

Authority: Item 6, Planning Committee
 Report 18-014 (PED18205)
 CM: September 26, 2018
 Ward: City Wide

Bill No. 302

CITY OF HAMILTON

BY-LAW NO. 18-

A By-law to Amend By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No. 17-225 is amended by adding a new Table 14 entitled BY-LAW NO. 10-221 Being a By-law to prescribe standards for the maintenance and occupancy of property.

TABLE 14: BY-LAW NO. 10-221 PROPERTY STANDARDS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	10-221	3(1)	fail to maintain the property in conformity with the standards required in this By-law specifically (Sec. _____)	\$100.00
2	10-221	3(2)	fail to repair and maintain the property to conform to the standards required by this by-law specifically (Sec. _____)	\$100.00
3	10-221	3(2)	fail to clear the property of all buildings/structures or debris and leave in a graded/levelled condition	\$100.00
4	10-221	3(2)	alter/clear/remove/demolish or relocate heritage property, except in accordance with the Ontario Heritage Act	\$200.00
5	10-221	4(1)(a)	interior and exterior heritage attributes not maintained to prevent deterioration	\$200.00
6	10-221	4(1)(b)	interior and exterior heritage attributes not repaired from damage	\$200.00
7	10-221	4(2)(b)	replaced heritage attribute instead of repair	\$200.00
8	10-221	4(2)(b)	repair not in a manner that minimizes damage to the heritage attribute	\$200.00
9	10-221	4(2)(b)	replace heritage attribute not with same material/colour /texture or distinctive feature	\$200.00
10	10-221	4(3)(a)	roof/wall/floor/retaining wall/foundation heritage attributes not structurally sound and maintained	\$200.00
11	10-221	5(2)	fail to keep building free of any health and safety hazard	\$200.00

TABLE 14: BY-LAW NO. 10-221 PROPERTY STANDARDS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
12	10-221	6(2)	openings of vacant building not properly closed/secured against unauthorized entry	\$80.00
13	10-221	6(3)(a)	fail to use appropriate wood sheathing that completely covers opening and securely fastened to building	\$80.00
14	10-221	6(3)(b)	fail to use appropriate metal sheathing that completely covers opening, installed within the reveal of exterior cladding and securely fastened to building	\$80.00
15	10-221	6(3)(c)	fail to use appropriate brick/concrete block and mortar that completely covers opening and securely fastened to building	\$80.00
16	10-221	6(6)	fail to maintain exterior surface/items of building so as to perform their intended function	\$80.00
17	10-221	6(7)	fail to turn off utilities of vacant building not required for safety/security	\$80.00
18	10-221	7(2)	fail to keep utilities on, maintain heat and ventilation to prevent damage to heritage property	\$80.00
19	10-221	7(3)(a)	fail to use appropriate boarding that completely covers opening and securely fastened appropriately to building	\$80.00
20	10-221	7(3)(b)	fail to use appropriate boarding on windows painted matt black	\$80.00
21	10-221	7(3)(c)	fail to use appropriate boarding on door opening painted same as original colour of door	\$80.00
22	10-221	7(3)(d)	opening not door/window not painted same as exterior building colour	\$80.00
23	10-221	7(3)(e)	fail to use at least 50 mm screws in length at appropriate intervals	\$80.00
24	10-221	7(5)	fail to comply with property standards order regarding openings to heritage property	\$100.00
25	10-221	7(6)	window/door other opening not closed/secured by brick/concrete block/masonry or mortar	\$100.00
26	10-221	8(1)	exterior surfaces not from resistant materials/coatings to protect deterioration by weather	\$100.00
27	10-221	8(2)	fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects	\$100.00
28	10-221	8(3)(a)	exterior of building not maintained to prevent the entry of vermin/birds	\$100.00
29	10-221	8(3)(b)	openings of exterior building not installed in accordance with Building Code	\$100.00
30	10-221	8(4)(a)	fail to maintain/prevent deterioration of exterior wall by painting/restoring or repairing wall/coping/flashing or waterproofing	\$100.00
31	10-221	8(4)(b)	fail to repair vandalism/damage of exterior wall	\$100.00
32	10-221	8(5)	fail to maintain/repair roof/all components to properly perform intended function, water-tight condition	\$100.00
33	10-221	8(5)	fail to prevent the leakage of water into building from roof	\$100.00
34	10-221	9(1)(a)	fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$100.00

