

## CAPE BRETON REGIONAL MUNICIPALITY

### **BY-LAW NUMBER V-300**

#### **VACANT AND DERELICT BUILDINGS BY-LAW**

**Made pursuant to Section 172 (ja) of the Municipal Government Act N.S.**

A By-law in and for the Cape Breton Regional Municipality to establish a system to regulate the condition and maintenance of vacant dwellings and non-residential buildings within the Cape Breton Regional Municipality.

#### **Short title**

1. This By-law may be referred to as the "**Vacant and Derelict Buildings By-law**" of the Cape Breton Regional Municipality.

### **Section 1 - Definitions:**

In this By-law

**"building"** means any structure used or intended to be used to support or shelter any use or occupancy.

**"derelict building"** means any vacant building which:

- a. is in a ruinous condition; and/or
- b. the condition of which seriously depreciates the value of land or buildings in the vicinity; or
- c. is an allurement and a danger to children who may play in the area; or
- d. is unsightly in relation to the neighboring properties because of the exterior finish of the building or structure is not maintained; or
- e. is a fire hazard to itself or surrounding lands or buildings; or
- f. has been boarded up in excess of the time frame permitted in this By-law and for which an occupancy permit has been withdrawn by the authority having jurisdiction for such matters in the municipality.

**"enforcement officer"** means an employee of the Municipality who has been authorized to exercise some or all of the powers of enforcement under this By-law.

**"fire protection system"** includes any fire alarm system, sprinkler system or standpipe system or one or more private hydrants.

**"multi-family residential building"** means a building that has been designed or used for residential occupancy by more than two families.

**"non-residential building"** means a building that is not a residential building and includes buildings that have been designed or used for commercial or industrial occupancies.

**"registered"** means a vacant building which after having made application, received an approved permit to secure the building, submitted the required documentation and paid the prescribed permit fee, has been approved as a registered vacant building.

**"residential building"** means a building that has been designed or used for residential occupancies by:

- (a) one or two families only; or
- (b) one family together with some other occupancy.

**"Vacant"** in relation to a building means a building that is not being used or occupied.

## **Section 2 - Clarification of "use" or "occupancy"**

- 2.1 For the purposes of this By-law, a building is not being used or occupied solely by reason of:
  - (a) individuals who are present in the building without the consent of the owner; or
  - (b) the existence of furniture, equipment or stock in trade within a building or the occasional operation of such equipment.

## **Section 3 - Vacant Building**

- 3.1 Vacant building owner(s) of residential and commercial property left vacant for 30 days or more are required to register the property with CBRM and obtain a permit to secure the building as prescribed in the Vacant Building By-law for each registered building and take steps toward assuring the property is properly maintained and not creating a hazard for the surrounding community, in conformance with the requirements of this By-law.

- 3.2 The owner shall renew the registration and permit every 12 months as long as the building remains vacant and shall pay a registration renewal fee as prescribed for each registered building.
- 3.3 The owner shall acquire or otherwise maintain liability insurance in an amount not less than \$300,000 for buildings designed primarily for residential use and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses. The liability insurance shall provide coverage for any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be provided at the time of registration.
- 3.4 Every owner of a reregistered vacant building shall cause his or her property to be inspected annually by a duly qualified building official, engineer, or other consultant, who shall, within thirty days of registration, submit a written inspection report to the enforcement officer verifying that the building is in compliance with this By-law. In the event a vacant building does not conform to these standards or no such report is timely submitted, the enforcement officer may order the owner to inspect the property and present satisfactory evidence of compliance with these standards in the form of an inspection report created by a duly qualified building official, engineer, or other consultant, verifying that the building is in compliance herewith.
- 3.5 The owner of every registered vacant property shall retain the services of a local property management company that shall be responsible for the security, maintenance, and marketing of the real property and provide this information at the time of registration for a vacant building. The retention of a local property management company shall not relieve other responsible parties of their obligations, duties, or responsibilities. The owner shall provide in writing the name and telephone number of the local property management company to adjoining neighbors in case of emergency or other issues that arise.
- 3.6 No vacant building within the Cape Breton Regional Municipality may remain secured for a cumulative period exceeding twenty-four (24) months. In computing the said twenty-four (24) month period, no allowance shall be made for any temporary occupancy less than thirty (30) days.

