

# **TOWN OF STEWIACKE**

## **BY-LAW NUMBER 2006 – 15**

### **1. Short Title**

This By-law may be cited as the “*Minimum Housing and Standards By-law*”.

### **2. Interpretation**

In this By-law, unless the context otherwise requires, the expression:

- a) “accessory building” means a detached subordinate building or structure on the same lot as the main building;
- b) “alteration” means change to the structural component of a building or to increase the volume of a building ;
- c) “building” includes any structure or part thereof, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons and includes any external chimney, stairway, porch or balcony;
- d) “building official” means the building inspector of the Town of Stewiacke;
- e) “Council” means the council of the Town of Stewiacke;
- f) “dwelling” means any building, part of a building, trailer or other covering or structure, the whole or any portion of which has been used, is used or is capable of being used for the purpose of human habitation with the land and premises appurtenant thereto containing cooking, eating, sleeping and bathroom facilities;
- g) “dwelling unit” means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment;
- h) “exclusive possession” means the occupancy of a dwelling or dwelling unit by other than the owner by virtue of a written lease or by notice of the consent of the owner ;
- i) “habitable room” means any room in a dwelling or dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes;

- j) “non-habitable room” means an area of a building other than a habitable room in a dwelling or dwelling unit and includes the following;
  - i. a bathroom or shower room;
  - ii. a toilet room;
  - iii. a laundry room;
  - iv. a boiler or furnace room;
  - v. a pantry;
  - vi. a closet;
  - vii. a corridor or hall;
  - viii. a foyer;
  - ix. a stairway;
  - x. a lobby;
  - xi. a recreation room used as a common room for all tenants in a building, or other space used for access, service or maintenance of the dwelling.
  
- k) “occupant” means any person over the age of nineteen years in exclusive possession of the property;
  
- l) “owner” includes:
  - i. a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building;
  - ii. in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building, and
  - iii. in the absence of proof to the contrary, the person assessed for the property;
  
- m) “person” includes any person, male or female, and any body corporate and any partnership;
  
- n) “repair” includes the taking of such action to bring any property under the jurisdiction of this by-law up to the standards set by this by-law;
  
- o) “yard” includes an unoccupied space on the same lot with a building extending along the length of the street, rear lot line or side lot line.

### **3. General Requirements**

- 3.1 Every owner of dwelling in the Town of Stewiacke shall maintain the dwelling in accordance with the standards set out in sections 4, 5 and 6 of this by-law.

- 3.2 Every occupant of a dwelling in the Town of Stewiacke shall maintain that portion of the dwelling within his exclusive possession in accordance with the standards in Section 7 of this By-law.
- 3.3 The standards of this By-law are minimum standards and nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Town of Stewiacke or from obtaining any license, permission, permit, authority, or approval required by any By-law of the Town of Stewiacke or statute and regulations of the Province of Nova Scotia
- 3.4 Where the provisions of this By-law conflict with those of other municipal or provincial regulations, by-laws, or codes, the higher or more stringent requirement shall apply.

#### **4. Standards for yards and accessory buildings.**

- 4.1 Yards  
Yards shall be kept clean and free from garbage and debris
- 4.2 Walks, Steps, Driveways, and Parking Areas  
Steps, walks, driveways, parking areas and similar areas of a yard shall be maintained to afford safe passage under normal use and weather conditions.
- 4.3 Accessory Buildings  
Accessory buildings shall be maintained in good repair and free from hazards or conditions which may affect health or cause fire or accidents.

#### **5. Standards for Buildings**

- 5.1 Foundations  
Foundation shall be constructed of masonry, concrete or other acceptable material and designed to adequately support the loads imposed on them.
- 5.2 Basements and unheated Crawl Spaces  
Every basement, cellar, crawl space and similar space shall be adequately ventilated to the outside air and adequately drained.
- 5.3 Structural Soundness  
Structural components of a building shall be free from serious deterioration, loose joints, sagging or bulging and shall be capable of sustaining safely the weight of the building and any load to which it may be normally subjected.

- 5.4 Floors  
Every floor shall be kept reasonably level and smooth and maintained in good condition
- 5.5 Exterior Walls
- i. Exterior walls and their components shall be adequate to support the loads imposed upon them and shall be maintained to prevent their deterioration due to the weather or insects.
  - ii. All exterior walls shall have an acceptable cladding or covering, free of holes, cracks, or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability.
- 5.6 Interior Walls and Ceilings
- i. Every interior wall and ceiling shall be maintained in a clean condition free from holes, loose coverings or other materials or defects which may increase the spread of fire.
  - ii. Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire resistant quality.
  - iii. Load bearing walls or columns shall be adequate to support the loads imposed upon them.
- 5.7 Roofs
- i. All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering.
  - ii. A roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.
- 5.8 Doors
- i. Doors and frames shall be in sound condition and operate satisfactorily.
  - ii. Entrance or exterior doors in dwellings or dwelling units shall be capable of being locked from both inside and outside.
- 5.9 Windows  
Windows including hardware shall provide acceptable light and ventilation, operate satisfactorily and be in an acceptable condition with no loose glass, defective putty or hardware.
- 5.10 Porches, Stairs and Balconies
- i. Every porch, stairway or balcony in or appurtenant to a building shall be maintained in good repair, free from holes, cracks, excessive wear and defects which constitute a safety hazard.
  - ii. Stairs and balconies shall have handrails or safety rails in accordance with the most recent version of the National Building Code.

#### 5.11 Egress

Every dwelling or dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling or dwelling unit to the exterior and shall not pass through a room contained in another dwelling or dwelling unit.

#### 5.12 Heating

- i. Every dwelling or dwelling unit shall be equipped with a suitable heating system capable of maintaining an indoor temperature in accordance with the National Building Code.
- ii. The heating system shall be maintained in good working condition so as to be capable of heating the dwelling or dwelling unit safely to the required standard.
- iii. Where a heating system or part thereof or any auxiliary heating system or unit burns solid or liquid fuel, a place or receptacle for storage of the fuel shall be provided and maintained in a convenient and safe location free from fire and accident hazard.
- iv. Fuel fired heating appliances shall be located in areas and locations so as not to create a fire or accident hazard or obstruct an egress from a dwelling or dwelling unit.
- v. Chimneys, smoke pipes, connections, etc. shall be maintained in good working order and be capable of conveying spent gases to the exterior of the building safely.

#### 5.13 Electrical Services

All electrical wire and electrical equipment shall comply with the most recent standards of the Canadian Electrical Code as set out in the National Building Code.

#### 5.14 Plumbing

- i. All plumbing, pipes and related fixtures shall be maintained in sound condition and in accordance with the national Plumbing Code.
- ii. All water pipes and appurtenances thereto shall be protected from freezing.

#### 5.15 Light and Ventilation

- i. Every habitable room shall be provided with one or more windows facing directly on a street, yard or court, or a system of mechanical ventilation acceptable to the building official, which may be used in lieu of such window or windows.
- ii. Every bathroom or room containing a toilet or urinal shall be provided with ventilation by means of:
  - a. one or windows facing upon a street , court, yard or air well; or
  - b. one or more windows opening into a vent shaft which extends to and through the roof or into a court, yard, or air well; or

- c. a separate duct or noncombustible material not less than twelve square inches in cross section, which extends independently of any duct used for other purposes, to and through the roof; or
  - d. a ventilating sky light; or
  - e. other approved means of mechanical ventilation in accordance with the National Building Code.
- iii. All windows required by this by-law for the purposes of ventilation shall be capable of being opened to an extent of at least thirty percent of the glass area required for such windows. Nothing in this clause, however, shall be deemed to require double windows or storm windows to be installed so as to permit them to be opened as herein provided, unless such ventilation is required in accordance with the National Building Code.

#### 5.16 Bathroom Facilities

- i. Every dwelling or dwelling unit shall be provided with at least one water closet, wash basin and bathroom or shower, connected to a piped supply of potable water and an acceptable means of sewage disposal.
- ii. All bathrooms shall be fully enclosed and have a lockable door to provide privacy, where accessible to the public. Where practicable, a wash basin shall be located in the same room as the water closet.

