

## TOWN OF BRIDGEWATER

### CHAPTER 115

#### MINIMUM BUILDING STANDARDS BY-LAW

Be it enacted by the Council of the Town of Bridgewater, pursuant to Section 181 of the Municipal Government Act, as follows:

1. (1) This By-law shall be known as the “Minimum Building Standards By-law”.

(2) It shall apply to all buildings within the Town of Bridgewater.

(3) Where this By-law conflicts with another by-law in force within the Town, the provision that establishes the higher standard to protect the health, safety, and welfare of the public shall prevail.

#### Definitions

2. (1) Unless otherwise defined herein, definitions contained in the Building Code Act, Regulations and Code, the Fire Safety Act, Regulations and Code and the Municipal Government Act apply to this By-law.

(2) In this By-law,

(a) “accessory building” a subordinate building or structure located on the same lot as the main building and devoted to an accessory use;

(b) “building” a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto;

(c) “Building Code” means the National Building Code adopted pursuant to the Nova Scotia Building Code Regulations, including amendments made from time to time;

(d) “Building Official” means the person appointed by the Town to be the Building Official or their designate;

(e) “Council” means the Council for the Town of Bridgewater;

(f) “dwelling unit” means a self-contained collection of one or more habitable rooms designed or intended for 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;

(g) “guard” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such a barrier may or may not have openings through it.

(h) “habitable room” means a room designed or, which may be used, for living, sleeping, eating or cooking;

(i) “Town” means the Town of Bridgewater;

(j) “owner” includes:

(i) a part owner, joint owner, tenant of the whole or any part of land or building;

(ii) a trustee, executor, agent, mortgagee in possession or a person having the care or control of the land or building, including a person managing or receiving the rent whether on their account or as agent or trustee of any other person; and

(iii) a person assessed for the property on the assessment roll of the Town;

(k) “smoke alarm” means an audible alarm device designed to sound an alarm upon detection of smoke;

(l) “structure” means anything that is erected, built, or constructed of parts joined together, or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, and signs and also fences exceeding 2m (6.5ft) in height.

(m) “yard” includes an unoccupied space on the same property with a building, extending along the length of the street, rear lot line or side lot lines.

### **General Duties and Obligations**

3. The owner of a property shall maintain any building on the property to the standards provided in this By-law.

4. The owner of a building built subsequent to October 14, 1976 shall maintain the building to the applicable standards of the Building Code.

5. The standards in this By-law are minimum standards and this By-law shall not be construed so as to lessen the requirements prescribed in the Building Code for buildings, construction, repairs and alterations.

## **Inspections**

6. (1) Where an inspection is required or conducted pursuant to this By-law:
- (a) the Building Official may enter in or upon land or premises at a reasonable time without a warrant;
  - (b) 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 (24) hours in advance; and
  - (c) 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 this By-law, the Building Official may apply to a judge of the Supreme Court of Nova Scotia for an order,
    - (i) to allow the Building Official entry to the building,
    - (ii) restraining a person from further interference, and
    - (iii) to recover all costs associated with any such order.

## **Orders by the Building Official**

7. (1) If, after an inspection, the Building Official is satisfied that the building does not conform to the standards prescribed in this By-law, the Building Official may serve or cause to be served by personal delivery or registered mail to the owner of the property, an Order to Remedy and may provide all occupants of the building with a copy of such Order.

(2) Every Order to Remedy shall contain

- (a) the standards with which the building does not comply; and
- (b) the date after which the building will be subject to a re-inspection to determine compliance with the Order.

## **MAINTENANCE STANDARDS**

### **Fire Prevention**

8. (1) Buildings required to have a fire alarm system pursuant to the Building Code when constructed, shall be so equipped.

(2) Fire alarm and detection systems shall be maintained in an operational condition at all times.

(3) All dwelling units shall be equipped with an operational smoke alarm in proximity to a sleeping area.

(4) All required fire separations required by the Nova Scotia Building Code shall be installed and maintained so as to prevent the spread of fire from one compartment to the next.

### **Structural Soundness**

9. (1) Every building shall be maintained in a structurally sound condition capable of sustaining its own weight and any load to which it may normally be subject.

