

Vision: *The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.*

Vision: *La Ville du Grand Sudbury est une communauté croissante de calibre international qui rassemble les talents, les technologies et le style de vie exceptionnel du Nord.*



Agenda

Policy Committee

meeting to be held

Wednesday, November 16th, 2011

at 6:00 pm

Council Chamber, Tom Davies Square

Ordre du jour

réunion du

Comité des politiques

qui aura lieu

mercredi 16^e novembre 2011

à 18h 00

dans la Salle du Conseil, Place Tom Davies

POLICY COMMITTEE AGENDA

For the 10th Policy Committee Meeting
to be held on **Wednesday, November 16, 2011**
Council Chamber, Tom Davies Square at 6:00 pm

COUNCILLOR CLAUDE BERTHIAUME, CHAIR

Jacques Barbeau, Vice-Chair

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

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DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

COMMUNITY DELEGATIONS

PRESENTATIONS

1. Report dated October 28, 2011 from the General Manager of Growth and Development regarding Update and Recommendations from the Solid Waste Advisory Panel. **9 - 24**
(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)
 - Chantal Mathieu, Manager of Environmental Services

(This matter was deferred at the Policy Committee meeting of October 19, 2011. The presentation outlines the various issues or reviews undertaken by the Solid Waste Advisory Panel in the five meetings held between May 25, 2011 to September 23, 2011.)
2. Report dated November 8, 2011 from the General Manager of Growth and Development regarding Property Standards By-law Amendments. **25 - 74**
(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)
 - Darlene Barker, Manager of Compliance and Enforcement Services

(This report provides options for amendments to the Property Standards by-law to include regulations for commercial and industrial property and abandoned buildings.)

CORRESPONDENCE FOR INFORMATION

3. Report dated November 1, 2011 from the General Manager of Infrastructure Services regarding Non-Revenue Water. **75 - 79**
(FOR INFORMATION ONLY)

(This report identifies the volume and costs of non-revenue water in City of Greater Sudbury systems.)

REFERRED & DEFERRED MATTERS

MANAGERS' REPORTS

4. Report dated November 9, 2011 from the Chief Financial Officer/Treasurer regarding Elderly Water and Wastewater Rebate Program. **80 - 82**
(RECOMMENDATION PREPARED)

(This report provides Council with options regarding an Elderly Water Rebate.)

5. Report dated November 8, 2011 from the General Manager of Infrastructure Services regarding Hydrant Water Use. **83 - 85**
(RECOMMENDATION PREPARED)
(This report is regarding the private use of fire hydrants.)
6. Report dated November 1, 2011 from the General Manager of Growth and Development regarding Abandoned Shopping Carts. **86 - 90**
(RECOMMENDATION PREPARED)
(This report is in response to Councillor Cimino's motion for staff to prepare options for the handling of abandoned shopping carts.)

MOTIONS

ADDENDUM

CITIZEN PETITIONS

ANNOUNCEMENTS

NOTICES OF MOTION

9:00 P.M. ADJOURNMENT (RECOMMENDATION PREPARED)

(Two-thirds majority required to proceed past 9:00 pm)

Caroline Hallsworth
Executive Director, Administrative Services/City Clerk

Franca Bortolussi
Council Secretary

COMITÉ DES POLITIQUES ORDRE DU JOUR

Pour la 10^e réunion du Comité des politiques
qui aura lieu le **16 novembre 2011**
dans la **Salle du Conseil, Place Tom Davies**, à 18h 00

CONSEILLER CLAUDE BERTHIAUME, PRÉSIDENT(E)

Jacques Barbeau, Vice-président(e)

VEUILLEZ ÉTEINDRE LES TÉLÉPHONES CELLULAIRES ET LES TÉLÉAVERTISSEURS)

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DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

DÉLÉGATIONS DE LA COMMUNAUTÉ

PRÉSENTATIONS ET EXPOSÉS

1. Rapport du directeur général de la croissance et du développement, daté du 28 octobre 2011 portant sur Compte rendu et recommandations du Comité consultatif sur les déchets solides. **9 - 24**
(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)
 - Chantal Mathieu, gestionnaire des Services environnementaux

(Cette question a été reportée lors de la réunion du 19 octobre 2011 du Comité des politiques. Cette présentation passe brièvement en revue les divers questions ou examens entrepris par le Comité consultatif sur les déchets solides pendant les cinq réunions qu'il a tenues du 25 mai 2011 au 23 septembre 2011.)
2. Rapport du directeur général de la croissance et du développement, daté du 08 novembre 2011 portant sur Modifications du règlement sur les normes des biens-fonds. **25 - 74**
(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)
 - Darlene Barker, gestionnaire de conformité et exécution

(Ce rapport donne les options de modification du règlement sur les normes des biens-fonds pour inclure des règles pour les biens-fonds à usage commercial et industriel, et les bâtiments abandonnés.)

CORRESPONDANCE À TITRE DE RENSEIGNEMENTS SEULEMENT

3. Rapport du directeur général des Services d'infrastructure, daté du 01 novembre 2011 portant sur Eau non génératrice de recettes. **75 - 79**
(À TITRE D'INFORMATION)

(Ce rapport indique le volume et les coûts de l'eau non génératrice de recettes dans les systèmes de la Ville du Grand Sudbury.)

QUESTION RENVOYÉES ET REPORTÉES

RAPPORTS DES GESTIONNAIRES

4. Rapport de la chef des services financiers / trésorière municipale, daté du 09 novembre 2011 portant sur Programme de remise pour l'eau et les eaux usées aux personnes âgées. **80 - 82**
(RECOMMANDATION PRÉPARÉE)
(Ce rapport donne au Conseil municipal des options au sujet d'une remise aux personnes âgées pour les coûts de distribution d'eau.)
5. Rapport du directeur général des Services d'infrastructure, daté du 08 novembre 2011 portant sur Utilisation de l'eau des bornes-fontaines (poteaux d'incendie). **83 - 85**
(RECOMMANDATION PRÉPARÉE)
(Ce rapport concerne l'utilisation privée des bornes-fontaines (poteaux d'incendie).)
6. Rapport du directeur général de la croissance et du développement, daté du 01 novembre 2011 portant sur Charriots de magasin abandonnés. **86 - 90**
(RECOMMANDATION PRÉPARÉE)
(Ce rapport est en réponse à la motion du conseiller municipal Cimino voulant que le personnel rédige un rapport sur les options visant à faire face aux charriots de magasin abandonnés.)

MOTIONS

ADDENDA

PÉTITIONS DE CITOYENS

ANNONCES

AVIS DE MOTION

LEVÉE DE LA SÉANCE À 21 H (RECOMMANDATION PRÉPARÉE)

(Une majorité des deux tiers est requise pour poursuivre la réunion après 21h 00.)

Franca Bortolussi,

Caroline Hallsworth
Directrice Exécutive Des Services Administratifs / Greffière Municipale

Request for Decision

Update and Recommendations from the Solid Waste Advisory Panel

Presented To:	Policy Committee
Presented:	Wednesday, Nov 16, 2011
Report Date	Friday, Oct 28, 2011
Type:	Presentations

Recommendation

That the Waste Management By-law be updated as per the details of Item #1 (Trucks from a Rental Agency) in the General Manager of Growth & Development report dated October 11, 2011; and

That the Waste Management By-law be updated as per the details of Item #2 (Waste Storage Containers) in the General Manager of Growth & Development report dated October 11, 2011; and

That the Waste Management By-law be updated as per the details of Item #3 (Review of Various Containers) in the General Manager of Growth & Development report dated October 11, 2011; and

That waste diversion and recycling be made mandatory at City Facilities and that the Environmental Services Division take a more active role in facilitating this requirement in an effort to set a standard within the community as per the details of Item #4 in the General Manager of Growth & Development report dated October 11, 2011; and

That blue box recyclables be kept out of the Industrial, Commercial & Institutional Stream as per the details of Item #5 in the General Manager of Growth & Development report dated October 11, 2011;

That a commercial user pay program for garbage be established as per the details of Item #6 in the General Manager of Growth & Development report dated October 11, 2011; and

That a truckload sale of Big Blues be approved for 2012 and 2013 as per the details of Item #8 in the General Manager of Growth & Development report dated October 11, 2011; and

That additional collection recycling services be approved as per the details of Item #9 in the General Manager of Growth & Development report dated October 11, 2011; and

Signed By

Report Prepared By

Chantal Mathieu
Manager of Environmental Services
Digitally Signed Oct 28, 11

Division Review

Chantal Mathieu
Manager of Environmental Services
Digitally Signed Oct 28, 11

Reviewed By

Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Nov 8, 11

Recommended by the Department

Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Nov 8, 11

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Nov 9, 11

That reducing the garbage bag limit from three to two units be approved effective February 2013, as per the details of Item #10 in the General Manager of Growth & Development report dated October 11, 2011; and

That leaf & yard trimmings be kept out of the residential garbage collection stream as per the details of Item #11 in the General Manager of Growth & Development report dated October 11, 2011; and

That the related financial impact for any item recommended by the Policy Committee be referred to the Finance Committee for the 2012 budget process.

Finance Implications

Depending on the items approved by Policy Committee, options totalling between \$26,250 and \$96,500 for the 2012 budget will be forwarded to Finance Committee for consideration during the 2012 budget process.

Background

The attached report and presentation outlines the various issues or reviews undertaken by Council's Solid Waste Advisory Panel in the five meetings held between May 25, 2011 to September 23, 2011.

Update and Recommendations from the Solid Waste Advisory Panel

Council's Solid Waste Advisory Panel has met five times since May 2011. The current Panel comprises of a Chair (Councillor Barbeau), a Vice-Chair (Councillor Berthiaume), Councillor Kett, and five public members (Ian Coppo, Skye Little, Mark Rene Peplinskie, Arthur Gordon Slade, and Lloyd R. Stinson).

Various solid waste issues have been reviewed by the Panel and the following recommendations are for Council's information or approval:

Item #1 - Trucks from a Rental Agency - Council Approval Required:

The Panel recommends that residents interested in renting a truck from a rental agency to deliver their residential waste during the Residential Tipping Fee Holiday can do so by completing and submitting an application. In order to make these changes, Council must approve the following highlighted change in the Waste Management By-law:

- 7-(1) Notwithstanding anything to the contrary in the Waste Management By-law, including the Schedules, during Clean-Up Week, fees otherwise payable shall be waived for garbage which is:
- (i) generated in a residential dwelling in a low density residential building;
 - (ii) delivered to the Waste Disposal Site in a:
 - private motor vehicle;
 - **truck from a rental agency that has been pre-approved one week prior to the Clean-up Week. The approved original form must be submitted to the Scalehouse Attendant;**
 - (iii) delivered by a person who is an owner who resides in the dwelling in the low density residential building in which the garbage was generated; and
 - (iv) otherwise compliant with this Waste Management By-law.

Budget Impact – None expected at this time.

Item #2 - Waste Storage Containers - Council Approval Required:



The use of waste container storage under the Waste Management Bylaw is currently not permitted. Staff was requested to review this matter in the hopes of solving periodic bear/garbage issues in rural areas. A one year pilot was conducted using the TyeDee Bin. The pilot was deemed successful by waste collection crews, the resident and staff.

The Panel recommends that interested residents can make application for use of this waste container storage, provided that certain requirements are met.

In order to make these changes, the Panel recommends that the following language be adopted in the Waste Management By-law:

12.(1) A registered owner of a property to which waste collection services are provided by the City may provide a waste container storage centre on that property:

- (a) but no waste collection services shall be provided to that property unless the approved container or bulky item is moved from the waste storage centre to the collection location.
- (b) **Waste collection services shall be provided from the approved Waste Storage Container (TyeDee Bin or Approved Equal) provided that the container is:**
 - (i) **placed on the resident's own property no further than six feet from the edge of the road;**
 - (ii) **the resident's/property owner's address is clearly marked on the container;**
 - (iii) **completely accessible to collection crews;**
 - (iv) **never placed in a location to impede road maintenance work.**

12.(2) Every registered owner of a property who has established a waste container storage centre on that property, shall keep the waste container storage centre and its immediate vicinity in a clean and sanitary condition and in a good state of repair.

Budget Impact – None expected at this time.

Item #3 - Review of Various Waste Containers – Council Approval Required:

Rigid Garbage Containers - The issue that has developed over time is related to the 85 litre capacity container. Most rigid garbage containers, especially the garbage containers with wheels being sold today by retailers have a greater capacity. The majority of the containers being used by residents fall in the 121 litre capacity with a smaller portion in the 133 litre capacity.

A review of standards with other municipalities indicates a range of choices for capacity, but has Greater Sudbury with the highest weight allowance (25 kilograms/55 pounds). In order to find a balance between residential options and safety measures for collectors, the Panel recommends that the **capacity of the container be increased with a decrease in the weight allowance**. In order to make these changes, the Panel recommends that the following language be adopted in the Waste Management By-law:

- a) A rigid container:
- (i) in good working order;
 - (ii) with a maximum capacity of 133 litres (35 gallons). Any container over 133 litres will be considered a storage unit and every bag of garbage will be considered an approved unit;
 - (iii) which weighs no more than 18 kilograms (40 pounds) when filled;
 - (iv) with an external height no greater than 95 centimetres (3.1 feet);
 - (v) with an internal width or diameter no greater than 60 centimetres (2 feet);
 - (vi) with a lid which may be easily and completely removed to facilitate collection and has any device used to tie down the lid completely removed prior to collection; and
 - (vii) with handles which are set above the midpoint on both sides of the garbage container.



Garbage Bags and Garbage Bundles – A review of standards with other municipalities indicates most do not refer to a capacity for garbage bags. Greater Sudbury maximum height is one of the highest, along with having the highest weight allowance (25 kilograms/55 pounds). In order to be consistent, the Panel recommends that the **reference to capacity of the bag be removed with a decrease in the weight allowance**. In order to make these changes, the Panel recommends that the following language be adopted in the Waste Management By-law:

- a) A plastic garbage bag which
- (i) is not torn, punctured, ripped and in good working order;
 - (ii) is no more than 125 centimetres and no less than 80 centimetres in height;
 - (iii) is no more than 90 centimetres and no less than 65 centimetres in width;
 - (iv) weighs no more than 18 kilograms (40 pounds) when filled; and
 - (v) is closed and securely tied.
- b) A bundle of garbage, measuring no more than 1.2 metres in length, no more than 60 cm in width and weighing not more than 18 kilograms (40 pounds), such as scrap wood (with nails removed), carpeting which has been rolled and cut, but not including

branches which have been cut and tied or a bundle of recyclable materials such as cardboard.

Recycling Containers - There were various issues regarding recycling containers late last year, and in order to meet residential and commercial requirements, consistency and safety concerns, the Panel recommends that the following language be adopted in the Waste Management By-law:



a) A residential outdoor curbside recycling container is defined as:

- (i) a curbside blue box provided by the City for use as a recycling container or an exact version sold in retail stores that is in good working order, which weighs no more than 18 kilograms (40 pounds) when filled;
- (ii) a curbside 'Big Blue' sold by the City for use as a recycling container that is in good working order, which weighs no more than 18 kilograms (40 pounds) when filled;
- (iii) a rigid blue box blue container with the recycling mobius loop:
 - that is in good working order;
 - with a maximum capacity of 133 litres (35 gallons);
 - which weighs no more than 18 kilograms (40 pounds) when filled;
 - with an external height no greater than 95 centimetres (3.1 feet);
 - with an internal width or diameter no greater than 60 centimetres (2 feet);
 - with a lid which may be easily and completely removed to facilitate collection and has any device used to tie down the lid completely removed prior to collection; and
 - with handles which are set above the midpoint on both sides of the recycling container;
- (iv) open corrugated boxes or boxes similar in size to a City blue box will be an approved recycling container during periodic overflow. These boxes must be placed out beside an approved blue recycling container.
- (v) a clear plastic bag for shredded recyclable paper which is:
 - not torn, punctured, or ripped and in good working order;
 - is no more than 125 centimetres and no less than 80 centimetres in height;
 - is no more than 90 centimetres and no less than 65 centimetres in width;
 - weighs no more than 18 kilograms (40 pounds) when filled;
 - is closed and securely tied; and
 - is placed out beside an approved blue recycling container;
- (vi) a clear plastic bag for recyclable rigid polystyrene foam which is:
 - not torn, punctured, or ripped and in good working order;

- is no more than 125 centimetres and no less than 80 centimetres in height;
- is no more than 90 centimetres and no less than 65 centimetres in width;
- weighs no more than 18 kilograms (40 pounds) when filled;
- is closed and securely tied; and
- is placed out beside an approved blue recycling container.

b) A commercial outdoor curbside recycling container is defined as:

- (i) a curbside yellow box provided by the City for use as a recycling container under the City's Biz Box program, that is in good working order, which weighs no more than 18 kilograms (40 pounds) when filled;
- (ii) a curbside "Big Yellow" sold by the City for use as a recycling container under the City's Biz Box program, that is in good working order, which weighs no more than 18 kilograms (40 pounds) when filled;
- (iii) a curbside "Downtown Sudbury Big Yellow" sold by the City for use as a recycling container under the Downtown Sudbury recycling program, that is in good working order, which weighs no more than 18 kilograms (40 pounds) when filled.



Leaf & Yard Trimmings Container - To be consistent and for health & safety reasons, the Panel recommends that the reference to **capacity of the bag be removed with a decrease in the weight allowance**. In order to make these changes, the Panel recommends that the following language be adopted in the Waste Management By-law:

- A leaf & yard trimmings container shall take the form of:

a) a clear plastic bag which is:

- (i) not torn, punctured, or ripped and in good working order;
- (ii) is no more than 125 centimetres and no less than 80 centimetres in height;
- (iii) is no more than 90 centimetres and no less than 65 centimetres in width;
- (iv) weighs no more than 18 kilograms (40 pounds) when filled; and
- (v) is closed and securely tied;

b) a compostable paper bag which is:

- (i) not torn, punctured or ripped, treated with wet strength and in good working order;
- (ii) manufactured for the purpose of yard trimmings collection;
- (iii) weighs no more than 18 kilograms (40 pounds) when filled;
- (iv) is closed and securely tied; and

- c) a bundle of yard trimmings:
 - (i) measuring no more than 1.2 metres in length and no more than 60 centimetres in width;
 - (ii) weighing not more than 18 kilograms (40 pounds); and
 - (iii) securely tied.

Item #4 - Enhancing Recycling & Waste Diversion at Municipal Facilities – Council Approval Required:

The Panel has recommended that the Environmental Services Division take a more active role in facilitating waste diversion and recycling efforts at City facilities. The Panel also recommends that the following items be made mandatory in an effort to set a standard within the community:

- **Recycling Blue Box Items** - The lack of recycling containers (for blue box materials) appears to be an issue at certain facilities. To rectify the issue, the Environmental Services Division will assist with a one-time provision of standard recycling equipment for City facilities. Previously used recycling equipment will be used when appropriate or new standard equipment will be provided when required. New equipment will be budgeted as part of the 2012 Capital Budget Process. Once the equipment has been delivered, the City facility will be responsible for replacement equipment and for transferring the material to a central collection location. All blue box materials will then be collected by the Environmental Services Division and taken to the City's Recycling Centre.

Budget Impact – The new equipment requirements will be presented as part of the 2012 Capital Budget Process. The cost of collecting recyclables from City facilities is currently funded from the Environmental Services' operating budget.

- **Diversion of Leaf & Yard Trimmings** - The Environmental Services Division will provide a central leaf & yard trimmings container for City staff that produce this waste and this waste will be diverted and composted at the City's various Leaf & Yard Composting Pads. This material must not be placed in garbage bags and must be segregated and placed in the central container for composting. Contractors that provide landscaping, grass cutting, tree cutting, tree trimming, etc. will also be required to segregate this waste (not in garbage bags) and this waste must be delivered to one of the City's Leaf & Yard Composting areas. The Environmental Services Division will notify City Departments of this requirement.

Budget Impact – Detailed information is not available at this time, but future collection costs would be funded from the Environmental Services' operating budget.

- **Electronic Waste** - The Environmental Services Division in conjunction with the Information Technology Section will divert electronic equipment generated at City facilities. City staff will be advised to send all their electronic equipment to the Information Technology Section. The Information Technology Section will inventory the electronic equipment. The electronic equipment will either be reused or recycled. Electronic equipment stockpiled for recycling will be collected by the Environmental Services Division.



Budget Impact – No budget impact as the program costs are covered under the Ontario Electronic Stewardship Fund.

- **Hazardous Waste Collection and Disposal** – The City's Supplies and Services Section has prepared a new consolidated contract for the collection of hazardous waste from City facilities. The tender was prepared with input from various sections, including the Health & Safety Officer and the Environmental Services Division. The successful contractor, when selected will deal directly with each City facility and provide them with the necessary regulatory paperwork and guidance.

Budget Impact – No budget impact as the cost for the proper collection and disposal of hazardous waste is funded under existing operating budgets within each City facility cost centre.

- **Other Waste Diversion Initiatives** – additional programs will be established based on various reviews. For example, if a City facility generates waste on a regular basis that can be diverted, then the Environmental Services Division will provide a segregated collection service. This can include pallets, cloth, scrap metal, etc.

Budget Impact – Detailed information is not available at this time, but future collection costs would be funded from the Environmental Services' operating budget.

- **Organic Waste** - Collection of organic waste at City facilities will be reviewed and presented at a later date.

Item #5 - Blue Box Recyclables out of the IC&I Disposal Stream - Council Approval Required:

Corrugated cardboard has been banned from disposal for many years and the Panel has recommended that the other blue box recyclables (containers, papers, etc.) should also be kept out of the City's landfills.

This ban could potentially divert 2,500 to 3,000 tonnes of recyclable materials per year with full participation. Full participation is not anticipated, but allowance at a rate of 50% would be justified in Year 1. Yearly adjustments would then be made based on actual diversion rates.

The impact to the IC&I sector is expected to be positive. Most facilities should already be diverting their corrugated cardboard and the new items can simply be placed in their existing front-end recycling container or delivered to a City Recycling Depot. By recycling this material, the IC&I sector can also reduce their disposal costs.

If approved by Council, staff would require eight (8) months to implement the new waste diversion initiative.

Budget Impact – If this item is approved by January 2012, then the financial impact in 2012 is expected to be \$26,250 to \$31,500. The annualized impact in 2013 is expected to be approximately \$78,750 to \$94,500.

Item #6 - Provision of Curbside Collection Services to the IC&I Sector - Council Approval Required:

The provision of collection services for the IC&I sector was reviewed by the Panel and the Panel recommends that a cost recovery program for small businesses be developed.

Cost recovery for the IC&I sector has been the standard for this sector. The City's Central Business District in downtown Sudbury has been receiving curbside collection for garbage on a cost recovery system for approximately ten (10) years and very recently Downtown Sudbury has agreed to cover the cost of recycling for downtown merchants.

Services for medium and large businesses would continue to be provided by private waste companies. Private waste companies are equipped with the necessary collection equipment and billing systems.

The following outlines the existing services and the proposed services for small businesses on a residential collection route:

The Biz Box Recycling Program – This recycling program has been available for many years on a cost recovery basis. Businesses apply for the service and use up to three yellow boxes for collection services. In 2011, the "Big Yellow" was introduced as an alternative container. Refer to Appendix A. The number of participants in the program is tracked and the tonnage is subtracted for the residential funding requirements with Waste Diversion Ontario.

Commercial User Pay Program for Garbage – This program has recently been developed and would be suitable for businesses that produce very little garbage (three garbage bags or less). Interested businesses would make application for the service and if eligible would be sold

yellow garbage bags in sets of ten (10). Refer to Appendix B. The cost would reflect the actual cost of bags, administration, collection services and disposal fees. At this time, the cost is anticipated to be approximately \$3 per bag. The number of participants in the program would be tracked and the tonnage subtracted for the residential funding requirements with Waste Diversion Ontario.

If approved by Council, staff would require five (5) months to implement this new program.

Budget Impact – The initial program start-up cost would be funded from the Solid Waste Capital Envelope or Reserve and future revenues would replenish the fund.

Item #7 - Video: The City's Recycling Centre - For Information Only:

A video of the City's Recycling Centre Processing System was developed in house and is posted on the City's website. The video demonstrates the collection of blue box recyclables and what happens to these recyclable items once they arrive at the City's Recycling Centre.

Direct English Link: <http://www.greatersudbury.ca/video.cfm?movie=0gp7MnKqiPo>

Direct French Link: <http://www.greatersudbury.ca/video.cfm?movie=58lp14qWAHE>

The production of videos on the City's Household Hazardous Waste & Toxic Taxi Program, the Leaf & Yard Trimmings Composting Process and the Green Cart Organic Process is currently underway.

Item #8 - Truckload Sale of Big Blues - Council Approval Required:

The Panel has recommended that staff undertake two Big Blue truckload sales. The recommendation includes selling the container at a subsidized rate of \$10 each, limiting one container per household and holding one event in 2012 and another in 2013.



Budget Impact – A budget of approximately \$65,000 would permit the set-up and distribution for one truckload sale (or approximately 2,000 Big Blues). This rate is based on current container pricing. If approved, this item would impact the 2012 and 2013 budget.

Item #9 - Additional Recycling Collection Services - Council Approval Required:

The Panel has recommended the provision of recycling services to non-profit volunteer organizations such as the Naughton Ski Trail.

Within Greater Sudbury, it is estimated that 321 volunteer organizations provide various services within the community. Of the 321 organizations, 155 organizations have a sports related theme. A large portion of the 155 organizations currently receive recycling collection services due to their location (within a municipal facility, schools, etc.).

Staff estimates that approximately 30% or 46 organizations either deliver their items for recycling or they do not recycle and the material is landfilled.

In order to assist these organizations, the Panel has recommended that non-profit volunteer organizations with a sports related theme be exempt from the City's Biz Box Recycling Program fees.

Budget Impact – The budget impact is expected to be less than \$5,000 if all eligible organizations join the program. Since very few requests for this service have been received, staff recommends that no budget increase be approved at this time and any future program participants and related fees be incorporated in the annual operating budget.

Item #10 - Reducing the Garbage Bag Limit - Council Approval Required:

In 2010, the Solid Waste Advisory Panel reviewed methods to increase waste diversion. The review included the reduction in the garbage collection frequency (from once per week to every second week) and the reduction of the garbage limit from three to two units. Although reducing the garbage collection frequency would increase waste diversion, the inconvenience to residents without financial savings was deemed not acceptable. Based on this information, the 2010 Panel and the 2011 Panel recommended the reduction of the garbage limit from three to two units.



Lowering bag limits increase diversion of waste from landfills as long as residents have access to convenient and comprehensive waste diversion opportunities and additional garbage collection options. In Greater Sudbury, residents have year round weekly collection of blue box recyclables, household hazardous waste, leaf & yard trimmings and green cart organics.

The minority of residents that generate more than three garbage bags per week will need to pay closer attention to what they purchase and in what container they place their waste. If these options have been exhausted, then additional garbage collection requirements can be met with the purchase of garbage bag tags. Bag tags are available at convenient locations throughout Greater Sudbury.

The Panel is recommending that the new bag limit become effective February 2013. This will provide staff the necessary time to prepare the educational materials and to notify residents in 2012.

Budget Impact –

There will be no impact to the overall collection costs. Processing of additional recyclables and divertible items is anticipated. However, the additional cost is expected to be low based on the waste audit analysis and should simply be adjusted yearly based on actual quantities diverted.

The cost to promote the new bag limit, including recycling and diversion programs and the bag tag system will be covered by existing educational accounts.

The reduction in the garbage limit is expected to increase calls and the requirement to respond to citizen inquiries and/or complaints. Additional part time or temporary hours during peak periods will ensure that we have the necessary staff to provide direction and education to residents from the office and directly in the field. These costs are estimated at \$35,000 per year and would impact the 2013 operating budget.

