

## **MINIMUM HOUSING STANDARDS BY-LAW**

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. "Building Inspector" shall mean the Building Inspector duly appointed by the Town of Port Hawkesbury;
  - d. "Cellar" shall mean that portion of any dwelling having 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 cellar is situated, such grade being taken at the foundation walls;
  - e. "Town" shall mean the Town of Port Hawkesbury;
  - f. "Committee" shall mean the Town Planning Advisory Committee;
  - g. "Dwelling" shall mean any house, building structure, or portion thereof, with the Town, used and occupied or intended to be occupied in whole or in part as a home or residence of one or more individuals;
  - h. "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 as fallout purposes or rooms designed and used solely for recreational purposes, are not considered as habitable rooms, except as otherwise provided in this Ordinance;
  - i. "Owner" means the person for the time being entitled in his own right or as trustee, mortgage 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;
  - j. "Person" includes any person, male or female and anybody corporate or politic, and heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law.
2. Whenever the committee determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this By-law,

they shall give written notice of such alleged violation to the owner of occupant as the case may be, of the dwelling or premises containing such violation, as herein published.

SUCH NOTICE SHALL:

- a. Contain a statement of the point or points of non-compliance with this By-law, and
  - b. Fix a definite period of time, not to exceed one hundred and eighty days, in which such owner or occupant, as the case may require, must complete whatever remedial action is necessary to eliminate the point or points of non-compliance with this ordinance.
  - c. Whenever any remedial action is taken to eliminate any point or points of non-compliance with this By-law as provided in subsection (1) herein, and such remedial action reveals a further point or points of non-compliance with this ordinance, then the Town Planning Advisory Committee shall send a further notice to the owner of occupants, as the case may require, as provided in subsection (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 deemed 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 or the occupants, as the case may require, by personal service or by registered mail to the last known address of such owner or occupants and by being posted in a conspicuous place upon the property.
  - e. At the expiration of the time allowed to eliminate the point or points of non-compliance with this By-law as provided in subsection (1) herein, if all the point or points of non-compliance with this By-law have not in the opinion of the Town Planning Advisory Committee been eliminated, the Committee may commence a prosecution against the owner of occupants receiving such notice.
3. The owner of every dwelling shall maintain the same and every part thereof in a state of good repairs. For the purpose of this Section, "a state of good repair" shall mean:
- a. That the roof is so maintained as not to leak;
  - b. That all walls, foundations, basements, cellars, steps, floors, ceilings, stairways, stairwells and railings are maintained in a good and safe condition to

the satisfaction of the Building Inspector and/or of the Town Planning Advisory Committee.

c. That the exterior and interior is maintained in a clean and tidy state.

4. The owner of a 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 acceptable to the building Inspector, 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;

~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, or

~by means of a separate duct of noncombustible and corrosion-resistant material, not less than twelve square inches cross-section, which extends, independently of any duct used for other purposes, to and through the roof; or

~by a ventilating sky-light; or

~by such other approved means of mechanical ventilation approved by the Building Inspector and/or of the Town Planning Advisory Committee.

c. All windows required 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 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 herein provided unless such ventilation is required by the Building Inspector.

d. Every building or dwelling in which three or more families reside shall have a minimum light equivalent to 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 dwellings.

5. STOVES AND RANGES:

a. Stoves or ranges or other appliances used for heating, cooking or laundry purposes, consuming solid or liquid fuels, any be supported at least 12 inches clear of the floor and are set on a metal covered asbestos pad at three-eighth of an inch thick extending six inches beyond all sides and 12 inches in front of the appliance. Alternately, such stoves or ranges 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 circulation of air through it.

Such stoves or ranges, when serving only one dwelling unit, need not be supported more than four inches clear of the floor when 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, or combustible trim; and when within 18 inches shall be protected therefor by shield of metal having a bright surface, or suitable incombustible material extending at least 12 inches above the six inches beyond the sides of the appliance, and 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 service one dwelling unit only, these minimum distances shall be reduced to three inches and six inches respectively. No gas appliance shall rest on a combustible floor or bench unless separated therefrom by suitable incombustible materials. 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, or within three inches of any domestic automatic storage hot 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 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 Building Inspector, be exempted from the above requirements for clearance and protection.

c. No pipe connected to a heating 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 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

a. 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. Every occupant of such dwelling shall have access to one such water closet and lavatory or sink.

b. Every dwelling other than a one-family 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 habitable rooms, which affords privacy. Each occupant of such dwelling shall have access of one such bath tub or shower.

c. Every sink, lavatory, bath tub or shower required by this Ordinance shall be property connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are capable of heating water to such a temperature 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 (49 degrees Celsius).

d. No water closet or urinal shall be located within a room used for 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 rooming 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 to the satisfaction of the Building Inspector and/or the Town Planning Advisory Committee 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 tightfitting covers.

2. The owner and agent of every dwelling shall have all yards, court 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 to the satisfaction of the Building Inspector and/or the Town Planning Advisory Committee and every fence erected thereon shall be kept in a state of good

repair and shall not be permitted to become unsightly.

8.
  1. The owner of every rooming-house and of every building containing more than one dwelling unit shall provide and maintain in each common hallway, on the ceiling of each floor adjacent to the stairways and in the basement of cellar adjacent to the stairways smoke alarms conforming to ULS-S531-1978, "Standard for Smoke Alarms."
  2. Smoke alarms shall be installed by permanent connections to an electrical circuit and shall have no disconnect switch between the over current device and the smoke alarm. The smoke alarms shall be wired so that the activation of one alarm will cause all alarms within the building to sound.
  3. The owner of every building to which this section applies shall comply with the provisions of this section within one year of the said section being approved by the Minister of Municipal Affairs. \*repealed May 7<sup>th</sup>, 1981.
9. If the committee of Building Inspector feels that any rented premises or property within the Town is not in conformity with this By-law, they shall serve notice on the owner in the manner provided in Section 2(4) hereof, advising the said owner that the premises may not be further rented or let by the owner until the premises have been inspected by the Building Inspector and the Building Inspector has advised the owner in writing that he is in compliance with this By-law.
10.
  - a. Every person who violated or fails to comply with any of the provisions of this By-law shall be liable to a penalty of not less than One Hundred (\$100.00) dollars and in default of payment to imprisonment for a period not exceeding two months.
  - b. Every day during which any such contravention or failure to comply continues, after the expiration of the time allowed in the notice provided for in Section 2 hereof, shall be deemed a separate offence.