

Environment, Transportation & Public Safety
Standing Committee Meeting Agenda

Date: Wednesday, October 30, 2024

Time: 4:30 o'clock p.m.

Location: Council Chambers, 1st Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure Bylaw 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

MEMBERS:

Ward 2 – Councillor Fabio Costante (Chairperson)

Ward 3 – Councillor Renaldo Agostino

Ward 4 – Councillor Mark McKenzie

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

ORDER OF BUSINESS

Item #	Item Description
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1.	CALL TO ORDER
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READING OF LAND ACKNOWLEDGMENT

We [] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

2.	DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
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3.	ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE
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| 3.1. | Adoption of the Environment, Transportation & Public Safety Standing Committee minutes of its meeting held September 25, 2024 (SCM 291/2024) |
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4.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
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5.	COMMUNICATIONS
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6.	PRESENTATIONS AND DELEGATIONS
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7.	COMMITTEE MATTERS
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8.	ADMINISTRATIVE ITEMS
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| 8.1. | Repeal of By-Law 9-2019 and 140-2020, Passing of New By-Law to Establish Standards for the Maintenance and Occupancy of All Property in the City of Windsor – City Wide (S 133/2024) |
| 8.2. | Response to CQ 29-2023 - Policy re: Capital Improvements at City Gateways - City Wide (S 134/2024) |

- 8.3. Response to CQ 23-2024 Winter Control service review to include Transit Windsor School Bus Extra routes **(S 142/2024)**
- 8.4. Drouillard Road Underpass Recreational Trail Feasibility – Ward 5 **(S 143/2024)**
- 8.5. CQ 14-2023 – Use of Rumble Strips in an Urban Environment – City Wide **(S 144/2024)**

9. TRANSIT BOARD ITEMS

10. ADOPTION OF TRANSIT BOARD MINUTES

11. QUESTION PERIOD

12. ADJOURNMENT

Item No. 3.1



Committee Matters: SCM 291/2024

Subject: Adoption of the Environment, Transportation & Public Safety Standing Committee minutes of its meeting held September 25, 2024

Environment, Transportation & Public Safety Standing Committee Meeting

Date: Wednesday, September 25, 2024

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 2 - Councillor Fabio Costante (Chairperson)

Ward 3 - Councillor Renaldo Agostino

Ward 4 - Councillor Mark McKenzie

Ward 8 - Councillor Gary Kaschak

Ward 9 - Councillor Kieran McKenzie

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

David Simpson, Commissioner, Infrastructure Services & City Engineer

Ray Mansour, Commissioner, Community & Corporate Services

Stephen Laforet, Fire Chief

James Waffle, Deputy Fire Chief

Jonathan Wilker, Deputy Fire Chief

Mark Spizzirri, Manager, Performance Measurement & Business Case Development

Craig Robertson, Manager, Licensing & Enforcement / Deputy License Commissioner

Fahd Mikhael, Manager Design

Adam Pillon, Manager of Right-of-Way

Karen Cedar, Naturalist & Outreach Coordinator

Chris Gerardi, Policy Analyst

Anna Ciacelli, Deputy City Clerk

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1. CALL TO ORDER

The Chairperson calls the meeting of the Environment, Transportation & Public Safety Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE

3.1. Adoption of the Environment, Transportation & Public Safety Standing Committee minutes of its meeting held July 31, 2024

Moved by: Councillor Gary Kaschak

Seconded by: Councillor Mark McKenzie

THAT the minutes of the Environment, Transportation & Public Safety Standing Committee meeting held July 31, 2024 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 233/2024

4. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

5. COMMUNICATIONS

None presented.

6. PRESENTATIONS AND DELEGATIONS

See item 8.4.

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7. COMMITTEE MATTERS

7.1. Minutes of the Environment & Climate Change Advisory Committee of its meeting held July 30, 2024

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 1022**

THAT the minutes of the Environment & Climate Change Advisory Committee meeting held July 30, 2024 **BE RECEIVED.**

Carried.

Report Number: SCM 256/2024
Clerk's File: MB2024

7.2. Minutes of the Windsor Licensing Commission of its meeting held August 28, 2024

Moved by: Councillor Gary Kaschak
Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 1023**

THAT the minutes of the Windsor Licensing Commission meeting held August 28, 2024 **BE RECEIVED.**

Carried.

Report Number: SCM 260/2024
Clerk's File: MB2024

7.3. Report No. 157 of the Windsor Licensing Commission - Request to eliminate age limits for wheelchair accessible taxicabs

Councillor Kieran McKenzie

Councillor Kieran McKenzie requests that administration comment on the extension of the timeline and feasibility of the license holder to comply. Craig Robertson, Manager of Licensing & By-Law Enforcement appears before the Environment, Transportation & Public Safety Standing Committee regarding the report entitled "Report No. 157 of the Windsor Licensing Commission - Request to eliminate age limits for wheelchair accessible taxicabs" dated August 28, 2024, and indicates that the current broker is the only provider of wheelchair accessible vehicles. There is a risk of losing over 50% of the fleet because of vehicle age limits. Mr. Robertson adds that after discussion with the owner of the company, it was determined that there was a shortage of available vehicles and

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the timeline of procurement of new accessible vehicles was lengthy. The corporation and community are at risk of losing accessible taxi service if the timeline is not extended.

Councillor Kieran McKenzie inquires if there is a risk of liability to the Corporation if we continue to issue licenses knowing the vehicle timelines. Mr. Robertson responds that there are strict measures in place for any licensed vehicles. There are 311 placards in the vehicles to report vehicular conditions and Mr. Robertson adds that there are measures in place to ensure that the City is not putting the corporation at risk due to mechanical defect or unsafe operation of the vehicles.

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Gary Kaschak

Decision Number: **ETPS 1024**

THAT Report No. 157 of the Windsor Licensing Commission indicating:

THAT the Windsor Licensing Commission RECEIVE the report of the Deputy Licence Commissioner entitled "Response to Request to Eliminate Age Limits for Wheelchair Accessible Taxicabs and Reduced Licence Fees"; and,

THAT the Windsor Licensing Commission RECOMMEND to City Council, an increase of the current ten-year vehicle age limit to a twelve-year vehicle age limit for licensed Wheelchair Accessible Taxicabs; and,

THAT the Windsor Licensing Commission RECOMMEND to City Council, that Public Vehicle By-law 150-2018 BE AMENDED to reflect the changes made to the maximum age limit for licensed Wheelchair Accessible Taxicabs; and further,

THAT upon City Council's decision, all late fees incurred for this year would BE WAIVED upon registration of any remaining wheelchair accessible taxicabs that are owned and operated by Canadian Checker Cab.

BE APPROVED.

Carried.

Report Number: SCM 259/2024

Clerk's File: MB2024

8. ADMINISTRATIVE ITEMS

8.4. CQ 13-2023 - Front Yard Parking Best Practice 2.2.2

Bobbi Bruneau, area resident

Bobbi Bruneau, area resident appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated November 9, 2023, entitled "CQ 13-2023 - Front Yard Parking Best Practice 2.2.2" and expresses frustration with the difficulty to find

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parking in the neighbourhood due to the lack of available parking for nearby businesses; and concludes by advocating for permission to install a driveway in the front yard.

Andrew Liburdi, area resident

Andrew Liburdi, area resident appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated November 9, 2023, entitled “CQ 13-2023 - Front Yard Parking Best Practice 2.2.2” and provides a brief overview of the difficulties they experience with the current parking restrictions, the lack of available parking, alley parking not being a viable option for the majority, and to advocate for front yard parking as multi-unit housing and EV charging become increasingly more common.

Councillor Mark McKenzie inquires whether the delegate is aware of driveways being installed without permits. Ms. Bruneau responds that there was a new permitted driveway in the 1500 block of Parent Ave. Ms. Bruneau adds that there is parking on both sides of the street, as a result she questions the rationale for the approval. A public inquiry was made and there is an approval for the driveway.

Councillor Gary Kaschak requests clarification about the current parking situation from the delegate. Ms. Bruneau responds that the only parking space available to them is their garage, which is limited for the type of vehicle they can have due to the size.

Councillor Gary Kaschak inquires about the length of time they have lived in their home. Ms. Bruneau responds they have owned their home for 24 years.

Councillor Gary Kaschak asks if the parking situation is worse now than previously when there was available parking on Erie street. Mr. Bruneau responds that it is much worse now since Erie street lost 70% of the parking capacity between Howard Ave and Parent Ave. Ms. Bruneau indicates that she feels it hurt the businesses on Erie Street due to the lack of parking to the point that they are advertising “free parking on Marentette and Elsmere” then promotes the municipal lot second to attract customers.

Councillor Gary Kaschak inquires whether they have considered a back yard parking space. Ms. Bruneau responds that there is not enough room to put a space in the back yard due to the positioning of the garage on the property.

Councillor Fabio Costante inquires whether Ms. Bruneau has considered the option of permit parking as identified in the report. Ms. Bruneau responds that they are not sure if all the neighbourhood residents would be in agreement with that option.

Councillor Mark McKenzie asks Administration if there is an estimated cost of implementing permit parking. David Simpson Commissioner, Infrastructure Services & City Engineer appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated November 9, 2023, entitled “CQ 13-2023 - Front Yard Parking Best Practice 2.2.2” and indicates that the information can be provided offline.

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Councillor Mark McKenzie asks Administration to confirm the details of the approved driveway in the 1500 block of Parent Ave. Adam Pillon Manager of Right-of-Way, appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated November 9, 2023, entitled "CQ 13-2023 - Front Yard Parking Best Practice 2.2.2" and responds that the driveway that was referred to did not have a paved alley at the rear and that is why it was permitted.

Councillor Mark McKenzie inquires whether there are any numbers related to the residents who have put in unpermitted driveways. Mr. Pillon responds that there are at least 2 violations related to front yard parking, and they are required to remove the driveway if this recommendation passes.

Councillor Mark McKenzie inquires about alley safety standards in relation to maintenance and security and if there will be any budget for this. Mr. Simpson responds that the challenges of funding and maintenance of alleys will be a fundamental discussion as part of the 2025 budget. The City will do as much as they can within the allotted funding.

Councillor Mark McKenzie inquires about the potential relief that front yard driveways could contribute to parking concerns with the growing number of ADUs in the area. Mr. Pillon responds that there is an exemption area for parking requirements for ADUs. There is no requirement to provide additional parking but there are situations where property owners would like two driveways to be able to accommodate the ADU tenants.

Councillor Mark McKenzie comments that if there is no requirement to provide parking, whether ADUs are contributing to the already difficult parking situation. Mr. Pillon responds that front yard parking would eliminate at least one spot on the road and possibly more.

Councillor Mark McKenzie asks administration to identify when this policy was changed to disallow front yard parking. Mr. Pillon responds that parking best practices were established between 2009-2010.

Councillor Mark McKenzie inquires whether there is a plan to address the charging of EVs. Mr. Pillon responds that it has not been fully explored. Most properties have paved alley access with the possibility of charging access at the rear on their own property. There is not currently a city-wide solution.

Councillor Mark McKenzie asks administration to expand upon alley safety being a motivating factor for allowing front yard parking as there have been identified concerns for trash removal from the contractor. Mr. Simpson responds that there is an element of safety. The main factor was the width of the alley and with automated arm trucks not having the necessary space to collect Herby Curby bins.

Councillor Mark McKenzie inquires whether streets are able to safely allow garbage trucks access given the congestion of parking on the streets and if front yard driveways could alleviate that pressure. Mr. Simpson responds that not doing collection from the front limited the necessary spacing they need to make it desirable for their workers.

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Councillor Mark McKenzie inquires about accessibility permits not being allowed if there is a paved alley in the rear. Mr. Pillon responds that is one of the conditions of approval or denial of an application.

Councillor Gary Kaschak inquires whether a front yard driveway could be permitted if it did not eliminate a street parking space. Mr. Pillon responds that single sided street parking would benefit one side of the street, but not the other and could exclude some properties.

Councillor Gary Kaschak inquires about some streets in Walkerville that allow parking on both sides of the street after hours and the potential to implement in other areas. Mr. Pillon responds that it can be reviewed and discussed by Administration as a possible option if directed.

Councillor Gary Kaschak inquires about permit costs for front yard parking if allowed. Mr. Pillon responds that a driveway permit is \$275 and there is a \$1000 deposit. The driveway must be completed within 12 months of the approved permit. Once the work is complete, the deposit is returned.

Councillor Gary Kaschak inquires whether the resident is responsible for location service. Mr. Pillon responds that there is no cost to the resident.

Councillor Gary Kaschak inquires about the number of parking spaces and if there is underground parking available at the apartment building on the corner Erie and Marentette. Mr. Pillon responds that there was a Committee of Adjustment meeting for a reduction in parking for that site, that may have been granted but he cannot confirm that at this time.

Councillor Gary Kaschak inquires whether a minor variance starts with the City and goes to the Committee of Adjustment. Mr. Pillon responds that the minor variance process is not appropriate for front yard parking. It would have to be a rezoning application based on by-law 8600 and would have to be a major change that the planning department would handle.

Councillor Gary Kaschak inquires whether residents with existing driveways putting in a small side driveway would require an inspection and permit. Mr. Pillon responds that there is no permit required for additional width on private lands. If they were working within the right-of-way there would be a permit required. Properties are allowed to pave 50% of the front yard.

Councillor Kieran McKenzie inquires if there was a move to allow front yard parking if that would necessitate change to the parking surface ratios. Mr. Pillon responds that the front yard parking permit allows for a 15-foot max as long as it is not over 50% of the front yard property.

Councillor Kieran McKenzie inquires whether there is any risk associated with stormwater management with the shift from permeable surface to paved. Mr. Simpson responds that it is not currently quantitative, but in an order of magnitude, it would have a low impact. Mr. Pillon adds that it would be dependent upon the street and current infrastructure within each neighbourhood.

Councillor Kieran McKenzie inquires about the risks associated with alley safety if there is less activity. Mr. Pillon responds that police services reviewed this report and was concerned with safety

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with the reduction of alley usage. The involvement of the Alley Standards Committee in the discussion was recommended and is being explored.

Councillor Kieran McKenzie inquires whether there is a public safety risk with pedestrians and cyclists with the addition of curb cuts. Mr. Pillon responds that the more access points to a property introduces a safety risk with collisions, pedestrians.

Councillor Kieran McKenzie inquires whether on-street parking is considered a traffic calming measure. Mr. Pillon responds yes.

Councillor Kieran McKenzie inquires whether front yard parking could have a net reduction of the total number of on-street parking as a result. Mr. Pillon responds that there is a limited amount of space to park between the front of the house and the sidewalk. A side yard could allow for additional space, but front yard would allow for only 1 parking space. There will be a reduction in parking throughout the neighbourhood.

Councillor Kieran McKenzie inquires whether there will be a reduction in tree cover as a result of curb cuts and if there is a compensation to replace trees. Mr. Pillon responds that they work with forestry. The resident is responsible for the cost to replace the trees along with the permit fees according to the established by-law.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 1028** CR11/2024 ETPS972

THAT the report of the Technologist II, dated November 9, 2023, entitled "CQ 13-2023 - Front Yard Parking Best Practice 2.2.2" **BE RECEIVED** for information; and,

THAT administration **BE DIRECTED** to adopt a pilot project in Ward 4 for a period of two years related to accessible parking and front yard parking.