Item #11 - Leaf & Yard Trimmings out of the Residential Garbage Collection Stream:

The Panel recommends that residents segregate and not place their leaf & yard trimmings in a garbage bag or container. The few residents that are currently not diverting this material will simply have to learn to place the material in clear plastic bags or paper compostable bags. Garbage bags or containers with less than 10% leaf & yard trimmings material will be permitted. This will account for the small amounts of leaves and grass clippings that may be swept up with sand.

The Panel is recommending that this initiative become effective March 2012. Advertising will commence in February prior to the Spring rush, with periodic reminders in the Summer and another blitz prior to the Fall.

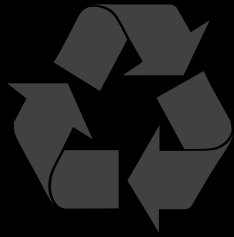
Budget Impact –

There will be no financial impact to the overall collection system. Processing of additional leaf & yard trimmings is anticipated. However, the additional cost is expected to be low based on the

waste audit analysis and should simply be adjusted yearly based on actual quantities diverted. These costs already fluctuate year to year based on weather patterns.

The notices will be funded from existing educational accounts.

Based on existing staffing and work load, staff does anticipate the need for additional resources in order to respond to citizen inquiries and/or complaints. Additional part time hours during the peak Spring and Fall periods will ensure that we have the necessary staff reviewing issues, answering questions and educating residents. These costs are estimated at \$4,800 per year.



Biz Box Program

Recyclage commercial

Annual Fee | Frais annuels : \$ 59.00

■ Business Information | Renseignements sur l'entreprise

Name of Business

Nom de l'entreprise _____

Contact Person

Personne responsable _____

Address of Business

Adresse de l'entreprise _____

Telephone

Téléphone _____

Fax

Télécopieur _____

Email

Courriel _____

■ Recycling Containers | Contenants pour recyclage



or / ou



\$ 15.00

\$ 30.50

Fax | Télécopier : 705-671-1148

Email | Courriel : wastemanagement@greatersudbury.ca
gestiondesdechets@grandsudbury.ca

FOR OFFICE USE ONLY | RÉSERVÉ À L'ADMINISTRATION

Is the business located on a residential route? | L'entreprise est-elle située sur une route résidentielle?

☐ No | Non

☐ Yes | Oui

Day of collection | Jour de collecte _____

Completed by | Rempli par _____

Other | Autre _____



Commercial User Pay

Garbage Bags

Sacs de déchets commerciaux payés par l'utilisateur

Do not place these items in your bag:

- sharp objects
- blue box recyclables
- hazardous waste

Remember to:

- not overload your bag
- follow the current garbage bag limit
- place your bags curbside by 7:00 am on your regular collection day

Ne placez pas les objets suivants dans votre sac :

- objets coupants ou tranchants
- articles recyclables dans les boîtes bleues
- déchets dangereux

Rappels :

- ne surchargez pas votre sac
- respectez le nombre de sacs permis
- placez vos sacs au trottoir avant 7 h le jour de la collecte



Greater | Grand
Sudbury

package of | paquet de

10

Questions?

Call City Services at 3-1-1

Monday to Friday

between 8:30 am and 4:30 pm

Questions?

Appelez les Services municipaux au 3-1-1

du lundi au vendredi

entre 8 h 30 et 16 h 30



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Request for Decision

Property Standards By-law Amendments

Presented To:	Policy Committee
Presented:	Wednesday, Nov 16, 2011
Report Date	Tuesday, Nov 08, 2011
Type:	Presentations

Recommendation

That staff provide a by-law for Council's consideration that repeals the Maintenance and Occupancy Standards By-law 2009-100 and replaces it with a new by-law that mirrors a Model Property Standards By-law excluding those sections referring to the maintenance of yards and vacant lots and including a section that requires the removal of graffiti and defacements from exterior surfaces; and that staff monitor the case load of By-law Enforcement Officers and report back with budget options to address any negative impact on enforcement service levels as a result of enforcement of this by-law.

Background

The City of Sudbury passed the "Maintenance and Occupancy Standards By-law", #2009-100 on April 15, 2009. This by-law prescribes minimum standards for which owners of properties of dwelling units must maintain to ensure the occupants a safe, clean living environment, and to ensure that the upkeep of residential properties do not lead to the degradation of the neighbourhood and community. The by-law also prescribes standards for unoccupied buildings and those defined as being a hazard; ensuring that the property is secure from entry by unauthorized persons in order to protect against the risk of fire, accident, or other danger.

On September 14, 2011, Council passed a motion that directed staff "to investigate the amendment of the current Property Standards By-law to include regulations for commercial and industrial property and abandoned buildings, and to report those options to Council's Policy Committee by the end of November, 2011."

Analysis

Signed By

Report Prepared By

Darlene Barker
Manager of Compliance and
Enforcement
Digitally Signed Nov 8, 11

Division Review

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Nov 8, 11

Recommended by the Department

Bill Lautenbach
General Manager of Growth and
Development
Digitally Signed Nov 8, 11

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Nov 8, 11

Ontario Building Code Act

The Ontario Building Code Act, 1992, S.O. 1992, c. 23, Section 15 authorizes the municipality to pass by-laws prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy of use of such property that does not conform with the standards; and requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition.

The Act also sets out the procedure for inspections by a Property Standards Officer, the issuance of an Order to Remedy items of non-compliance and procedures of appeals to the Property Standards Committee. It provides that the Order may be registered on title of the property and provides procedures for the municipality to cause the property to be repaired or demolished as required by an Order that has been confirmed and is in default, and the collection of costs for doing so from the property owner.

The property standards by-law authorized by the Ontario Building Code is meant to be a maintenance by-law for all properties. That it helps to ensure that buildings constructed according to the standards in the building code regulations are maintained to those same standards. It also provides for minimum standards intended to ensure the preservation of municipal housing stock, the removal of derelict buildings and a means of preserving and safeguarding all existing and future buildings in the municipality.

Property Standards By-law

The by-law passed by Council in April of 2009, cited as the "Maintenance and Occupancy Standards By-law" prescribes the standards for the maintenance and occupancy of property zoned for residential use or actually used as residential and for the securing of hazardous or vacant buildings. The by-law specifically states that the regulations do not apply to "any other land".

The maintenance standards in the by-law are specific to buildings used as dwelling units and accessory buildings, fences and retaining walls on properties where a dwelling is situated. It requires that owners maintain the structural integrity of the building and components of the exterior envelope, including foundations, roofs, exterior walls, doors, stairs and landings, including the requirement of protective barriers, guards and handrails. The by-law also requires the removal of graffiti and other defacements on the exterior of buildings used as dwellings.

Elements of the interior of dwellings are also addressed by this by-law, to ensure that the minimum standard of living is provided. This includes the provision of heat, hydro, hot and cold running water, sanitary facilities, cooking facilities and ventilation and ensures the appliances and systems providing these utilities are kept in good repair. It also requires that the interior elements of the dwelling are maintained in good repair, such as stairways, balustrades, floors and walls. The by-law also creates an offence for a property owner to use a non-habitable space, such as a basement or utility room for habitation.

The by-law requires the owners of all vacant buildings, regardless of use, to disconnect utilities and prevent entry by a number of means, including the boarding up of windows, doors and other openings.

Review of this by-law by staff has also identified some items that if amended would improve the living standards of occupants of residential dwelling units, and provide additional tools to promote compliance and the removal of derelict buildings.

1. There are currently no maintenance standards in the by-law that apply to common areas of a multiple dwelling building, such as the foyer, elevators, stairways, laundry rooms, storage facilities and hallways.
2. The by-law does not require the removal of pests, rodents and vermin from any building, such as a

shed or garage, unless the pest is in the dwelling unit.

3. The offence section in the by-law refers to “a fine as provided in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33”. The maximum fine that can be obtained pursuant to this legislation is \$5,000. The Building Code Act which authorizes this by-law also contains a penalty provision whereby the maximum penalty for a person who is convicted for failing to comply with an Order is \$50,000 for a first offence and not more than \$100,000 for subsequent offences and if a corporation is convicted of the same offence the maximum penalty is \$100,000 for a first offence and \$200,000 for subsequent offences. In addition to monetary penalties, the court can also make an order prohibiting the continuation or repetition of the offence by the person convicted. If the penalty provision of the by-law referenced the Building Code Act instead of the Provincial Offences Act, then the increased potential fines may serve as an incentive for voluntary compliance.
4. The Building Code Act provides that a municipality can pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality, and for requiring property not in conformance with the standards to be repaired and maintained to comply. Although the by-law provides for this, there is further enforcement action that the by-law does not provide which the Act authorizes. These powers are as follows; a municipality may require in a property standards by-law that a property may be cleared of all buildings and structures and left in a graded, levelled condition if it is not maintained or repaired to the standards in the by-law. If the by-law is amended to provide this option for dealing with non-compliance, it has an additional tool for removing unsightly, unsafe buildings that may lead to the degradation of a community and neighbourhood.

Model By-law – Ontario Association of Property Standards Officers

The Ontario Association of Property Standards Officers (OAPSO) is an organization that was founded in 1975 to provide training for all municipal personnel who are engaged in the administration or the enforcement of legislation governing the maintenance, occupancy, repair and improvement of property and the environment. This association is a valuable resource for training and maintaining professional standards of Property Standards Officers and assistance to Ontario municipalities in the provision of a “Model By-law” and a standard set of forms.

The Model By-law provides maintenance standards for all property types and uses. It can be amended to exclude the provisions related to grounds and yards as already covered in the City of Greater Sudbury’s Clearing of Lands and Vacant Lots By-law, 2009-101.

The Model By-law does not require the removal of graffiti and other defacements as does the current Maintenance and Occupancy Standards By-law for residential properties. It is recommended to ensure this standard be maintained on all properties that the Model By-law include a requirement for the removal of graffiti and other defacements on exterior surfaces of all property.

The Model By-law also contains provisions that mitigates the deficiencies of the current CGS Maintenance and Occupancy Standards By-law as detailed in the preceeding section of this report.

Comparison of Other Municipalities

All the Northeastern Communities that were surveyed by staff have a Property Standards By-law similar to the Model By-law that prescribes maintenance and occupancy of all property types in the municipality; prohibits the occupancy and use of property that does not conform to the standards, and for requiring property not in conformance with the standards to be repaired and maintained to conform or the site to be cleared of all buildings and structures, debris and refuse and left in a graded condition. Those municipalities surveyed are Township of Baldwin, Northeastern Manitoulin and the Islands, Espanola, Elliot Lake, Sault St. Marie and North Bay. All of the City of Greater Sudbury’s municipal comparators in the Ontario Municipal CAO’s Benchmarking Initiative (OMBI) have the similar provisions in their property maintenance by-laws,

those being; Ottawa, Barrie, Hamilton, London, Thunder Bay, Toronto and Windsor.

Enforcement Resources

Currently six by-law officers assume the role of Property Standards Officers dedicated to specific areas of the City. Enforcement of this by-law is conducted through inspections of the property, contact with the property owner and if voluntary compliance is not obtained, the issuance of an Order. The Order may be appealed which involves the preparation of a report and attendance at a hearing of the Property Standards Committee. If the Order is in default, the officer may register the order on title of the property, prosecute the owner for non-compliance with the order which will include preparation and attendance at court. The officer may also cause the work in the order to be done with the cost of doing so collected in a like manner as taxes, or as a lien upon the land. Officers will also inspect properties upon request and prepare a Certificate of Compliance to those that comply, pursuant to the by-law.

During the past year, department statistics reveal that approximately 17% of the total case load of the Compliance and Enforcement Officers is dedicated to enforcement of the Maintenance and Occupancy Standards By-law. If Council enacts a by-law to expand the enforcement of this by-law to commercial and industrial buildings and/or all buildings within the City, this will have a significant impact on the current work load of the by-law officers, negatively impacting the time of response and case completion of all enforcement requests therefore decreasing expected service levels.

In order to determine how much of an increase in work load may be experienced, staff conducted a survey of all properties containing buildings in Greater Sudbury, and the land area that is designated for each property type, by zones. Currently all property containing buildings in those zones which may contain residential use amounts to approximately 1/2 of the total area of property containing buildings in all other zones. This estimate is one aspect of comparison, however cannot be used as determinant of expected increase in case load at this time.

The additional recommendation in this report is that if Council enacts a by-law to include maintenance and occupancy standards for commercial and industrial and/or for all property types, staff monitor the case load of By-law Enforcement Officers and report back in the future with budget options to address any decrease in enforcement service levels as a result.

Options

Option 1 - Amend By-law Specific to Request in Motion

A by-law may be presented to Council for consideration that amends the current Maintenance and Occupancy Standards By-law to include the same maintenance provisions for owners of commercial and industrial properties as it does for the current owners of residential properties. If this option is selected, the by-law will not provide for amendments that will require the maintenance of common areas in multi-residential buildings, the removal of vermin from areas other than dwellings, increased fines for contravention and the ability to order the demolition of derelict buildings; the details of which are in this report. This option is not recommended because it does not reflect the full potential of the City's tools to ensure residential occupants a safe, clean living environment, and to ensure that the upkeep of residential properties do not lead to the degradation of the neighbourhood and community.

Option 2 - Repeal By-law and Replace with Model Property Standards By-law

The Model Property Standards By-law as recommended by the Ontario Association of Property Standards

Officers provides requirements for the maintenance and occupancy of property of all uses, including commercial and industrial uses.

If this is the preferred option the Model By-law would exclude those provisions pertaining to the maintenance of grounds and yards, as these standards are currently enforced through the Clearing of Lands and Vacant Lots By-law, 2009-101. It is also recommended that the Model By-law be amended to require the removal of graffiti and defacements from exterior surfaces, as in the current Maintenance and Occupancy Standards By-law for residential property.

The Model By-law also addresses the deficiencies identified in the current Maintenance and Occupancy Standards By-law as identified in this report and is consistent with the maintenance standards required in by-laws enacted by the municipalities surveyed.