TABLE 14: BY-LAW NO. 10-221 PROPERTY STANDARDS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
35	10-221	9(1)(a)	fail to ensure opening and frame is constructed to minimize drafts	\$100.00
36	10-221	9(2)	fail to ensure lock on opening properly performs intended function	\$50.00
37	10-221	9(3)	door/entrance to dwelling/dwelling unit without lock capable from securing from outside and inside	\$50.00
38	10-221	9(4)	window not able to be locked/secured from inside	\$50.00
39	10-221	9(5)	fail to have/maintain appropriate window screens	\$50.00
40	10-221	9(6)(a)(i)	fail to provide/install protective device on window for children under 10-years old which has a moveable sash	\$100.00
41	10-221	9(6)(a)(ii)	fail to provide/install protective device on window for children under 10-years old which is more than 1.8m above ground level	\$100.00
42	10-221	9(6)(b)	fail to install protective device on window within 7-days of written notice	\$100.00
43	10-221	9(6)(c)	window with protective device opening greater than 100mm	\$100.00
44	10-221	9(d)	fail to post/display clearly appropriate sign to occupant regarding window opening protective device	\$100.00
45	10-221	10(1)	natural/mechanical ventilation not compliant to building code	\$100.00
46	10-221	10(1)	natural/mechanical ventilation not maintained to perform intended function	\$100.00
47	10-221	10(2)	vent fail to prevent entry of rain/snow/vermin	\$100.00
48	10-221	11(1)	fail to maintain in structurally sound condition any structures/foundations/basements	\$100.00
49	10-221	11(2)	foundation wall/basement/crawl space not maintained to properly perform its intended function	\$100.00
50	10-221	11(3)	foundation wall/piers/footings not of acceptable materials as per Building Code	\$100.00
51	10-221	11(3)	foundation wall/piers/footings not sound/plumb adequate to carry load	\$100.00
52	10-221	11(4)	fail to maintain basement/crawl space in a watertight condition	\$100.00
53	10-221	12(1)	exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks other defects	\$70.00
54	10-221	12(2)	exterior stairway/landing/balcony/porch/ramp free of furniture/appliance	\$70.00
55	10-221	12(3)	fail to repair/replace treads and risers of exterior/interior stairway	\$70.00
56	10-221	12(4)(a)	fail to have handrail for exterior/interior stairway	\$70.00
57	10-221	12(4)(a)	fail to replace/repair exterior/interior handrail	\$70.00
58	10-221	12(4)(b)	fail to have short wall at exterior stairway	\$70.00
59	10-221	12(4)(b)	fail to repair/replace short wall at exterior stairway	\$70.00
60	10-221	12(4)(c)(i)	fail to have Building Code compliant guards on exterior stairway with more than 6 risers	\$100.00

TABLE 14: BY-LAW NO. 10-221 PROPERTY STANDARDS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
61	10-221	12(4)(c)(ii)	fail to have Building Code compliant guards on landing/porch/balcony/mezzanine/gallery/raise walkway or roof more than 600mm from ground/floor	\$100.00
62	10-221	13(1)	interior structural components/floors/ceilings and walls not made of sound material not able to support load	\$100.00
63	10-221	13(2)(a)	floors/ceilings and walls not free from water penetration	\$100.00
64	10-221	13(2)(b)	floors/ceilings and walls not free from mould or conditions that may cause mould to accumulate	\$100.00
65	10-221	13(3)	basement floor not of acceptable material to ensure water drainage and entry against vermin	\$100.00
66	10-221	13(4)	floor not smooth/level that may create unsafe condition/surface	\$100.00
67	10-221	13(5)	floor covering worn/torn not repaired/replaced	\$100.00
68	10-221	13(6)	fail to have water resistant floor covering in bathroom/kitchen/laundry or shower	\$70.00
69	10-221	13(7)	wall/ceiling not maintained in a condition free from holes/open cracks/loose coverings other defects	\$70.00
70	10-221	14(1)	plumbing system/fixture not maintained to perform its intended function	\$70.00
71	10-221	14(1)	plumbing system/fixture not maintained and free from leaks/defects	\$70.00
72	10-221	14(2)	pipng for suppling/draining water not protected from freezing	\$100.00
73	10-221	14(3)	plumbing fixture not connected by water steal trap to sewage system	\$100.00
74	10-221	14(4)	sanitary sewer system not connected correctly and/or in accordance to Building Code	\$100.00
75	10-221	14(5)(a)	fail to provide hot water at 43° C	\$100.00
76	10-221	14(5)(a)	fail to provide cold water to kitchen/bath/shower/laundry room	\$70.00
77	10-221	14(5)(b)	fail to have cold water connected to toilet/hose bib	\$70.00
78	10-221	14(6)(a)	fail to provide potable water to dwelling/dwelling unit from City water system	\$100.00
79	10-221	14(6)(b)	fail to provide potable water to dwelling/dwelling unit from commercial water system	\$100.00
80	10-221	14(6)(c)	fail to provide potable water to dwelling/dwelling unit from private source	\$100.00
81	10-221	14(7)(a)(i)	fail to provide working plumbing fixture to lodging house, a hand wash basin	\$100.00
82	10-221	14(7)(a)(ii)	fail to provide working plumbing fixture to lodging house, a toilet	\$100.00
83	10-221	14(7)(a)(iii)	fail to provide working plumbing fixture to lodging house, a bathtub/shower	\$100.00
84	10-221	14(7)(b)(i)	fail to provide working plumbing fixture to residential care facility/dwelling unit a kitchen sink	\$100.00
85	10-221	14(7)(b)(ii)	fail to provide working plumbing fixture to residential care facility/dwelling unit a toilet	\$100.00