## **Section 4 - Safety from Fire**

- 4.1 No vacant building or premises or portion thereof may be used for the storage of flammable liquids or any other materials that could constitute a safety or fire hazard.
- 4.2 Heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes.
- 4.3 When heating equipment is to be removed or rendered inoperable, any fuel supply shall be removed or terminated in accordance with applicable codes.
- 4.4 Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, or they shall be removed and the services terminated in accordance with applicable codes.
- 4.5 Removal of electrical or other services does not apply where such services are necessary for fire protection and or the safety or security of the building and approval is granted by the enforcement officer responsible for the administration of this By-law.
- 4.6 Every owner of any vacant building shall remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon the property and which are fire hazards or a menace to public health, safety and welfare.
- 4.7 The owner of a non- residential and multi-family residential building must file a Fire Safety Plan within 30 days of the building becoming vacant.

### **Fire Safety Plan**

- 4.8 A Fire Safety Plan shall be submitted for each vacant building within 30 days of registration and contain the following information:
  - (a) describe the building, including details such as the square footage, number of stories, provide the basic floor plans in a PDF format for each floor and indicate previous occupancies;
  - (b) identify the fire protection systems in the building as well as the location of fire department connections and hydrants;

- (c) identify access routes and building openings for firefighters and their equipment and specific actions necessary to maintain such access;
- (d) provide current names and telephone numbers of persons responsible for the building or its maintenance, as well as contact names and numbers for emergency purposes; and
- (e) specify the actions the owner proposes to take to ensure compliance with this By-law, and any other applicable by-laws and other applicable legislation or regulations which may affect this building.

## **Section 5- Derelict Building**

- 5.1 When a building is deemed to be derelict, the Municipality may direct the owners to remedy the condition as specified in an Order.
- 5.2 Upon the issuance of an Order the owner must within thirty (30) days:
  - (a) Obtain a Conditional Building Permit to bring the building up to a habitable standard; or
  - (b) Demolish the building.

## **Section 6 - Minimum Standards for Vacant Buildings**

Every vacant building shall conform to the following standards:

### **Utilities:**

- 6.1 Where a building remains vacant for a period of more than thirty days, the owner or his or her agent, shall ensure that all utilities serving the building are disconnected or properly connected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.

## **Sanitary Facilities:**

6.2 (a) Plumbing fixtures connected to an approved water system, approved sewage system, or approved utility system shall be installed in accordance with applicable codes and maintained in sound condition and good repair.

(b) Plumbing fixtures connected to an approved water system, approved sewage system, not installed or maintained in accordance with applicable codes shall be removed and the service terminated and the pipes capped in the manner prescribed by applicable codes.

(c) Plumbing fixtures not connected to an approved water system, approved sewage system, system shall either be connected to an approved system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.

## **Exterior:**

6.3 Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken doors, windows, and other openings are covered with 1/2 inch plywood that is weather protected, tightly fitted to the opening, and secured by screws or bolts in compliance with Section 7- Securing Vacant Buildings, of this By-law.

6.4 The roof and flashing are sound and tight, will not admit moisture, and are drained to prevent dampness or deterioration in the walls or interior.

6.5 The building storm drainage system is adequately sized and installed in an approved manner and functional.

6.6 The exterior is maintained in good repair, structurally sound, free from debris, rubbish, and garbage, and sanitary so as not to threaten public health or safety; all debris, combustible materials, hazardous or noxious vegetation, litter and garbage shall be removed from the property around vacant buildings and premises on which a vacant building is located and further accumulation of the same prevented.

- 6.7 The structural members are free of deterioration and capable of safely bearing imposed dead and live loads.
- 6.8 The foundation walls are plumb, free from open cracks and breaks, and vermin-proof.
- 6.9 The exterior walls are free of holes, breaks, and loose or rotting materials, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or other materials reasonably compatible in design and colour with surrounding exterior finishing materials of adjoining properties.
- 6.10 The cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features are safe, anchored, and in good repair, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint.
- 6.11 All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features are in good repair, anchored, safe and sound, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather- coating materials, such as paint.
- 6.12 Chimneys, cooling towers, smokestacks, and similar appurtenances are structurally safe, sound, and in good repair, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint.
- 6.13 Openings in sidewalks are safe for pedestrian travel.
- 6.14 Accessory and appurtenant structures such as garages, sheds, and fences are free from safety, health, and fire hazards.
- 6.15 The property on which a structure is located is clean, safe, and sanitary and does not threaten the public health or safety.
- 6.16 Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement occurring on an exposed exterior surface and, where necessary, to restore the surface as nearly as possible to its original condition.