(2) The Building Official may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions 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, device, construction or foundation meets the prescribed requirements.

### **Drainage and Prevention of Dampness**

10. (1) Every basement, cellar, crawl space and similar space shall be adequately ventilated and drained.

(2) Every floor, ceiling, both sides of an interior wall and the interior side of an exterior wall in a building shall be maintained free from dampness.

### **Roofs**

11. (1) Eavestroughs, roof gutters and down-pipes shall be kept

(a) in good repair,

(b) in good working order,

(c) watertight and free from leaks,

(d) free from health and accident hazards.

(2) Every roof shall be kept free from

- (a) loose hazards,
- (b) dangerous accumulations of snow and ice,
- (c) all fire and accident hazards.

### **Foundations & Exterior Walls**

12. (1) Foundation supports forming part of a building shall be maintained in good repair.

(2) Exterior walls of a building shall be maintained weather tight, free from loose or unsecured objects and materials and to prevent the entrance of insects and animals.

(3) Exterior walls of a building shall be maintained so as to prevent deterioration due to weather and shall be so maintained by painting, restoring or repairing the walls or flashing.

(4) Buildings shall be kept free from rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with the provisions of the Pest Control Products Act.

### **Windows and Doors**

13. (1) Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.

(2) All operable windows shall have hardware that allows locking or otherwise securing from inside.

(3) At least one window in any sleeping room shall meet Building Code egress standards.

(4) Exterior doors shall have hardware that allows locking or otherwise securing from inside.

(5) 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.

### **Egress**

14. (1) A dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to exterior grade level.

(2) 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.

(3) No required egress shall pass through a room in another dwelling unit or a service room.

### **Stairs, Decks and Balconies**

15. (1) Stairs, porches, balconies and landings shall be maintained in good repair free of holes, cracks, and defects which may constitute accident hazards.

(2) Every open side of a stairway, flat roof, and retaining wall to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail, securely attached, providing protection against accident or injury, where

(a) the vertical rise between the base and the top of the stairway exceeds two feet (0.6m), except stairways leading to cellars or crawlspaces; or

(b) the flat roof, retaining wall, terrace, verandah, porch, landing or stairwell

(i) is more than two feet (0.6 m) above the ground floor or other horizontal place below; and

(ii) can be used by any person who is in, on, or at the building.

(3) Every stairway that does not require a guard under subsection (2), and stairways leading to cellars or crawl spaces, shall have a rigid handrail on at least one side of the stairway attached providing reasonable support for persons using the stairway.

### **Interior Walls, Ceilings, and Floors**

16. (1) Every wall and floor in a building shall be reasonably smooth and level and maintained free of protruding, broken, or decayed boards or coverings.

(2) Every wall, ceiling, and floor in a building shall be free of mold and mildew.

(3) Walls surrounding showers or bathtubs shall be impervious to water.

### **Fireplaces, Fuel-burning Appliances, and Chimneys**

17. (1) Equipment that burns fuel, heating equipment, and every vent pipe, chimney, flue or duct connected to same, shall be so constructed, placed, protected

and maintained in good repair to prevent unsafe or dangerous conditions and the entrance of noxious gases into the building.

(2) Every fireplace used, capable of being used, or intended to be used, shall be maintained in good repair to prevent the heating of adjacent combustible material or structural members to unsafe temperatures unless the fireplace is permanently sealed.

(3) All wood-burning appliances, including wood furnaces, must be located in accordance with the manufacturer's safety clearances.

(4) If, in the opinion of the Building Official, there is doubt as to the safety of the heating system or parts thereof, the Building Official may direct that tests of materials, equipment, devices, construction 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, device or construction meets the prescribed requirements.

## **Heating**

18. (1) Every building shall be provided with heating facilities for maintaining an indoor ambient temperature of 22 degrees Celsius throughout all occupied areas.

(2) Every dwelling unit shall have a thermostat, or other suitable means, for the purpose of controlling room heat in good working order.

## **Plumbing Facilities and Fixtures**

19. (1) All bathroom, kitchen and laundry plumbing fixtures shall be provided with an adequate supply of cold running water and hot water capable of being supplied at a temperature of not less than 43 degrees Celsius and not greater than 60 degrees Celsius. A mixing valve shall be provided as required.