TABLE 14: BY-LAW NO. 10-221 PROPERTY STANDARDS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
86	10-221	14(7)(b)(iii)	fail to provide working plumbing fixture to residential care facility/dwelling unit a hand washing basin	\$100.00
87	10-221	14(7)(b)(iv)	fail to provide working plumbing fixture to residential care facility/dwelling unit a bathtub/shower	\$100.00
88	10-221	15(1)(a)	fail to provide sink serviced with potable running water and splash back in kitchen	\$100.00
89	10-221	15(1)(b)	fail to provide work surface at least .74m ² impervious to grease/water in kitchen	\$70.00
90	10-221	15(1)(c)	fail to provide storage facilities of at least .8m ³ in kitchen	\$70.00
91	10-221	15(1)(d)	fail to provide cooking range/countertop range/refrigerator in kitchen	\$100.00
92	10-221	15(2)	bath/shower/toilet room not minimum height of 0.9m, water-resistant and cleaned	\$100.00
93	10-221	15(3)(a)	bath/shower/toilet room not accessible from interior of building	\$100.00
94	10-221	15(3)(b)	bath/shower/toilet room not fully enclosed with door for privacy	\$70.00
95	10-221	15(3)(c)	bath/shower/toilet room with no working artificial lighting fixture	\$70.00
96	10-221	15(3)(d)	bath/shower/toilet room not maintained to perform intended function	\$70.00
97	10-221	15(4)	fail to provide hand wash basin in same room as bath/shower/toilet	\$70.00
98	10-221	15(5)	toilet/urinal located in habitable room	\$100.00
99	10-221	15(6)(a)	lodging house fail to contain bath/shower and toilet room	\$100.00
100	10-221	15(6)(b)	residential care facility/dwelling unit fail to contain kitchen/bath/shower and toilet room	\$100.00
101	10-221	16(1)	heating system not capable of maintaining a temperature of 20° C	\$100.00
102	10-221	16(2)(a)	heating system not operating/maintained to properly perform intended function	\$100.00
103	10-221	16(2)(b)	heating system not free from unsafe condition	\$100.00
104	10-221	16(3)	furnace/boiler located in hallway or access/egress	\$100.00
105	10-221	16(4)	portable heating equipment used as primary source of heat	\$100.00
106	10-221	16(5)	fail to provide properly constructed/located fuel receptacle	\$100.00
107	10-221	16(5)	fail to provide proper fuel storage in place free from fire/accident hazard	\$100.00
108	10-221	16(6)	chimneys/flues and vent pipes not maintained to prevent gases from leaking	\$100.00
109	10-221	16(6)	fail to clean obstructions/filling open joints/masonry repair	\$70.00
110	10-221	16(7)	fuel burning appliance/equipment not properly vented to the outside	\$100.00
111	10-221	17(1)	electrical service not in compliance with Code	\$100.00
112	10-221	18(1)	not in compliance with the City development approval requirements	\$100.00