Carried.

Councillors Kieran McKenzie and Fabio Costante voting nay.

Report Number: SCM 327/2023, S 150/2023 & AI 15/2024

Clerk's File: ST2023

8.1. Fire Master Plan

Councillor Kieran McKenzie request that the Fire Chief outline the direction to improve the current level of service.

Stephen Laforet, Fire Chief, appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated, September 6, 2024, entitled "Fire Master Plan" and responds that there were a number of issues identified in the process of creating the master plan to be considered for future decision in order to address service area limitations and

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how to move forward as we enter 10-year capital planning. The master plan does not commit to any large expense but puts the limitations on the radar for discussion.

Councillor Kieran McKenzie inquires about the rise in the number of incidents being responded to. Chief Laforet responds that public education is the first opportunity to reduce fires before they start by investing in staff to educate first. Code enforcement is the second through inspection. They are leveraging technology to aid in keeping staff on the road as much as possible by reducing travel time between calls, completing forms, inspections and issuing letters or orders of compliance as necessary without returning to the office. There has been an increase in call volume of 10% between 2019-2023. From 2012 to current they are at about a 45% increase.

Councillor Kieran McKenzie inquires whether there are some items that have been identified as an immediate need that are going to require funding beyond what has traditionally been allowed. Chief Laforet responds that the recommendations within the report identified as 0-1 year would require minimal investment and are possible within the current operating budget in many cases.

Councillor Kieran McKenzie requests further information related to the improvement of service delivery from a public safety standpoint for fire staff. Chief Laforet responds that they are already leaders in health & safety standards. Continuing to dedicate resources to training will help to reduce fires through education, prevention and code enforcement is paramount to reducing physical risk as well as mental health for the staff, and overall, less costly to the City in terms of WSIB cases.

Councillor Renaldo Agostino requests that the Fire Chief identify if the report addresses the possibility of additional pressure from an additional border crossing. Chief Laforet responds that the report addresses the border crossing in terms of recommending that we continue with joint training opportunities. We are capable of responding to the most high-level incidents funded by the province. The new border crossing is designed to modern day standards to withstand fire, explosion, and spills. The roadway that leads up to the new crossing is a provincial road, and any response will be reimbursed through MTO.

Councillor Renaldo Agostino inquires whether the City will be able to adequately respond. Chief Laforet indicates that as long as we have our level III hazmat team, there are no concerns.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **ETPS 1025**

THAT City Council **ADOPT** the FIRE MASTER PLAN (Appendix A) including the Windsor Fire & Rescue Service (WFRS) suggestions for implementation (Appendix B); and further,

Whereas on February 2, 2024, the 2024 10-year capital budget was approved via Mayoral Decision MD05-2024 which included items suggested for implementation in the Fire Master Plan, be it further resolved:

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THAT the City Treasurer **BE DIRECTED** to bring forward additional funding requests in future operating and capital budgets development processes for consideration over the 10 to 15-life cycle of the Fire Master Plan; and further,

THAT the City Solicitor **BE DIRECTED** to amend and update the Fire Services Establishing and Regulating By-Law to reflect services provided by Windsor Fire & Rescue.

Carried.

Report Number: C 112/2024

Clerk's File: SF/14852

8.2. Update to Windsor/Essex Region Stormwater Manual & Response to CR195/2022 Flood Risk Monitoring and Mitigation Measures and Programs - City Wide

Councillor Kieran McKenzie asks Administration if the municipality has the capacity to undertake some of the work that the Conservation Authority had done previously. Mr. Simpson responds that the update is welcome, and we have a level of resourcing that allows the staffing capacity that we have currently.

Councillor Kieran McKenzie inquires whether there is anything that was not fully addressed through this plan. Mr. Simpson responds that the ever-evolving AI could become a stronger predictive tool that we can strengthen.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Gary Kaschak

Decision Number: **ETPS 1026**

- I. THAT the report of the Water & Wastewater Engineer dated September 5, 2024 entitled "Update to Windsor/Essex Region Stormwater Manual & Response to CR195/2022 Flood Risk Monitoring and Mitigation Measures and Programs - City Wide" **BE RECEIVED** for information; and,
- II. THAT the Windsor/Essex Region Stormwater Manual update (v2, Amendment No. 1, dated: June 12, 2024) **BE RECEIVED**; and,
- III. THAT City Council **ADOPT** the Manual as part of the standards for the design and review of stormwater infrastructure within the City.

Carried.

Report Number: S 114/2024

Clerk's File: SW2024 & SW/13822

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Environment, Transportation & Public Safety Standing Committee Wednesday, September 25, 2024

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8.3. Matchett Road and Malden Road Ecopassage Review Study

Councillor Kieran McKenzie asks Administration to discuss the lengthy timeline for this report to come forward. Mr. Simpson responds that he is not able to answer that given the length of his time with the City.

Councillor Kieran McKenzie request that administration elaborate on the efficacy of the eco passage on Matchett to protect at risk species if there have not been identified quantitative numbers. Mr. Simpson responds that various species may choose not to cross due to noise, vibration and environmental factors, but that WSP completed a comprehensive investigation.

Councillor Kieran McKenzie comments that the species are approaching, but not crossing and if it is not the most effective tool to help protect the wildlife, next steps should be taken in order to have the intended effect and asks Karen Cedar to speak to the efficacy of the current passages to protect wildlife species.

Karen Cedar, Naturalist & Outreach Coordinator appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated, September 8, 2024, entitled “Matchett Road and Malden Road Ecopassage Review Study – Ward 1” and responds that the current eco passages are effective. The T5 across the Herb Gray Parkway mimics the continuation of their natural expected environment. The culvert on Matchett is a different situation where wildlife typically does not like to enter tunnels. It was constructed by the MTO as part of the construction of the Herb Gray Parkway. Snakes were not necessarily already crossing in that location. Establishing a new pattern for the snakes will take some time.

Councillor Kieran McKenzie requests that Ms. Cedar provide an update on the circumstance of the effected at-risk species. Ms. Cedar responds that there are a lot of at-risk species in Windsor due to the unique habitats that exist here. Protecting the habitats and identifying barriers to species living their lives fully, roadways are a clear barrier. Traffic calming measures have been implemented to mitigate barriers.

Councillor Kieran McKenzie inquires if the recommendation moves forward, will there be a comprehensive study that encompasses all available options. Mr. Simpson responds that they have three key pieces of study completed that will help to inform Parks Canada to determine the most appropriate path going forward. Mr. Simpson adds that they have also nearly completed the study regarding movement and road mortality that will complement what has already been completed. These studies will help to inform next steps.

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Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 1027**

THAT the report of the Policy Analyst, Transportation Planning dated September 8, 2024 entitled "Matchett Road and Malden Road Ecopassage Review Study – Ward 1," **BE RECEIVED** for information.

Carried.

Report Number: S 115/2024

Clerk's File: SR2024

9. TRANSIT BOARD ITEMS

None presented.

10. ADOPTION OF TRANSIT BOARD MINUTES

None presented.

11. QUESTION PERIOD

None registered.

12. ADJOURNMENT

There being no further business, the Environment, Transportation & Public Safety Standing Committee is adjourned at 6:13 o'clock p.m. The next meeting of the Environment, Transportation & Public Safety Standing Committee will be held Wednesday, October 30, 2024.

Carried.

Ward 2 – Councillor Costante
(Chairperson)

Deputy City Clerk / Supervisor of Council
Services



Subject: Repeal of By-Law 9-2019 and 140-2020, Passing of New By-Law to Establish Standards for the Maintenance and Occupancy of All Property in the City of Windsor – City Wide

Reference:

Date to Council: October 30, 2024
Author: Roberto Vani, Deputy Chief Building Official - Inspections
rvani@citywindsor.ca
519-255-6267 x6834
Planning & Building Services
Planning & Building Services
Report Date: September 26, 2024
Clerk's File #: SB2024

To: Mayor and Members of City Council

Recommendation:

THAT By-law XX-2024, "A By-Law Establishing Standards for the Maintenance and Occupancy of All Property in the City of Windsor" draft attached as schedule 'A' **BE PASSED** by Council; and,

THAT By-law Number 9-2019 as amended by By-law 140-2020 being "A By-Law Establishing Standards for the Maintenance and Occupancy of All Property in the City of Windsor" **BE REPEALED**.

Executive Summary:

N/A

Background:

Section 15.1(3) of the Ontario Building Code Act, S.O. 1992, c. 23 ("BCA") authorizes Council, where an Official Plan includes provisions relating to property conditions, to pass a By-law that:

1. Prescribes standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.

2. 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 levelled condition.

The City's Official Plan (Section 11.8.4.9) contains the provisions relating to property standards as required by the legislation.

Section 15.6 of the BCA indicates that where a property standards by-law is passed pursuant to section 15.1, then such a by-law shall provide for the establishment of a Property Standards Committee to hear appeals from Orders issued by Inspectors.

Discussion:

The City of Windsor enacted its first Property Standards By-law in 1957 with the passage of By-law 1718. Since the passage of By-law 1718 numerous Property Standards By-laws have been passed and repealed by Council to address changing Provincial legislation, housekeeping amendments and organizational and operational changes to address specific community issues such as blighted and vacant buildings and the maintenance of buildings designated under the Ontario Heritage Act.

Property standards by-laws are not merely regulatory measures; they are essential tools that ensure our city remains a desirable place to live, work, and invest.

Key Reasons for Enforcing Property Standards By-laws:

1. Protection of Public Health and Safety

Property standards by-laws are instrumental in safeguarding residents from hazardous conditions such as structural deficiencies, unsanitary environments, and fire risks. By enforcing these standards, we help prevent accidents, injuries, and ensure safe housing for our residents.

2. Preservation of Property Values

Well-maintained properties contribute to the overall aesthetic appeal of our neighborhoods, thereby preserving property values. When property standards are consistently enforced, they discourage neglect and blight, protecting homeowners' investments and enhancing the City's economic stability.

3. Community Pride and Quality of Life

A city that adheres to strict property standards fosters a sense of community pride. Clean, well-kept neighborhoods promote a higher quality of life, encouraging civic engagement and social cohesion. Residents are more likely to take pride in their surroundings, leading to a positive, self-reinforcing cycle of community improvement.

4. Attracting Business and Investment

For our city to remain competitive and attractive to businesses and investors, it is vital that we present a well-maintained and orderly appearance. Adherence to property standards signals to potential investors that our city is well-managed and committed to providing a stable and prosperous environment for economic growth.

Council has recently focused attention on addressing the perceptions of safety and security in the Downtown. To increase the number of businesses, attract new residents and visitors, and make significant improvements to the City's core, City Council adopted the Strengthen the Core – Downtown Windsor Revitalization Plan as part of the 2024 operating budget. These proposed by-law amendments will implement some of the 'High Standards' objectives noted in the plan, specifically numbers 2.2, 2.4 and 2.5 as noted below.

Strengthen the Core – 'High Standards' Objectives:

2.2 Engage all relevant City of Windsor departmental teams to create or modify existing by-laws, including the Interim Control By Law for building demolitions, to encourage through education and enforcement maintenance of vacant commercial, residential buildings and their surrounding lands.

2.4 Expand definition of "Safety" to look at impact of buildings that are not at an adequate standard.

2.5 Support enforcement of City by-laws relating to maintaining property standards. Ex. replacing broken windows, landscaping, or other property elements when there is non-compliance.

The amended Property Standards By-law (attached as Appendix 'A') includes new standards related to vacant and boarded buildings and requirements to maintain utility services in vacant buildings. Additionally, grammatical changes and language enhancements have been added to support Buildings' enforcement processes and satisfy objectives under the Strengthen the Core – Downtown.

By-law amendment highlights:

SECTION 2 - DEFINITIONS OF WORDS AND PHRASES

New definitions have been added and existing definitions modified to ensure the By-law is clear in its expectations, as well as consistent with supporting our Community Improvement Plans outlined in the City's Official Plan. The following new defined terms have been added or modified:

- Derelict Building
- Duct Type Smoke Detector
- Habitable Room
- Interceptor (Grease & Oil)

- Neglect
- Private Sewer Connection
- Rear Yard Drain
- Storm Water Management System
- Vacant Building

SECTION 5 - STANDARDS

Schedule A (Parts 1 to 5) were consolidated under this section using consecutive numbering.

Sub Section 5.2.16 was added to ensure the effective operation and maintenance of private rear yard drains and storm water management systems required as part of a development approval.

Sub Section 5.2.22 was added to ensure specific requirements for maintenance of private storm and sanitary drain connections, from a building to a municipal sewer, were included in the by-law.

Sub Section 5.2.33 (b) was amended to ensure that any exterior lighting must comply with the City's future lighting by-law.

Sub Sections 5.3.8 was added to ensure proper sizing, efficient operation, maintenance and longevity of all industrial oil interceptors.

Sub Section 5.4.26 (a) was added for clarity to ensure habitable basement ceiling heights comply with ceiling height requirements.

Sub Section 5.4.29 was added to address duct type smoke alarms required in shared residential ductwork/furnace ventilation systems.

Sub Section 5.5.1. was amended to distinguish between vacant buildings damaged by fire or storm and vacant buildings voluntarily vacated.

Section 5.6 was amended to be clear in its expectations and comparable with other municipalities.

SECTION 8 – COMPLIANCE

Sub Section 8.1 was amended to remove the reference to Schedule A and additional wording was added to Sub Section 8.4 to ensure the by-law is conforming to the most current addition of the Ontario Building Code.

SECTION 11 – REPEAL AND TRANSITION

Sub Section 11.1 and Sub Section 11.2 were amended to add the most recent by-law numbers.

SCHEDULE 'A' – TABLE OF CONTENTS

The Table of Contents was removed from this section of the by-law.

SCHEDULE 'A' PART 1 – STANDARDS FOR ALL PROPERTIES

This section was moved to Section 5 – Standards

Sub Section 1.35 (d) (Direction of parking lot lighting) was removed from this by-law.

SCHEDULE 'A' PART 2 – SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

This section was moved to Section 5 - Standards

SCHEDULE 'A' PART 3 – SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

This section was moved to Section 5 - Standards

SCHEDULE 'A' PART 4 – ADDITIONAL REQUIREMENTS FOR VACANT BUILDINGS

This section was moved to Section 5 – Standards

SCHEDULE 'A' PART 5 – SUPPLEMENTARY STANDARDS FOR HERITAGE PROPERTIES

This section was moved to Section 5 - Standards

The vast majority of residents and businesses are compliant with the Property Standards By-Law; however, these are important changes that property owners need to be aware of so Administration will work with traditional and social media to get the word out and direct property owners to the City's website for more detailed information.

Administration will also work with respective associations such as BIA's, Chamber of Commerce and others to help direct people to the City's website for information on the changes.

Lastly, Administration suggests including a notice in the 2025 tax insert and will continue to find other channels to communicate these important updates and changes to the Property Standards By-Law.

Using a combination of these strategies can ensure that the information reaches a broad audience and is understood by residents and business owners.

Risk Analysis:

Not having a comprehensive and effective Property Standards By-law along with adequate resources for enforcement impacts the City's ability to achieve the goals identified in the Strengthen the Core – Downtown Windsor Revitalization Plan and in the City of Windsor's 20-Year Strategic Vision:

1. Addressing Windsor's Reputation; and
2. Improving Quality of Life in Windsor.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

N/A

Consultations:

John Revell – Chief Building Official

Brandon Calleja – Deputy Chief Building Official – Permits (A)

Aaron Farough – Senior Legal Counsel

David Simpson – City Engineer

Conclusion:

Our municipal property standards by-laws are foundational to the continued success and vitality of our city. They protect public health and safety, preserve property values, promote environmental sustainability, enhance the quality of life, and attract business and investment.

It is the responsibility of every owner to maintain their property in a condition that will meet or exceed the minimum standards outlined in this by-law. These amendments and enhancements will address and improve various aspects of property maintenance, safety, help meet current community needs and will provide a more effective

enforcement tool to achieve the goals of the Strengthen the Core – Downtown Windsor Revitalization Plan. It is the recommendation of Administration that Council adopt this new Property Standards By-law and continue to support the enforcement of the by-law to reflect our ongoing commitment to a thriving, vibrant community.

Planning Act Matters:

N/A

Approvals:

Name	Title
Roberto Vani	Deputy Chief Building Official - Inspections
John Revell	Chief Building Official
Wira Vendrasco	City Solicitor
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Schedule A - Proposed By-law

BY – L A W N U M B E R XXX-2024

A BY-LAW TO ESTABLISH STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF ALL
PROPERTY IN THE CITY OF WINDSOR

Passed the xxxxxxxxxxxxxx

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WHEREAS Section 15.1(3) of the *Building Code Act*, S.O. 1992, c. 23, as amended authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards; and for requiring any property that does not conform with the standards to be repaired and maintained to conform with the standards as described herein or the site to be cleared of all buildings, structures, debris or refuse and the lands left in a graded and level condition;

AND WHEREAS the Official Plan for The Corporation of the City of Windsor includes provisions relating to property conditions as required by Section 15.1(3) of the *Building Code Act*, S. O. 1992, c. 23, as amended;

AND WHEREAS Section 35.3 of the Ontario Heritage Act, (OHA) R.S.O. 1990, c. 0.18 authorizes municipalities to pass by-laws to include minimum standards for the maintenance of heritage attributes or properties designated by the municipality under Section 29 or by the Minister under Section 34.5 OHA, and require property that has been so designated, that does not comply with the standards, to be repaired and maintained to conform with the standards;

AND WHEREAS Section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that Council may, by by-law, impose fees for services and activities provided or done by or on behalf of The Corporation of the City of Windsor;

AND WHEREAS it is deemed expedient to repeal By-law 9-2019 replace it with a new consolidated By-law;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

SECTION 1 SHORT TITLE

1.1 This by-law may be cited as the Property Standards By-law.

SECTION 2 DEFINITIONS

2.1 In this by-law:

ACCEPTABLE means:

- (a) accepted by the Chief Building Official of the Corporation with respect to matters under the Building Code; or
- (b) accepted by the Property Standards Officer with respect to the standards set out in this by-law.

ACCESSORY BUILDING means a completely detached building used for an accessory use of the lot.

ACT means the *Building Code Act*, S.O. 1992, c. 23, as amended or any successor thereof.

APPLIANCE means a device to convert fuel to energy and includes all components, controls, wiring and piping required as part of the device by the applicable standard referred to in the Building Code.

BARRIER-FREE means that a building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.

BASEMENT means one or more storeys of a building located below the first storey.

BUILDING means a structure as defined in the Act.

BUILDING CODE means the Regulations made under the section 34 of the Act.

CELLAR means any part of a building where the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling above.

CHIEF BUILDING OFFICIAL means the Chief Building Official or his/her designate duly appointed by the Council and having jurisdiction for the enforcement of the Act.

CITY means The Corporation of the City of Windsor.

COUNCIL means the Council of the City.

CITY CLERK means the person duly appointed as Clerk for the City.

CRAWLSPACE means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance of less than 1.8 metres in height.

DERELICT BUILDING shall mean:

- (a) a building which has been left vacant and/or neglected by the owner for a period of 182 days or more; or
- (b) a building damaged by fire, storm or other catastrophic event where, in the opinion of the Officer the building is beyond practical repair.

DUCT TYPE SMOKE DETECTOR means a device used to detect the presence of smoke in the airstream of ductwork sections of the HVAC air handling systems.

DWELLING means a building or structure that is occupied for the purpose of human habitation. A correction institution, hotel, motel home, recreational vehicle, tent trailer or travel trailer is not a dwelling.

DWELLING UNIT means a room or suite of rooms used by or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit.

EXIT means that part of a means of egress, including doorways, that leads from the floor area it serves to a separate building, an open public thoroughfare or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.

FLOOR AREA means the maximum area contained within the outside walls of a building or within the walls of a room, as the case may be.

GRADE means:

- (a) The average elevation of the crown of that part of the street abutting the front lot line. Where the elevation of a point on a building located on the lot is equal to the grade elevation, that point is deemed to be “at grade”; and
- (b) Grade for an *accessory building* means the average elevation of the finished surface of the ground adjacent to the accessory building.

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.

HABITABLE ROOM a room within a dwelling that is designed, legally used, or able to be legally used for living, sleeping, cooking, or dining. A washroom/bathroom within a dwelling unit is a habitable room.

HERITAGE ATTRIBUTES means;

- (a) The attributes or features of property, buildings or structures that contribute to the property’s cultural heritage value or interest that are defined or described or that can be reasonably inferred
 - i. In a by-law designating a property passed under section 29 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation, or otherwise; and
 - ii. In a Minister’s order made under section 34.5 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise.

- (b) The elements, features or building components including, roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

HERITAGE PROPERTY means real property, and includes all buildings and structures thereon, in the City that:

- (a) Has been designated by the City under section 29 of the *Ontario Heritage Act* or by the appropriate Minister under section 34.5 of the *Ontario Heritage Act*; or
- (b) Is within a heritage conservation district pursuant to Part V of the *Ontario Heritage Act*.”

INTERCEPTOR (GREASE & OIL) means a plumbing device designed to trap and separate grease, oil, and other non-soluble substances from wastewater before it enters the sewage system.

LOW-IMPACT DEVELOPMENT (LID) is a term that describes through land use planning and engineering design an approach to manage storm water as part of green on-site infrastructure.

MAINTAINED means to carry out any repairs, reconstruction, refinishing or replacement of any part or parts of the structure or building or appurtenances including heating and ventilation equipment required so they may properly perform the intended function.

MEANS OF EGRESS means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof for the escape of persons from any point in a building floor area, room or contained open space to a public thoroughfare or other suitable open space and includes exit and access to exits.

MULTIPLE DWELLING means one (1) dwelling, other than a double duplex dwelling, attached dwelling or townhome dwelling, containing a minimum of three (3) dwelling units.

NEGLECT means the failure of a property owner to maintain the property in accordance with the standards set out in this by-law.

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 thereto and all outbuilding fences or erections thereon or therein.

OCCUPANT means any person or persons over the age of eighteen years in possession of the property.

OFFICER means a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the Act.

ONTARIO BUILDING CODE (OBC) means the regulations made under section 34 of the Act.

ONTARIO HERITAGE ACT means the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18 as amended.

ORDER means a written direction issued pursuant to the Act requiring compliance with the standards prescribed by this by-law, and “orders” shall have a corresponding meaning.

OWNER includes the registered owner, 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 the person's own account or as agent or trustee of any other person, or who would receive the rent if such land and premises were let, or 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 of this by-law.

PARKING AREA means an area used for parking spaces, bicycle parking spaces and loading spaces and includes all collector aisles and parking aisles capable of being maintained for the parking of five (5) or more operable motor vehicles. An outdoor storage yard is not a parking area.

PARKING GARAGE/STRUCTURE (STORAGE GARAGE) means a building or part of a building that is intended for the storage or parking of motor vehicles and that contains no provision for the repair or servicing of motor vehicles.

PART IV HERITAGE PROPERTY means property designated under section 29 or 34.5 of the *Ontario Heritage Act*.

PERSON includes any individual, an owner, occupant, agent, contractor, tenant, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau or mortgagee.

PRIVATE SEWAGE CONNECTION means the part of a private sewer system which connects private property to a municipal sewer system and includes: the tee or tap into the municipal sewer, the entire lateral from the municipal sewer to 3 feet (1.0 metres) inside the building including the cleanout tee fitting, the riser and cap/cast iron cover or sampling manhole with cast iron frame and cover; but does not include storm drainage or storm connections.

PRIVATE SEWAGE SYSTEM means a system contained on private property consisting of a septic tank, treatment unit and/or leaching bed system servicing a building(s) located wholly within the boundaries of the lot or parcel of land.

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, retaining walls, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant land.

REAR YARD DRAIN means a drainage system located in the backyard of a property designed to collect and redirect excess rainwater.

REPAIR includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that the property conforms to the standards established in this by-law to the satisfaction of the Officer.

RESIDENTIAL PROPERTY means a building or structure or part of a building or structure that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes the land and premises appurtenant thereto and all mobile buildings or structures, outbuildings, retaining walls, fences and erections thereon, whether heretofore or hereafter erected.

SAFE CONDITION means a condition that does not pose or constitute a hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.

SERVICE ROOM means a room provided in a building to contain equipment associated with building services.

SEWAGE means any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include storm water.

SEWAGE SYSTEM means the City of Windsor's system of storm sewers, sanitary

sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the City.

STOREY means that part of a building between any floor and the floor, ceiling or roof next above. Any part of a storey exceeding 4.0 metres in height is deemed to be an additional storey for each 4.0 metres, or fraction thereof, of such excess. A cellar and that part of a building located entirely within a sloping roof and having a ceiling height greater than 2.0 metres over a floor area less than 50.0 percent of the area of the floor next below, is not a storey.

STORM WATER means discharge from a surface as a result of rainfall, snow melt and snow fall.

STORM WATER MANAGEMENT SYSTEM means an infrastructure designed to manage the runoff of rainwater, including drains, pipes, detention basins, storage facilities and other components.

SUITE means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

TSSA means Technical Standards and Safety Act, 2000, S.O. 2000, c. 16.

UNSAFE CONDITION means any condition that could be hazardous to the health or safety of any person authorized or unauthorized on or about the property.

USER FEE SCHEDULE BY-LAW means a by-law to establish and require the payment of fees and charges.

VACANT BUILDING shall mean a building which is neither used nor occupied by the owner or a tenant under a signed tenancy/lease agreement, for a period of more than 182 days.

WIRING means the installation of any wiring in or upon any land building, or premises from the point or points where electric power or energy is delivered therein or thereon by the supply authority or from the points where electric power or energy can be used therein or thereon by any electrical equipment and shall include the connection of any such wiring with any of the said equipment and any part of the wiring aforesaid and shall also include the maintenance, alteration, extension and repair of such wiring.

YARD means an open space, which is located on the same lot as a building or other structure and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by the City Zoning By-law.

2.2 Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the Ontario Building Code.

SECTION 3 AUTHORITY

3.1 The Chief Building Official shall administer this by-law.

3.2 The Chief Building Official and appointed Officers are responsible for enforcing this by-law.

SECTION 4 PROPERTY STANDARDS COMMITTEE

4.1 For the purpose of this by-law, there is hereby established a Property Standards Committee which shall be composed of not fewer than three members, who shall remain in office at the pleasure of Council.

4.2 The Council of the City may appoint members of the Property Standards

Committee, to coincide with the term of Council of the City. The members of the Property Standards Committee shall be paid such compensation as the Council may provide, and when a vacancy occurs in the membership of the Property Standards Committee, the vacancy shall forthwith be filled.

- 4.3 The members of the Property Standards Committee shall select one of themselves to act as chair, who shall preside at all meetings thereof. In case of the absence of the chair, the Property Standards Committee may appoint another member as acting chair.
- 4.4 A majority of the members of the Property Standards Committee shall constitute a quorum and the Property Standards Committee may adopt its own rules of procedure.
- 4.5 Any member of the Property Standards Committee may administer oaths.
- 4.6 The Property Standards Committee shall appoint a secretary who shall keep on file minutes and records of all applications and the decisions thereon, and all other official business of the Property Standards Committee, and Section 253 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, applies with necessary modifications to such documents.
- 4.7 The Property Standards Committee shall give notice or direct that notice be given of the hearing of an appeal to such person(s) as the Property Standards Committee considers advisable.
- 4.8 An owner who appeals an order shall pay the fee as outlined in the City of Windsor User Fee Schedule, as passed and amended by Council, from time to time, at the time the appeal is filed.

SECTION 5 STANDARDS

- 5.1 The standards for the maintenance and occupancy of property set out in this by-law, are adopted as the minimum standards for all property within the City.

5.2 STANDARDS FOR ALL PROPERTIES

5.2.1 Maintain Safe and Sanitary Condition

Every owner or occupant of a property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with this by-law.

5.2.2 Tenant/Occupant Requirements for Floor, Wall, Ceiling & Fixtures

Every owner or occupant of a property shall maintain every floor, wall, ceiling and fixture, under his/her/its control in a clean, sanitary and safe condition.

5.2.3 Storage of Garbage, Refuse, Appliances or Furniture in a Means of Egress

Accumulations or storage of garbage, refuse, appliances or furniture by either the occupant or owner in a means of egress shall not be permitted.

5.2.4 Structural

Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight, the loads due to the use and occupancy, and the loads imposed by natural causes such as wind, rain and snow as set out in the Building Code regulations made under Section 34 of the Act.

5.2.5 **Structural Engineer's Report**

Where, in the opinion of the Officer, there is doubt as to the structural condition or adequacy of the building or part thereof, the Officer may order that a building or structure or part thereof be examined by a professional engineer qualified to perform such inspections and licensed to practice as an engineer in Ontario, at the owner's expense, and that a written report, which may include drawings detailing recommended remedial work, be provided to the Officer.

5.2.6 **Foundations**

In every building or structure, the foundations, piers, posts or other similar supports shall be maintained in good repair and structurally sound. Where necessary, foundation walls shall be extended to a depth of 1,070 mm below finish grade, provided with subsoil drains at the footings, shored, waterproofed, and treated or repaired to prevent moisture penetration or footing settlement. Every foundation wall, basement, cellar or crawlspace shall be maintained so as to protect the building against deterioration, including that due to weather, water entry, dry rot, and infestation by rodents, vermin or insects. The perimeter of slab on grade type foundations shall be maintained to prevent rodent infestation.

5.2.7 **Exterior Walls**

All exterior walls shall be maintained in a watertight condition and in good repair so that they remain straight, level and plumbed (unless otherwise designed), presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged, defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects. Appropriate measures shall be taken to remove any stains or other defacement occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the staining or defacement occurred.

5.2.8 **Exterior Doors & Windows**

Exterior doors, windows and skylights shall be maintained in good repair and weather tight. Rotted and defective doors, door frames, window frames, sashes and casings shall be renewed and defective door and window hardware, weather stripping, caulking and broken glass shall be replaced. Repairs to windows shall be i) reglazing, or refitting with panes of transparent glass; or ii) the use of other materials which are compatible in finish and colour with the remainder of the facade of the building on which the broken window is located, provided such other material are of an appropriate thickness, have sufficient structural support, and are installed so that no broken glass is visible for the exterior of the building. Replace defective, damaged or missing hardware and locking devices: sash controls.

5.2.9 **Stairs, Porches, Landings, Loading docks, Balconies, Canopies, Awnings, Fire Escapes**

All stairs, porches, landings, loading docks, balconies, canopies, awnings, fire escapes together with any guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.

5.2.10 **Required Handrails or Guards at Stairs**

A handrail or guard shall be provided and maintained in good repair as follows:

- i. at least one side of stairs less than 1 100 mm in width;
- ii. two sides of stairs 1 100 mm in width or greater;

- iii. two sides of a curved stair used as an exit;
- iv. handrails are not required for stairs
 - (i) within dwelling units having not more than 2 risers; or
 - (ii) for exterior stairs having not more than 3 risers and serving not more than one dwelling unit.
- v. only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve not more than one dwelling unit;
- vi. except as required in (b) & (c), one handrail may be provided centrally for stairs up to 2.4 m wide; and
- vii. handrails shall have a maximum uniform height of 920 mm when measured vertically from a line drawn through the outside of the stair nosing and minimum uniform height of 800 mm.

5.2.11 Height of Guards

A guard shall be installed and maintained in good repair as follows:

- (a) Except for the edges of the floor pits in repair garages and loading docks, every surface to which access is provided for other than maintenance purposes, including but not limited to exterior lands, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, shall be protected by a guard having a minimum height of 900 mm on each side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than 600 mm. Except that a guard of 710 mm minimum height is acceptable for exterior porches, decks and balconies where the vertical drop from the open side exceeds 600 mm but does not exceed 1 800 mm.
- (b) Every exterior stair with more than 6 risers and every ramp shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds 600 mm.
- (c) When an interior stair has more than 2 risers, the side of the stair and the landing or floor level around the stairwell shall be enclosed by walls, or be protected by guards, except that a stair to an unfinished basement in a dwelling unit is permitted to have 1 unprotected side.

5.2.12 Openings in Guards

Guard – Openings

Guards for residential occupancies shall have no openings which would permit the passage of a spherical object having a diameter of 100 mm unless it can be shown that the location and size of such openings which exceed this limit does not represent a hazard.

Guards – Not to Facilitate Climbing

Guards around exterior balconies, porches and decks of buildings of residential occupancy shall be constructed and maintained not to facilitate climbing.

5.2.13 Stair Requirements

Stairs

- (a) Stairs – Interior – Single Unit Dwelling

The stair tread rise and run for residential interior single dwelling unit shall not exceed the following unless existing acceptable to the Officer:

- (i) Maximum rise 210 mm
 - (ii) Minimum tread 230 mm
 - (iii) Minimum run 200 mm
 - (iv) If run is less than 240 mm, a 25 mm nosing is required
- (b) Stairs – Residential – Not Within
- (i) Maximum rise 210 mm
 - (ii) Minimum tread 240 mm
 - (iii) Minimum run 212 mm
 - (iv) If run is less than 240 mm, a 25 mm nosing is required
- (b) Stairs – Non-residential
- (i) Rise minimum 125 mm, maximum 200 mm
 - (ii) Minimum run of 230 mm, must be uniform
 - (iii) If run is less than 240 mm, a 25 mm nosing is required
 - (iv) Existing winders of not more than 3 in 90 degrees and not more than 1 set between floors are permitted and where each tread is not less than 30 degrees and each tread is not greater than 45

(c) Stairs – Service Rooms – curved/spiral

Stairs may exceed the requirements in 1.13 (c) if serving only service rooms, service spaces and other rooms unused in industrial occupancies serving equipment and machinery, or existing curved and spiral stairs in dwelling units acceptable to the officer.

5.2.14 **Roofs, Chimneys, Fascia, Soffit, Antennas, Solar Panels**

All roofs, including chimneys, stacks, masts, lightning arresters, antennas, fascia, soffits, flashings, solar panel and supports, and other roof structures shall be maintained in good repair, watertight and structurally sound condition. Such maintenance may include, but is not limited to: a) removal of loose, unsecured objects or materials b) keeping roofs and chimneys weather tight and free from leaks and/or defects.

5.2.15 **Eaves Troughs**

Water runoff from roof surfaces shall discharge into an eaves trough or gutter and thence to a downpipe, discharging directly to grade with an appropriate extension away from the building to prevent flooding, erosion and other nuisance to neighboring properties. Discharge into the municipal storm system may be permitted if approved or authorized by the City Engineer or Chief Building Official or his/her designate.

5.2.16 **Storm Water Management and Rear Yard Drain Maintenance**

Property owners must ensure the effective operation and maintenance of their rear yard drains and storm water management systems as designed, thereby protecting their property and the surrounding environment.

5.2.17 **Ventilation Systems**

All properties provided with designed mechanical ventilation systems shall operate the system on a continuous basis. The system controls, louvers and associated equipment shall be maintained in safe working order.

5.2.18 **Chimneys, Prefabricated Chimneys & Vents**

Every chimney, prefabricated chimney, smoke pipe, flue and gas vent in use

or available for use in a building shall:

- (a) be of a type listed for the appliance for which it is being used, properly secured, free from fire hazards and unsafe conditions;
- (b) be maintained so as to prevent the escape of combustion gases into the building;
- (c) be adequately supported as to maintain proper alignment;
- (d) be kept clear of obstructions;
- (e) be sealed at all joints or tightly sealed; and
- (f) all deteriorated and/or loose masonry shall be repaired.

5.2.19 Fuel Burning Heating Equipment

All fuel burning heating equipment shall:

- (a) be connected to a chimney or flue, which vents to the exterior of the building;
- (b) be furnished with an adequate supply of combustion air to ensure proper combustion of the appliance; and
- (c) be maintained in a good state of repair and in a safe operating condition.

5.2.20 Water Supply Premise Isolation

All water supply cross connection devices specifically designated as “Premise isolation” or other testable devices located on the property shall be tested annually by a licensed tester at the expense of the owner or agent of the owner in accordance with the most recent edition of the CSA STANDARD listed in the Ontario Building Code for selection and installation of backflow preventers, proof of testing shall be provided upon request by the Officer.

5.2.21 Sewage Discharge

All sewage shall be discharged directly into the municipal sewage system where one is available. Where a municipal sewage system is not available, an alternate means of disposal, acceptable to the Officer, shall be used and maintained in good repair. The maintenance of a private sewage system shall include i) septic tanks ii) leaching beds iii) dry wells.

5.2.22 Maintenance of Private Sewer Connections

All private sewer connections must be maintained free from blockages, collapse or unacceptable conditions.

5.2.23 Sewers: Properties Services By

A property shall be deemed to be serviced by an available City sewer system if the sewer system is within 30.0 metres of any said property abutting municipal rights-of-way. In the event a City sewer system becomes available, the property owner will have one (1) year to connect to the available sewer and decommission the private sewage system per section 5.2.25. The availability of the sewer will be determined by the City Engineer.

5.2.24 Backwater Valves

Backwater valves installed on building drains must be maintained to provide an effective barrier to municipal backups.

5.2.25 **Decommissioning of Private Sewage System**

To decommission, septic tanks, treatment units, leaching beds or dry wells they shall be pumped dry and the contents disposed of at a suitable disposal site and a receipt of the disposal fee shall be submitted to the Officer. The tanks treatment units or dry wells shall be disposed of to the satisfaction of the Officer, cavities shall be filled with sand or other suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.

5.2.26 **Damaged Vacant Building**

A vacant building or structure damaged by fire, storm or other causes, shall be repaired to its original condition or demolished within 182 days of the issuance of an Order.

Until the necessary repair or demolition can be undertaken, the building or structure shall be supported and barricaded to avoid unauthorized entry, prevent fire hazards and prevent unsafe conditions.

5.2.27 **Damaged Building**

Every building damaged by fire, storm, or other unintended causes until repairs have been completed shall effectively:

- (a) be protected against the further risk of fire, or unsafe conditions;
- (b) be secured to prevent the entrance thereto of unauthorized persons; and
- (c) have the exterior building envelope sealed with an appropriate material to protect the interior from rain, snow or other environmental elements that would cause the building to further deteriorate.

5.2.28 **Materials Used to Board Buildings**

All materials used to board vacant buildings damaged by fire, storm, or other unintended causes, shall be tight fitted plywood, composite panels or wood boards painted with an exterior grade paint so that the colour compliments the building's exterior elements and is acceptable to the Officer.

5.2.29 **Demolition of a Building**

Where a building or structure is demolished:

- (a) the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and leveled condition;
- (b) unless new construction is to commence immediately on the same footings and/or foundation walls, the footings and foundations shall be removed unless authorized and described on the demolition permit by the Chief Building Official;
- (c) only clean, inert, native material or granular material approved by the Chief Building Official shall be used as backfill;
- (d) building rubble including but not limited to, broken bricks and concrete, shall not be acceptable as backfill material;
- (e) building services such as gas, electrical and water lines, sewer lines, and other such services, shall be properly abandoned per the City Engineer's best engineering practice standards and the authority having jurisdiction; and

- (f) the site shall be properly graded, grass seeded and otherwise restored to the satisfaction of the Officer to ensure that water will not pond on the site, or drain onto adjoining properties.

5.2.30 Demolition of Part of a Building

Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be finished with a parge coat of cementitious mortar or otherwise treated with a protective coating to prevent the entry of water into the building and to present a neat and uniform appearance, in the opinion of the Officer, free from the outlines of partitions, stairs, doors, floors, signs and from areas of multi-coloured paint or wallpaper.

5.2.31 Yard Rubbish, Debris

All properties and every yard shall be kept clean and free from rubbish, brush or other debris and from objects or conditions, such as holes or excavations, that might create a fire hazard or unsafe conditions.

5.2.32 Buffering and Screening Garbage Containers

Where commercial, industrial or multi-residential on site garbage containers are visible from a residential property or from a public street, the area where the receptacles are being stored shall be buffered and screened from adjoining or nearby residential properties or public areas so as to minimize the effect of the nuisance in accordance with applicable municipal by-laws.

Without limiting the generality of the foregoing, such buffering and screening shall be acceptable to the Officer, and shall include the provision and maintenance of an effective system to cover, contain, screen and facilitate the collection and removal of waste materials and debris.

5.2.33 Lighting & Walkways-Multiple Dwellings and Non-Residential

Regarding yard conditions:

- (a) In yards of multiple dwellings and non-residential properties, sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using walkways;
- (b) All exterior lighting standards and fixtures shall be kept in a safe condition, in working order, in good visual condition and must be compliant with the City's lighting by-law; and
- (c) Walkways shall be maintained, resurfaced or re-graded as necessary to ensure a reasonably smooth, slip free and safe surface for pedestrian traffic.

5.2.34 Water From Downspouts and Sumps

The storm water run-off from all downspouts, sump pump discharges or impervious surfaces shall be designed and maintained so as to discharge water run-off away from the building and to prevent flooding, erosion and other nuisance to neighboring properties.

5.2.35 Retaining Walls

Retaining walls, signs and all structures appurtenant to a property shall be maintained in good repair, free from unsafe conditions including fire hazards and capable of safely performing the function for which they were designed.

5.2.36 **Sound Barriers**

Existing barriers and berms required for sound attenuation and train safety shall be maintained safe, plumb, unless designed otherwise and structurally sound.

5.2.37 **Parking Areas**

All parking areas shall be:

- (a) entirely paved and maintained with a hard surface consisting of concrete, asphalt, paving brick or block or similar material acceptable to the Chief Building Official that is free from excessive cracks, pot holes, and delaminating;
- (b) provided with an internal drainage system satisfactory to the Officer, which discharges into the municipal storm system as approved by the City Engineer's Office;
- (c) provided with a minimum 150 mm in height curbs or curb stops secured to minimize the risk of vehicles damaging fences, lamp standards and other structures, and to restrict access to untraveled portions of City rights-of-way;
- (d) provided with sufficient full-cut off lighting compliant with City's LISS Council Resolution 228/2005; and
- (e) provided with visible markings and islands, to indicate parking spaces, ingress and egress routes.

Note: Parking areas using 'Low Impact Design' (*LID*) criteria that have been approved and constructed pursuant to the City's Site Plan Control by-law are exempt from section 5.2.37.

5.2.38 **Fire & Suppression Systems**

Fire detection systems, fire alarm systems, standpipe and sprinkler systems, where required, shall be maintained in working condition and records for the routine testing and maintenance of these systems shall be readily available for the Officer's review upon demand.

5.2.39 **Fire Separations**

The integrity of all required fire separations and associated smoke seals and fire stopping systems shall be maintained.

5.2.40 **Elevators, Hoists, Lifts, Moving Walkways & Escalators**

Elevators, hoists, lifts, moving walkways and escalators shall be maintained in working order and in accordance with the requirements of the TSS Act, 2000, S.O., 2000, c 16 as amended from time to time, and any regulations made there under. Including lighting fixtures, elevator buttons, floor indicators and ventilation fans. Routine testing and maintenance records of these systems shall be readily available for the Officer's review upon demand. Repair of inoperable elevators shall be done as expeditiously as possible.

5.2.41 **Refuse Chute System**

Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained except that acceptable alternatives may be provided if facilities are readily accessible to occupants. Refuse chute systems, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean, odour free and in good working order and repair.

5.2.42 **Parking Garage & Parking Structures Requirements**

Parking garages and parking structures shall be:

- (a) maintained in a clean, structurally sound, free from defects and safe condition;
- (b) adequately ventilated at all times to provide (3.8L/s/m²) of floor area minimum if ventilated by mechanical means unless the system is controlled by a Carbon Monoxide detection system;
- (c) the ventilation systems referenced in sentence (b) shall be maintained in proper working order, free from defects;
- (d) where the officer has doubts to the effectiveness of the ventilation and/or carbon monoxide detection system, can at the owners expense order testing to confirm compliance with sentence (b);
- (e) adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux at floor level over the entire floor area with a minimum level of 11 lux at any location on the floor;
- (f) equipped with wire screens or other suitable means of protection for lighting fixtures, so as to prevent accidental or malicious damage; and
- (g) shall be provided with an effective fire separation and barrier to the passage of gas and exhaust fumes from any part of the parking garage into any other part of the building used or intended to be used for human occupancy.

5.2.43 **Barrier-free Buildings**

All existing barrier-free requirements shall be maintained in existing buildings required to be barrier-free.

5.2.44 **Barrier Free Buildings - Types of Classes**

The following types of classes of buildings and structures shall be upgraded to provide barrier free access at the principal entrance to the following buildings:

- (a) medical and dental facilities with more than one (1) doctor;
- (b) places of public assembly occupancy including schools, colleges, universities and places of instruction/training;
- (c) banks and other financial institutions;
- (d) restaurants with more than 60 seats;
- (e) rest homes and lodging homes; and
- (f) commercial occupancies including retail stores and offices, but limited to those that are more than three storeys in height or more than six hundred square meters in floor area.

5.2.45 **Barrier Free Requirement Do Not Exceed the Standards**

Barrier free requirements shall not be required to exceed the standards contained in the Ontario Building Code.

5.2.46 **Accessibility to persons with Disabilities**

A requirement of Section 5.2.44 and 5.2.45 shall be deemed to be complied with if, in the opinion of the Officer, the building will provide accessibility to

persons with disabilities, taking into consideration physical limitations in the design of the building that may make some upgrading impractical.

5.2.47 **Rodents, Vermin, Termites, Injurious Insects & Other Pests**

Every dwelling property owner, and every occupant in that part of a property that he or she controls, shall maintain the property free from rodents, vermin, termites, injurious insects and other pests, and from conditions which might encourage infestation by such pests. Methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chapter P.11, as amended, and all regulations enacted pursuant thereto.

5.2.48 **Means of Egress/Exit**

Means of egress(s):

- (a) Every dwelling shall have safe, continuous and unobstructed passage or means of egress from the interior of each dwelling unit contained therein to the exterior of the dwelling at or near street or grade level;
- (b) Except as provided in sentence (c), every dwelling, containing dwelling units located other than on the first floor or the floor directly above the first floor, shall provide a second means of egress from such dwelling units to the exterior of the dwelling at or near grade level;
- (c) A second means of egress shall not be required from any dwelling unit having a separate or self-contained means of egress to the exterior of the dwelling at or near grade level; and
- (d) A required means of egress shall not pass through an attached or built-in garage or an enclosed part of another dwelling unit.

5.2.49 **Equipment**

All equipment, components and supplies or replacement equipment, components and supplies must be Canadian Standards Association approved or otherwise listed in a manner consistent with the Ontario Building Code as amended or other authority having jurisdiction.

5.2.50 **Building Used as Illegal Marijuana Grow Operations**

Buildings identified by police services as illegal marijuana grow operations will require the following:

- (a) **Mould Air Quality Report**- at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Property Standards Officer;
- (b) **Structural Report** - where the Officer has doubt as to the structural condition or adequacy of the property, the Officer may require compliance with section of 5.2.5 this by-law; and
- (c) **Electrical Report** - where an Officer has reason to believe the building electrical system may pose an unsafe condition, may require at the owners expense the submission of an Electrical Safety Authority Clearance Certificate to the Officer.

5.3 STANDARDS FOR NON-RESIDENTIAL PROPERTIES

5.3.1 Maintain Safe & Sanitary Conditions

Every owner or occupant of a property shall maintain the property or part thereof they occupy or control as follows:

- (a) in a clean, sanitary and safe condition, free from litter, garbage and debris, including such litter and garbage as may be left by customers or other members of the general public, and shall provide containers for the disposal of such litter or garbage; and
- (b) free from objects or conditions which create fire hazard or unsafe conditions.

5.3.2 Ventilation

All non-residential properties shall be adequately ventilated by natural or mechanical means on a continuous basis, in a safe and working order 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 as described in the current edition of the American National Standards Institute/American Society of Heating, Refrigerating and Air Conditioning Engineers. (ASHRAE) Standard 62.1.

5.3.3 Lighting

In all parts of a non-residential building, a minimum level of illumination of 50 lux shall be provided and maintained which will adequately protect all persons within the building from unsafe conditions.

5.3.4 Heating Systems

All non-residential buildings, or parts thereof, normally heated, shall be provided with a heating system maintained in a safe and working order, free from unsafe conditions or fire hazards and capable of supplying sufficient heat to maintain a minimum indoor temperature of 18° C during hours of occupancy.

5.3.5 Boiler Space Heating

Boiler space heating shall be provided with backflow prevention and annually tested in compliance with the most current CAN/CSA Standard "Manual for the Selection and Installation of Backflow Prevention Devices" listed in the Ontario Building Code. Test reports shall be provided to an Inspector upon request

5.3.6 Plumbing Systems, Fixtures & Appliances

Plumbing systems, fixtures and appliances in all non-residential buildings shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects.

5.3.7 Grease Interceptors

Where food is cooked processed or prepared for the public, all plumbing fixtures located in the wash-down area shall discharge through a grease interceptor which is maintained in accordance with the most current edition of CAN/CSA Standard "Maintenance of Grease Interceptors" listed in the Ontario Building Code.

5.3.8 Interceptors (Grease & Oil)

Interceptors shall be professionally designed, installed and maintained in accordance with the manufacturer's design and maintenance guidelines or a recognized industry standard.

5.3.9 **Fume/Gas Separations**

In a building used in part for residential purposes, and in part for non-residential purposes, wherein noxious fumes, or gases are, or could be, present, all separations between the non-residential portion and the residential portion shall be of gas-tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes, or gases through the separation.

5.4 **STANDARDS FOR RESIDENTIAL PROPERTIES**

5.4.1 **Cabinet, Cupboard, Shelf & Counter Top Condition**

Every cabinet, cupboard, shelf and counter top in a dwelling unit shall be maintained in a structurally sound condition, free from cracks and deterioration.

5.4.2 **Interior Cladding of Walls & Ceilings-Mould Air Quality Report**

Interior claddings of every wall and ceiling shall be maintained so as to be free of large holes, cracks, leaks, deteriorating material, visible mould and-mildew, and loose material.

5.4.3 **Water Penetration Related to Mould**

Water penetration related to mould- Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed. Mould Air Quality Report- If in the opinion of the Property Standards Officer, the mould accumulation is excessive so as to cause a health hazard, the owner will provide, at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Property Standards Officer.

5.4.4 **Floors & Finished Flooring**

Floors and finished flooring (including carpeting) shall be maintained in a structurally sound condition and be free from visible mould and mildew, holes, cracks or other defects which may cause an unsafe condition or trip hazard.

5.4.5 **Window & Door Panel Maintenance**

Cracked and broken glass in door panels, missing screens, and missing windows shall be replaced with approved glass or similar materials. All operable windows and all doors shall be capable of being opened from the inside without the use of specialized tools and maintained in good repair. All materials referred to in this section shall be to the satisfaction of the Officer to provide an acceptable level of fire protection.

5.4.6 **Heating System**

Every dwelling and every dwelling unit shall be provided with a heating system maintained in a good state of repair and in safe operating condition capable of maintaining "adequate and suitable heat" specified in the City of Windsor Vital Services by-law. Room temperature shall be determined at any point in the room, for the purposes of this by-law "adequate and suitable" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 22 °C. All common areas or internal entrance ways in a multiple dwelling shall be provided with heating systems capable of

maintaining a minimum temperature of not less than 18 °C.

5.4.7 Heating Systems, Stoves, heating Appliances, Fireplaces, Chimneys, Pumps & Filtration Equipment

Heating systems, including stoves, heating appliances, fireplaces, chimneys, fans, pumps and filtration equipment shall be maintained in a good state of repair and in a safely operable condition.

5.4.8 Portable Heating Equipment

No dwelling unit shall be equipped with portable heating equipment as the primary source of heat.

5.4.9 Approved Heating Equipment

Only heating equipment approved for use by a recognized standard testing authority shall be provided in a room used or intended for use for sleeping purposes.

5.4.10 Parking Garage – Noxious Fumes

Every parking/storage garage serving a residential use shall be provided with a fire separation (if required) and an effective barrier to the passage of gas and exhaust fumes from any part of the parking/storage garage into any other part of a dwelling unit or multiple dwelling used or intended to be used for human occupancy inclusive of doors between a parking garage and remainder of the building.

5.4.11 Bathroom Facilities & Personal Privacy

Unless specifically exempted under other governmental regulations, every dwelling and dwelling unit shall be provided with at least a water closet (toilet), a wash basin, a bath tub or shower, and a kitchen sink, all of which shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects. The water closet, wash basin, bath tub and/or shower shall be located within, and be accessible from within, the dwelling or dwelling unit and shall be located and equipped to afford privacy, secured from the inside and can be opened from outside the room in an emergency.

5.4.12 Location of Toilet/Urinal

No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.

5.4.13 Hot/Cold Running Water

Hot water at a temperature of at least 43 °C , and cold running water shall be provided in a capacity that will produce a flow in the fixture that will flush the fixture and keep it in a sanitary condition.

5.4.14 Plumbing, Including Drains, Water Supply Pipes, Water Closets and Other Plumbing Fixtures

All plumbing, including drains, water supply pipes inside a building and outside a building, water closets, back water valves, and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

5.4.15 Electrical Supply & Wiring

Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

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 and intended 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:

- (a) In compliance with the respective requirements of the Electrical Safety Code and Building Code;
- (b) In good working order and good repair; and
- (c) In a safe condition.

5.4.16 **Voice Communication Section**

In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and security locking and release facilities for the entrance, have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.

5.4.17 **Artificial Light**

Adequate artificial light shall be available at all times, in all habitable rooms, common areas, means of egress, exits and corridors.

5.4.18 **Windows & Window Lighting**

Every habitable room in a dwelling, except a kitchen, shall maintain an outside window or windows which shall be maintained in good repair, and which shall have a total light transmitting area of not less than five per cent (5%) of the floor area of the room for bedrooms, and not less than ten per cent (10%) of the floor area for all other habitable rooms.

5.4.19 **Window ventilation**

Every habitable room in a dwelling shall contain windows that are capable of being opened from the inside or vents providing a minimum unobstructed ventilation area to the outdoors of 0.14 square metres per occupant for sleeping areas, and a minimum of 0.28 square metres per occupant for all other habitable rooms. Every bathroom or water closet room shall contain windows capable of being opened from the inside, or vents, providing a minimum unobstructed ventilation area to the outdoors of 0.09 square metres; and every unfinished basement or cellar area shall contain said windows or vents providing a minimum unobstructed ventilation area to the outdoors equal to 0.2 per cent (0.2%) of the floor area.

5.4.20 **Ventilation (Mechanical)**

In lieu of the natural ventilation required by section 5.4.19, acceptable mechanical ventilation directly to the exterior shall be permissible. The system shall be capable of providing at least one (1) air change per hour for the room being served.

5.4.21 **Window Guards**

Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved guard or a safety mechanism that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter sphere. Such safety devices shall offer protection to the height of at least 1.07 m above the floor but shall not prevent the windows from being fully opened by an adult without the use of tools during an emergency.

5.4.22 **Ventilation in Laundry Room, Garbage Room, Boiler Room**

In dwellings, every laundry room, garbage room corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated, and where a system of mechanical ventilation is used it shall be maintained in good working condition.

5.4.23 **Maximum Person Residing in a Dwelling**

The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square metres of habitable room floor area.

5.4.24 **Minimum Floor Area for Sleeping**

A room used for sleeping purposes shall have a minimum floor area of 6 square metres and shall not be occupied by more than 1 person for each 4 square metres of floor area thereof.

5.4.25 **Ceiling Height for Habitable Rooms – Dwelling Unit**

- (a) Minimum room height shall not be less than 1950 mm over the required floor area and in any location that would normally be used as a *means of egress*; or
- (b) Minimum room height shall not be less than 2010 mm over at least 50% for the required floor area, provided that the floor having a clear height of less than 1400 mm shall not be considered in computing the required floor area.
- (c) Minimum clear heights under beams and ducting shall be not less than 1850mm
- (d) Sentence (a) or (c) shall be contiguous with the entry or entries to those rooms or spaces.

5.4.26 **Basement Requirements – Used as a Dwelling**

No basement or portion thereof shall be used as a dwelling unit or habitable rooms of a dwelling unit, unless it meets the following requirements:

- (a) Basement ceiling heights comply with the requirements of section 5.4.25;
- (b) Access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
- (c) In the calculations referred to in Section 5.4.18 provided that one-half of the total area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations;
- (d) The minimum required unobstructed ventilation area to the outdoors shall not be limited to the requirements of Section 5.4.19, if, in the opinion of the Officer, the location of windows that are capable of being opened or vents, providing such ventilation, is such as to create a poorly and inadequately ventilated room;
- (e) Except where a door on the same level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with:
 - i) At least one window that can be opened from the inside without the use of tools; and

- ii) At least one window shall, in every bedroom, provide an unobstructed open portion having a minimum area of .35 m² with no dimension less than 380 mm.
- (f) Each habitable room shall be separated from service rooms by a suitable fire separation in compliance with Ontario Building Code Regulations.

5.4.27 **Smoke Alarms**

Every dwelling unit shall be equipped with an approved smoke alarm(s) conforming to the current edition of the OBC regulations that shall be:

- (a) Installed on every floor level in proximity of bedrooms and in conformance with the manufacturers' instructions or recommendations for installation;
- (b) Clearly audible within sleeping areas even though the doors to the sleeping areas may be closed;
- (c) Either wired directly into the electrical system without a disconnect switch, or be battery powered. Sufficient additional replacement batteries shall be maintained nearby at all times as replacements for the smoke alarm, should it be battery powered so that at any given time such smoke alarm may have its battery or batteries replaced as warranted in order to keep it fully operational; and
- (d) Continuously operating, except during periods of unavoidable electrical power interruption or battery replacement, as the case may be.

5.4.28 **Carbon Monoxide Detectors**

Every dwelling unit that has fuel burning appliances, solid fuel burning appliances, or is attached to a storage garage, shall be equipped with a carbon monoxide detector conforming with the most current edition of CAN/CSA and US UL Standard as listed in the current Ontario Building Code regulations and shall be:

- (a) Installed in conformance with Sentence (c) where a solid fuel-fired combustion appliance exists;
- (b) Installed on or near the ceiling in each room in which there is installed a solid fuel-burning appliance;
- (c) Permanently connected to an electrical circuit, and
 - i) shall have no disconnect switch between the over-current device and the carbon monoxide detector where practical;
 - ii) be wired so that its activation will activate all carbon monoxide detectors within the suite, where located within a suite of residential occupancy; and
 - iii) be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located adjacent to a sleeping area.
- (d) Plug-in types of detectors plugged into a duplex receptacle near the floor level are acceptable in locations where there may be a hardship complying with (a), (b) and (c) outlined above.

5.4.29 **Duct Type Smoke Detector**

Where there is more than one dwelling unit within a building that share one force air furnace, a duct type smoke detector shall be installed and maintained.

5.5 STANDARDS FOR VACANT PROPERTIES

5.5.1 General

In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the owner of a vacant building, shall:

- (a) Ensure that all utilities serving a building damaged by fire or storm, which are not required for safety or security are properly disconnected or otherwise secured, to prevent damage to the building or adjoining property;
- (b) Ensure all utilities serving a vacant building that is not damaged by fire or storm be connected to public utilities to ensure building HVAC and electrical systems are operational and in use to protect the building from deterioration;
- (c) Ensure all fire protection and life safety systems serving a vacant building that is not damaged by fire or storm shall be maintained and operational per applicable standard(s);
- (d) The boarding of building openings not damaged by fire, storm or other catastrophic event is prohibited; and
- (e) Ensure that the property is kept free of rodents, vermin and other harmful pests and any conditions that would allow such pests to harbour in or about the building.

5.5.2 Additional Requirements for Vacant Non-Residential Buildings

The owner of every non-residential vacant building shall keep the property free of conditions that promote the infestation of birds.

5.5.3 Additional Requirements for Vacant Residential Buildings

Despite any other provision of this by-law, where in the opinion of the Officer a vacant residential property can be repaired, the building shall be repaired:

- (a) As soon as is possible in a manner consistent with other parts of this by-law; and
- (b) Maintained in a manner so as not to become, in the opinion of the Officer, a public nuisance.

5.5.4 Clearing and Leveling of Vacant Residential Buildings

Despite any other provision of this by-law an Officer may issue an order directing the owner to demolish a derelict or vacant residential building.

5.5.5 Clearing and Leveling of Vacant Non-Residential Buildings

Despite any other provision of this by-law an Officer may issue an order directing the owner to demolish a derelict or vacant non-residential building.

5.6 STANDARDS FOR HERITAGE PROPERTIES

5.6.1 General

In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this chapter, the owner or occupant of a Part IV Heritage Property or a Part V Heritage Property shall:

- (a) Maintain, preserve and protect the heritage attributes so as to maintain the

heritage character, visual and structural heritage integrity of the building or structure;

- (b) Maintain the property in a manner that will ensure the protection and preservation of the heritage values and attributes; and
- (c) Obtain a heritage permit from Council or where applicable Council's designate prior to performing work or causing work to be performed under this section of the by-law.

5.6.2 **Repair of Heritage Attributes**

Despite any other provision of this chapter, where a heritage attribute of a Part IV heritage property or a Part V heritage property can be repaired, the heritage attribute shall not be replaced and shall be repaired:

- (a) In a manner that minimizes damage to the heritage values and attributes;
- (b) In a manner that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
- (c) Using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
- (d) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material, if approved by Council or where applicable their designate.

5.6.3 **Replacement of Heritage Attributes**

Despite any other provision in this by-law, where a heritage attribute of a Part IV or V Heritage Property cannot be repaired, the heritage attribute shall be replaced:

- (a) In such a manner as to replace the design, colour, texture, grain or other distinctive features and appearances of the heritage attribute, using the same types of materials as the original; and
- (b) Where the same of materials as the original are no longer available, alternative types of materials that replicate the design, colour, texture, grain or other distinctive features of the original materials may be used, if approved by Council or where applicable their designate.

5.6.4 **Alteration or Demolition of Heritage Properties**

Despite any other provision of this by-law or the Act, no building or structure located on a Part IV or Part V Heritage Property may be altered, demolished, removed or relocated except in accordance with the *Ontario Heritage Act*.

5.6.5 **Vacant Heritage Properties**

Notwithstanding provisions for vacant buildings under this by-law:

- (a) Where a Part IV or Part V Heritage Property remains vacant for a period of 90 days or more, the owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes.
- (b) The owner of a vacant Part IV or Part V Heritage Property shall protect the building and property against the risk of fire, storm,

neglect, intentional damage or other damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings to the building in the following manner:

- (i) all boards shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding;
- (ii) all boards shall be fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric, and is reversible;
- (iii) all boards shall be painted in a manner to reflect panes of glass, frames and mullions that were to be found on the opening that is being boarded over or the panes of glass shall be painted in matt black and the window frames and mullions shall be painted in a colour that of the original opening;
- (iv) all boards used for boarding and securing openings not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.
- (v) minimizing visual impact; and
- (vi) no window, door or other opening on a Part IV heritage property or Part V heritage property shall be secured by brick or masonry units held in place by mortar unless a Heritage Alteration Permit is granted.

SECTION 6 CERTIFICATE OF COMPLIANCE

- 6.1 Following the inspection of property, the Officer may, or upon the request of the owner, shall where no building permit was required, issue to the owner a Certificate of Compliance if, in the Officer's opinion, the property is in compliance with the standards set out in this by-law.
- 6.2 Where the owner has made a written request for a Certificate of Compliance, all fees associated with the Order pursuant to the City of Windsor User Fees Schedule shall be paid prior to the issuance of the Certificate.

SECTION 7 PERMITS, AND ADMINISTRATION FEES

- 7.1 Where an Order to Repair is issued pursuant to this by-law, a fee will be assessed to the registered owners in accordance with the City of Windsor User Fee Schedule.
- 7.2 Every property owner who is issued an Order to Repair pursuant to this by-law shall obtain a building permit unless exempted in writing by the Chief Building Official.

SECTION 8 COMPLIANCE

- 8.1 All owners or occupants of property shall comply with the standards set out in this by-law and any Order to Repair that is final and binding.
- 8.2 All owners of property within the municipality that does not conform with the standards contained in this by-law shall repair and maintain such property to conform with the standards or clear the site of all buildings, structures, debris or refuse and leave the property in a graded and leveled condition, except where a demolition permit has been issued and remains in effect.

- 8.3 All repairs and maintenance of property shall be carried out with suitable and sufficient materials in a manner acceptable to the Officer.
- 8.4 All new construction or repairs shall conform to the most current addition of the Ontario Building Code and any other applicable legislation.
- 8.5 No person shall occupy any property if there are conditions which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person in or about the property.

SECTION 9 ENFORCEMENT AND PENALTY

- 9.1 An owner or occupant who fails to comply with an Order is guilty of an offence under Section 36(1) of the Building Code Act, and is liable to a penalty or penalties as set out in Section 36 of the Building Code Act.

SECTION 10 VALIDITY AND SEVERABILITY

- 10.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- 10.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION 11 REPEAL AND TRANSITION

- 11.1 Except as provided by Section 11.2 hereof, By-law Number 9-2019, as amended by 140-2020, is hereby repealed.
- 11.2 Notwithstanding Section 11.1 hereof, the provisions of By-law Number 9-2019 as amended by 140-2020, shall continue to apply to any properties in respect of which an Order has been issued under the said by-law until such Order has been concluded.

SECTION 12 EFFECTIVE DATE

- 12.1 This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CLERK

First Reading -
 Second Reading -
 Third Reading -

DRAFT

Subject: Response to CQ 29-2023 - Policy re: Capital Improvements at City Gateways - City Wide

Reference:

Date to Council: October 30, 2024
Author: Shawna Boakes
Executive Director, Operations
sboakes@citywindsor.ca
(519) 255-6247 ext. 6415

Public Works - Operations
Report Date: September 27, 2024
Clerk's File #: ACO2024/ACQ2024

To: Mayor and Members of City Council

Recommendation:

THAT the report in response to CQ 29-2023 regarding a policy regarding capital improvements at city gateways to provide options for further enhancements when budget allotments do not allow for them **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

On October 30, 2023, Councillor Francis asked the following Council Question:
"Asks that Administration report back to City Council about a policy regarding capital improvements at city gateways to provide options for further enhancements when budget allotments do not allow for them".

This report is provided in response to the Councillor's question.

Discussion:

This Council Question stemmed from a project involving the milling and paving of a road designated as a Civic Way in the City's Official Plan. However, as per the nature of the maintenance work, upgrades were only performed to the surface asphalt while medians and other infrastructure elements were outside of the project scope of work. As these other elements were not upgraded as part of this project, a perception of patchwork appearance of the completed work may have resulted. A concern was raised about the

visual inconsistency of mixing new and old materials in a prominent location and how to ensure that projects like this present a complete and cohesive look.

This report will identify the various types of streets of interest within the City and explain the processes involved in conducting maintenance work versus undertaking major capital projects at prominent locations in the City.

Streets of interest in the City of Windsor include Gateways, Civic Ways, Main Streets, and Heritage Areas as identified in “*Schedule G: Civic Image*” of the City’s Official Plan (see **Appendix A**).

Gateways:

The City of Windsor has eleven distinct Gateways. These Gateways include a variety of access points such as major roads and highways, along with notable infrastructure including the Ambassador Bridge, the Windsor-Detroit Tunnel Plaza, Windsor Airport, the VIA train station, and the nautical port at the foot of Ouellette Avenue, as well as Lakeview Park Marina. Other key Gateway locations include:

- Ojibway Parkway (near Morton Drive,
- Riverside Drive East (near Lesperance Road,
- E.C. Row Expressway (near Banwell Road,
- Walker Road (Provincial/County Rd 46); and
- Dougall Parkway (near Roseland Drive East).

As the City continues to grow, the introduction of new infrastructure, like the Gordie Howe International Bridge, plays a pivotal role in redefining its access points. Once operational, this bridge will become a major Gateway, enhancing Windsor’s transportation network. Its opening is expected to prompt updates to “*Schedule G: Civic Image*” of the City’s Official Plan, formally recognizing it as an iconic entry point.

Gateways not only support the City’s transport logistics but also bolster its economic and cultural exchanges, contributing to the overall vibrancy of the urban landscape.

As noted in the Financial Matters section, the City of Windsor’s 2024 Capital Budget includes several projects that are specifically focussed on the City’s Gateways.

Civic Ways:

In the City of Windsor's Official Plan, "Civic Ways" are designated roads within the City that are intended to serve several key purposes:

1. **Promote and Present an Attractive and Unifying Image:** Civic Ways are designed to enhance the visual appeal of Windsor, presenting a cohesive and aesthetically pleasing image of the City.
2. **Maintain a Sense of Welcome and Arrival:** These roads are meant to create a welcoming atmosphere for travelers entering the City, making a positive first impression.
3. **Create a Memorable Impression:** The design and features along Civic Ways are intended to leave a lasting and favorable memory of Windsor for those who pass through.
4. **Complement and Enhance Infrastructure:** Civic Ways are strategically designed to complement Windsor's major infrastructure investments, ensuring that these key routes contribute to the overall urban design goals of the City.

These roads are often marked by special landscaping, signage, and architectural elements that align with Windsor's broader urban design and development strategies.

Main Streets:

Main Streets are defined as crucial commercial corridors central to community life and economic activity. They are selected based on their existing or potential economic significance, community importance, and development potential.

Heritage Areas:

The City of Windsor's Official Plan outlines policies for preserving and enhancing historical and cultural resources within Heritage Areas. These designated areas are identified on Schedule 'G': Civic Image, which highlights neighbourhoods containing significant collections of heritage resources.

Maintenance versus Reconstruction / Major Capital Projects

For maintenance projects, the focus is solely on the functionality of the asset (e.g. road, median, sidewalk, etc.) without considering the overall visual aesthetics. (i.e. sodding, plantings, signage, streetscaping, etc.). Accordingly, the maintenance scope of work does not allocate funding for such ancillary features.

In contrast, major capital projects involve a comprehensive review of all elements, including aesthetics. During the planning phase of a capital project, the scope of the

required work is thoroughly reviewed, and coordination between departments is conducted as appropriate.

When a major capital project involves a Gateway, funding for the overall project is coordinated with the Parks and Planning departments.

Once the budget is approved, the goal is to complete all required work proximate to the Gateway within the allotted budget, which may necessitate value engineering. If the necessary work exceeds the available budget, the following steps are taken:

- Consider reallocation of budget dollars from other similar approved projects.
- Submit a report to Council seeking additional funds for consideration.

It is Administration's position that in lieu of derivation of a new policy, the current process is sufficient for ensuring that major capital projects undergo a comprehensive business review, incorporating visual gateway enhancements to ensure a cohesive and appealing cityscape and that any additional funding, if necessary, will be reallocated from other approved projects or communicated to Council for their consideration.

Risk Analysis:

Allocating resources to maintain infrastructure such as sidewalks, medians, or other assets that, while not aesthetically perfect, are still in functional condition allows the City to ensure their continued usability and safety, preventing deterioration that could lead to higher costs or more significant issues in the future.

By focusing on strategic maintenance, the City can extend the lifespan of its infrastructure and reduce the risk of unexpected failures.

Climate Change Risks

N/A

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

As indicated above, the City endeavours to include, where needed, an allotment of funding specifically for city gateways within project budgets as assets are constructed. In addition, if additional funding not originally contemplated as part of establishing the project budget is required for the building of a new or enhancement of an existing city gateway, Administration could seek to transfer surplus funding from other capital projects or alternative funding sources such as unallocated reserve funding.

In addition, the City has a number of capital projects that contain funding that could be used for enhancements of city gateways. These projects include:

- Beautification of Civic Gateways and Other Open Spaces (PFO-011-12);
- Orphan Monuments, Gateways, and Miscellaneous Installations and Maintenance (OPS-005-22); and
- Gateway Signage (OPS-003-24).

In total, these three projects have \$362,857 in currently available funding and continue to be assessed annually as part of the capital budget development process for any incremental funding needs.

Consultations:

Phong Nguy, Manager, Contracts, Field Services & Maintenance

Jason Campigotto, Deputy City Planner - Growth

Fahd Mikhael, Manager, Design

Wadah Al-Yassiri, Manager, Parks Development

Michael Dennis, Manager, Strategic Operating Budget Development & Control

Cindy Becker, Financial Planning Administrator – Operations

Erika Benson, Financial Planning Administrator - Parks

Mark Spizzirri, Manager, Performance Measurement & Business Case Development

Natasha Gabbana, Senior Manager, Asset Planning

Conclusion:

The City of Windsor's current approach to Gateway projects emphasizes a crucial distinction between maintenance and major capital initiatives. Maintenance efforts prioritize the functionality of existing assets, such as roads and sidewalks, without focusing on aesthetics. In contrast, major capital projects undergo a comprehensive review, incorporating visual enhancements to ensure a cohesive and appealing cityscape.

Administration is confident that the current process effectively ensures that major capital projects undertaken at streets of interest identified in “*Schedule G: Civic Image*” of the City’s Official Plan are comprehensively reviewed. If additional funding for a major capital project is required, the funding would be reallocated from other approved projects or a request for additional funding would be presented to Council for consideration.

Planning Act Matters:

N/A

Approvals:

Name	Title
Phong Nguy	(A) Executive Director of Operations
David Simpson	Commissioner, Infrastructure Services
Janice Guthrie	Commissioner, Finance and City Treasurer
Joe Mancina	Chief Administrative Officer

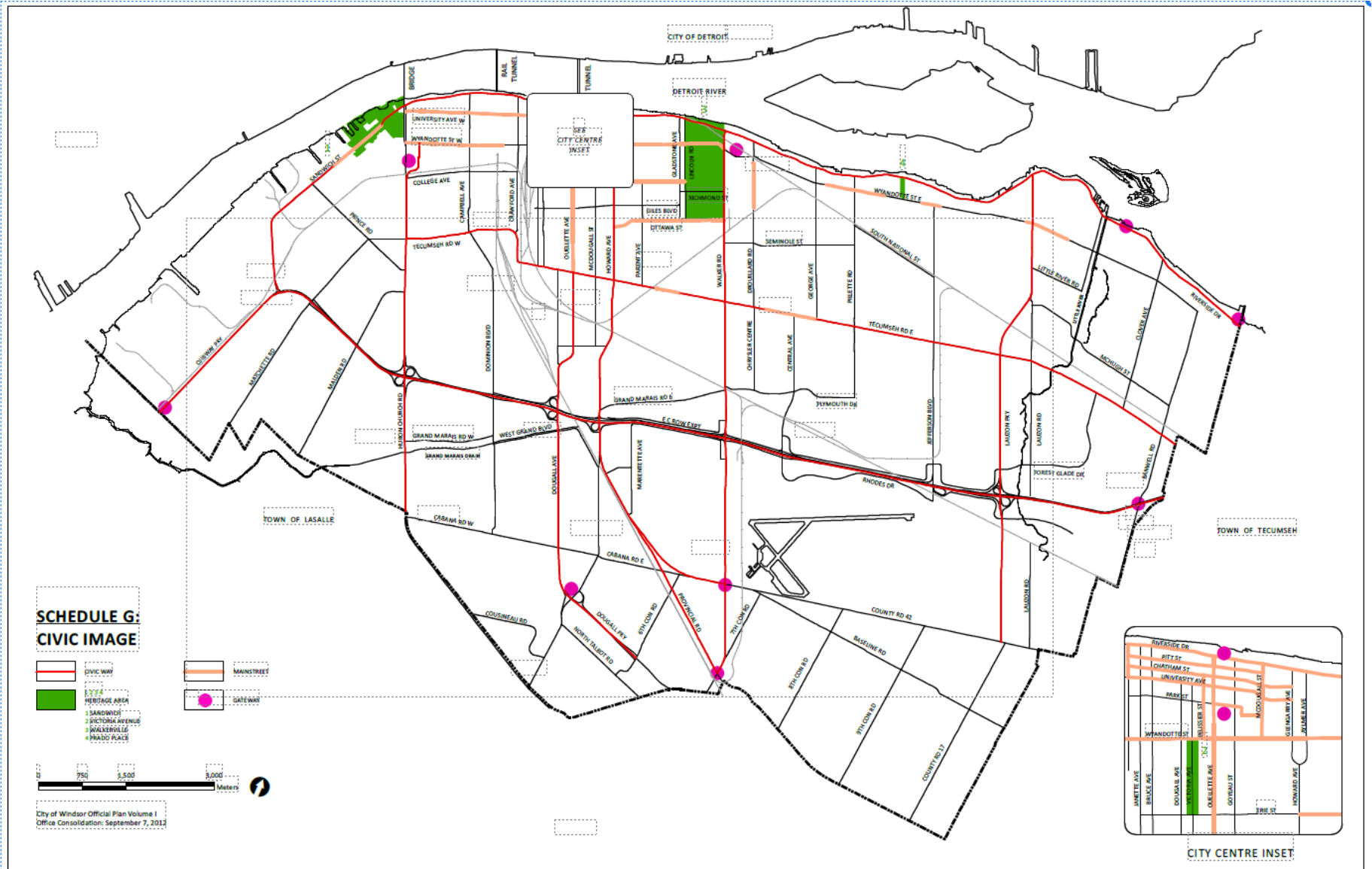
Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - Schedule G Civic Image

Appendix A – Schedule G: Civic Image





Subject: Response to CQ 23-2024 Winter Control Service Review to include Transit Windsor School Bus Extra routes

Reference:

Date to Council: October 30, 2024
Author: Roberta Harrison
Maintenance Coordinator
(519) 255 6560 ext 4241
roharrison@citywindsor.ca

Public Works Operations - Field Services and Maintenance
Report Date: October 2, 2024
Clerk's File #: ACOQ2024 & SW2024

To: Mayor and Members of City Council

Recommendation:

THAT the response to CQ 23-2024 "Winter Control Service Review to include Transit Windsor School Bus Extra routes" **BE RECEIVED** for information.

Background:

On March 18, 2024, Councillor Kieran McKenzie asked the following Council Question:

CQ 23-2024

Asks that Administration report back to Council on the feasibility, financial and service level implications of adding snow removal services on residential roads for Transit Windsor School Bus Extra routes

This report is provided in response to CQ 23-2024.

Discussion:

There are currently 21 main salt/plow routes within the City of Windsor. These routes consist of roads classified as Expressways, Arterials, and Collectors, as defined in the City of Windsor Official Plan.

The salt/plow routes have been optimized to include critical emergency routes, such as those used by fire trucks and ambulances, as well as the regular routes operated by

Transit Windsor buses. This ensures that essential services and public transportation can be maintained even during inclement weather conditions.

In addition to the regular Transit Windsor bus routes, the city also operates a service called "Transit Windsor School Bus Extras" as shown in Figure 1. These buses are specifically designed to transport students directly to their secondary schools, helping to alleviate the load on the regular bus routes.

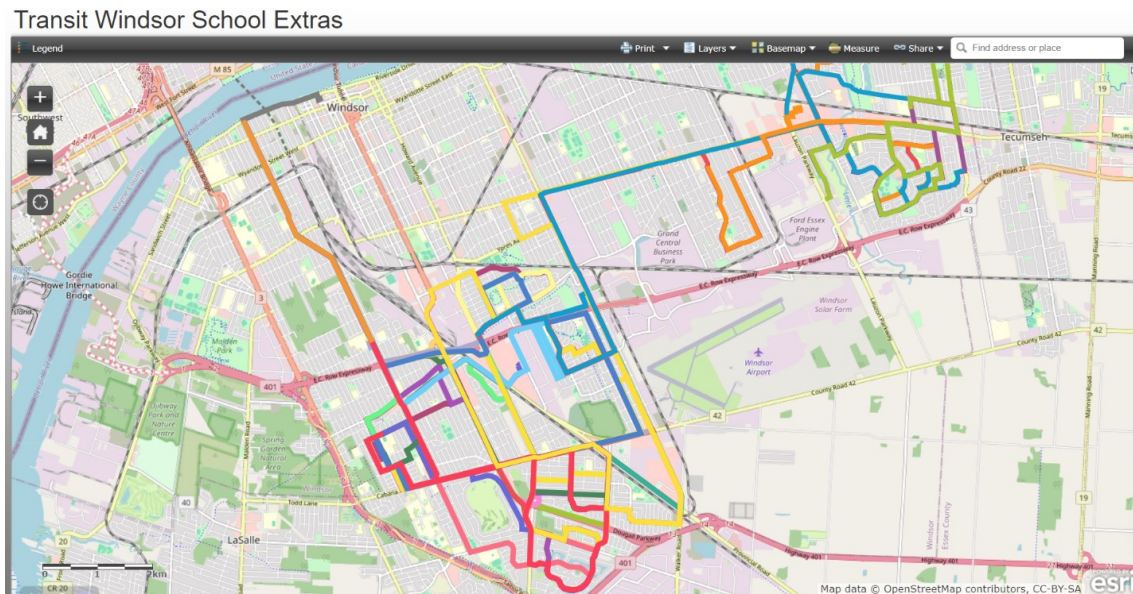


Figure 1: Map of Transit Windsor School Bus Extra routes

Adding snow and salt/plow service to cover the Transit Windsor School Bus Extra routes would require an additional 60 km of travel to the current salt/plow service. This additional coverage would be beyond the expected level of service provided by the existing 21 main salt/plow routes.

The current 21 main salt/plow routes have been optimized to operate at the maximum salt and time capacity for each plow truck. The routes are carefully designed to ensure efficient and effective snow and ice removal on the designated Expressway, Arterial, and Collector roads.

In order to achieve the necessary coverage for the Transit Windsor School Bus Extra routes, an additional dedicated salt/plow route would be required. This new route would ensure that the school bus routes receive the same level of winter maintenance service as the rest of the city's transportation network, without compromising the efficiency and effectiveness of the existing 21 main routes.

Implementing this additional salt/plow route would require the allocation of additional contracted resources, including a dedicated vehicle for spreading salt and plowing snow, additional salt, and personnel to operate the vehicle. This could not be implemented until the 2026-2027 season which is when the next Winter Maintenance Contract begins due to lead time in procuring the required vehicle.

Risk Analysis:

No additional risks have been identified in maintaining the current Winter Control Level of Service and providing the additional services for the Transit School Bus Extra Routes.

Climate Change Risks

Climate Change Mitigation:

The equipment required to salt the additional 60km of streets for the Transit Windsor School Bus Extra Routes would result in increased green house gas emissions.

Climate Change Adaptation:

N/A

Financial Matters:

The following table provides an estimated cost to provide an additional dedicated salt/plow route for the Transit Windsor School Bus Extra routes:

ESTIMATED OPERATING COSTS - DEDICATED SALT/PLOW ROUTE FOR TRANSIT WINDSOR SCHOOL BUS EXTRAS	Total Estimated Costs
Operating Costs (dedicated snow plow truck per contractor rates)	\$ 372,000
Additional Salt Costs	\$ 80,000
Additional Brine Costs	\$ 20,000
Standby (Daily/Hourly)	\$ 11,300
TOTAL ESTIMATED COSTS	\$ 483,300

It should be noted that this cost estimate for this service enhancement is based on current contractor rates and are subject to inflationary increases annually as per the agreed upon contract. In addition, this cost estimate utilizes an above average winter season of snowfall, which requires a higher number of hours from the contractor to operate the dedicated snow/plow route above the minimum number of hours per the contract.

Any operational service enhancement above the current level of service for winter control should be considered alongside other budget requests during the annual operating budget process. As with all City services, winter control service is reviewed annually and recommendations are brought forward to Council as required. Should Council wish to proceed with this service enhancement, it is recommended that direction be provided to administration to include an operating budget request as part of the annual operating budget process, for this service enhancement to receive further consideration.

Consultations:

Phong Nguy – Executive Director of Operations (A)
Jason Scott – Manager of Transit Planning
Roberta Harrison – Maintenance Coordinator
Mark Spizzirri – Manager of Performance Measurement & Business Case Development

Conclusion:

Based on the analysis presented, the implementation of an additional dedicated salt/plow route to cover the School Bus Extra routes would cost an estimated \$483,300. This would cover the allocation of additional contracted resources, including a dedicated vehicle for spreading salt and plowing snow, additional salt, and personnel to operate the vehicle.

Approvals:

Name	Title
Mark Spizzirri	Manager of Performance Measurement & Business Case Development
Roberta Harrison	Maintenance Coordinator
Phong Nguy	Acting Executive Director of Operations
David Simpson	Commissioner, Infrastructure Services & City Engineer
Janice Guthrie	Commissioner, Finance & City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

Subject: Drouillard Road Underpass Recreational Trail Feasibility – Ward 5

Reference:

Date to Council: October 30, 2024
Author: Kathy Quenneville
Active Transportation Coordinator
519-255-6100 ext. 6287
kquenneville@citywindsor.ca

Public Works - Operations
Report Date: October 14, 2024
Clerk's File #: MB/5331

To: Mayor and Members of City Council

Recommendation:

THAT report S 143/2024, "Drouillard Road Underpass Recreational Trail Feasibility" **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At the May 29, 2024 meeting of the Environment, Transportation and Public Safety (ETPS) Standing Committee, report S 146/2023 "Wyandotte Street Road Diet Update Report – Wards 4, 5 & 6" was brought forward with Administration recommending that it be received for information.

The ETPS Standing Committee moved the Administration recommendation be received for information and it was brought to Council on June 10, 2024, at which time Council moved the report to be received, and Council issued the following directive:

Decision Number: CR256/2024

*That administration **BE DIRECTED** to review the Drouillard Road underpass to ascertain whether it can be designated as a recreational trail to legally allow usage by cyclists.*

This report serves to address this decision.

Discussion:

The Drouillard Road underpass is located at the intersection of Drouillard Road and Wyandotte Street East.

Existing Conditions:

Active transportation facilities currently exist on both the north and south side of Wyandotte Street East at the Drouillard Road intersection (refer to Figures 1 and 2). These facilities are comprised concrete sidewalks which are meant for pedestrian use only.

While the maximum sidewalk width is 3 m (including the curb width) is afforded on the approaches to the Drouillard Road underpass, the supporting beams introduce vertical obstacles within the sidewalk space that further reduces the sidewalk width to between 1.8 m and 2.0 m. As shown in Figure 3, there are also bus stops with benches on both the north and south sides of Drouillard Road. The distance between the edge of curb and the bench is 1.5 m and additional space would be required for a seated person.



Figure 1 – Underpass view



Figure 2 - West approach view



Figure 3 - East approach view

This underpass area, circled in red in Figure 4 below, forms part of a current gap that exists in the City’s active transportation network, where bike lanes on Wyandotte Street East end at St. Luke Road and begin again at Strabane Avenue. However as shown in Figure 4, the network includes east-west bike lanes, highlighted in green, in the same area to the north along Riverside Drive, and which connect the Walkerville area to Strabane Avenue.

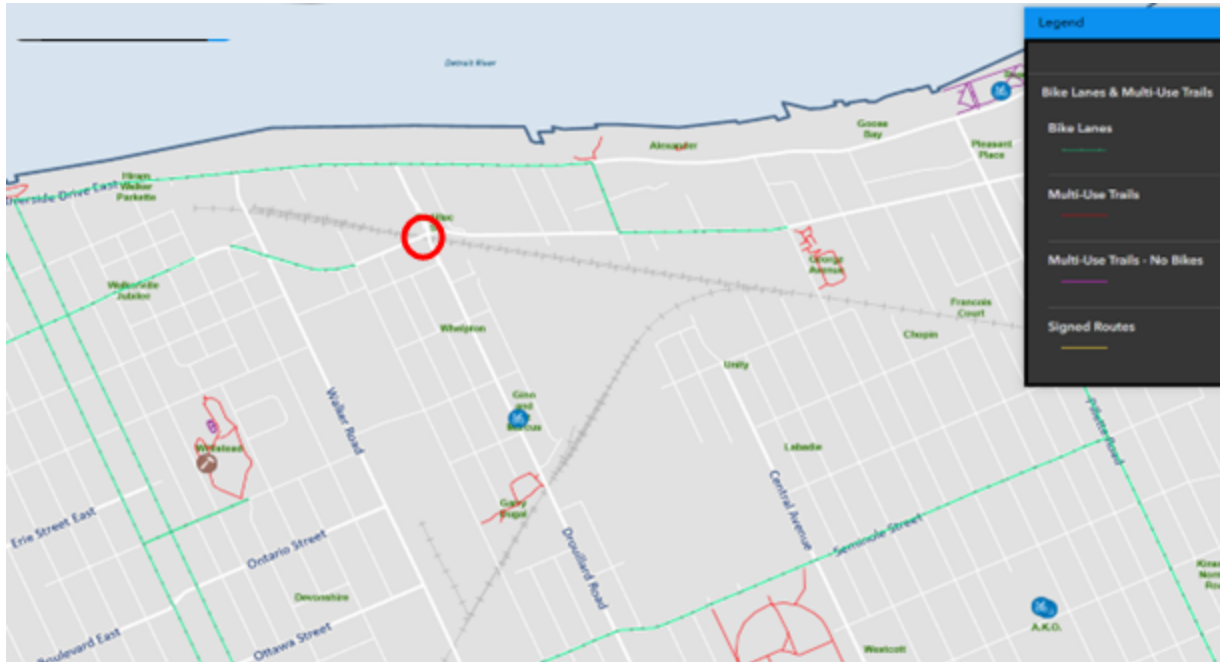


Figure 4 – Current cycling network surrounding the Drouillard Road Underpass

OTM Book 18

The Ontario Traffic Manual (OTM) Book 18 – Cycling Facilities was developed by the Ontario Traffic Council along with the Ontario Ministry of Transportation. It serves as design guidance for transportation engineers in the development of bikeways. The recommended OTM Book 18 (June 2021) minimum standards for multi-use pathways are as follows:

- a. Path width: 3.0 m, plus buffer
- b. Buffer width: 0.6 m, not including the curb.
- c. Vertical obstacles: 0.5 m from the edge of the pathway

Upon inspection and review, it was observed that the current sidewalk does not meet these minimum guidelines for a multi-use pathway, including accommodation of cyclists.

City Traffic By-Law

Regarding the use of the sidewalk as a facility for cyclists, Part VII, item 25 (1) of The City of Windsor By-Law No.9148, a By-Law to Regulate Traffic Within the Limits of the City of Windsor, states:

No person shall ride a bicycle with a wheel or wheels more than sixty centimeters (60 cm) in diameter, a Power Assisted Bicycle (e-bike), or an electric kick-scooter (e-scooter) upon a sidewalk. (Added B/L 62-2020, May 4/2020).

Therefore, unless their bikes comply with the maximum wheel size requirements, in order for cyclists or e-scooter users to use the Drouillard Road underpass sidewalk as a means of travel and remain in compliance with the by-law, they would be required to dismount from their bikes.

Active Transportation Cycling Infrastructure Potential

The City's Active Transportation Master Plan (ATMP) - Walk Wheel Windsor, has identified the Drouillard Road intersection (circled in red in Figure 5 below) and surrounding roadways as a medium to high priority location of the future cycling network which would serve to close an important gap between St. Luke Road and Strabane Avenue on Wyandotte Street East where no current cycling infrastructure exists.

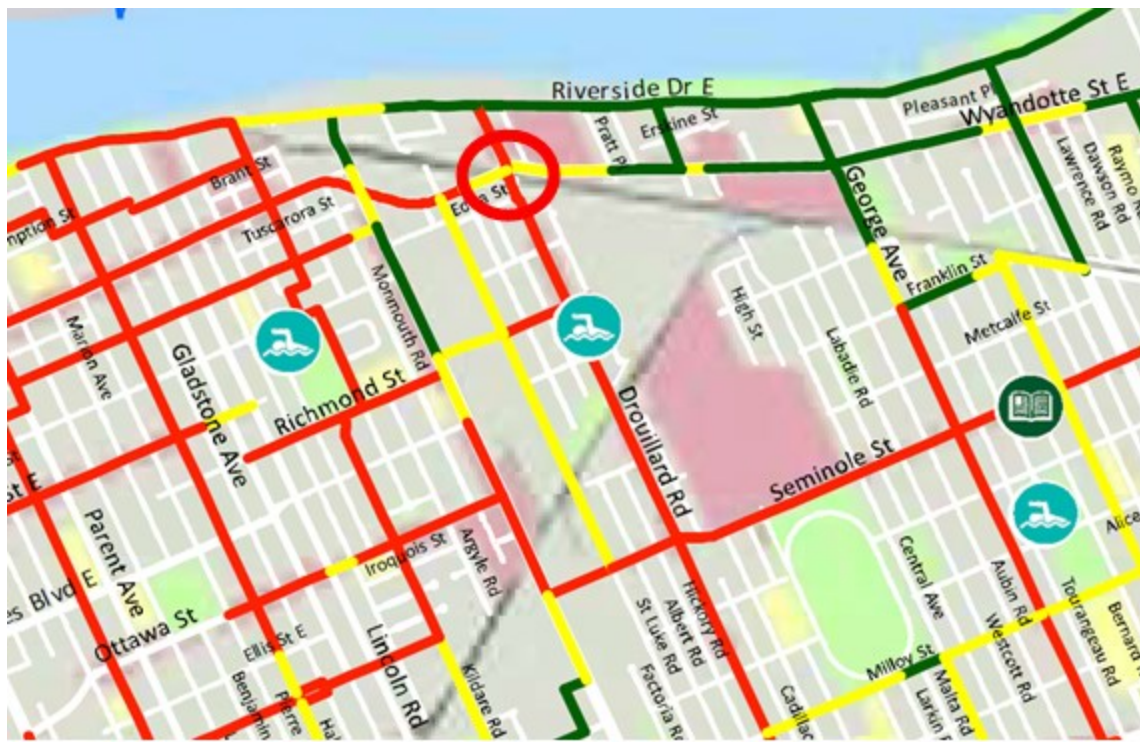


Figure 5 – ATMP Cycling Network Priorities

The existing sidewalks in their current form cannot be developed into appropriate multi-use pathways that can sufficiently accommodate cyclists due to insufficient path width, buffer width and vertical obstacles as per OTM Guidelines. Specifically, the sidewalks along Wyandotte approaching the underpass are deemed hazardous for any two cyclists attempting to pass one another or a cyclist passing a pedestrian due to the close proximity of the underpass wall. There is no further room to widen the sidewalk along these approaches due to the physical structure of the underpass.

Future capital works involving the underpass, sidewalks and roadway could be planned at the time of asset replacement to consider the integration of an appropriate cycling infrastructure (i.e. multi-use path, dedicated on road bike lanes) that could enhance the safety and connectivity for cyclists, making the cycling network more cohesive.

Risk Analysis:

As the existing sidewalks at the Drouillard Road underpass (intersection of Wyandotte Street East and Drouillard Road) do not meet OTM Book 18 multi-use pathway design guidelines, then designating them as such would create a high potential for pathway user collisions.

Climate Change Risks**Climate Change Mitigation:**

Although progressing according to the report recommendations does not directly impact (positive or negative) on Community Greenhouse Gas (GHG) emissions, providing safe cycling routes:

- a. Aligns with the goals and strategies contained within the Community Energy Plan (Strategy #11) and the Active Transportation Master Plan (ATMP), and
- b. Encourages the use of bicycles as a zero-emission alternative to vehicles.

Continued implementation of additional cycling facilities according to the OTM Book 18 guidelines in areas which support the minimum standards for multi-use pathways will provide safe cycling routes throughout the city. Safe, continuous cycling routes will encourage more riders to cycle for work, leisure, or short errands, thereby reducing the number of vehicle trips and reducing GHG emissions.

Climate Change Adaptation:

As climate change presents more global and local threats, some forms of active transportation may provide an alternative mode of travel, where other methods of travel may not be available or accessible. Warmer winter temperatures may also encourage year-round cycling.

Financial Matters:

There is no financial impact to receiving this report for information.

Consultations:

Shawna Boakes, Executive Director of Operations
Gholamreza Sayyadi, Transportation Planning Senior Engineer (A)
Cindy Becker, Financial Planning Administrator - Operations
Mark Spizzirri, Manager, Performance Measurement and Business Case Development

Conclusion:

Since the existing concrete sidewalks within and surrounding the Drouillard Road underpass do not meet OTM Book 18 multi-use pathway standards, this infrastructure is considered unsafe for use as a shared pathway which can accommodate dedicated cycling at this time.

The current sidewalks are not recommended to be designated as recreational pathways beyond their existing pedestrian and accessibility device user application. Dedicated cycling infrastructure as part of a multiuse pathway could be considered and integrated during future underpass, sidewalk and roadway capital works.

Planning Act Matters:

N/A

Planning Act Matters:

N/A

Approvals:

Mark Spizzirri	Manager of Performance Measurement and Business Case Development
Phong Nguy	(A) Executive Director of Operations
David Simpson	Commissioner of Infrastructure Services and City Engineer
Janice Guthrie	Commissioner of Finance and City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Councillor Sleiman		
Councillor K. McKenzie		

Appendices:



Subject: Response to CQ 14-2023 – Use of Rumble Strips in an Urban Environment – City Wide

Reference:

Date to Council: October 30, 2024
Author: Ian Day
Senior Manager of Traffic and Parking (A)
519-255-6247 x6053
iday@citywindsor.ca
Public Works - Operations
Report Date: October 15, 2024
Clerk's File #: ST2023 & ACOQ2024

To: Mayor and Members of City Council

Recommendation:

THAT the report in response to CQ 14-2023 – “Use of Rumble Strips in an Urban Environment.” **BE RECEIVED** by Council for information.

Background:

At the City Council meeting of May 29, 2023, Councillor Kaschak asked the following question:

CQ 17-2023

“Asks that Administration investigate the use of rumble strips in an urban environment within the City of Windsor through a pilot installation on Grand Marais Avenue between Plymouth and Pillette Road and that information as to their effectiveness be collected, analyzed and reported back to Council once sufficient data has been collected to determine both the benefits and concerns of their use in an urban setting.”

This report is in response to CQ 17-2023.

Discussion:

As a result of two collisions in May 2023 near the residence at 2544 Pillette Road, Traffic Operations/Transportation Planning was asked to investigate various measures to traffic calm Grand Marais Road East and alert drivers of the stop sign at the Grand Marais and Pillette intersection. It should be noted that both collisions involved impaired drivers. Radar feedback signs and traffic calming bollards were installed between Plymouth and Pillette on Grand Marais Road East and a flashing LED was

installed on the stop sign at the intersection of Pillette Road. The stop sign size was also increases from 600 mm x 600 mmm to 750 mm x 750 mm.

The installation of traffic calming measures combined with an oversized stop sign with an LED flasher has contributed to a reduction in accidents in 2023/2024. From 2019 to May 2023, there were 8 collisions/accidents involving east bound traffic on Grand Marais at the intersection of Pillette. Since the installation of the above noted measures, there have been no recorded incidents with east bound traffic. Ongoing monitoring will further validate the effectiveness of these measures.

Transverse rumble strips (TRS)

At the City Council meeting of May 29, 2023, Councillor Kaschak asked if rumble strips could be installed to alert drivers on Grand Marais Road of the upcoming stop sign at Pillette. Traffic Operations was tasked with implementing a pilot project for the use of rumble strips in an urban environment.

Rumble strips are a set of groves or ridges along or across a road that cause noise and shaking when they are driven over. Transverse rumble strips (TRS) are used to alert drivers of a need to slow down or stop, or to other upcoming changes that may not be anticipated by an inattentive driver. TRS are placed in the travel lane perpendicular to the direction of travel and have traditionally been used in highway or rural settings as their use in urban areas can be problematic.

Most provinces and jurisdictions do not recommend the use of TRS in an urban environment. British Columbia restricts the use of TRS in an urban environment within 200m of any residence. Alberta recommends not installing TRS within 300m of any residence and does not use them on roadways with a posted speed of 70km/hr or less. The Ontario Traffic Manual Book 11 does not recommend TRS in residential areas.

The three primary concerns for TRS in urban settings are:

- Inconvenience for bicyclists. Standard TRS dimensions are difficult to traverse if bicycle gaps are not provided, as they make the rider uncomfortable and may lead to a loss of control.
- External noise pollution. TRS alert motorists through noise and vibration. The noise generated by TRS is different that background traffic noise and is intermittent. This can create a disturbance for nearby residents.
- Pavement durability. There is a concern that milling TRS into the wearing course of asphalt roads can allow water infiltration, which will cause premature pavement deterioration.

TRS Pilot Project

Poor pavement conditions from Arthur Road to Pillette Avenue dictated that traditional rumble strips which are milled into the pavement could not be used and alternative products were investigated and used. Two different types of temporary TSR were found and their pilot application and results are discussed below.

- *Adhesive TRS*: A rubber based self adhesive TRS which is typically used for temporary traffic control and advanced warning in construction zones was applied to the road surface in July of 2023. Durability was a problem as the product lost adhesion in approximately 6 weeks. The product was reapplied and again delaminated within 7 weeks. The remainder of the product was removed at the end of October for the winter control season. Overall, the Product did not perform well enough to warrant a full evaluation.
- *Moulded Plastic TRS*: A molded polypropylene TRS that is mounted into the road with an epoxy anchor was installed in June 2024. As of September 2024, the product is still in place. The effectiveness of this product is difficult to quantify as the installation already puts them in a 40 km/hr roadway and the noise and vibration generated by this product can be considered minimal. Typically, a TRS is designed for speeds above 70 km/hr to produce the desired effects. In this application the product acts more like a small speed bump and may marginally increase driver awareness. There has only been one noise complaint received about this product. This product is again intended to be a temporary measure as it will need to be removed November 1 for winter control.

The pilot area was located on Grand Marais Road East between Plymouth Road and Pillette Road, this area has a posted speed limit of 40 km/hr. Radar feed back signs were used collect speed data in the test area during the pilot project. Data was collected for 2 weeks before any measures were put in place and with the displays on the signs turned off. Average vehicle speeds were 38.7 km/hr during this time with approximately 4.7% of vehicles exceeding the speed limit. Traffic bollards and TRS were added, and the radar feed back sign displays were activated. Average vehicle speeds dropped to 36.1 km/hr with approximately 1.9% of vehicles exceeding the speed limit.

The pilot project results indicate that TRS would have had a minimal benefit as vehicle speeds were far below the minimum recommended 70 km/hr threshold for their use. Within these environments, TRS are not required due to shorter stopping distances and heightened driver expectation of encountering stop conditions. TRS are much more effective to alert drivers to an upcoming stop condition after travelling on a monotonous roadway at higher rates of speed. Temporary TRS may provide a benefit until permanent measures can be put in place to alert drivers of an upcoming stop sign. These measures may include advanced warning of the stop sign, oversized stop signs or LED flashers on the stop sign.

While Administration's pilot project was short term in duration and limited in product selection, the Transportation Association of Canada published Best Practice Guidelines for the Design and Application of Transverse Rumble Strips, which highlights the findings of a much broader, nationwide testing of TRS. Research shows that "the effectiveness of TRS on speed reduction ranges from minimal to no effect."

It also discourages the widespread use of TRS and adds "Locations where there is an over representation and where conventional warning methods, such as signs and signals, are inadequate could be considered for TRS installation." "TRS are not traffic calming devices and shall not be used as a traffic calming measure."

Risk Analysis:

There is no risk in receiving this report for information.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

While there is no financial impact to receiving this report for information, there is a financial impact should Council choose to move forward with future installations of TRS. There is a cost related to the purchase of materials, stocking of materials, installation and re-installation, monitoring of product while installed and removal during the winter as they are not durable enough to remain in place during winter control. Should City Council direct that this work be undertaken a full cost analysis would need to be prepared inclusive of any additional budgetary requirements which may be needed.

Consultations:

Cindy Becker, Financial Planning Administrator – Public Works

Conclusion:

Should Council choose to move forward with the use of TRS, Administration recommends this be done through the Traffic Calming policy and procedures. TRS could be added to the tools in the Expedited Traffic Calming Procedure and be funded through this program. However, Administration recommends that the use of TRS be similar to other tools in the toolbox and be done so at the recommendation of the Road Authority. The Traffic Calming Policy and Procedures will be coming to Council for a more wholesome update and can be added at that time should that be Council's direction.

Planning Act Matters:

N/A

Approvals:

Name	Title
Mark Spizzirri	Manager of Performance Measurement and Business Case Development
Phong Nguy	(A) Executive Director of Operations
David Simpson	Commissioner, Infrastructure Services and City Engineer
Janice Guthrie	Commissioner, Finance and City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

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Appendices: