

BY-LAW NO. 14

MINIMUM HOUSING STANDARDS BY-LAW

Definitions:

1. In this By-Law:
 - (a) “Accessory building” means a detached subordinate building on the same lot as the main building;
 - (b) “Building” means a building, or that portion of a building, containing one or more dwelling units;
 - (c) “Building Inspector” means the officer appointed by the Town of Yarmouth to enforce this By-Law;
 - (d) “Dwelling Unit” means a room or suite of rooms operated as a housekeeping unit used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
 - (e) “Habitable Room” means any room in a dwelling unit used or intended to be used for living, sleeping, cooking, or eating purposes;
 - (f) “Last Known Address” means the address which appears on the assessment rolls of the Town;
 - (g) “Medical Officer of Health” means the medical officer of the Department of Health, Province of Nova Scotia;
 - (h) “Mixed-Use Building” means a building containing dwelling units and other uses not accessory to the dwelling units;

- (i) “Multiple Dwelling” means a building containing three or more dwelling units;
- (j) “Non-Habitable Room” means any room within a dwelling or dwelling unit other than a habitable room and includes bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room, and other space used for service or maintenance of the house for public use and for access to and vertical travel between storeys;
- (k) “Occupant” means any person over the age of 18 years in possession of the property;
- (l) “Owner” includes the person for the time being managing the lands or premises in connection whether on his own account or as agent or trustee of another person or who would so receive rent if such land and premises were let and shall include lessee or occupant of the property who under the terms of the lease is required to repair and maintain the property in accordance with the standards for maintenance and usage of the property.
- (m) “Property” means any building or structure or part of the building or structure that includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings and erections therein whether heretofore or hereafter erected and includes vacant property;
- (n) “Repair” includes the provision of such facilities and making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this Bylaw;

- (o) “Sanitary Room” means a room containing a bathtub or shower with or without a water closet and basin;
 - (p) “Sewage System” means sanitary sewage system or storm water sewage system suitable to the Town of Yarmouth;
 - (q) “Shared” means land other than publicly owned land around and appurtenant to the whole or any part of the building and used or intended to be used or capable of being used in connection with the building;
 - (r) “Standards” means the standards prescribed in this By-Law;
 - (s) “Toilet Room” means a room containing a water closet and a wash basin;
 - (t) “Town” shall mean the Town of Yarmouth, Nova Scotia;
 - (u) “Vehicle” includes a motor vehicle, trailer boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power including muscular power;
 - (v) “Yard” means an unoccupied space on the same lot with a building, extending along the entire length of the street or rear or interior lot line.
2. The owner of any building in the Town of Yarmouth shall in regard to the buildings:
- (a) Paint all exposed wood surfaces with two coats of paint at least every five years, or when required. Metal, block and brick buildings shall also be kept in good repair;

- (b) Replace or repair all rotten, broken, displaced, or missing materials;
 - (c) Keep the building so that it does not leak water and so that the floors are level and the walls are perpendicular.
3. The occupier of any land in the Town of Yarmouth shall keep the land free of garbage, parts and bodies of automobiles or other vehicles and machinery and waste material of any kind.
4. The owner of every dwelling in the Town of Yarmouth and the owner of the land on which any dwelling is situated shall maintain the land and buildings thereon according to the following standards:
- (a) Yard
 - 1. The yard shall be kept clean and free from:
 - i) rubbish or other debris;
 - ii) objects or conditions that may create a health, fire or accident hazard.
 - 2. Heavy undergrowth shall be eliminated from the area.
 - 3. Any vehicle which is inerect, discarded, dismantled, inoperative or in any abandoned condition shall not be parked, stored, or left in the yard.
 - (b) Sewage and Drainage
 - 1. Sewage or organic waste shall be discharged into a sanitary sewage system acceptable to the Municipality and Provincial regulations.

2. Adequate surface water drainage shall be provided over the whole area of the property together with suitable arrangements for its disposal without erosion.

(c) Walks, Driveways, Steps

Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained to afford safe passage under normal use and weather conditions.

(d) Accessory Buildings

An accessory building shall be kept in good repair free from health, fire and accident hazards.

(e) Garbage Disposal

All garbage, rubble and other debris from a dwelling shall be properly stored in receptacles acceptable to the Town of Yarmouth.

Every building shall be provided with a garbage enclosure.

The enclosure shall not be located in a habitable room and shall be adequate to enclose one week's garbage of the number of people occupying the building.

(f) Pest Prevention

A dwelling unit shall be kept free of rodents, vermin and insects at all times and appropriate extermination measures shall be taken as necessary.

(g) Structural Soundness

Every part of the dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject. Any materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

(h) Dampness

The interior floors, ceilings, and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof or through a cellar, basement or crawlspace floor.

(i) Foundations

Foundations shall be of masonry, concrete or other acceptable material and designed to adequately support the loads imposed and provide a dry basement or crawlspace. They shall be free of cracks and leaks and defective mortar joints or masonry. Every basement, cellar, crawlspace and similar space shall be adequately ventilated to the outside air and adequately drained.

(j) Exterior Walls

The exterior walls and their components shall be maintained so as to prevent the deterioration due to weather or insects and shall be so maintained by:

- (i) painting, restoring or repairing of the walls or flashing;
- (ii) the water-proofing of joints and of the walls themselves.

(k) Roofs

All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering and roof including the fascia board, soffit, cornice and flashing, which shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.

(l) Insulation

Thermal Insulation — the insulation requirements of the Building By-Law of the Town shall be complied with when necessary and practical.

(m) Floors

Every floor shall be level and smooth and maintained in good condition. Resilient or non-absorption floorings or equivalent should be provided in bathrooms, kitchens and laundry rooms.

(n) Interior Walls and Ceilings

Every wall and ceiling finish shall be maintained in a clean condition free from holes, loose coverings or other defects which may increase the spread of fire. Where fire-resistant walls exist between separate dwelling units they shall be maintained in a condition which retains their fire-resistant quality.

(o) Doors and Windows

1. All exterior openings for doors or windows shall be fitted with doors or windows.

2. Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling.
3. Doors, door frames, window frames, sashes, casings and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
4. Broken glass and missing or defective door and window hardware shall be repaired or replaced.
5. At least one entrance door in every dwelling unit shall have a locking device so as to be capable of being locked from both inside and outside the dwelling.

(p) Porches and Stairs

All porches, balconies, landings, stairways, and handrails shall be maintained free from defects which constitute a safety hazard.

(q) Egress

1. Every dwelling and every dwelling unit within a dwelling shall have a safe, continuous, and unobstructed passage from the interior of the dwelling and the dwelling unit to the exterior.
2. The passage required above shall not pass through a room in another dwelling unit.
3. Every basement apartment unit shall have two means of egress, one of which shall be directly to the exterior.

4. Every building containing three (3) or more units shall have two (2) approved means of egress from each unit. For greater certainty, a common corridor shall have two (2) means of egress at opposite ends of the corridor if the corridor is the only means of egress.

(r) Plumbing

All plumbing, pipes and fixtures shall be in sound condition and with proper care, serviceable for the expected useful life of the building. All water pipes appurtenant thereto shall be protected from freezing. The plumbing system shall provide a satisfactory hot and cold water supply, drainage, and venting and operation fixtures.

(s) Toilet, Kitchen and Sanitary Facilities

Every self-contained dwelling unit shall be provided with at least one kitchen sink, water closet, wash basin and bathtub or shower connected to a piped water supply and an acceptable means of sewage disposal.

(t) Sanitary and Toilet Rooms

All sanitary and toilet rooms shall be located within and accessible from within the dwelling unit and shall be fully enclosed and have a lockable door to provide privacy; a hand basin shall be located in the same room as the water closet.

(u) Kitchens

Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, a

countertop work area and food storage facilities. Space shall be provided for a stove and a refrigerator.

(v) Fireplaces, Fuel-burning Equipment, Chimneys, etc.

1. Every fireplace used, capable of being used or intended to be used in a building for burning fuel in an open fire shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures and shall be effectively vented to the outside air by means of a chimney.

2. In every building:

(i) equipment that burns fuel

(ii) heating equipment, and

(iii) every vent pipe, chimney, smoke pipe, flue or duct, connected to such equipment,

shall be so constructed, placed, protected and maintained in good repair as to prevent unsafe or dangerous conditions and the entrance of noxious gasses into the dwellings.

3. Equipment that burns fuel in a building shall be effectively vented to the outside air by means of a chimney, a flue, a smoke pipe, a vent pipe or a similar duct.

4. Without restricting the generality of Subsections 1 and 2, the maintenance includes:

- (a) lining, repairing and relining the fireplace with fire resistant material;
- (b) installing, repairing and replacing the hearth of the fireplace;
- (c) clearing obstructions from the chimney flue, smoke pipe or other duct;
- (d) sealing open joints and repairing masonry;
- (e) using piping or ducts of adequate size for a chimney flue, smoke pipe, vent pipe or a similar duct.

5. Subsection 3 does not apply to a domestic appliance used for cooking if the appliance is:

- (a) so constructed, designed and used as not to require venting, and
- (b) not used or intended to be used for heating purposes.

(w) Heating System

All residential accommodation shall be equipped with suitable heating facilities capable of maintaining an indoor temperature of 20°C. The heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard. Where a heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be:

1. Provided and maintained in a convenient location, and
2. Properly constructed so as to be free from fire and accident hazards.

Where the building contains two or more dwelling units, fuel-fired heating appliances shall be enclosed or separated from the remains of the building in conformance with the Building By-Law of the Town.

(x) Electrical Services

Electrical facilities complying with the requirements of the Nova Scotia Power Corporation shall be provided for all residential accommodation. Existing wiring and electrical equipment shall be good, serviceable and safe condition.

(y) Light and Ventilation

1. Every habitable room shall be provided with one or more windows facing directly on a street, yard or court; provided, however, that a system of mechanical ventilation acceptable to the Building Inspector may be used in lieu of such window or windows.
2. Every bathroom or room containing a toilet or urinal shall be provided with ventilation, by means of one or more windows facing upon a street or court or yard or airwell, or by means of one or more windows opening into a vent shaft which extends to and through the roof or into a court, yard or airwell, by means of a separate duct or noncombustible and corrosion-resistant material not less than twelve (12) square inches in a cross-section, which extends independently of any duct used for other purposes, to and through the roof of any ventilating sky light, or by such other approved means of mechanical ventilation approved by the Building Inspector.
3. Glass Area — the aggregate area of glass in windows required in habitable rooms shall not be less than ten percent (10%) of the floor area of such rooms.

4. All windows required by this bylaw for purposes of ventilation shall be capable of being opened to an extent of at least thirty percent (30%) 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 by the Building Inspector.

(z) Space Requirements

No part of a dwelling except a habitable room as defined herein shall be used for sleeping purposes; every habitable room shall have a floor area of at least sixty (60) square feet, and shall have at least forty (40) square feet of floor area for each occupant of the age of twelve (12) and over.

(aa) Dimension and Utility Standards

1. A dwelling shall contain at least one toilet and one sink for each nine (9) persons living in the dwelling.
2. A dwelling shall contain at least one bathtub or shower for each nine (9) persons living in the dwelling.
3. An occupant shall have access to one bathtub or shower.
4. For the purpose of this section, a family unit of more than nine (9) persons shall be deemed to be nine (9) persons.
5. Except for a habitable room, no part of a dwelling shall be used for sleeping purposes.
6. (a) Subject to paragraph (b), a habitable room used for sleeping purposes shall have a floor area of at least forty (40) square feet for each occupant;

(b) A habitable room used for sleeping purposes shall have a floor area of at least sixty (60) square feet.

7. (a) A room shall have the following minimum dimensions:

<u>ROOM</u>	<u>FLOOR AREA</u>	<u>MINIMUM WIDTH</u>
Toilet Room (with toilet only)	10 sq. ft.	3 ft
Toilet Room (with basin)	14 sq. ft.	3 ft
Toilet Room (with bath & basin or shower & basin)	28 sq. ft.	4 ft
A Habitable Room	60 sq. ft.	7 ft

(b) The floor space at points where the sloping walls or ceilings are less than four feet six inches (4' 6") above the floor in a vertical direction shall not be included in calculating the floor area of an attic room.

8. The occupant of a dwelling unit shall not cause the occupant of the dwelling unit under his care or control to contravene the standards in this paragraph.

5. Enforcement — Whenever the Town Council determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this By-Law, written notice shall be given of such alleged violation to the owner or occupants as the case may require of the dwelling or premises containing such violation as hereinafter provided. Such notice shall:

(a) Contain a statement of the point or points of noncompliance with this By-Law;

(b) Fix a reasonable period of time in which such owner or occupants, as the case may require, must complete whatever remedial action is necessary to eliminate the point or points of noncompliance with this By-Law.

6. The notice shall be sufficiently served when it has been posted in a conspicuous place on the building and mailed to the assessed owner at the address of the assessed owner on the Assessment Roll of the Town. The time of service shall be calculated from the time the notice is posted on the building or mailed, whichever is later.
7. The owner or occupier of any premises shall permit the Building Inspector to enter the premises in order to carry out any inspection at any time between 10 o'clock in the morning and 4 o'clock in the afternoon on any day except Sunday.
8. Notwithstanding the provisions of this By-Law, where a building does not conform with this By-Law, the Building Inspector may serve a notice on the owner of a property not to reoccupy or rent such dwelling or family dwelling unit if the same should become vacant or unoccupied or the tenancy or lease should terminate for any cause. For the purpose of this section, the assignment of a lease by a lessee shall constitute a termination of such lease. It shall be a violation of this By-Law for an owner to allow such dwelling to be re-occupied.
9.
 - (a) Smoke detectors shall be installed in every building occupied as a residence.
 - (b) Smoke detectors shall be installed on the ceiling of every residence between each sleeping area and the remainder of the residence; where the sleeping area is served by a hallway, the smoke detectors shall be installed in the hallway.
 - (c) Smoke detectors installed in a residence shall be maintained at all times in an operating condition.
 - (d) For the purposes of this Section, "smoke detector" means a device for sensing the presence of visible or invisible particles produced by combustion and which:
 - (i) automatically initiates a signal indicating the presence of particles produced by combustion, and

- (ii) bears a label or marking of approval of Underwriters Laboratories of Canada.
- (e) It shall be an offence for the owner of a building occupied as a residence to fail to install smoke detectors in accordance with the provisions of this section.
- (f) It shall be an offence for the occupier of a building, occupied as a residence, to fail to maintain smoke detectors in accordance with the provisions of this section.

THIS IS TO CERTIFY THAT the foregoing is a true copy of the Minimum Housing Standards By-law of the Town of Yarmouth.

Municipal Clerk-Treasurer

Date

By-law adopted	<u>May 18, 1883</u>
Amendment to add Part 9(a) to (f)	<u>October 22, 1984</u>
Amendment to add Part 4(q) 3 & 4(q) 4	<u>October 4, 1995</u>