TABLE 14: BY-LAW NO. 10-221 PROPERTY STANDARDS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
113	10-221	18(1)	not in compliance with the City development approved grading plan	\$100.00
114	10-221	19(1)	not have permanently installed working lighting and maintained to perform intended function	\$70.00
115	10-221	19(2)	hallway/stairway/common area/underground parking not illuminated	\$70.00
116	10-221	19(3)	fail to comply with lighting standards for site development	\$70.00
117	10-221	19(4)	interior/exterior lighting illuminating beyond own property onto adjoining property	\$70.00
118	10-221	20(1)	swimming pool not kept clean and in sanitary condition/free from obnoxious odours	\$100.00
119	10-221	20(2)(a)	tree/part of tree that is dead/damaged not removed	\$100.00
120	10-221	20(2)(b)	tree/part of tree that is dead/damaged not maintained to remove hazard to persons/property	\$100.00
121	10-221	20(3)	principal entrance of building not have a walkway/driveway/hard surface leading to road	\$100.00
122	10-221	20(4)	fail to have concrete wheel stops at parking spaces	\$100.00
123	10-221	20(5)	area used for vehicular traffic/parking not surfaced with suitable dust free material and maintained	\$100.00
124	10-221	20(6)	surface of walkways/driveways/parking lots not maintained safe	\$100.00
125	10-221	20(7)	crushed stone surface not maintained free of dust	\$100.00
126	10-221	20(7)	crushed stone surface spillover onto sidewalk/grass	\$100.00
127	10-221	21(1)	storm water discharge creating standing water	\$70.00
128	10-221	21(1)	storm water discharge creating erosion/damage to property	\$70.00
129	10-221	21(1)	storm water discharge directed/draining onto adjoining property	\$70.00
130	10-221	21(2)	water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$70.00
131	10-221	21(3)(a)	eavestrough/downspout not watertight/free from leaks	\$70.00
132	10-221	21(3)(b)	eavestrough/downspout not free from obstruction	\$70.00
133	10-221	21(3)(c)	eavestrough/downspout not stable/securely fastened	\$70.00
134	10-221	21(3)(d)	eavestrough/downspout not perform its intended function	\$70.00
135	10-221	22(1)	fence/barrier/retaining wall not maintained to perform intended function	\$70.00
136	10-221	22(2)(a)(i)	fail to install/maintain visual barrier between their property and adjoining property where there is vehicular parking	\$70.00
137	10-221	22(2)(a)(ii)	fail to install/maintain visual barrier between their property and adjoining property where there is operation of equipment	\$70.00
138	10-221	22(2)(a)(iii)	fail to install/maintain visual barrier between their property and adjoining property where there is storage of goods	\$70.00
139	10-221	22(2)(a)(iv)	fail to install/maintain visual barrier between their property and adjoining property where there is exterior bulk/roll-off container disposal system	\$70.00

TABLE 14: BY-LAW NO. 10-221 PROPERTY STANDARDS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
140	10-221	22(2)(b)(ii)	visual barrier less than 1.2m in height applied to Sec.22(2)(a)(i), (ii) and (iii)	\$70.00
141	10-221	22(2)(b)(iii)	visual barrier less than 2m in height applied to Sec.22(2)(a)(iv)	\$70.00
142	10-221	23(1)	fail to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$100.00
143	10-221	24(1)	waste storage area/waste chute not kept clean/sanitary free from obnoxious odour	\$70.00
144	10-221	24(2)	waste chute not operational at all times	\$70.00
145	10-221	25(1)	elevator fail to comply with regulation	\$100.00
146	10-221	26(1)	fail to keep dwelling/dwelling unit free of infestation by pests	\$100.00
147	10-221	26(2)	fail to keep property free of infestation by pests	\$100.00
148	10-221	27(1)	room/space used for purpose not compliant with Building Code/Zoning By-law	\$100.00
149	10-221	27(2)(a)	living/dining/kitchen/bedroom height less than 1.9m	\$70.00
150	10-221	27(2)(b)	height of room less than 2m over 50% of required floor area	\$70.00
151	10-221	27(3)	one person bedroom not having floor area of 5.6m ²	\$70.00
152	10-221	27(3)	two or more-person bedroom not having floor area of 3.3m ² per person	\$70.00
153	10-221	27(4)	bedroom fail to be 1.8m in width	\$70.00
154	10-221	30(1)(a)	fail to comply with all standards prescribed in this By-law	\$200.00
155	10-221	30(1)(b)	fail to comply with property standards order	\$200.00
156	10-221	30(1)(c)	carry out remedial action dangerous to owner/occupant or visitor	\$200.00
157	10-221	30(1)(c)	fail to provide adequate warning of dangerous condition	\$200.00

PASSED this 26th day of September, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk