumbing and drainage regulations.

M. STAIRS, LANDINGS, GUARDRAILS, HANDRAILS AND BALUSTRADES

1. Every stair or landing and every appurtenance attached thereto in a building shall be maintained and repaired so as to be safe to use and capable of supporting the loads to which it may be subjected, including:
 - (a) Repairing or replacing treads or risers that show excessive wear or are broken, warped, loose or otherwise defective;
 - (b) Repairing, renewing or supporting structural members that are rotten, deteriorated or loose;
 - (c) Painting or the application of other equivalent preservative; and
 - (d) Ensuring treads and risers are of uniform dimension.
2. Every open side of a stairway, landing or stairwell in a building which is occupied shall have a rigid guardrail installed which meets the following specifications:
 - (a) Handrails shall be provided on all stairs and located 800 mm (32") to 920 mm (36.8") (measured vertically from the edge to the tread nosing);
 - (b) Guards around exterior balconies, decks or landings shall be designed so that no member, attachment or opening within 100 mm (4") to 900 mm (36") will facilitate climbing, and all openings through the guard shall not exceed 100 mm (4") in width; and
 - (c) Guards around exterior balconies, decks or landings serving more than one dwelling unit or greater than 1.8 m (72") above finished ground level must be a minimum of 1070 mm (42") high.
3.
 - (a) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than maintenance purposes in a building shall be protected by guards on all open sides where the difference in elevation between floor levels or between floor and ground levels is greater than 600 mm (24").
 - (b) Every window and glass panel in an exit stairway, public hallway, corridor or other area accessible to the public in a building which extends to less than 1 m (39") above the stairs, landing or floor shall have a rigid guardrail installed in accordance with the requirements of *The National Building Code*.

N. STRUCTURAL ADEQUACY

1. Every part of a building shall be maintained in a structurally-sound condition, capable of sustaining safely its own weight and any design load to which it may be subjected. Any materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced to eliminate the possibility of hazard or accident.

O. VENTILATION

1. Every insulated enclosed attic or roof space in a building shall be vented in accordance with the requirements of the *National Building Code*.
2. Where mechanical ventilation is used in a building, the ventilating duct which is on the exterior wall shall be located not less than 1.8 m (72") from a window located in an adjoining building.

3. A building shall be maintained so as to prevent the passage of noxious gases from a part of the building that is not used, designed or intended to be used for human habitation into other parts of the building which are intended, used or designed for human habitation.

P. VERMIN AND RODENTS

1. A building shall be maintained so as to eliminate any condition liable to bring about the existence or presence of vermin, insects or rodents, to permit the entry of vermin, insects or rodents into any building, or to eliminate existing vermin or rodents except those harbored as pets within the building.

Q. WALLS AND CEILINGS

1. Interior surfaces of walls and ceilings in a building which is used as a dwelling unit shall be repaired and maintained:
 - (a) In a condition free from conditions capable of constituting a health, fire or accident hazard;
 - (b) Free from holes and broken, torn, damaged, decayed and stained material which is capable of constituting a health, fire or accident hazard; and
 - (c) In a condition to maintain the fire-resistive properties sufficient to be free from constituting a fire hazard.
2. Interior finish materials for acoustical corrections, surface insulation, decorative treatment on the surface of walls and ceilings, in a building which is used as a dwelling unit, shall be of a material that has a flame spread rating of 150 or less.

R. DOORS

1. Existing doors and frames in a building which is used as a dwelling unit shall be maintained free of conditions capable of constituting a health, fire or accident hazard,

S. HEATING SYSTEM

1. Every building used as a dwelling unit shall be provided with a heating system capable of maintaining an indoor temperature of 22°C at the outside winter design temperature without having to use temporary portable heaters.
2. The heating system required by Section 1 shall be maintained in a sufficiently good working condition so as to be capable of heating the dwelling safely to the required standard. All other fuel-burning appliances shall be maintained in a sufficiently good working order to be free from constituting a health, fire or accident hazard.
3. Auxiliary heaters shall not be used as a primary source of heat in any building which is used as a dwelling unit.
4. A fuel-burning central heating system in a mixed-use or multi-dwelling unit building shall be located in a separate room having walls, ceiling and doors with a fire separation of 1 hour fire-resistance rating in accordance with the NBC, unless such separation is not required by the NBC.
5. The furnace in a building shall be enclosed as specified in Section 4 if conditions constituting a fire hazard exist due to storage or other use of the space adjacent to the furnace
6. All heating equipment involving combustion in a building shall be connected to a chimney or a flue in an approved manner so as not to provide a health, fire, or accident hazard.
7. In a building used as a dwelling unit, air from one suite shall not be circulated to any other suite or to a public corridor except where an existing recirculating air-handling system serving more

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than one suite is of sufficient design and operating capabilities to render the air free from conditions capable of constituting a health hazard, and which shall shut down automatically on detection of smoke.

