

**TOWN OF ANNAPOLIS ROYAL**  
**MINIMUM HOUSING AND MAINTENANCE STANDARDS**  
**BYLAW**

1. This Bylaw may be cited as the Minimum Standards Bylaw of the Town of Annapolis Royal.
  
2. Unless otherwise defined herein, definitions contained in the Building Code Act, Nova Scotia Building Code Regulations, Municipal Government Act and the Nova Scotia Building Code also apply to this Bylaw. In this bylaw:
  - (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 Annapolis Royal;
  
  - (e) "Council" means the council of the Town of Annapolis Royal;
  
  - (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 notice of a written lease or by notice of the consent of the owner;
  
  - (i) "habitable room" means any room in a 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,
  - (iii) a person who occupies shores, beaches or shoals, and
  - (iv) 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 bylaw up to the standards set by this bylaw;
- (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 lines. Every owner of a building in the Town of Annapolis Royal shall maintain the building in accordance with the standards set out in Sections 7,8 and 9 of this Bylaw.
3. Every occupant of a dwelling in the Town of Annapolis Royal shall maintain that portion of the dwelling within his exclusive possession in accordance with the standards in Section 10 of this Bylaw.
4. Every erection, repair or alteration made to any building in the Town of Annapolis Royal shall comply with the provisions of the Building Bylaw.
5. The standards of this Bylaw are minimum standards and nothing in this Bylaw

shall exempt any person from complying with the requirements of the Building Bylaw or any other Bylaw in force within the Town of Annapolis Royal or from obtaining any license, permission, permit, authority, or approval required by any Bylaw of the Town of Annapolis Royal or act or regulation of the Province of Nova Scotia.

6. Where an inspection is required or conducted pursuant to this Bylaw:
  - (i) the building official may enter in or upon land or premises at a reasonable time without a warrant;
  - (ii) 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;
  - (iii) 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.

## **STANDARDS FOR YARDS AND ACCESSORY BUILDINGS**

### 6. (1) **YARDS**

Yards shall be kept clean and free from thistles and noxious weeds.

### (2) **SEWAGE AND DRAINAGE**

- (a) Sewage or organic waste shall be discharged into the Town sanitary sewer system.
- (b) Adequate surface water drainage shall be provided over the whole area of the property together with suitable arrangements for its disposal without erosion.

### (3) **WALKS, STEPS, DRIVEWAYS AND PARKING AREAS**

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

(4) **GARBAGE ENCLOSURES**

Every building shall be provided with a garbage enclosure which shall be maintained in a clean and sanitary condition.

(5) **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.

**STANDARDS FOR BUILDINGS**

7. (1) **FOUNDATIONS**

Foundations shall be masonry, concrete or other acceptable material and designed to adequately support the loads imposed and provide a normally dry basement or crawl space. Foundations shall be free of open cracks and defective mortar joints or masonry.

*Note: Rock foundations which exist at the time of enactment of this bylaw are exempt from the application of this provision.*

(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.

(3) **STRUCTURAL SOUNDNESS**

Structural components of a building shall be free from serious deterioration, loose jointing, 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.

(4) **DAMPNESS**

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

(5) **PEST PREVENTION AND CONTROL**

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

(6) **ENCLOSED SPACE ACCESS - ACCESS AND VENTING**

An access opening of at least one foot eight inches (1' 8") by two feet four inches (2' 4") shall be provided, when required, to attics, crawl spaces and other enclosed

spaces. Where mechanical equipment is enclosed the access opening shall be sufficiently large to permit the removal and replacement of equipment. Enclosed attic, roof and crawl spaces shall be vented to the exterior.

(7) **FLOORS**

Every floor shall be reasonably level and smooth and maintained in good condition. Resilient or non-absorption floorings or the equivalent shall be provided in bathrooms, kitchens and laundry rooms. Where flooring has become worn, damaged, cracked or holed or is an accident hazard it shall be repaired, replaced, or removed.

(8) **EXTERIOR WALLS**

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. 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.

(9) **INTERIOR WALLS AND CEILINGS**

Every wall and ceiling finish shall be maintained in a clean condition free from holes, loose coverings or other materials or 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. Load bearing walls or columns shall be adequate to support the loads imposed upon them.

(10) **ROOFS**

All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering. 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.

(11) **DOORS**

Existing doors and frames shall be in sound condition and operate satisfactorily. Entrance or exterior doors in dwellings or dwelling units shall be capable of being locked from both inside and outside.

(12) **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, sashes and frames to be in sound condition.

(13) **PORCHES, STAIRS AND BALCONIES**

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. Stairs and balconies to have appropriate handrails or safety rails in accordance with the most recent version of the National Building Code.

(14) **EGRESS**

Every dwelling or dwelling unit within a building 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.

(15) **HEATING**

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. 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. 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 hazards. 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. 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.

(16) **ELECTRICAL SERVICES**

Electrical facilities shall comply with the the most recent standards of the Canadian Electrical Code as set out in the National Building Code and which forms part of the Building Bylaw of the Town of Annapolis Royal.

(17) **PLUMBING**

All plumbing, pipes, fixtures, etc. shall be in sound condition and in accordance with the National Plumbing Code. All water pipes and appurtenances thereto shall be protected from freezing. The plumbing system shall provide satisfactory hot and cold water supply, drainage, venting and operation of fixtures.

(18) **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 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 one or more windows facing upon a street or court or yard or air well; 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 air well; by means of 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 by ventilating sky light, or by such other approved means of mechanical ventilation in accordance with the Building Bylaw of the Town of Annapolis Royal and the National Building Code.
- (iii) All windows required by this bylaw for 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 open as herein provided, unless such ventilation is required in accordance with the Building Bylaw of the Town of Annapolis Royal and the National Building Code.

(19) **TOILET, KITCHEN AND BATHROOM FACILITIES**

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

(20) **KITCHENS**

Every 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.

(21) **MINIMUM SPACE AND ROOM DIMENSIONS**

No part of a dwelling or dwelling unit except a habitable room as defined herein shall be used for sleeping purposes. A room used for sleeping purposes shall have a floor area of at least sixty square feet and shall have at least forty square feet of floor area for each person of the age of twelve and over and at least twenty-five square feet of floor area for each person under the age of twelve years occupying such rooms provided.

## **GENERAL**

### 8. (1) **SHARED FACILITIES**

Where a building contains more than one dwelling unit and heating, storage, refuse disposal and other facilities are shared, renovations, alterations and repairs shall satisfy the most recent requirements of the National Building Code, forming part of the Building Bylaw of the Town of Annapolis Royal.

### (2) **FIRE PROTECTION**

All construction materials shall satisfy the requirements of the Residential Standards of the most recent edition of the National Building Code forming part of the Building Bylaw of the Town of Annapolis Royal 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. Sufficient exits from the building shall be provided to assure safe egress in case of fire.

## **OCCUPANTS STANDARDS**

8. (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.
- (2) All garbage, rubbish and other debris shall be placed in suitable wetproof containers, properly fastened and stored in garbage enclosures provided by the owner. Loose papers shall be bundled and tied so that they can be easily handled and not blow away.
- (3) The occupant of a dwelling or dwelling unit shall maintain a safe, continuous and undisturbed passage from the interior of the dwelling unit to the exterior of the dwelling unit.
- (4) Cooking, heating and domestic hot water equipment owned and installed by the occupant shall be maintained in good working order and repair.
- (5) 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.
- (6) The occupant shall not prepare or store food in a room containing a urinal or water closet.

## **ENFORCEMENT**

9. (1) Whenever the building official determines that there are reasonable grounds to



believe that there has been a violation of any of the provisions of this bylaw, he shall give written notice of such alleged violation to the owner or occupant 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 bylaw and
  - (b) fix a period of time in which such owner or occupant as the case may require must complete what ever remedial action is necessary to eliminate the point or points of non-compliance with this bylaw and if the remedial action is completed within the required time, then the non-compliance with this bylaw shall not be an offence.
- (2) In the event of the failure of the owner or occupant so served with notice from the building official to remedy the violation described in the notice within the time period fixed in the notice, 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.
  - (3) 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.

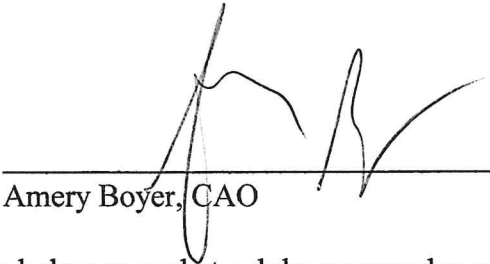
#### **PENALTIES**

10. (1) In addition to any other remedy provided for in this Bylaw, any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$250 and not more than \$1,000.
- (2) Failure to remedy the violations described in the notice provided for in Section 9(1) within the period of time fixed in the notice shall constitute an offence.
- (3) In any prosecution or proceeding in respect of any contravention of, or failure to comply with any provision of this Bylaw, which contravention of or failure to comply continues from day to day, the Court before whom the matter of such contravention of or failure to comply is heard, may, in addition to the penalty imposed for such contravention or failure to comply, impose a further penalty not exceeding \$100 for each day during which such contravention or failure to comply has been continued.

#### **EFFECTIVE DATE**

11. This Bylaw is effective date of publishing.

  
John Kinsella, Mayor

  
Amery Boyer, CAO

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held October 18, 2004.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this 1<sup>st</sup> day of November, 2004.

FIRST READING:	September 20, 2004
“NOTICE OF INTENT” PUBLICATION:	October 5, 2004
SECOND READING:	October 18, 2004
MINISTERIAL APPROVAL:	not required
DATE OF PUBLISHING:	October 26, 2004
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FORWARDED TO TOWN WEBSITE:	November 2, 2004