This option is recommended as it addresses the motion by Council, increases standards for all properties in the City of Greater Sudbury and provides the available options for enforcement.

This option is also consistent with the GGS Official Plan. Section 20.8 of the Plan sets out the policy of Council to ensure that "all property is maintained free of rubbish and in such a manner as to pose no danger to health and safety, and that all structures are maintained in a good state of repair". The accomplishment of this policy is stated further; "Council will use whatever means within its jurisdiction, including the enforcement of the Maintenance and Occupancy Standards By-law under the Ontario Building Code Act, to ensure the good maintenance of property."

Conclusion

In response to the motion carried by Council on September 14, 2011, staff have reviewed the Maintenance and Occupancy By-law, the authorizing legislation, a Model By-law presented by the Ontario Association of Property Standards Officers (OAPSO), and surveyed various municipalities in consideration of a property standards by-law which includes maintenance standards for all properties and/or commercial and industrial properties within the City of Greater Sudbury. Staff also considered the impact that may be experienced by officers tasked with the enforcement of such a by-law and its effect on current enforcement service levels. In order that the City prevent the deterioration of its current building stock, provide additional safety measures for residents in multi-residential buildings, and employ the tools available for enforcement, it is recommended that staff provide a by-law for Council's consideration that mirrors the Model By-law referred to in this report, excluding those sections referring to the maintenance of yards and vacant lots. It is also recommended that staff monitor the case load of By-law Enforcement Officers and report back in the future with budget options to address any negative impact in enforcement service levels as a result.

BYLAW No. [_____]

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

AND WHEREAS the Official Plan for The *[Name of Municipality]* includes provisions relating to property conditions;

AND WHEREAS the Council of The *[Name of Municipality]* is desirous of passing a Bylaw under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*;

AND WHEREAS Section 15.6(1) of the *Building Code Act, S.O. 1992, c.23* requires that a Bylaw passed under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23* shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of The *[Name of Municipality]* hereby enacts the following:

PART 1 DEFINITIONS

PART 2 GENERAL STANDARDS FOR ALL PROPERTY AND USES

2.01 SCOPE

~~**2.02 YARDS**~~

~~**2.03 OUTDOOR STORAGE OF MATERIALS- NO IMMEDIATE USE**~~

2.04 GARBAGE RECEPTACLES

2.05 GARBAGE CHUTES-ROOMS-CONTAINERS-STANDARDS.

2.06 UNENCLOSED PORCH - BALCONY

~~**2.07 GRASS-TREES-BUSHES-HEDGES-LANDSCAPING**~~

2.08 GROUND COVER- erosion control

2.09 LOT GRADING-DRAINAGE

2.10 WALKWAYS AND DRIVEWAY

2.11 PARKING LOTS

2.12 SNOW DISPOSAL-STORAGE

2.13 EXTERIOR LIGHTING

2.14 RETAINING WALL

2.15 WELLS -CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION

2.16 ACCESSORY BUILDINGS

2.17 FENCE

2.18 TOWER-GANTRIES-MASTS-ANTENNAE

2.19 SIGNS

**PART 3
EXTERIOR PROPERTY AREAS**

- 3.01** STRUCTURAL ADEQUACY-CAPACITY
- 3.02** FOUNDATION WALLS-BASEMENTS
- 3.03** EXTERIOR WALLS-SURFACES-CLADDING-MASONRY
- 3.04** DOORS-WINDOWS-CELLAR-HATCHWAYS
- 3.05** WINDOW SCREENS
- 3.06** CANOPIES-MARQUESS-AWNINGS
- 3.07** ROOF
- 3.08** EAVES TROUGH SYSTEM- METAL DUCTS-FLASHING
- 3.09** CHIMNEY FLUES
- 3.10** GARAGE-CARPORT

**PART 4
INTERIOR OF BUILDINGS STRUCTURES AND DWELLINGS**

- 4.01** INTERIOR STRUCTURE-COLUMNS-BEAMS
- 4.02** WALLS-CEILINGS
- 4.03** FLOORS
- 4.04** STAIRS- HANDRAILS-GUARDS
- 4.05** ELEVATORS
- 4.06** MEANS OF EGRESS
- 4.07** HEATING- AIR CONDITIONING
- 4.08** AIR CONDITIONING
- 4.09** ELECTRICAL
- 4.10** VENTILATION
- 4.11** LIGHTING
- 4.12** PLUMBING
- 4.13** WATER SUPPLY
- 4.14** SEWAGE SYSTEM
- 4.15** VERMIN CONTROL

**PART 5
ADDITION REQUIREMENT FOR RESIDENTIAL OCCUPANCY**

- 5.01** OCCUPANCY STANDARDS
- 5.02** TOILET AND BATHROOM FACILITIES

**PART 6
NON-RESIDENTIAL PROPERTY STANDARDS**

- ~~**6.01**~~ YARDS
- 6.02** MEANS OF EGRESS
- 6.03** GUARDRAILS
- 6.04** SEPARATIONS

- 6.05 VENTILATION
- 6.06 LIGHTING
- 6.07 SALVAGE YARD

**PART 7
VACANT-DAMAGED-DEMOLITION**

- ~~7.01 VACANT LAND~~
- 7.02 VACANT BUILDING
- 7.03 DAMAGE BY FIRE-STORM-OTHER CAUSES
- 7.04 DEMOLISH BUILDING

**PART 8
ADMINISTRATION AND ENFORCEMENT**

- 8.01 BYLAW
- 8.02 MEASUREMENT
- 8.03 NON-COMPLIANCE
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- 8.05 VALIDITY
- 8.06 PENALTY
- 8.07 SEVERABILITY
- 8.08 TRANSITIONAL RULES
- 8.09 TITLE

**PART 1
DEFINITIONS**

1.01 In this Bylaw:

- 1) **“Accessory Building”**- means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 2) **“Act”** -means an enactment or statute of the Province of Ontario.
- 3) **“Approved”**- means acceptance by the Property Standards Officer.
- 4) **“Basement”** - shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- 5) **“Building”** - means any structure used or intended to be used for supporting or sheltering any use or occupancy
- 6) **“Building Code”** - means the Building Code Act and any regulations made under that Act;

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- 7) **"Chief Official"** - means the Chief Building Official appointed under Section 3 of the *Building Code Act*, 1992, c. 23 and having jurisdiction for the enforcement thereof.
- 8) **"Citation - Property Standards Bylaw"** This Chapter may be cited as the "Property Standards Bylaw."
- 9) **"City"** - shall mean The Corporation of the City/Township of *[Name of Municipality]* unless the context requires otherwise
- 10) **"Code"** - means a regulation of the Province of Ontario known,
 - a) with respect to matters relating to building, as the Building Code;
 - b) with respect to matters relating to electricity, as the Electrical Safety Code;
 - c) with respect to matters relating to fire, as the Fire Code; and
 - d) with respect to matters relating to plumbing, as the Plumbing Code.
- 11) **"Committee"** - means a Property Standards Committee established under this Chapter.
- 12) **"Council"** - shall mean the Council of the *[Name of Municipality]*.
- 13) **"Dwelling"** - means a building means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
- 14) **"Dwelling unit"** – means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment.
- 15) **"Exterior property area"** - means the building lot excluding buildings
- 16) **"Fence"** –means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.
- 17) **"First Storey"** - means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.
- 18) **"Ground cover"** - means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
- 19) **"Guard"** - means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 20) **"Habitable room"** - means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;
- 21) **"Non-habitable space"** - means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service,

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maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy.

- 22) **"Non-Residential Property"** - means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 23) **"Occupant"** - means any person or persons over the age of eighteen years in possession of the property.
- 24) **"Officer"** - means a Property Standards Officer who has been assigned by the Council the responsibility of administering and enforcing the provisions of this Bylaw.
- 25) **"Owner"** – includes the owner in trust, a mortgagee in possession, 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 receive the rent if the land and premises were let, and shall also 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;
- 26) **"Person"** – means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.
- 27) **"Property"** - means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
- 28) **"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 Bylaw.
- 29) **"Safe condition"**- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.
- 30) **"Sewage system"** – means the *[Name of Municipality]* system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the *[Name of Municipality]*;
- 31) **"Sign"** - means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct attention to any person, business, service, commodity or use
- 32) **"Snow disposal site"** -means only those lands on which snow is placed after being brought to the lot from another lot, and shall not include areas to which snow is moved to one portion of a lot after being cleared from the rest of the lot.
- 33) **"Snow storage site"** -means that portion of lands being used for the storage of snow that has been moved to one portion of a lot after being cleared from another portion or portions of a lot.
- 34) **"Vehicle"** – includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.
- 35) **"Visual barrier"** – shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone,

bricks, mortar, fabricated metal or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official.

- 36) **"Waste"**- means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather
- 37) **"Yard"** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

PART 2

GENERAL STANDARDS FOR ALL PROPERTY AND USES

2.01 SCOPE

1. No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this Bylaw.
2. The owner of any property which does not conform to the standards in this Bylaw shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and leveled condition.
3. All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.
4. All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.
5. This by-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.

~~2.02 YARDS~~

~~Shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.~~

- ~~1) Every property shall be kept free from garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property~~
- ~~2) Without restricting the generality of this Section, such maintenance includes the removal of:
 - ~~(a) rubbish, garbage, waste, litter and waste;~~
 - ~~(b) injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation.~~
 - ~~(c) trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush;~~
 - ~~(d) noxious weeds pursuant to the Weed Control Act and any excessive growth of other weeds, grass and bushes;~~
 - ~~(e) wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant Bylaws, Chapters or statutes; and~~
 - ~~(f) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.~~~~

~~2.03 OUTDOOR STORAGE OF MATERIALS- NO IMMEDIATE USE~~

- ~~1. No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area.~~

2.04 GARBAGE RECEPTACLES

Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes or waste, which accumulates on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.

- 1) Receptacles for garbage shall be:
 - a) made of watertight construction
 - b) provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
 - c) maintained in good condition without holes or spillage; and
 - d) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.

- 2) Plastic bags shall be considered acceptable receptacles under subsection above provided they are:
 - a) adequately secured so as to prevent spillage;
 - b) not stored outdoors unless protected from access by animals or vermin: and
 - c) otherwise are maintained in compliance with (1) above.
- 3) Paper receptacles are not acceptable under this Section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection Bylaws.
- 4) Where commercial, industrial, or residential on site garbage containers are visible from a public street or land, or residential properties, the area where the receptacles are stored shall be screened from view.

2.05 GARBAGE CHUTES-ROOMS-CONTAINERS-STANDARDS

1. Garbage chutes, disposal and collection rooms, containers and receptacles shall be washed down, disinfected and maintained to be clean, odour free and in good working order and good repair.

2.06 UNENCLOSED PORCH - BALCONY

1. Every unenclosed porch or unenclosed balcony, and every exterior and common area shall be kept free of garbage, waste, or appliances.

2.07 GRASS-TREES- BUSHES-HEDGES-LANDSCAPING

- ~~1. Grass, trees, bushes, hedges and other landscaping, shall be maintained to prevent an unsightly or unreasonable overgrowth in relation to the neighbouring environment.~~
- ~~2. Gras, trees, bushes, hedges and other landscaping, non-organic ground cover and site facilities shall be provided and maintained in living condition or a safe condition.~~

2.08 GROUND COVER- erosion control

1. Suitable ground cover shall be provided and maintained to prevent erosion of the soil and so as to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be resodded or reseeded as often as is required to maintain the grass in a living condition.

2.09 LOT GRADING-DRAINAGE

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 ponding or the entrance of water into a basement or crawlspace.
2. No roof, driveways or other surface drainage, and the drainage of water from swimming pools shall be discharged on an entranceway, walkway, sidewalk, stair, steps or adjacent property, or on to any highway, or in such a manner that it will penetrate or damage a building, structure or property.

3. Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, providing that it does not adversely affect adjacent properties, or cause erosion. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.
4. No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property is:
 - (a) a construction site for which a building permit is in effect;
5. No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:
 - a) a construction site for which a building permit is in effect;
 - b) a property being subdivided under subdivision agreement with the *[Name of Municipality]*; or
 - c) property being actively farmed.

2.10 WALKWAYS AND DRIVEWAY

1. Surface conditions of walkways, driveways and yards shall be installed and maintained in a safe condition with non-organic ground cover so as to:
 - a) prevent ponding of storm water;
 - b) not exhibit an unsightly appearance;
 - c) be kept free of garbage and waste;
 - d) be kept free of deep ruts and holes;
 - e) provide for safe passage under normal use and weather conditions, day or night; and
 - f) not to create a nuisance to other property.

2.11 PARKING LOTS

1. Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.
2. Parking lots, driveways and other similar public access areas of a yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.

2.12 SNOW DISPOSAL-STORAGE

1. A property owner shall cause any snow disposal site or a snow storage site on that property to be:
 - a) maintained so as not to cause a hazard on the property; and
 - b) maintained in such a manner and location on a property so as to prevent a hazard, flooding, erosion and other damage to neighbouring private or public lands.

2.13 EXTERIOR LIGHTING

1. Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.
2. All underground parking areas and common areas shall be illuminated so as to provide safe passage.
3. Facilities for lighting shall be maintained in a good state of repair.
4. Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes or other interior window coverings.

2.14 RETAINING WALL

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

2.15 WELLS –CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION

1. A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

2.16 ACCESSORY BUILDINGS

1. The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:
 - a) constructed with suitable materials;
 - b) maintained in good repair;
 - c) protected from deterioration by the application of paint or other suitable protective material.

2.17 FENCE

1. A fence erected on a property or separating adjoining properties shall be maintained:
 - a) in good repair; (free from loose or insufficiently secured, rotten, warped or broken materials),
 - b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to.
 - c) shall be free of dangerous objects. and:
 - d) reasonably plumb, unless specifically designed to be other than vertical.
2. The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain a visual barrier not less than 1.2 meters

(4 feet) and not more than 2.0 meters (78 inches) in height where such property is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the enjoyment and good appearance of an abutting residential property.