8. A space in a building that contains a heating unit shall have a natural or mechanical means of supplying air by a duct from out-of-doors in such quantities as to provide adequate combustion.
9. Where a heating system, or part of it, or any auxiliary heating system, burns solid or liquid fuel in a building, 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.
10. Fire dampers shall be maintained in a building when so installed.

T. CHIMNEYS AND FIREPLACES

1. Chimneys in a building shall be maintained in a sufficient condition to be free from conditions capable of constituting a health, fire or accident hazard.
2. Every chimney, fireplace, smoke pipe, flue and gas vent in a building actually in use or available for use shall be kept clear of obstruction and cleaned so as to prevent the heating of adjacent combustible material and structural members to unsafe temperatures and shall be effectively vented to the outside air in accordance with the following specifications:
 - (a) Fire-resistant material shall be used for lining, repairing and relining;
 - (b) The hearth of the fireplace shall be in good and sufficient repair to avoid fire, accident and health hazards;
 - (c) The chimney, flue, smoke pipe and other ducts shall be maintained clear of obstructions;
 - (d) Joints and masonry shall be sealed and kept in good repair; and
 - (e) Piping and ducts shall be of a size sufficient to keep the building free from conditions capable of constituting a health, fire or accident hazard.
3. Fireplaces and similar installations used or intended to be used in a building for burning fuels in open fires, shall be connected to approved chimneys, smoke pipes, flues and gas vents, and be installed so that nearby adjacent combustible material and structural members shall not be heated so as to exceed a safe temperature.

U. SMOKE ALARMS AND FIRE EXTINGUISHERS

1. Smoke alarms conforming to CAN/ULC-S531, "Standard for Smoke Alarms" shall be installed within dwelling units and shall be installed so that:
 - (a) There is a least one smoke alarm on each floor level, including basements, that is 900 mm (36") or more above or below an adjacent floor level;
 - (b) Each bedroom is protected by a smoke alarm either inside the bedroom or, if outside within 5 m, measured following corridors and doorways, of the bedroom door; and
 - (c) The distance, measured following corridors and doorways, from any point on a floor level to a smoke alarm on the same level, does not exceed 15 m.
2. Where the installation of smoke alarms is required, smoke alarms shall be installed on or near the ceiling.
3. Smoke alarms may be battery-operated.
4. Portable extinguishers shall be selected and installed in conformance with NFPA 10, and with the *National Fire Code of Canada* (NFC).
5. Portable fire extinguishers required by this bylaw shall be securely installed. The extinguisher shall be installed so that the top is not more than 1.53 m (5') above the floor and in no case shall the clearance between the bottom of the fire extinguisher and the floor be less than 10.2 cm (4") as defined in the NFC.

V. SEPARATIONS (FIRE)

1. Except as provided in Sections 2 and 3 below, dwelling units situated in a building shall be separated from adjacent rooms and suites by a fire separation having a fire-resistance rating of not less than 45 minutes.
2. Provided that dwelling units do not contain cooking facilities, sleeping rooms in a building used as a boarding or lodging house where sleeping accommodation is provided for not more than 8 boarders or lodgers need not be separated from the remainder of the floor area as required in Section 1.
3. A building used as a dwelling unit which contains 2 or more storeys, including the basement, shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 45 minutes.
4. In residential occupancies, public corridors shall be separated from the remainder of the building by a fire separation having not less than a 45-minute fire-resistance rating.
5. A building having multi-dwelling units shall have the service room separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 hour when the floor area containing the service room is not sprinklered.
6. Where it is not practical, or would be cost-prohibitive to install the required fire separations, the installation of a fire sprinkler system in accordance with National Fire Protection Association Standards 13, 13D or 13R as required may be accepted if so approved by the inspector.