#### 5.17 Kitchens

Every dwelling or dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, storage facilities and a counter top work area. Space shall be provided for a stove and a refrigerator.

#### 5.18 Bedrooms

- i. No part of a dwelling or dwelling unit except a habitable room shall be used for sleeping purposes.
- ii. A room used for sleeping purposes shall have a floor area of at least sixty square feet and shall have a minimum of forty square feet of floor area for each person using the room.

#### 5.19 Pests

All buildings shall be kept free of rodents, vermin and other insects and appropriate extermination measures shall be taken as necessary.

### **6. General**

#### 6.1 Shared Facilities

Where a building contains more than one dwelling unit in which heating, storage, refuse disposal and other facilities are shared, renovations, alterations

and repairs shall satisfy the most recent requirements of the National Building Code.

## 6.2 Fire Protection

- i. All construction materials shall satisfy the requirement of the National Building Code, in order to retard the spread of fire and prevent the passage of flame, smoke and hot gases through open or concealed spaces within the building.
- ii. Sufficient exits from the building shall be provided to assure safe egress in case of fire.

## 7. Occupants

- 7.1 All parts of a building which are occupied by a person other than the owner as defined herein and which are in exclusive possession of the occupant as defined herein, shall be kept free from rubbish, garbage and other debris, objects and conditions that are health, fire or accident hazards.
- 7.2 The occupant of a dwelling unit shall maintain a safe, continuous and undisturbed passage from the interior of the dwelling or dwelling unit to the exterior of the dwelling unit.
- 7.3 Cooking, heating and domestic hot water equipment owned and installed by the occupant shall be maintained in good working order and repair.
- 7.4 The occupant shall not use any area of the dwelling unit under his care or control for sleeping purposes which is a non-habitable room.
- 7.5 The occupant shall not prepare or store food in a room containing a urinal or water closet.

## 8. Enforcement

- 8.1 Where an inspection is required or conducted pursuant to this By-law:
  - i. Except in an emergency, the building official shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four hours in advance;
  - ii. And where a person refuses to allow the building official to exercise, or attempts to interfere or interferes with the building official in the exercise of a power granted pursuant to the Municipal Government Act, the building official may apply to a judge of the Supreme Court of Nova Scotia for an order
    - a. to allow the building official entry to the building; and

b. restraining a person from further interference

- 8.2 Whenever the building official determines that there are reasonable grounds to believe that there has been a violation of any provisions of this By-law, the official shall give written notice of such alleged violation to the owner or occupant of the dwelling containing such violation. Such notice shall:
- i. Contain a statement of the point or points of non-compliance with this By-law.
  - ii. Fix a period of time in which such owner or occupant must complete whatever remedial action is necessary to eliminate the point or points of non-compliance with this By-law and if the remedial action is completed within the required time, then the non-compliance with this By-law shall not be an offense
- 8.3 In the event of the failure of the owner or occupant, so served with notice to remedy the violation within the required time, the Chief Administrative Officer may apply to the Supreme Court for any or all of the remedies provided for in Section 181 of the Municipal Government Act.
- 8.4 In the event of the failure of the person so served with notice to remedy the violation within thirty days after such service, the person shall be liable upon conviction to the penalties provided by Section 508 of the Municipal Government Act.

**Annotations for Official Bylaw Book**

Date of first reading: August 17, 2006  
Date of advertisement of Notice of Intent to Consider: November 10, 2006  
Date of second reading: November 23, 2006  
\* Date of advertisement of Passage of By-law: December 9, 2006  
Date of mailing to Minister a certified copy of By-law: January 12, 2007

I certify that this ***Minimum Housing and Standards By-law*** was adopted by Council and published as indicated above.

\_\_\_\_\_  
CAO / Clerk

January 12, 2007  
Date

\* Effective date of the by-law unless otherwise specified in the text of the by-law