## **Interior:**

Interior of any building shall be maintained in accordance with the following:

- 6.17 It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for rodents or other animals.
- 6.18 Every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better and every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge. A copy of such key shall be provided to CBRM with the registration of the building and returned upon opening of the building for occupancy or demolition.
- 6.19 Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened and have no rotting, loose or deteriorating supports.
- 6.20 Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises and take any steps necessary or as directed by CBRM to remedy any infestations as such.
- 6.21 Every ceiling, both sides of an interior wall and the interior side of an exterior wall shall be lathed and plastered or covered with other material having equivalent qualities and shall be maintained in good condition and free from holes, cracks, and loose plaster.

Subsection 6.21 shall not apply to:

- (a) a garage; or
- (b) any attic space that is not used designed or intended to be used for human habitation.

- 6.22 All floors shall be maintained free from loose, warped, protruding, broken or rotted boards holes or cracks.

## **Section 7 - Securing Vacant Buildings**

Every vacant building shall be secured to prevent unauthorized entry and protection against weather deteriorations follows:

- 7.1 All vacant buildings shall be properly weather-protected to prevent deterioration of the exterior and interior of the building. This weather protection shall be approved by the enforcement officer responsible for the administration of this By-law and shall include all roof and wall assemblies.
- 7.2 All vacant buildings and their premises and accessory structures shall be secured to unauthorized entry according to the following standards:
  - (a) all exterior doors to the dwelling are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
  - (b) all windows are in good repair, protected with intact glazing (glass and either permanently sealed or locked so as to prevent entry);
  - (c) all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the building;

or

- (e) All windows shall provide resistance to entry equivalent to or greater than that of a solid sheet of plywood of at least one – half inch thickness, painted in a color matching the existing structure and compatible to surrounding structures treated to protect it from the elements, cut to fit the opening, and securely nailed using two inch galvanized nails or woodscrews spaced not more than six inches.
- (f) All doors and service openings, stairways, landings, ramps, porches, roofs, or similarly accessible areas, shall provide resistance to entry equivalent to or greater than that of a closed single panel or solid core door one and three-eighths inches thick equipped with a one-half inch throw deadbolt, or secured as per the requirements for windows.
- (g) Exterior doors, if openable, may be closed from the interior of the building by securing them to the door frame using minimum one and one-quarter-inch long screws at six inches on center.

- (h) There shall be one operable door into each building and into each housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a one-half-inch deadbolt or dead latch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of one – half -inch plywood painted in a color matching the existing structure and compatible to surrounding structures to protect it from weather deterioration and shall be equipped with a lock as described above.

7.3 The enforcement officer may impose additional requirements for the closure of a vacant building when the standards specified in this section are deemed to be inadequate to secure the building:

- (a) Due to the design of the structure; or
- (b) When the structure has been subject to two or more unauthorized entries after closure pursuant to the standards specified above; or
- (c) When the enforcement officer determines, in consultation with law enforcement and fire officials, that the structure may present a substantial risk to the health or safety of the public, police or fire personnel.

7.4 All vacant buildings shall have plainly visible house numbers or address numbers as required by the fire code or other applicable law.

## **Section 8 - Enforcement**

8.1 The Chief Building Official / Manager of Inspections and By-laws and his or her enforcement officers, Inspectors or Officials, may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-Law.

8.2 Where an owner fails to secure and/or maintain a building in compliance with this By-law, the Municipality may enter the property and carry out the work necessary, excluding demolition, to ensure compliance with this By-law.

8.3 An enforcement officer, Inspector or Official of the Cape Breton Regional Municipality empowered to administer and enforce this By-law may enter onto land without notice to and without the consent of the owner in order to inspect a building that is vacant, boarded up or appears to be vacant in order to determine:

- (a) whether the building is vacant; and
- (b) whether the building complies with this By-law.

