

TOWN OF STELLARTON BY-LAW

RESPECTING

MINIMUM STANDARDS OF HOUSING ACCOMMODATION

BE IT ENACTED by the Town Council of Stellarton as follows:

1. In this By-Law:

(a) "Attic" shall mean the space which is between the top floor ceiling and the roof, and between a dwarf wall and the sloping roof;

(b) "Basement" shall mean that portion of any dwelling located partly under ground but having not more than half of its clear floor to ceiling height below the average of the finished grade of the land outside the building in which such basement is located, such grade being taken at the foundation walls;

(c) "Cellar" shall mean that portion of any dwelling having more than half of its clean floor to ceiling height below the average of the finished grade of the land outside the building in which such cellar is situated, such grade being taken at the foundation walls;

(d) "Town" shall mean the Town of Stellarton, N.S.

(e) "Dwelling" shall mean any house, building structure, or portion thereof, used and occupied or intended to be occupied in whole or in part as a home or residence of one or more individuals;

(f) "Habitable room" shall mean a room which is designed for or may be used for living, sleeping, eating or cooking. Storerooms, bathrooms, toilets, closets, halls, spaces in attics or basements, rooms used solely for fallout purposes or rooms designed and used solely for recreational purposes are not to be considered as habitable rooms, except as otherwise provided in this By-Law:

(h) "Owner" means the person for the time being entitled in his own right, or as trustee, mortgagee in possession, guardian, committee, agent or otherwise, to receive the rents, issues and profits of any property or from any premises, and shall include any person purchasing lands under any agreement or contract and any person holding the same for a term of years of not less than ten years;

(i) "Person" includes any person, male or female and any body corporate or politic, and heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law.

2. (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been violation of any of the provisions of this By-Law, he shall give written notice 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 CONTAIN;

(a) A statement of the point or points of non-compliance with this By-Law, and

(b) Fix a definite period of time, not to be less than thirty days, 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 non-compliance with this By-Law.

(c) Whenever any remedial action is taken to eliminate any point or points of non-compliance with this By-Law as provided in Sub Section (1) herein and such remedial action reveals a further point or points of non-compliance with this By-Law, then the Building Inspector shall send a further notice to the owner or occupants, as the case may require, as provided in sub-section (1) herein, with respect

to the further point or points of non-compliance with this By-Law and may grant such further period of time as he deems necessary to complete the remedial action of these further point or points of non-compliance with this By-Law.

(d) Such notice shall be served upon the owner of the occupants, as the case may require by personal service or by registered mail to the last known address of such owner or occupants.

(e) At the expiration of the time allowed to eliminate the point or points of non-compliance with this By-Law as provided in sub-section (1) herein, if all the point or points of non-compliance with this By-Law have not in the opinion of the Building Inspector been eliminated, the Building Inspector shall recommend to the Town Council that the Town commence prosecution against the owner or occupants receiving such notice.

3. The owner of every dwelling shall maintain the same and every part thereof in a state of good repair. For the purpose of this Section "a state of good repair" shall mean:

(1) That the roof is so maintained as not to leak.

(2) That all walls, foundations, basements, cellars, steps, floors, ceilings, stairways, stairwells and railings are maintained in a good and safe condition.

(3) That the exterior and interior is maintained in a clean and tidy state.

4. The owner of every dwelling shall not permit the same or any part thereof to be occupied unless the room or rooms so occupied or any halls and passageways used in connection therewith comply with the following conditions.

LIGHT AND VENTILATION

- (a) 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 may be used in lieu of such window or windows;
- (b) Every bathroom or room containing a toilet or urinal shall be provided with ventilation;
- (1) by means of one or more windows facing upon a street or court or yard or air-well; or
- (2) 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; or
- (3) by means of a separate duct of non-combustible and corrosion-resistant 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
- (4) by a ventilating sky-light; or
- (5) by such other means of mechanical ventilation permitted under the building code in force in the Town.
- (c) All windows required for purpose of ventilation shall be capable of being opened to an extent of at least thirty percent of the glass area required for such window. 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.
- (d) Every building or dwelling in which three or more families reside shall have a minimum of one foot candle of daylight or artificial illumination at all times in all public halls and passageways used in common by the occupants of such buildings or dwelling.

## 5. STOVES AND RANGES

Stoves or ranges or other appliances used for heating, cooking or laundry purposes, consuming solid or liquid fuels, may be supported on combustible floors or benches provided they are supported at least 12 inches clear of the floor and are set on a metal covered asbestos pad at least three-eighths of an inch thick extending six inches beyond all sides and 12 inches in front of the appliance. Alternatively, such stoves or ranges may be supported on wood floors by four inches of hollow masonry, provided such masonry is both separated from the floor and covered on top with continuous sheet metal plates, the masonry being so arranged as to allow free air circulation through it.

Such stoves or ranges, when serving only one dwelling unit need not be supported more than four inches clear of the floor which on legs or pedestals, and an asbestos pad shall not be required, but the floor space occupied by the stove shall be covered with sheet metal.

Such stoves or ranges shall not be placed within six inches of any wood stud wall, wood furred wall, combustible trim; and when within 18 inches shall be protected therefrom by a shield of metal having a bright surface, or suitable incombustible material, extending at least 12 inches above and six inches beyond the sides of the appliance, and so arranged as to leave a free air space behind it of at least two inches.

(b) Gas stoves, gas ranges, gas hot plates and gas heaters shall be supported at least six inches above any wood floor or combustible materials and when less than 12 inches shall be set on a metal covered pad of 3/16 inch asbestos board or its equivalent; provided that where such appliances serve one dwelling unit only, these minimum distances shall be reduced to three inches and six inches respectively.

In any dwelling unit, combustible wall partitions, or trim within six inches of any range, hot plate, oil range, or ordinary water heater operated by gas, shall be protected therefrom by at least 3/16 inch asbestos board or equivalent, covered on the exposed side with metal; or alternatively, the walls may be covered with 3/4 inch plaster on metal or perforated gypsum lath. Where gas appliances of the fully insulated type are installed they may, subject to the approval of the Chief of the Fire Department and the Building Inspector, be exempted from the above requirements for clearance and protection.

(c) No pipe connected to a heat appliance burning solid or liquid fuel conveying products of combustion to a chimney or to the outer air shall pass through any combustible floor, roof, wall or partition except that in a dwelling such a pipe may pass through a combustible floor, interior wall or partition, if, where such pipe so passes through it be encased with four inches of solid masonry or suitable thimble with an air space between the casing and such pipe. Such masonry shall extend through the full thickness of the floor, wall or partition and shall not be overlapped by any other construction or material.

6. PLUMBING REGULATIONS:

Every dwelling other than a one family dwelling, shall contain therein at least one private water closet and one lavatory or sink for every seven persons, or fraction thereof, living in such dwelling. Every such water closet and lavatory or sink shall be within a room, separate from the habitable rooms, which affords privacy. Each occupant of such dwelling shall have access to one such water closet and lavatory or sink.

(b) Every dwelling other than a one family dwelling shall contain therein at least one bath tub or shower for each seven persons, or fraction thereof, living in such dwelling. Every such bath tub or shower shall be within a room, separate from the habitable rooms, which affords privacy. Each occupant of such dwelling shall have access to one such bath tub or shower.

(c) Every sink, lavatory, bath tub or shower required by this By-Law shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are as to permit an adequate amount of water to be drawn at every required sink, lavatory, bath tub or shower at a temperature of not less than 120 degrees Fahrenheit.

(d) No water closet or urinal shall be located within a room used for the preparation, cooking storing or consumption of food, or within a room used for sleeping purposes. No room in which any water closet or urinal is located shall communicate directly with any such room in any premises in which the same water closet or urinal is available for use to more than one family.

7. (1) The owner, tenant, or occupant of a dwelling shall keep the same in a clean condition, and shall provide and use adequate receptacles for all garbage, rubbish and ashes which accumulate in such premises. Receptacles for garbage shall be made of metal or other impermeable material, and shall be water tight and provided with tight-fitting covers.

(2) The owner and agent of every dwelling shall have all yards, courts and other areas of the premises, upon which any building used as such dwelling stands, properly graded and drained and kept in a neat and tidy condition and every fence erected thereon shall be kept in a state of good repair and shall not be permitted to become unsightly.

8. (1) Every person who contravenes or fails to comply with any of the provisions of this By-Law shall for each such offence be liable to the penalty of not less than \$100.00, nor more than \$1,000.00 and in default of payment, to imprisonment for a period of not less than fifteen days nor more than three months.

(2) Every day during which any such contravention or failure to comply continues shall be deemed a fresh offence.

9. An appeal shall lie to the Town Council of the Town of Stellarton by any person who is dissatisfied with the decision of the Building Inspector.

PROVINCE OF NOVA SCOTIA

TOWN OF STELLARTON

OFFICE OF TOWN CLERK

C E R T I F I C A T E

I, the undersigned Town Clerk-Treasurer of the Town of Stellarton, do hereby certify that the foregoing to be a true copy of Town of Stellarton "By-Law respecting Minimum Standards Housing Accommodation" duly made, passed and adopted by the Town Council of the Town of Stellarton at a meeting thereof held on the *14<sup>th</sup>* day of *June* A.D., 1976

GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this *26<sup>th</sup>* day of *November* A.D., 1976.

DEPARTMENT OF MUNICIPAL AFFAIRS
Recommended for approval of the Minister
<i>77204150m</i> Departmental Secretary
APPROVED this <i>26<sup>th</sup></i> day of <i>November</i> 1976
<i>[Signature]</i> Minister of Municipal Affairs

*A Pearson*  
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Town Clerk