2.18 TOWER-GANTRIES-MASTS-ANTENNAE

1. Towers, gantries, masts, antennae and structures of similar character and any attachment thereto shall be maintained:
 - a) reasonably plumb, unless specifically designed to be other than vertical;
 - b) in good repair;
 - c) in a safe and structurally sound condition; and

2.19 SIGNS

1. A sign and any structure connected therewith shall be installed and maintained:
 - a) in good repair without any visible deterioration when viewed from any property other than the property on which the sign is situated;
 - b) in a safe and structurally sound condition; and
 - c) in a reasonably vertical plane unless otherwise approved by the *[Name of Municipality]*. An unused or discarded sign shall be removed from the property or shall be stored within a building.

PART 3 EXTERIOR PROPERTY AREAS

3.01 STRUCTURAL ADEQUACY-CAPACITY

1. All repairs and maintenance of property required by the standards prescribed in this Bylaw shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
2. Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and
 - d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

3.02 FOUNDATION WALLS-BASEMENTS

1. All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.

2. Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

3.03 EXTERIOR WALLS-SURFACES-CLADDING-MASONRY

All exterior walls and surfaces of every building or structure shall be sound, plumb, and weathertight, free from loose or unsecured objects and maintained in good repair:

1. In good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, loose or unsecured objects; and
2. Shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weathertight finishing, or the installation of termite shields, if required.
3. All exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
4. Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

3.04 DOORS-WINDOWS-CELLAR- HATCHWAYS

1. Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors and storm windows shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow or rain into the building and to minimize heat loss through infiltration.
2. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from inside and outside the dwelling unit.
3. All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
4. All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

3.05 WINDOW SCREENS

1. When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:

- a) mesh screening, metal grills, or other equivalent durable rust proof material; or
- b) other protection so as to effectively prevent the entry of rodents, large insects or vermin.

3.06 CANOPIES-MARQUEES-AWNINGS

1. All canopies, marquees and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay and rust by a periodic application of weather-coating material.

3.07 ROOF

1. Every roof, and all of its components shall be maintained in good repair and in a safe and structurally sound condition.
2. Without restricting the generality of this Section, such maintenance includes:
 - a) removal of loose, unsecured or rusted objects or materials;
 - b) removal of dangerous accumulations of snow or ice;
 - c) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
 - d) keeping all roof-related structures plumb unless specifically designed to be other than vertical.

3.08 EAVES TROUGH SYSTEM- METAL DUCTS-FLASHING

1. Eaves trough, roof gutter, rainwater pipe, downspouts, flashing and all exterior ducts shall be properly secured free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.
2. Every eaves trough, roof gutter, rainwater pipe, downspout and flashing shall be properly secured and be kept in good repair, free from obstructions and health hazards.
3. Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.
4. Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

3.09 CHIMNEY FLUES

1. Chimney, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained free from obstruction and shall prevent:
 - a) the entrance of smoke or gases into a building
 - b) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures; and
 - c) fire, health or other hazards.

2. Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.

3.10 GARAGE-CARPORT

1. The construction between an attached or built-in garage or carport and a dwelling unit shall provide an effective barrier to gas and exhaust fumes.
2. A door between an attached or built-in garage and a dwelling unit shall be tight-fitting and weather-stripped to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
3. Garages and carports, including floors, shall be maintained in good repair and free from hazards.

PART 4 INTERIOR OF BUILDINGS, STRUCTURES AND DWELLINGS

4.01 INTERIOR STRUCTURE-COLUMNS-BEAMS

1. In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

4.02 WALLS-CEILINGS

1. Every interior surfaces and finishes of walls and ceilings shall be maintained:
 - a) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned
 - b) free of holes, cracks, loose plaster or other material
 - c) in a safe condition; and
 - d) so as to possess the fire resistant properties required by the Building and Fire Codes.
2. In any bathroom the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

4.03 FLOORS

1. Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
2. Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.

3. Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
4. Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

4.04 STAIRS- HANDRAILS-GUARDS

1. Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.
2. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.
3. Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.
4. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

4.05 ELEVATORS

1. Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.
2. All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:
 - a) in good working order and good repair; and
 - b) in a safe condition.

4.06 MEANS OF EGRESS

1. Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
2. Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.

4. The passage required as egress from one **dwelling unit** shall not pass through any other dwelling unit.
5. In every **multi-residential dwelling** where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
6. Where a **non-residential building** contains **dwelling units** located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
7. All means of egress within a **non-residential property** shall be maintained free from all obstructions or impediments;
 - a) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
 - b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

4.07 HEATING- AIR CONDITIONING

1. Every **residential dwelling** shall have heating equipment capable of maintaining a temperature of 21°Celsius (70 °Fahrenheit).
2. It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
3. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
4. No rental **residential dwelling unit** shall be equipped with portable heating equipment as the primary source of heat.
5. Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
6. If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
7. Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions
8. Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

4.08 AIR CONDITIONING

1. Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.
2. Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.
3. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

4.09 ELECTRICAL

1. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
2. The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.
3. Extension cords are not permitted on a permanent basis.

4.10 VENTILATION

1. Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
2. Every ventilation system shall be cleaned regularly and maintained:
 - a) in good working condition and good repair
3. When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this Bylaw.
4. An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
5. Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

4.11 LIGHTING

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

4.12 PLUMBING

1. All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
2. Plumbing systems on a property shall be provided, installed and maintained:
 - a) in compliance with the respective requirements of any applicable Act or Bylaw;
 - b) in good working order and good repair; and
 - c) in a safe condition.
3. All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.13 WATER SUPPLY

1. Every dwelling and every building to which water is available under pressure through piping shall be provided with:
 - (a) adequate supply of hot water with a temperature range from 60 to 73.8 Celsius or 140 to 165 degrees Fahrenheit shall be provided and maintained in all dwelling units; and
 - (b) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
 - (c) piping for cold water connected to every toilet and hose bib.

4.14 SEWAGE SYSTEM

1. Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
2. Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not

exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

3. The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

4.15 VERMIN CONTROL

1. Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

PART 5 ADDITION REQUIREMENT FOR RESIDENTIAL OCCUPANCY

5.01 OCCUPANCY STANDARDS

1. A non-habitable room shall not be used as a habitable room
2. No kitchen shall be used as a bedroom.
3. The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square metres (97 square feet) of habitable room floor area.
4. The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
5. The minimum area of a bedroom in a dwelling unit used by only one person shall be 6 square metres (64.5 square feet).
6. The minimum area of a bedroom in a dwelling unit used as a bedroom by two or more persons shall be 4 square metres (43 square feet) for each person.
7. Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches). For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) and the area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.
8. No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
 - a) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - b) each habitable room shall comply with all the requirements for ingress, egress,
 - c) light, ventilation and ceiling height set out in this Bylaw;

- d) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water

5.02 TOILET AND BATHROOM FACILITIES

1. Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
2. All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.
3. All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
4. No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

PART 6 NON-RESIDENTIAL PROPERTY STANDARDS

~~6.01 YARDS~~

- ~~1. Every owner, and every occupant in that part of non-residential property that is occupied or controlled by the occupant, shall maintain to the standards as described in Part 2 of this Bylaw and:~~
 - ~~a. in a sanitary and safe condition, free from litter, refuse and waste including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;~~
 - ~~b. free from objects conditions which are health, fire or safety hazards; and~~
 - ~~c. free from rodents, insects or vermin.~~
- ~~2. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unconstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.~~

6.02 MEANS OF EGRESS

1. All means of egress within a non-residential property shall be:
 - a) maintained free from all obstructions or impediments;

- b) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
- c) provided with lighting facilities capable of illuminating the means of egress to
- d) ensure the safe passage of persons exiting the building.

6.03 GUARDRAILS

1. A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

6.04 SEPARATIONS

1. Every dwelling unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from a part of the building that is not used for human habitation into other parts of the dwelling unit.

6.05 VENTILATION

1. All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety.
2. Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.
3. Mechanical ventilating equipment and the supports for each equipment shall be maintained in good repair and in safe mechanical condition.

6.06 LIGHTING

1. All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

6.07 SALVAGE YARD

1. Salvage yards shall be effectively screened from public view by a visual barrier.

PART 7
VACANT- DAMAGED-DEMOLITION

~~**7.01 VACANT LAND**~~

- ~~1. Vacant land shall be maintained to the standards as described in Part 2, of this Bylaw.~~
- ~~2. Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.~~

7.02 VACANT BUILDING

1. If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
2. The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.
3. If a building remains vacant for a period of more than **ninety (90) days**, the owner or agent thereof, shall ensure that all utilities serving the building are properly disconnected or otherwise and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

7.03 DAMAGE BY FIRE-STORM-OTHER CAUSES

1. In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed **ninety (90) days**.
2. Fire damaged buildings, or portions thereof, shall be repaired to their original condition or shall be demolished accordingly.

7.04 DEMOLISH BUILDING

1. Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
2. Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

**PART 8
ADMINISTRATION AND ENFORCEMENT**

8.01 This Bylaw shall apply to all property within the limits of the municipality.

8.02 The imperial measurements contained in this Bylaw are given for reference only.

8.03 NON-COMPLIANCE

1. The owner of any property which does not conform to the standards as set out in this Bylaw shall repair and /or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, waste or refuse and left in a levelled and graded condition.
2. Where any person fails to comply with an order issued, the municipality may cause the required work to be done at the cost of the person. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes

8.04 CONFLICTS-BYLAWS-STANDARDS-REGULATIONS

1. Where a provision of this Chapter conflicts with the provisions of another Bylaw, Act Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

8.05 VALIDITY

1. If any provision or article of this Bylaw is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Chapter and the remaining provisions or article shall remain in effect until repealed.

8.06 PENALTY

1. An owner who fails to comply with an order that is final and binding under this Bylaw is guilty of an offence under Section 36(1) of the *Building Code Act*, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.

8.07 SEVERABILITY

1. It is hereby declared that each and every of the foregoing provisions of this Bylaw is severable and that, if any provisions of this Bylaw should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8.08 TRANSITIONAL RULES

1. After the date of the passing this Bylaw, **Bylaw No** (_____) as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this Bylaw, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

8.09 TITLE

This Bylaw may be referred to as "The Property Standards Bylaw".

BY-LAW 2009-100

**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO PRESCRIBE STANDARDS FOR THE MAINTENANCE AND
OCCUPANCY OF RESIDENTIAL PROPERTY AND
FOR THE SECURING OF HAZARDOUS OR VACANT BUILDINGS**

WHEREAS the upkeep of property within the City of Greater Sudbury is a concern of the Council of the City of Greater Sudbury;

AND WHEREAS the lack of upkeep of a residential property can lead to the degradation of a neighbourhood and of a community;

AND WHEREAS Section 15.1 of the *Building Code Act*, 1992, S.O. 1992, c. 23, allows the council of a municipality which has an official plan in effect which includes provisions relating to property conditions to pass a By-law prescribing standards for the maintenance and occupancy of property within the municipality and prohibiting the occupancy or use of property that does not conform to the standards, and for requiring property not in conformance with the standards prescribed to be repaired and maintained to conform to the standards or the site thereof to be cleared of all buildings and structures, debris and refuse and left in a graded and levelled condition;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

PART I

INTERPRETATION

Definitions

1. In this By-Law:

“accessory building” means a detached building or structure subordinate to a main building or structure the use of which is incidental to that of a main building or structure, and shall include garages, sheds, barns, and similar storage facilities;

"Committee" means the Planning Committee of the City of Greater Sudbury, sitting as the Property Standards Committee;

"dwelling" means a building or structure, or part of a building or structure which is used, intended to be used, or capable of being used for the purpose of human habitation in whole or in part and includes a building that would be used, is intended to be used, or is capable of being used for such purpose;

"dwelling unit" means one or more rooms connected together but completely separate as a unit from all other rooms in the same structure and constituting an independent housekeeping unit for residential occupancy by humans and containing cooking, eating, living, sleeping and sanitary facilities;

"guard" means a protective barrier, with or without openings, 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;

"habitable space" means any room or area in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom;

"hazard building" means a building to which two or more of the following criteria apply:

- (a) an application to demolish has been made to Council under s. 33 of the *Planning Act*, unless permission has been granted under that *Act* and demolition of the building has been commenced;
- (b) a building permit for work to be done has been issued under the *Building Code Act, 1992*, and no work has been done under the building permit for a period of at least twelve consecutive months;
- (c) damage of any kind to any part of the building has occurred by reason of fire and the damage has not been repaired;
- (d) the building does not contain an operational heating system capable of maintaining an inside temperature of ten degrees Celsius throughout the building at an outside temperature of minus eighteen degrees Celsius;
- (e) the supply of electrical power has been discontinued and not reinstated;
- (f) a building within which any piping for the flow of water has been ruptured and the piping has not been repaired; or
- (g) damage of any kind has been sustained to any part of a ceiling, floor or wall as a result of the conditions described in items (d), (e) or (f) above and the damage has not been repaired;

“non-habitable space” means any room or area in a dwelling, other than a habitable space, and includes a laundry room, basement, boiler room, furnace room, storage room, garbage room, corridor, foyer, stairway, or lobby;

“occupant” means any person over the age of eighteen years in possession of the property, dwelling or dwelling unit;

“Officer” means a Property Standards Officer or an Officer who has been assigned by By-Law of Council of Greater Sudbury the responsibility of administering and enforcing By-laws passed under the *Building Code Act*;

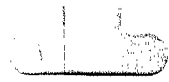
“owner” includes the person for the time being managing or receiving the rent or paying the municipal taxes on the land or premises in question, whether on his or her own account or as agent or trustee of any other person or who would so receive the rent if such land or premises were let, and shall also include a lessee or other person over the age of 18 who is in possession of the property and who, under the terms of a lease, is required to maintain and repair the property;

“person” means and includes any person, firm, partnership, association, corporation, company or organization of any kind;

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, out-buildings, fences, and other erections, and includes property on which the building thereon is situate;

“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;

“sewage system” means the City of Greater Sudbury sanitary sewer system or a sewage system as defined in Part VIII of the *Environmental Protection Act*;



“standards” means the standards of physical condition and use for occupancy set out in this By-Law;

“vehicle” includes a motor vehicle, trailer, boat, motorized snow vehicle, and mechanical equipment, whether operable or not, and whether licensed or not:

“washroom” means an area containing a toilet, urinal, bathtub, shower or washbasin;

“waste material” means material that, in the opinion of an Officer:

- a) appears to have been cast aside, discarded or abandoned, or
- b) appears to be worthless or of no practical value, or
- c) appears to be used up, in whole or in part, or expended or worn out in whole or in part; and

“yard” means an area of land which is appurtenant to and located on the same lot as a building or structure.

