

## **PROPERTY MINIMUM STANDARDS BYLAW**

Be it enacted, by the Council of the Town of Wolfville under the authority of Section 172 and Section 181 of the Municipal Government Act, as amended:

### **1 Title**

This bylaw shall be titled and referred to as the 'Property Minimum Standards Bylaw'.

### **2 Background**

Section 172(1) of The Municipal Government Act gives Council the authority to establish bylaws. Section 172(1)(a) allows by-laws to be created for the health, well-being, safety and protection of persons, whilst Section 172(1)(jb) allows bylaws to be created that set standards for the maintenance and sightliness of property and section 181 allows bylaws to be created to prescribe minimum standards for buildings occupied for residential and commercial purposes.

The purpose of this bylaw is to establish a set of minimum standards for properties in The Town of Wolfville and outline the responsibilities of property owners in this regard.

### **3 Definitions**

In this Bylaw:

- 1) "Accessory Building" means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
- 2) "Appointed Person" means the Building Inspector, Bylaw Enforcement Officer of the Town of Wolfville, or any other person appointed by the Chief Administrative Officer who is empowered by legislation to enforce this By-law.
- 3) "Building" means any structure, whether temporary or permanent, used or capable of use for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes the grounds, lawns and accessory buildings on the property of the building.
- 4) "Building Inspector" means the building inspector of the Town of Wolfville.
- 5) "Bylaw Enforcement Officer" means a person appointed by the Chief Administrative Officer who is a Special Constable or By-Law Enforcement officer pursuant to the Police Act or similar legislation and empowered by such appointment to enforce this By-law.
- 6) "Council" means the Council of the Town of Wolfville.
- 7) "Dwelling Unit" means one or more habitable rooms used or capable of use by one or more individuals as an independent and separate housekeeping establishment in which separate

kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

- 8) "Habitable Room" means a room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes.
- 9) "Land" means grounds, lawns and yards of developed properties and undeveloped property lots.
- 10) "Occupier" means any person who resides in or uses a Dwelling Unit and includes, but is not limited to, a tenant or the owner of the Dwelling Unit.
- 11) "Owner" includes any one or combination of the following as defined in the Municipal Government Act:
  - (a) A part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
  - (b) in 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,
  - (c) a person who occupies shores, beaches or shoals, and
  - (d) in the absence of proof to the contrary, the person assessed for the property.
- 12) "Parking Area" means any portion of a lot used for the parking of vehicles and includes the driveway and circulation areas used to access any parking space.
- 13) "Property" means land and any buildings, structures, or part of a building or structure, erected on land, and includes vacant land.
- 14) "Single Room Occupancy" means a rental housing type wherein one or two people are housed in single room within a dwelling unit, wherein the tenants share bathroom and kitchen facilities.

#### **4 General Duties and Obligations**

- (a) The Owner of property shall maintain the property to the standards as provided in this Bylaw.
- (b) The Owner of a building shall maintain the building to the acceptable building practice at the time of the original build or building code at the time of the original build.
- (c) The standards of this Bylaw are minimum standards and this Bylaw shall not be construed to lessen the requirements for the construction, repair, or alteration of

property imposed by any other Town of Wolfville By-Law or any other applicable legislation.

- (d) The Appointed Person may direct that tests of materials, equipment, devices, construction and remedial methods be made, or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, devices, construction or remedial actions meets the prescribed requirements of this bylaw.

## **5 General Property Standards**

### **1) Grounds and Lawns**

- (a) Property and the general landscaping of a property shall be maintained in a clean and tidy condition and shall not be unsightly in relation to neighboring properties.
- (b) Without limiting the generality of paragraph 5(1)(a), the following standards shall apply to land:
  - (i) Any vehicle, trailer, boat, furniture or equipment that is discarded, derelict, dismantled, or in an abandoned condition shall not be parked, stored or left on land.
  - (ii) Lawns, hedges, bushes and landscape plantings shall be maintained to prevent them from becoming overgrown or unsightly.
  - (iii) Property shall be maintained free of rubbish and debris.
  - (iv) Any furniture that is designed and manufactured for indoor use shall not be placed outside of a dwelling.
  - (v) Appliances including, but not limited to, refrigerators, stoves, and freezers shall not be left in yards, interior stairways, or hallways and shall not be used as placed of storage.
- (c) Nothing in this bylaw shall prevent a building owner from establishing vegetable gardens or other non-conventional landscape treatments such as tall ornamental grasses and perennial flowers, provided that such installations are appropriately maintained and tended commensurate with a residential setting.

### **2) Walks, Steps, Driveways & Parking Areas**

- (a) Steps, walks, driveways, and parking areas and similar areas of a yard shall be maintained to:
  - (i) afford safe passage under normal use and weather conditions,
  - (ii) keep the surface free of loose, unstable or uneven surfaces,
  - (iii) keep the surface free of water ponding.

- (b) The Owner or Occupier shall not allow any vehicle to park on any area of a lot other than a Parking Area.

3) Storage of Waste/Resource Materials

Every building shall be provided with adequate storage facilities for storage of waste/resource materials in accordance with the Valley Region Solid Waste-Resource Management Bylaw and such facilities shall be maintained in a clean and sanitary condition.

4) Accessory Buildings

(a) Accessory buildings shall be maintained in good repair and free from hazards or conditions which may affect health or cause fire or unsafe conditions.

**6 Standards for Buildings**

1) Fire Prevention

- (a) The Owner of every building shall provide fire and/or smoke alarm systems as required by The Nova Scotia Building Code.
- (b) Fire and/or smoke alarm systems shall be maintained in a operational condition at all times.
- (c) All required fire separations shall be maintained to adequately prevent the spread of fire from one compartment to the next.

2) Structural Soundness

- (a) Every part of a building shall be maintained in a structurally sound condition to be capable of sustaining safely its own weight and any load to which it may normally be subjected.

3) Drainage and Prevention of Dampness

- (a) Every basement, cellar, crawl space and similar space shall be adequately ventilated and drained.
- (b) Every floor, ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be maintained free from excessive moisture and dampness.

4) Pest Prevention and Control

- (a) Property shall be kept reasonably free of rodents and insects.

5) Interior Walls, Ceilings and Floors

- (a) Every wall and ceiling in a building shall be reasonably smooth, level and maintained to be free of all protruding, broken or decayed structural components or wall coverings.
- (b) Shower walls and walls abutting bathtubs shall be impervious to water.
- (c) Every floor in a building shall be reasonably smooth and level and maintained to be free of all protruding, broken or decayed structural subfloor or floor coverings.
- (d) Finish flooring in kitchens, bathrooms, toilet rooms, shower rooms and laundry rooms shall be maintained to be reasonably impervious to water.

6) Foundations and Exterior Walls

- (a) All foundation supports forming part of a building shall be maintained in good repairs to prevent settlement of the building.
- (b) The components of every exterior wall of a building and the exterior wall shall be maintained, weather tight, free of loose or unsecured objects and materials, prevent the entrance of insects and animals and prevent deterioration due to weather, insects and animals.

7) Roofs, Eavestroughs and Gutters

- (a) Roofs shall be kept weather tight and free from leaks.
- (b) Every eaves trough, roof gutter and down pipe shall be kept in good repair.
- (c) Every roof shall be kept free from loose or unsecured objects and materials, dangerous accumulations of snow and ice, and all other fire and accident hazards.

8) Windows and Doors

- (a) Windows, doors, skylights and basement or cellar hatchways shall be maintained in a good repair, weather tight and reasonably draft free.
- (b) All windows that are operable and exterior doors shall have suitable hardware to allow locking or otherwise securing from inside.

- (c) At least one window in each sleeping room shall meet egress standards as required by the Nova Scotia Building Code.
- (d) Doors between an attached garage and the remainder of the building shall be fitted with weather stripping and a self-closing device to prevent the passage of gases into the remainder of the building.

9) Stairs, Decks and Balconies

- (a) Interior and exterior stairs, porches, balconies, decks and landings shall be maintained in good repairs to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are decayed or deteriorated shall be repaired or replaced.
- (b) Guards and handrails in unsafe condition shall be repaired or replaced accordance with the requirements of the Nova Scotia Building Code.

10) Egress

- (a) Every building and dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the building or dwelling unit to the exterior grade level.
- (b) Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through a window or door operable from inside without requiring keys or specialized knowledge as required by the Nova Scotia Building Code.
- (c) Any required egress shall not pass through a room in another dwelling unit or a service room, or a private room or space within the same dwelling unit.

11) Heating

- (a) Every dwelling unit, during outside winter design temperatures, shall be provided with heating facilities capable of maintaining a minimum indoor ambient temperature of no less than;
  - (1) 22 degrees Celsius in all living spaces, and
  - (2) 18 degrees Celsius in unfinished basements,as required by the National Building Code of Canada.
- (b) The heating facilities shall be maintained in good working condition to be capable of heating the dwelling unit safely to the required standard.
- (c) 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.

- (d) Fuel fired heating appliances shall be in areas and locations so as not to create a fire or accident hazard or obstruct an egress from a dwelling or dwelling unit.
- (e) Heating appliances relying on combustion for heat production shall be provided with an adequate source of make-up air.
- (f) Every dwelling unit shall have a thermostat, or other suitable means for the purpose of controlling heat within the dwelling unit.
- (g) 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.

#### 12) Electrical Services

- (a) The electrical wiring, fixtures, switches, receptacles and appliances located or used in every building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards as required by the Canadian Electrical Code.
- (b) Lighting fixtures shall be installed throughout all buildings of adequate number, location and size to provide enough illumination to avoid health or accident hazards in the normal use of the building.

#### 13) Plumbing

- (a) All water supply pipes shall be provided with an adequate supply of potable running water from the Town of Wolfville municipal water system.
- (b) All bathroom, kitchen and laundry plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be capable of being supplied at a temperature of not less than 49 degrees Celsius and not greater than 60 degrees Celsius. A mixing valve shall be provided not to exceed 49 degrees Celsius in tubs and showers as required by the National Plumbing Code of Canada.
- (c) All plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition, free of leaks and defects and all water pipe and appurtenances thereto shall be protected from freezing.
- (d) Every fixture shall be of such materials, construction and design that will ensure the exposed surfaces of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, or other imperfections that may harbour germs or impede thorough cleansing.
- (e) All plumbing fixtures shall be connected to the Town of Wolfville sanitary sewage collection system through water seal traps and be appropriately vented.

- (f) All appliances intended to supply the hot water to plumbing fixtures shall be equipped with a temperature relief valve.

14) Ventilation

- (a) All basements, cellars, and attics and roof spaces shall be ventilated.
- (b) All dwelling units shall be adequately ventilated in accordance with the requirements of the Nova Scotia Building Code
- (c) All systems of mechanical ventilation shall be maintained in good working order.

15) Bathroom Facilities

- (a) Every Dwelling Unit shall be provided with at least one bathroom which includes a water closet, lavatory and bathtub or shower, connected to a piped supply of potable water and an acceptable means of sewage disposal.
- (b) Every bathroom shall be fully enclosed and provided with a door equipped with a privacy latch.

16) Sleeping Rooms

A room to be used for sleeping purposes shall:

- (a) have a minimum floor area of 7.0 square metres;
- (b) have a minimum floor area of 5.0 square metres per occupant where occupied by more than one person;
- (c) have a minimum ceiling height of 2.0 metres over at least 60% of the floor area;
- (d) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

17) Kitchens

- (a) Every Dwelling Unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, storage facilities, and a countertop work area covered with material that is easily cleanable. Space shall be provided for a stove and a refrigerator including appropriate electrical connections.

18) Cleanliness

The Occupier of a Dwelling Unit shall maintain its contents, fixtures and fittings to a standard that does not present a hazard to persons, health or property. The Occupier shall ensure that:



- (a) Areas used for the preparation or cooking of food shall be kept reasonably clean;
- (b) Garbage and waste shall be cleared away and not allowed to accumulate, rot or fester;
- (c) Bathrooms, sinks, showers and tubs shall be maintained in a sanitary manner;
- (d) Feces from domestic pets will be cleared away and disposed of in an appropriate manner; and
- (e) Used sanitary items, diapers, birth control devices, medicines and other potentially hazardous items will be disposed of in an appropriate manner.

## **7 Enforcement**

Any *Appointed Person* is authorized to enforce this Bylaw.

- (1) An *Appointed Person* may enter a property in order to carry out an inspection to ensure compliance with this Bylaw, so long as such entry is made in accordance with the requirements of Part XXI, Section 503(3) of the Municipal Government Act, as amended.
- (2) If after an inspection, an *Appointed Person* is satisfied that in some respect, the building or the property or the both of them, do not conform to the standards prescribed in this By-Law, the *Appointed Person* shall serve or cause to be served by personal delivery or registered mail to the owner(s) of the property, an Order to Comply and may at the same time provide all occupants of the building with a copy of the Order.
- (3) Every Order to Comply shall contain:
  - (a) the standards to which the building does not comply;
  - (b) the date after which the building must comply with the order and will be subject to a reinspection to ascertain compliance with the Order.
  - (c) The action that will be taken against the owner should the building not comply with the prescribed standards at the time of the reinspection.
- (4) Where an order has been served upon an owner, and the owner provides the Appointed Person with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Appointed Person may accept or amend the schedule at which time the schedule will become a part of the Order.
- (5) An owner may appeal an Order to the Town Council within seven days after the Order is served.
- (6) Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Appointed Person may have a contractor enter upon the property and carry out the work specified in the Order.

- (7) Where the Town carries out the work specified in the Order, the Town may charge and collect the costs thereof as a first lien on the property affected.

## **8 Penalties**

- (1) Failure to meet each and every standard specified in this bylaw shall constitute a separate and distinct offence.
- (2) Any By-law Enforcement Officer, who believes on reasonable grounds that there has been a violation of this bylaw, may issue a Summary Offence Ticket.
- (3) Any Owner or Occupier, who contravenes any provision of this bylaw, or fails to comply with the terms of an Order issued subject to this Bylaw shall be liable to a penalty of no less than two hundred dollars (\$200.00) for the first offence, not less than four hundred dollars (\$400.00) for the second offence, and not less than nine hundred dollars (\$900.00) for the third and subsequent offences.
- (4) In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this bylaw, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty for each day during which such contravention or failure has been continued.

## **9 REPEAL**

- (1) Any previous Property Minimum Standards amendments thereto are repealed upon coming into force of this Bylaw.

**Clerk's Annotation for Official Bylaw Book**

Date of first reading: December 17, 2019

Date of advertisement of Notice of Intent to Consider: December 24, 2019

Date of second reading: January 21, 2020

Date of advertisement of Passage of Bylaw: January 28, 2020

Date of mailing to Minister a certified copy of Bylaw: February 10, 2020

I certify that this **PROPERTY MINIMUM STANDARD BYLAW # 46** was adopted by Council and published as indicated above.

A handwritten signature in blue ink that reads 'Erin Beaudin'.

Erin Beaudin, CAO & Town Clerk

February 10, 2020

Date