(2) 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 protected from freezing.

(3) All plumbing fixtures shall be connected to a sewage system through water seal traps and be appropriately vented.

(4) All appliances intended to supply hot water to plumbing fixtures shall be equipped with a temperature and pressure relief valve.

## **Bathrooms**

20. (1) Every bathroom or toilet room shall be enclosed and provided with a door equipped with a privacy latch in good working order. Where practical, a wash basin shall be located in the same room as the toilet.

(2) Where a bathroom is shared by occupants of residential accommodation, an entrance shall be provided from a common passage way, hallway, corridor or other common space.

## **Electrical Systems**

21. (1) Every habitable room for let in a building, shall have at least two duplex receptacles.

(2) Electrical wiring, fixtures, switches, receptacles, and appliances located in a building shall be installed and maintained in good working order so as not to constitute a fire or electrical hazard.

(3) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture and a conveniently located switch to control that fixture.

(4) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with at least one approved duplex receptacle and be ground fault interrupted where deemed necessary.

(5) Lighting fixtures and appliances in a building, including in stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination to avoid health or accident hazards during normal use.

(6) If, in the opinion of the Building Official, there is doubt as to the safety of the electrical system or parts thereof, the Building Official may direct that tests of materials, equipment, devices, construction 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, device or construction meets the prescribed requirements.

## **Space Requirements**

22. (1) No part of a building, except a habitable room, shall be used for sleeping purposes.

(2) A room used for sleeping purposes shall have a floor area of at least fifty (50) square feet and shall have a floor area of at least forty (40) square feet for each occupant of the age of twelve (12) and over, and a floor area of at least twenty-five square feet for each occupant under the age of twelve (12) years.

## **Yards**

23. (1) Every yard shall be kept clean and free from
- (a) rubbish or other debris;
  - (b) objects or conditions that may create a health, fire or accident hazard; and
  - (c) tall grass, weeds or heavy undergrowth.
24. No vehicle which is discarded, dismantled or in an abandoned condition shall be parked or stored in a yard.
25. Steps, walks, driveways, or parking areas shall be maintained to afford safe passage under normal use and weather conditions.
26. All garbage, rubbish or other debris shall be stored in bags placed in rodent-free receptacles acceptable to the Town in accordance with the Solid Waste By-law. Any refuse storage chute shall be maintained in a clean, sanitary and odour free condition.
27. Adequate surface water drainage shall be provided over the whole area of a property together with suitable arrangements for its disposal without erosion and without adversely affecting abutting lands.

## **ENFORCEMENT**

28. (1) Where an Order to Remedy has been served upon an owner, and the owner provides the Building Official with a schedule outlining specific time frames within which the work specified in the Order to Remedy will be completed, the Building Official may accept or amend the schedule, at which time the schedule will become a part of the Order to Remedy.

(2) An owner may appeal an Order to Remedy made pursuant to section 7 of this By-law. Such appeals must be submitted to Council within seven (7) days after the Order is served.

(3) Where an owner is unable by reason of age, infirmity or poverty to comply with the terms of this By-law, the Town may grant temporary exemptions for successive terms of not more than two years.

(4) In the event of the failure to remedy any violation described in any order issued under this By-law within the time period fixed in the Order, a summary offense ticket may be issued for every day that the remedy is not achieved.

(5) Notwithstanding the foregoing, should the violation involve a threat to life safety, the Town may apply to the Supreme Court for any or all of the remedies provided for in Section 181 of the Municipal Government Act.

## **PENALTIES**

29. (1) In addition to any other remedy provided for in this By-law, any person who contravenes this By-law shall be liable, upon summary conviction, to a penalty not less than one hundred dollars and not exceeding five thousand dollars (\$5,000.00) and in default of payment, to imprisonment for a period not exceeding thirty (30) days.

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

## **COMING INTO FORCE**

30. This By-law is to come into force and take effect on the date of its enactment.

31. Chapter 115 of the by-laws of the Town of Bridgewater, approved October 14, 1976, is hereby repealed and this By-law substituted therefor.