Interpretation

2. (1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended or replaced from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

PART II

ADMINISTRATION AND ENFORCEMENT

Short Title

3. This By-Law may be cited as the "Maintenance and Occupancy Standards By-Law".

Application

4. (1) Part III of this By-Law applies to all property that is zoned for residential use under any existing zoning By-law of the City or its predecessor municipalities, or any property actually used for residential purposes in the City of Greater Sudbury even if zoned otherwise, but does not apply to any other land.

(2) Part IV of this By-law applies to all property within the City of Greater Sudbury.

(3) This By-law applies to land owned or used by the City of Greater Sudbury.

Duty to Repair and Maintain

5. (1) No person being the owner of any property shall fail to repair and maintain that property and buildings thereon in accordance with the standards prescribed by this By-Law.

(2) Subject to the provisions of any lease, no person being a tenant or occupant of a dwelling or dwelling unit shall fail to maintain that part of the property which he or she occupies or controls in a clean, sanitary, safe and operable condition, and shall maintain all plumbing fixtures and appliances as well as other building equipment and

storage facilities in that part of the premises which he or she occupies or controls in a clean and sanitary condition, and shall take reasonable care in the operation and use thereof.

Application to Dwelling extends to Dwelling Unit

6. Where any standards imposed by this By-Law are thereby made applicable to a dwelling or a dwelling unit, such standards shall apply to the extent applicable by the context both to a dwelling and to a dwelling unit.

Enforcement Officer

7. This By-Law shall be administered by the Manager of Enforcement Services and enforced by the Greater Sudbury Police Service or by Municipal Law Enforcement Officers of the City of Greater Sudbury appointed by By-law.

Certificate of Compliance

8. The fee for a Certificate of Compliance with the standards prescribed in this By-Law issued at the request of an owner and in accordance with the *Building Code Act, 1992*, shall be Seventy Dollars, which fee must be paid to the City of Greater Sudbury before the Certificate is issued.

Appeal

9. The Planning Committee of the City of Greater Sudbury is hereby appointed the Property Standards Appeal Committee.

Conflict

10. Where a provision of this By-Law conflicts with the provisions of another By-Law in force in the City of Greater Sudbury, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Offence

11. Every owner who is in contravention of an Order issued by a Property Standards Officer, that is final and binding is guilty of an offence and on conviction is liable to a fine as provided in the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33.

PART III

PROPERTY STANDARDS - DWELLINGS

Accessory Buildings/Fences/Retaining Walls

12. No person being the owner of a property on which a dwelling is situate shall fail to keep all accessory buildings, fences and retaining walls on that property in good repair and protected by paint, preservative or other weather resistant material.

Parking

13. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) all areas on that property used for vehicular traffic or parking are
 - (i) kept free of potholes, dirt, dust and litter;
 - (i) adequately drained,
 - (ii) in good repair;
 - (iii) maintained so as to afford safe passage under normal use and weather conditions; and
- (b) steps, walks and similar areas of the property are maintained so as to afford safe passage under normal use and weather conditions.

Sewage and Drainage

14. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) all sanitary sewage is discharged from that dwelling into an approved sanitary sewage system;
- (b) no roof drainage is directly discharged onto sidewalks or stairs; and
- (c) no roof drainage is directly discharged onto neighbouring property.

Pest Prevention/Control

15. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) any dwelling on that property is kept free of rodents, vermin and insects at all times; and
- (b) any method used for exterminating rodents, vermin or insects or any combination thereof is compliant with the provisions of *The Pesticides Act*, R.S.O. 1990, Chapter P.11.

Basement Floors

16. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) any basement, cellar, or crawl space in any dwelling on the property has a concrete floor, and, where necessary, has a floor drain located at the lowest point of the said floor and connected to a sewage system; and
- (b) any concrete floor in a basement in a dwelling on the property is free from major cracks and breaks that create a hazardous condition.

Foundations

17. (1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that the foundation walls and the basement, cellar or crawl space floor of any dwelling on the property are maintained in good repair and are structurally sound, and where necessary, so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and water-proofing of the walls or floor.

(2) Subject to Subsection 17(3), no person being the owner of a property on which a dwelling is situate shall fail to ensure that every dwelling on the property is supported by foundation walls or piers which extend below the frost line or to solid rock and all footings, foundation walls, piers, and slabs-on-grade are of masonry or other suitable material.

(3) Subsection 17(2) does not apply to:

- (a) an accessory building on the property; or
- (b) a building which is of a slab-on-grade type construction.

(4) No person being the owner of a property on which a dwelling is situate shall fail to ensure that every foundation wall of a dwelling on the property is maintained so as to prevent the entrance of moisture, insects, and rodents, which maintenance shall include shoring of the wall where necessary, installing subsoil drains at the footing, grouting masonry cracks, and waterproofing the wall and joints.

Structural Soundness

18. (1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that every part of any dwelling on the property is maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional loads that may reasonably be expected;

(2) No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) all exterior walls, roofs, and other parts of any dwelling on the property are free from loose and unsecured objects and material, which shall be removed, repaired or replaced;

- (b) all exterior exposed surfaces on any dwelling on the property which are not inherently resistant to deterioration are treated with a protective coating or paint or otherwise repaired, coated, sealed, or treated to protect them from deterioration or weathering;
- (c) the exterior walls and surfaces of a dwelling on the property and their components shall be maintained so as to prevent deterioration due to weather and dryrot, by the painting, restoring or repairing of the walls, coping or flashing, by the water-proofing of joints, water-proofing, or caulking of the wall itself;
- (d) all canopies, awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar overhang extensions on the property are:
 - (i) maintained in good repair;
 - (ii) properly anchored; and
 - (iii) 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;
- (e) markings, stains, graffiti, painted slogans, smoke damage or other defacement appearing on any exterior surface are removed, and the surface of exterior surfaces are restored, resurfaced and co-ordinated to the exterior finish of the building or structure; and
- (f) roofs, including fascia boards, cornices, eaves and soffits of buildings on the property are maintained in a water-tight condition so as to prevent leakage into the dwelling, including repairing of the roof and flashing, applying waterproof coatings and installing or repairing eavestroughing and rainwater piping, and including removing dangerous accumulations of snow or ice from the roofs of any buildings on the property.

Dampness

19. No person being the owner of a property on which a dwelling is situate shall fail to ensure that the interior floors, ceilings and walls of any dwelling on the property are kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a cellar, basement or crawl space floor.

Doors and Windows

20. No person being the owner of a property on which a dwelling is situate shall fail to ensure with respect to every dwelling or dwelling unit on the property that:

- (a) all exterior openings are fitted with doors or windows;
- (b) windows, exterior doors, and basement or cellar hatchways are maintained in good repair so as to prevent the entrance of wind or moisture into the dwelling;
- (c) rotted or damaged door and window frames, sashes, casings, weather stripping, broken glass, screens and defective hardware are repaired or replaced;
- (d) all doors and window openings are provided with the means of being latched or secured from within;
- (e) all windows that can be or are required to be openable in a dwelling unit are, at the request of the tenant or occupant, provided with screens to effectively prevent the entry of insects; and
- (f) living-rooms, dining rooms, and bedrooms are provided with one or more windows and/or skylights that have a total light transmitting area of 10% of the floor area in the case of living and dining rooms, and 5% of the floor area in the case of bedrooms.

Protective Barriers, Guards and Handrails

21. No person being the owner of a property on which a dwelling is situate shall fail to ensure with respect to any dwelling on the property that:

- (a) Exterior landings, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, are protected by a guard with a minimum height of .9 metres (3 feet) on each side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than .6 metres (2 feet), but less than 1.8 metres (6 feet);
- (b) every exterior stair with more than 6 risers and every ramp is protected with guards measuring not less than .9 metres (3 feet) on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds .6 metres (2 feet);
- (c) every interior stair with more than 2 risers is protected with guards on all open sides having a minimum height of .8 metres (2.6 feet) measured vertically from a line drawn through the outside edge of the stair nosing, provided however, that a stair within a dwelling unit serving an unfinished basement need only have a guard or a wall on one side;
- (e) guards in every dwelling or dwelling unit have no openings which would permit the passage of a spherical object having a diameter of 100 mm (4 inches) unless it can be shown that the location and size of such openings which exceed this limit does not represent a hazard; and
- (f) a handrail is provided and maintained on all stairs having more than three risers, with the handrail having a maximum uniform height of not less than .8 metres (2.6 feet) and not more than .965 metres (3.2 feet).

Floors, Stairs, Porches, Decks and Balconies

22. No person being the owner of property on which a dwelling is situate shall fail to ensure that every floor, stair, porch, deck and balcony on any dwelling on the property and all supporting structural members of such are maintained so as to be free from defects which might constitute possible accident hazards, including the repairing or replacing of:

- (a) landings, treads or risers, including finishes such as linoleum and carpet, that show excessive wear or are broken, warped, loose, or otherwise defective; and
- (b) supporting structural members that are rotted or deteriorated.

Interior Walls etc.

23. No person being the owner of a property on which a dwelling is situate shall fail to ensure that every interior wall, ceiling and finishes in a dwelling are maintained so as to be free of holes, cracks, loose plaster or other coverings, or defects which may cause injury.

Water and Plumbing

24. No person being the owner of a property on which a dwelling is situate shall fail to ensure with respect to every dwelling on the property that:

- (a) all plumbing, drain pipes, water pipes, toilet and other plumbing fixtures and every connecting line to the sewage system are maintained in good working order, and free from defects including leaks and that all water pipes and appurtenances thereto are protected from freezing;
- (b) all toilets are provided with cold running water, and that all wash basins, bath, tubs, showers and kitchen sinks are provided with an adequate supply of cold and hot running water supplied at a minimum temperature of 43.5° C. (110°F.); and

(c) every dwelling unit in the building contains:

- (i) a toilet;
- (ii) a kitchen sink;
- (iii) a washbasin; and
- (iv) a bathtub or shower.

Washrooms

25. No person being the owner of a property on which a dwelling is situate shall fail to ensure that every washroom on the property is enclosed and has:

- (a) a water-resistant floor;
- (b) walls and ceilings with finished surfaces;
- (c) a door that can be secured from the inside; and
- (d) a water-resistant wall around the bathtub or shower.

(2) No person being the owner of a property on which a dwelling is situate shall fail to ensure that a toilet or urinal used by the occupants of more than one dwelling unit is accessible only from a common hall.

(3) No person being the owner of a property on which a dwelling is situate shall fail to ensure that there are no facilities for sleeping, or for the preparation, cooking, storage or consumption of food contained within a room in a building on that property that contains a toilet or urinal.

Cooking Space

26. No person being the owner of a property on which a dwelling is situate shall fail to ensure that each dwelling unit in a building on the property has cooking facilities:

- (a) equipped with a sink that:
 - (i) is provided with potable hot and cold water; and
 - (ii) is maintained in workable order;
- (b) equipped with electrical, fuel or utility outlets suitable for a refrigerator and cooking stove;
- (c) equipped with an impervious splashback and counter top around the kitchen sink; and

- (d) containing any provided refrigerator or cooking stove in a fully operational state and maintained to a standard to avoid any danger to any person.

Heating System

27. (1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that every dwelling on the property is provided with a heating system capable of maintaining a room temperature of 21°C. (70°F.), in all habitable spaces.

(2) No person being the owner of a property on which a dwelling is situate shall fail to ensure that the heating system in any dwelling on the property is maintained in good working order so as to be capable of heating the dwelling safely.

(3) No person being the owner of a property on which a dwelling is situate shall fail to ensure that a heating system or part of it or any ancillary heating system in a dwelling on the property which burns solid or liquid fuel has a place or receptacle for the storage of the fuel maintained in a convenient location and maintained in a safe condition.

(4) No person being the owner of a property on which a dwelling is situate shall fail to ensure that portable heating equipment is not used as a primary source of heat.

(5) No person being the owner of a property on which a dwelling is situate shall fail to ensure that any heating system, including a wood stove, fireplace, heating appliance, chimney or other equipment provided to supply heat, is maintained.

Electrical and Lighting

28. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) the capacity of the connection to and the system of circuit and electrical outlets distributing the electrical supply within a building are installed and maintained in conformity with the regulations of the Ontario Electrical Code;

- (b) a lighting outlet with fixture controlled by a wall switch has been provided in kitchens, bedrooms, living rooms, dining rooms, washrooms, vestibules and hallways in dwelling units on the property provided however that in the case of a bedroom or a living room, a receptacle controlled by a wall switch is acceptable instead of a lighting outlet with fixture controlled by a wall switch;
- (c) a lighting outlet with a fixture has been provided and maintained in every laundry room, furnace room, garbage room, utility room, storage room, service room, unfinished basements on the property and in every exit or corridor providing access to exit for the public on the property; and
- (d) every dwelling unit and non-habitable space on the property has sufficient windows, skylights and electrical lighting adequate to provide sufficient levels of illumination to prevent health or accident hazards available at all times in normal use as set out under the *Ontario Building Code*.

Ventilation and Air Conditioners

29. (1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that ventilation is provided and maintained:

- (a) for every habitable space except for a living room and dining room with:
 - (i) natural ventilation which:
 - 1. consists of an opening or openings with a minimum aggregate unobstructed free flow area of 0.278m² (3 square feet), and
 - 2. is located in the exterior walls or through openable parts of skylights, or
 - (ii) mechanical ventilation which changes the air once each hour.

