

BY-LAW NUMBER
OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend Chapter 665 of The City of Kitchener
Municipal Code with respect to standards of maintenance and
occupancy of property)

WHEREAS it is deemed expedient to amend Chapter 665 of The City of Kitchener Municipal Code as adopted by By-law 88-100;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Section 665.1.1 of Chapter 665 of The City of Kitchener Municipal Code is hereby amended to delete the definitions for the terms listed below and substitute therefor the new definitions as follows:

665.1.1

““Building Code” means Ontario Regulation 332/12 under the Building Code Act, or any Regulation(s) enacted in substitution thereof.

“Building Code Act” means the *Building Code Act*, 1992, S.O. 1992. c. 23, or any Act(s) enacted in substitution thereof.

“exterior property area” means the lot on which a building is present, and shall include all landscaping, including softscaping and hardscaping, and the exterior elements of any buildings including but not limited to decks, patios, porches, or balconies.

“key lockbox” shall mean a container for the purposes of securely storing a key, key fob, access card, or other item that will grant access to a building, property, or vehicle.

“multi-residential building” means a building containing three or more dwelling units.”

2. Section 665.6.4 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“665.6.4

In any multi-residential building exterior areas shall be maintained to ensure that:

- (a) all ramps and access routes leading to garages and parking areas are kept reasonably free of ice and snow or other hazards at all times;
- (b) all walkways and access routes to and from buildings are kept reasonably free of ice and snow or other hazards at all times; and
- (c) all exterior parking areas, including laneways, are kept reasonably free of accumulations of ice and snow at all times.
- (d) Garbage containers on exterior property areas, in addition to the requirements set out in section 665.6.12, shall be kept in a rear or side yard in an enclosed a structure with a lid or roof. Such structure shall screen the garbage containers from the view of streets, sidewalks, multi-use trails, and neighbouring properties, and if capable of being opened shall be kept closed at all times except when the containers contained therein are actually being filled or emptied.
 - (i) Despite section 665.6.4(d), garbage containers do not need to be contained within a structure during the time frame provided by a municipal waste management department for collection of said garbage containers for the address where the garbage containers are kept.
 - (ii) For greater clarity, garbage containers in this section also includes receptacles intended to hold recyclable materials and yard waste.
- (e) A structure containing garbage containers as set out in section 665.6.4(d) shall be kept in in good working order, free of odours, and without any visible deterioration.
- (f) All mailboxes shall be kept in a state of good repair and working order, including eliminating any unreasonable barriers to their access.”

3. Section 665.6.6 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“665.6.6

Lighting on private property:

- (a) shall not be used in a manner, or directed into another dwelling unit in a manner that in the opinion of an Officer is likely to create a nuisance to occupants of another property.

- (b) Shall be full cutoff luminaries that direct no light above the horizontal plane.

However, neither section 665.6.6(a) or 665.6.6(b) shall apply to prohibit, regulate, or control lighting approved by the City as a condition of development or redevelopment.”

4. Article 6 of Chapter 665 of The City of Kitchener Municipal Code is hereby amended by adding thereto the following section:

“Key lockboxes

665.6.27

A key lockbox installed or placed on the exterior of building or property shall be kept in good repair and maintained in a manner so as to prevent unauthorized access to any item within the key lockbox.”

5. Section 665.7.7 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“665.7.7

The roof of every building or structure shall be structurally sound, without visible deterioration or damage, weatherproof, and free of loose or unsecured objects and materials and excessive accumulations of snow and ice. Improperly secured objects and materials shall be either removed, repaired, or replaced.

665.7.7.1

Every metal roof shall have guards installed thereupon, adequate for the purposes of controlling the falling or sliding of any accumulated ice or snow.

665.7.7.2

Such guards indicated in section 665.7.7.1 above shall be kept in good repair and in a manner that will prevent falling or sliding ice or snow from causing damage or injury to any person or thing below, or damage or nuisance to any neighbouring properties, streets, sidewalks, or multi-use trails.”

6. Section 665.8.2 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“Interior Surfaces and Finishes

665.8.2

Interior surfaces and finishes of walls and ceilings in buildings and structures shall be maintained:

- (a) in good repair, free from holes, loose boards, and broken, torn, damaged, decayed, or missing materials;
- (b) in a safe condition;
- (c) so as to possess the fire resistant properties required by the Building Code and the Fire Code;
- (d) When mailboxes are installed internally, they shall be kept in a state of good repair and working order, including eliminating any unreasonable barriers to their access; and
- (e) When key lockboxes are installed or placed internally, they shall be kept in good repair and maintained in a manner so as to prevent unauthorized access to any item within the key lockbox.”

7. Section 665.9.7 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“665.9.7

Every portion of a dwelling unit used for residential occupancy must comply with the following requirements:

- (a) the floors, walls, and ceilings within a building and the exterior walls, roofs, and any openings therein shall be watertight and reasonably free from dampness and drafts;
- (b) every habitable room, except a kitchen, shall contain one or more windows or a skylight that:
 - (i) opens directly to the outside air; and
 - (ii) has a total light transmitting area and openable ventilation area of not less than that required by the Building Code;
- (c) all windows and skylights shall be:
 - (i) glazed or fitted with an appropriate transparent material;
 - (ii) provided with hardware and locking devices;
 - (iii) maintained in good working order and good repair; and
 - (iv) if required for ventilating purposes, capable of being easily opened and closed at all times;
- (d) a heating system shall be provided, as required by this by-law, and operated so as to maintain a minimum air temperature of 21

degrees Celsius (70 degrees Fahrenheit) within any habitable room;

- (e) an adequate and safe supply of potable water shall be provided and maintained at all times;
- (f) an adequate supply of hot water in accordance with the Building Code shall be provided and maintained at all times; and
- (g) toilet, washing, and other sanitary facilities shall be provided and maintained in good working order.”

8. Article 12 of Chapter 665 of The City of Kitchener Municipal Code is hereby amended by adding thereto the following section:

“665.12.2

If an order that is final and binding under this by-law is not complied with, the City may cause the property to be repaired or demolished accordingly in accordance with section 15.4 of the *Building Code Act*.”

9. This By-law will come into effect on date of passing.

PASSED at the Council Chambers in the City of Kitchener this _____ day
of _____, A.D. 2024.

Mayor

Clerk