- (b) for every washroom with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights, with all such openings having a minimum aggregated unobstructed free flow area of 0.092 m² (1 square foot), or with a system of mechanical ventilation such as an exhaust fan with a duct leading to outside the dwelling;
 - (c) for every enclosed attic or roof space with openings to the exterior to provide at least 0.092 m² (1 square foot) of unobstructed vent area for every 27.9 m² (300 square feet) of attic or roof space;
 - (d) for a crawl space or non-habitable basement space with ventilation to the exterior by natural or mechanical means; and
 - (e) for every non-habitable space in a building with adequate ventilation.
- (2) No person being the owner of a property on which a dwelling is situate shall fail to ensure that air conditioners on the property are equipped with proper devices to prevent condensation draining onto public sidewalks, walkways, entrances and other pedestrian routes, and that all air conditioners on the property are maintained in a safe mechanical and electrical condition.

Standards for Occupancy

30.-(1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that a non-habitable space is not used as a habitable space.

(2) For the purposes of this By-Law the minimum height of a habitable space shall be in compliance with the *Building Code Act* in effect at the time of construction of the building.

(3) No person being the owner of a property on which a dwelling is situate shall fail to ensure that a basement in a building on that property is not used as a dwelling unit or as a habitable space unless:

- (a) the dwelling unit or habitable space meets all of the light, ventilation, and ceiling heights set out in this By-Law; and
- (b) the floor and walls are impervious to leakage of underground and surface run-off water.

PART IV

PROPERTY STANDARDS – VACANT AND HAZARD BUILDINGS

31. –(1) No person being the owner of a property shall fail to ensure that any unoccupied building on the property is secure from entry by unauthorized persons, in order to protect against the risk of fire, accident, or other danger, as set out in this Section.

(2) If the normal locking of and other security measures for a building do not prevent entry, entry shall be prevented as follows:

(a) by covering all windows, doors, and other openings in the building that provide a means of entry with plywood or an equivalent material securely fastened and tight-fitting

(i) with a thickness not less than 12mm., and
(ii) affixed, if covering a wooden door frame or window frame, by steel wire nails of not less than 50mm. in length, or, if covering a metallic door frame or window frame, by self-tapping screws of not less than 38mm. in length, and such nails or screws shall be spaced at intervals of not more than 150mm. over the entire length of each vertical and horizontal portion of each door frame or window frame, or

(b) by blocking up all windows, doors, and other openings in the building that provide a means of entry with bricks or masonry units held in place by mortar.

(2) All materials used for securing unoccupied buildings shall be covered and maintained with a preservative that is reasonably compatible in colour with the exterior finish of the building.

32. No person being the owner of a property shall fail to ensure that any building on that property, other than a hazard building, which is vacant for a period of more than 90 consecutive days, has been disconnected from all utilities serving the building, or that all such utilities have been secured, to prevent accidental or malicious damage to property.

33. No person being the owner of a property shall fail to ensure that any building on that property, other than a hazard building, which is vacant for a period of more than 90 consecutive days, is protected from entry in accordance with the standards in Section 31.

34. No person being the owner of a property shall fail to ensure that any hazard building is protected from entry of unauthorized persons in accordance with the standards in Section 31.

PART V

REMEDIAL WORK

35. No person being the owner of a property shall fail to ensure that all remedial work done on a property is to the standards set out in Part IX of *the Building Code Act, 1992*.

PART VI

REPEALS

Repeal

36.-(1) By-laws 2001-51 and 2001-200 of the City of Greater Sudbury and all amendments thereto are hereby repealed.

(2) Where a by-law is repealed by this By-law, the repeal does not:

- (a) affect the previous operation of any by-law so repealed;
- (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed;

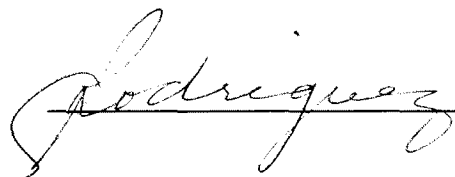
(c) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or

(d) affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

37. This By-Law comes into force and takes effect upon final passage.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 15th day of April,

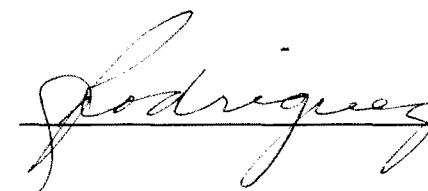
2009



A. Haché Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN

COUNCIL this 15th day of April, 2009



A. Haché Clerk

INDEX TO BY-LAW 2009-100

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For Information Only

Non-Revenue Water

Presented To: Policy Committee

Presented: Wednesday, Nov 16, 2011

Report Date Tuesday, Nov 01, 2011

Type: Correspondence for
Information

Recommendation

For Information Only

Signed By

Report Prepared By

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Division Review

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Non-Revenue Water

Introduction:

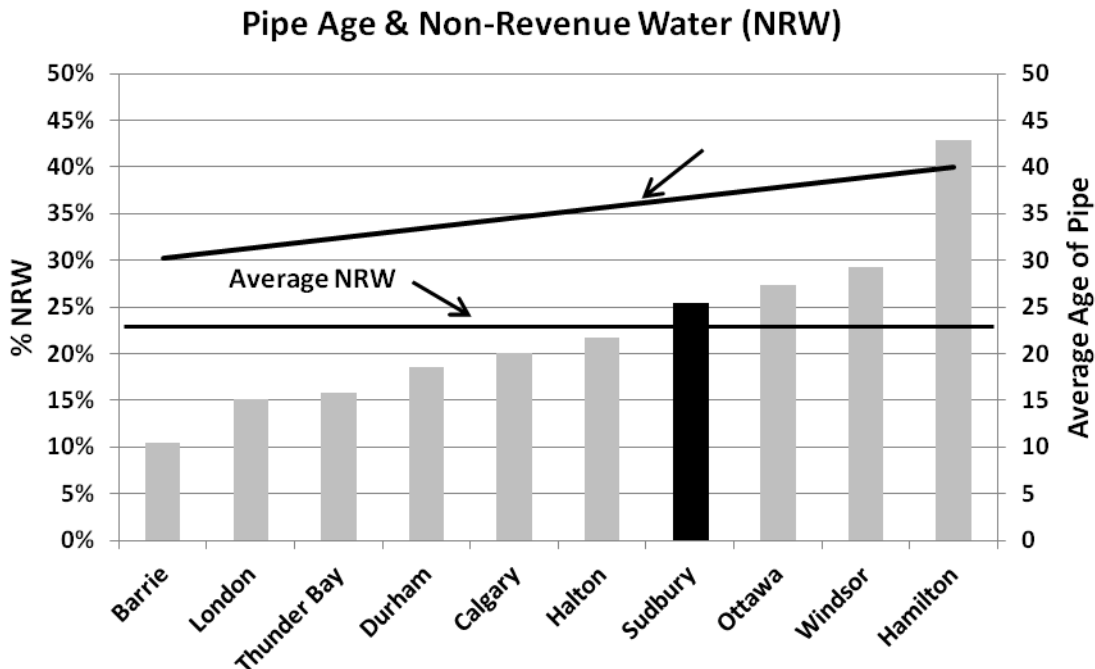
During 2010 budget discussions Council requested that an information report be prepared to identify the volume and costs of non-revenue water in City of Greater Sudbury (CGS) systems. This report provides the requested information.

Background:

The 2010 water billing information from Greater Sudbury Utilities and the water production data from CGS supply facilities was used to calculate the amount of non-revenue water produced in 2010.

Our production records indicate that the CGS produced a total of 20,274,332 m³ of water in 2010 at all facilities and received revenue for 15,155,577m³. Total production and revenue volumes include the water sold to Markstay and Atikameksheng Anishnawbek First Nations. Given this information, it is estimated that about 25 percent of the water the CGS produces is considered non-revenue water (NRW).

To give this number some perspective, recently published data from the Ontario Municipal Benchmarking Initiative (OMBI) shows CGS NRW is positioned slightly above the median of 23 percent in comparison to other participating municipalities. Reported OMBI data indicates a range from 10 percent as the lowest rate of NRW to about 43 percent as the high. A key determinant factor for NRW is the average age of the distribution system pipes. The graph below illustrates the relationship between the percentage of NRW and the average age of distribution system pipe noting a strong correlation between the increase of the trendline of average pipe age and the increased percent of NRW.

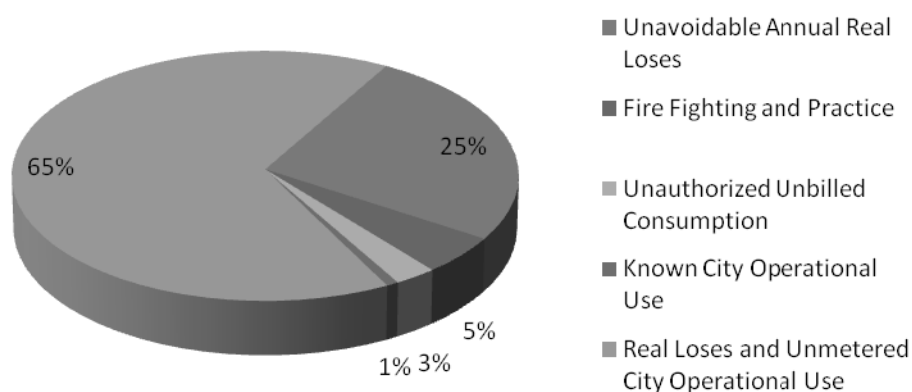


Breakdown of Non-Revenue Water (NRW):

Non-revenue water (NRW) can be categorized as either authorized or non-authorized. Authorized non-revenue water refers to valid uses of water by CGS W/WW for flushing, and other maintenance purposes, fire fighting / fire practices, winter running service lines to prevent freezing, usage of hydrants for public events and other necessary internal uses. Staff estimate this water accounts for more than six percent of the total non-revenue water; however, it should be noted that with equipment and technology currently it is not possible to accurately account for all of the operational consumption of NRW.

Unauthorized non-revenue water is defined as water lost through leaks, watermain breaks, theft, meter inaccuracies and other uncontrolled uses. System leaks are thought to represent a significant portion of the unauthorized non-revenue water in CGS. Staff estimate that unauthorized non-revenue water accounts for approximately 90 percent of the total non-revenue water in the CGS. Of that 90 percent about 25 percent can be categorized as unavoidable annual real losses (UARL) which is defined through the use of an industry standard formula calculation which uses factors such as the length of watermains; number of service connections; average length of service connections; and average system pressure. This UARL number represents the 'best case scenario' or minimum amount of water that would still be lost if all of the current best leakage management efforts could be exerted.

Estimated Non-Revenue Water (NRW) Breakdown



Financial Impact of Non-Revenue Water (NRW):

The variable operating costs associated with the treatment and distribution of water are budgeted at \$6.7M for 2011. These include, but are not limited to, production labour costs, energy, chemicals and the purchases of water from Vale. These costs are exclusive of the capital costs required to replace and upgrade the infrastructure. Twenty-five percent or \$1.7 Million would be the potential variable cost of non-revenue water.

NRW Reduction Programs:

W/WW Services is continually working toward reducing unauthorized non-revenue water. Authorized non-revenue water reduction programs are already in place at CGS.

A significant source of authorized NRW that W/WW Services has targeted for reduction is running water during winter to prevent the freezing of public-side water service lines. According to our estimates, approximately one to three percent of the NRW is generated due to the practice of running water to prevent the freezing of public-side water service lines. Residents tend to exceed the recommended flow rate which effectively accounts for up to two percent extra NRW, bringing the actual value to approximately three percent of the NRW total. We continue to work with residents to lower their flow rates to the recommended levels and further explore the suitability of newer technologies in the hope of identifying lower cost effective methods of controlling NRW from frozen public-side water service lines.

To contain the NRW generated by running lines in winter each year, W/WW Services allocates a portion of capital funds toward lowering or insulating frozen water services to reduce additional NRW sources. In 2011, over 50 homes are scheduled to be removed from the frozen water list in Capreol, as well as many homes in the South and West ends of Sudbury.

Unauthorized NRW reduction programs are underway as well. Staff continually look for new ways to reduce the amount of uncontrolled water used in conjunction with our own operations. For example, Staff has developed a program to eliminate wherever possible bleeders in conjunction with capital improvement projects.

A project was completed in 2011 to identify undetected system leaks, through a leak detection study of 263 kilometres of watermains were checked to identify and locate system leaks for future repair. Identifying these leaks and repairing them will reduce NRW and also help reduce the number of future watermain breaks, further reducing NRW and controlling repair costs. This study focused on the inventory of metallic water mains within the Sudbury Water Distribution System, since CGS break records indicate the majority of the watermain breaks occur on these metallic watermains in this system which are thought to be a significant source of leaks. The study identified 11 leaks which have all been scheduled for further investigation and repair.

Another recent priority for W/WW Services has been to reduce the volume of NRW from meter tampering or theft of water. Staff resources were temporarily reallocated to this initiative and have paid dividends with Staff identifying approximately \$280,000 of lost revenues to be recovered in 2010 and \$365,000 to date in 2011. The meter tampering/theft in 2010 account for three percent of the total non-revenue water. Based on the success of the initiatives to date, Staff are planning to further extend the program through increasing resources targeting this source of NRW. Ultimately this problem could be significantly reduced more fully through the introduction of new technology such as smart water meters that have the capability of detecting metering issues immediately. This initiative is under consideration as well.

Despite these efforts, improving the integrity of our piping infrastructure through capital replacement of aging infrastructure is the key to a sustainable NRW reduction strategy. The ongoing investment in funding replacement and rehabilitation projects of CGS' pipe assets will result in the lowering of the overall age of the in-ground infrastructure and improve the condition and integrity of our linear infrastructure.

Request for Decision

Elderly Water and Wastewater Rebate Program

Presented To:	Policy Committee
Presented:	Wednesday, Nov 16, 2011
Report Date	Wednesday, Nov 09, 2011
Type:	Managers' Reports

Recommendation

THAT Council approve Option 2, providing a \$75 Elderly Water Wastewater Rebate for single dwelling residential property owners who are 65 years of age and older and who are in receipt of the Guaranteed Income Supplement (GIS) from the Federal Government; and

THAT a budget option be prepared for approval by the Finance Committee during the Water and Wastewater budget deliberations, all in accordance with the report dated November 9, 2011 from the Chief Financial Officer/City Treasurer.

Finance Implications

If Option 2, as recommended, is approved, a budget option will be prepared and incorporated into the proposed enhancements in the 2012 water wastewater budget. The estimated cost of \$71,250 for the rebate would equate to a 0.15% increase to the overall water and wastewater user fees.

If Option 1 is approved, the estimated cost of \$47,500 for the rebate would equate to a 0.10% increase to the overall water and wastewater user fees.

If Option 3 is approved, the estimated cost of \$95,000 for the rebate would equate to a 0.2% increase to the overall water and wastewater user fees.

Background

During the 2011 Budget deliberations, Council directed staff to investigate an affordability program for senior water wastewater customers, similar to the Elderly Property Tax Assistance Credit program that the City provides.

GUIDING PRINCIPLES

The following principles were considered when developing this program:

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Division Review

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Recommended by the Department

Lorella Hayes
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Recommended by the C.A.O.

Doug Nadorozny
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Digitally Signed Nov 9, 11

- Water and wastewater services should be affordable
- Program should be consistent with water conservation goals by not encouraging wasteful use of water
- Respond to concern by low water consumers that the fixed service charge is a much larger percentage of their overall water/wastewater bill than the average consumer

ELDERLY PROPERTY TAX ASSISTANCE CREDIT

The current Elderly Property Tax Assistance Credit Program provides a \$200 tax rebate to single dwelling residential property owners who are 65 years of age and older and who are in receipt of the Guaranteed Income Supplement (GIS) from the Federal Government. For 2010 the \$200 represented an approximate rebate of 10% of the average tax bill for those eligible residents who applied for the credit. Approximately and on average 950 seniors are receiving the City's Property Tax Rebate.

OTHER MUNICIPALITIES

An informal search indicated that only Niagara Falls, Toronto and Hamilton provide a Water Relief Program for Low Income Families and /or seniors.

Niagara Falls offers a \$100 water account credit to homeowners over the age of 65 who reside at the property and receive the GIS.

Toronto offers a rebate for low income seniors who own and reside at the property and consume less than 400 cubic metres annually. The household income cannot exceed \$50,000 annually.

Hamilton offers a Support Program that provides assistance with Utilities arrears for low income families or individuals, Ontario Works and Ontario Disability Support Program participants.

ALTERNATIVE METHODS TO CALCULATE A REBATE

There are different methods that can be considered to calculate a rebate:

- Straight discount – involves a fixed rebate on the total WWW bill
- Discount variable (usage) portion – only the portion used is discounted and the fixed portion of the bill is left untouched. This method provides greater dollar discounts to customers that use greater amounts of water, but does not promote conservation and would seem to be unfair to the average consumer
- Discount fixed portion – only the fixed service charge of the bill is discounted. From a conservation principle, customers should pay for water used
- Percentage of income – usually involves a system that charges customers for service based on a percentage of their income

Staff recommends using a fixed amount to be provided as a rebate, and that the City uses the existing eligibility requirements and processes established under the Elderly Property Tax Assistance Program. This would not add any additional administrative burden, minimize processing costs, and would be consistent with the guiding principles noted above.

Staff analyzed a sample of water and wastewater bills of 30 recipients who received the Elderly Property

Tax Assistance Credit during 2010. Of those sampled, the average annual water consumption was 142 cubic metres while the average water/wastewater bill was approximately \$690. The fixed component of the average bill was \$380.00 or 55%. In the sample of 30, 23 of those customers had fixed charges that exceeded the volumetric charge.

The intent of this water/wastewater rebate is to provide assistance to low income seniors living in their own homes and who are less able to pay for a service that does not have a lower priced alternative. This rebate would offset the financial burden that the monthly fixed rate has on low income seniors. If the applicant meets the eligibility requirements, a rebate cheque would be processed together with the Elderly Property Tax Assistance Credit.

OPTIONS FOR COUNCIL'S CONSIDERATION:

The following table provides the impact of various levels of rebates on the fixed charge component of the residential water wastewater bill:

Options	Level of Rebate	% Fixed Portion of 2011 Water/Wastewater Bill	Estimated Total Cost	Est. Increase in Overall Water Rates
Option 1	\$50	12.5%	\$47,500	0.1%
Option 2	\$75	18.75%	\$71,250	0.15%
Option 3	\$100	25.0%	\$95,000	0.2%
Option 4	Status quo & no rebate program	-	-	-

CONCLUSION and STAFF RECOMMENDATION

It is recommended that Council approve Option 2, a \$75 Elderly Water Wastewater Rebate to be applied to the water wastewater bill for single dwelling residential property owners who are 65 years of age and older and who are in receipt of the Guaranteed Income Supplement (GIS) from the Federal Government . If approved, a budget option will be prepared for the Finance Committee's consideration on November 24th, 2011.

Option 2 and a rebate of \$75 would translate into approximately a 10% reduction of an average water wastewater bill of those seniors deemed eligible for the rebate and would be comparable to the elderly tax assistance impact on property taxes. If approved by Council and the Finance Committee, the Elderly Tax Assistance Rebate Credit by-law and application form will be revised to include the water wastewater rebate program so that citizens need only apply once,

Request for Decision

Hydrant Water Use

Presented To:	Policy Committee
Presented:	Wednesday, Nov 16, 2011
Report Date	Tuesday, Nov 08, 2011
Type:	Managers' Reports

Recommendation

Staff recommends that Council approve the development of the Fire Hydrant Usage Application protocol, associated application form and fee structure for implementation on July 1, 2012.

Finance Implications

If approved, there is no budget impact as the cost of the work to set up, monitor and dismantle the equipment on the hydrant would be offset by the application fee.

INTRODUCTION:

The Water Wastewater Services Division receives numerous requests annually for the use of fire hydrants for charity fund raiser projects including charity car washes, carnivals and community events including the Chelmsford Mudboggers and Downtown Sudbury's Annual Rib Fest.

This report recommends that Council approve the usage of fire hydrants for these special events and that staff develop Operational Procedures, Application Form, and User Fee to cover the City's costs in permitting the use of municipal fire hydrants for these events and for water used.

BACKGROUND:

Councillors and Water Wastewater staff regularly receive requests from local charity groups for permission to use municipal fire hydrants.

Water Wastewater staff are very concerned that the uncontrolled and/or improper use of fire hydrants by such organizations could pose a significant health risk to the City as well as to the organization sponsoring the event using the fire hydrant.

Under normal operating conditions, the water supply system is maintained at a sufficient positive pressure to enable water to flow from the supply facilities to the customers' taps and fixtures. Under abnormal

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operating conditions (such as if a watermain breaks, pipes freeze or when there is an unexpectedly high demand on the water system), the pressure in the pipe may be reduced.

During these conditions, the pressure may be reduced enough to reverse the intended flow of water and actually draw water out of nearby service connections into our municipal water supply system. This condition is referred to as a type of backflow called backsiphonage. During these conditions, if our system is connected to private facilities or water trucks that have been hauling non-potable water, the possibility exists that dangerous backflow may occur resulting in contamination of our municipal water supply system.

Another concern with drawing water from hydrants at various flow rates is that our system becomes disturbed and could potentially result in disturbances to the water quality in the system (which manifests as dirty water) for surrounding customers. In some cases watermain breaks may be accelerated by inappropriate private fire hydrant usage.

Although backflow prevention equipment can be utilized to mitigate this risk, the very possibility of a contamination risk has given rise to efforts by Water Wastewater staff to eliminate non-essential uses of hydrants. Typically, alternate sources of water are usually available in place of using a fire hydrant. For example, one alternative is for the organization to hire a water truck which fills from our bulk filling stations where there are already processes and controls in place to address the above concerns. In most circumstances there are other locations on or near the event where water connections are available where the municipal supply can be accessed without using hydrants.

It should also be noted that many requests from event organizers within the City have been successfully denied for the reasons listed above.

If the municipal system becomes contaminated there is a serious risk of significantly impacting the health of those that consume contaminated water. Water Wastewater staff are very concerned about this risk and do not support the use of fire hydrants for non-municipal purposes.

However, staff acknowledges that there are occasions when obtaining water from a fire hydrant is the only option if the community event is to happen.

RECOMMENDATION:

It is therefore recommended that 1) staff continue to work with community groups to find alternate sources of water for their events and discourage the use of fire hydrants for non-municipal purposes; and 2) develop an appropriate protocol, application form and fee structure for the use of fire hydrants for community events that have no other alternative for the supply of water.

The protocol will include:

1. Appropriate metering and backflow prevention equipment will be installed on the fire hydrant to mitigate the risk of backsiphonage of potable water into the municipal system and to record water used.
2. As organizing and scheduling for the connection to the hydrant often takes several days to complete and as most requests are for weekend events, it is recommended that the organizations must complete a written application at least one month before the event. This time frame will allow sufficient time for staff to secure the necessary equipment and schedule necessary staff for its installation, monitoring and removal.
3. The costs to carry out the work include setting up, monitoring and dismantling of the equipment is estimated to be \$250 per application. Correspondingly, staff recommends that this fee be the fee of the application. Similarly, it is proposed that the applicants pay for water consumed at the current bulk water rate available at our four existing bulk filling stations.

Staff recommends that Council approve the development of the Fire Hydrant Usage Application protocol, associated application form and fee structure for implementation on July 1, 2012.

Request for Decision

Abandoned Shopping Carts

Presented To: Policy Committee

Presented: Wednesday, Nov 16, 2011

Report Date Tuesday, Nov 01, 2011

Type: Managers' Reports

Recommendation

Staff are recommending continuing the monitoring program and embarking on a public awareness campaign (Option #2) as detailed in the General Manager of Growth and Development report dated November 1, 2011.

Background

The following motion was presented by Councillor Cimino and supported by Council:

WHEREAS grocery carts are often abandoned on public and private property within the City of Greater Sudbury;

AND WHEREAS abandoned grocery carts can create hazardous situations and are esthetically displeasing;

AND WHEREAS not all businesses within the City of Greater Sudbury have a cart retrieval plan in place, resulting in carts remaining abandoned indefinitely;

THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury direct staff to investigate effective options, including the possibility of establishing a by-law, so as to reduce the number of abandoned shopping carts in the City and to report those options to Council's Policy Committee by the end of October, 2011.

Review by staff:

Three staff members were assigned to review the matter of abandoned shopping carts (Kristen

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Report Prepared By

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Chief Administrative Officer
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Newman in Legal; Darlene Barker in By-law and Chantal Mathieu in Environmental Services).

Following the first meeting, it was agreed that each staff member would seek information from the respective field. The following municipalities indicated that they have by-laws for regulating abandoned shopping carts: Markham, Mississauga and Guelph. Staff located by-laws from the following municipalities outside of Ontario which regulate abandoned shopping carts by by-law: Halifax, NS, Dollard-des-Ormeaux, QC, Vancouver, BC and Calgary, AB. Toronto indicated that it does not have a by-law and that a cart retrieval corporation was formed by retailers which picks up carts from City property.

A few by-law examples from various Cities were found which generally contain the following: requirement that carts be identified (company name, message that carts should not be removed from the premise etc), retailers have a mandatory plan to prevent cart removal , a removal plan and fines/penalties for the enforcement of the by-law.

Staff also agreed that seeking input from the owners of shopping carts would provide information that may be useful to Council in determining the path forward. A survey was drafted and was mailed to approximately 130 businesses. The survey requested information on carts, whether carts were permitted off site, details on cart management practices and a general comment area. Approximately 43 responses were received and a few comments are enclosed (refer to the text box).

As directed by Council, staff is providing the following options:

Option #1 Development of a by-law with enforcement resources -

There is some reluctance from retailers to have a by-law passed as many of them have cart programs in place. The persons at the centre of the problem are the persons taking the carts from the retailers' properties. Theft of private property is a *Criminal Code* issue enforced by the Police. The retailers would be the persons to which a by-law would apply, not the persons removing the carts from private property. A by-law would also require that additional resources be set aside for the By-law Enforcement Section.

Option #2 Monitoring & Awareness Program -

- Continue the existing monitoring program:
 - Concerned citizens may call the City at 3-1-1 to report an abandoned shopping cart. The location of the cart will then be provided to either the store owner or a cart retrieval company.
 - City waste collection staff to make location notes of abandoned shopping carts on public property. This information is compiled and also provided to either the store owner or a cart retrieval company.
- Undertake an awareness campaign to inform shopping cart users to not remove carts from store premises:
 - This information could be included in the corporate communication newsletter, on the City's website and as a Public Services Announcement.
 - Provide a copy of Appendix 1 and advise store owners to post it within their stores (at the cash, near the exit etc.).
 - Request that a notice to not remove carts from properties be placed on shopping carts. Refer to Appendix 2 as an example.

- Advise shopping cart owners to ensure that their shopping carts are clearly identified and retrieved promptly. This includes retrieving their shopping carts daily from surrounding bus stops, bus shelters etc.

Option #3 Combination of Option #1 and Option #2

At this time, staff are recommending continuing the monitoring program and embarking on a public awareness campaign (Option #2) and that the development of a by-law not be considered at this time.

“The public needs to be made aware of the situation and it should be clearly stated that it is a crime to take retail property off the premises and that they will be charged; and it is not just a rule from the retailer.”

“It is up to the retailer to control their problem, not the city. The imposition of another "Business Tax" for the retrieval of carts should not even be contemplated.”

“If the purpose of the bylaw is to force retailers to enforce keeping carts on our premises, you are just driving the cost of doing business up. Maybe a solution would be to deal with individuals that remove the carts from the premises...which is theft. “

“This is a theft problem for retailers. There are already laws concerning theft. What is needed is enforcement!!!”



Shopping carts are not to be removed from the store property!

Les charriots ne doivent pas être retirés de la propriété du magasin.



Appendix 2