## **Section 9 - Issuance of Orders**

- 9.1 Where a property is found to be vacant and or derelict, the owner may be ordered to remedy the condition by, demolition or maintaining and securing the property in accordance with the requirements of this By-law.
- 9.2 Where the owner fails to comply with the requirements of an Order within the time specified in the Order, the enforcement officer may enter upon the property without warrant or other legal process and carry such work as specified in the Order.
- 9.3 Expense that may be incurred in carrying out work specified in an Order given, by the Municipality, may be recouped as a lien placed against the property.
- 9.4 After an Order is issued in accordance with this By-law or any applicable code with respect to any vacant building, no one shall use, occupy, rent, or cause, suffer, or allow any person to use or occupy or rent said vacant building, unless written approval from the building official has been first obtained.
- 9.5 Where an address for service of an Order, Notice or some other document must be determined, one of the following shall be used:
  - (a) the address for service provided by the owner;  
or
  - (b) in the absence of proof to the contrary, the person assessed for the property as appearing on the assessment records.
- 9.6 Within 30 days of receiving an Order, the owner of a vacant building must take any steps necessary to bring the building into compliance with this By-law.
- 9.7 An owner may appeal an Order to the Council or to the Committee to which the Council has delegated its authority within seven (7) days after the Order is made.

9.8 The owner of a building deemed to be vacant may appeal an order issued by an enforcement officer to the Council or Committee of Council in whom the authority to hear such appeals has been granted by written request of his or her intention to appeal within seven (7) days of the issuance of the order.

## **Section 10 - Obligation of Owner**

10.1 Within 30 days of receiving an Order, the owner of a vacant building must take any steps necessary to bring the building into compliance with this By-law.

10.2 The owner of a vacant building shall provide at the time of registration an inspection report by a duly qualified and capable private inspector, engineer, or other consultant and further cause his or her property to be inspected not less frequently than annually by a duly qualified and capable private inspector, engineer, or other consultant, who shall, within 30 days after said inspection, submit a written inspection report to the enforcement officer verifying that the building is in compliance with this By-law.

10.3 In the event a vacant building does not conform to these standards or no such report is submitted, the enforcement officer may order the owner to inspect the property and present satisfactory evidence of compliance with these standards in the form of an inspection report created by a duly qualified and capable private inspector, engineer, or other consultant, verifying that the building is in compliance with the standards.

## **Section 11 - Penalty for Non-Compliance with Order**

11.1 After an order is served, any person who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than:

(a) for a first offence, to a minimum fine of \$1,000.00;

(b) for a second and each subsequent offence, to a minimum fine of \$2,000.00

11.2 Every day during which the condition is not remedied is a separate offence.

- 11.3 In addition to any penalties listed in section 11.1 where an owner fails to secure a building in compliance with this By-law, the Municipality may enter the property and carry out the work deemed necessary to ensure compliance with this By-law.
- 11.4 Where the Municipality lawfully causes work to be done pursuant to this By-law, or are requested to carry out the annual inspection of a registered vacant property, the cost of the work, with interest at the rate determined by the Council, by policy, by By-law, from the date of the completion of the work until the date of payment, may be billed to the owner as a first lien on the property upon which, or for the benefit of which, the work was done.
- 11.5 The owner of any vacant or derelict building, which by reason of non-compliance with an Order fails to comply, may forfeit title of such property to the Cape Breton Regional Municipality.

## **Section 12 - Exceptions**

- 12.1 Buildings actively used for seasonal purposes shall not be subject to the provisions of this By-law including:
  - (a) cottages and other recreational dwelling units and their accessory buildings;
  - (b) other temporary recreational facilities;
  - (c) agricultural or other resource facilities;
  - (d) a habitable residential building, which by the owners choice, has been left vacant temporarily, in order to attend work, or extended vacation, outside the community for a period not exceeding twelve (12) months and which has been registered with the Municipality as required for vacant buildings.

***PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting  
of the Cape Breton Regional Municipality held on the 21<sup>st</sup> day of June, 2011.***

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**MAYOR JOHN MORGAN**

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**BERNIE WHITE**  
**MUNICIPAL CLERK**

**Publication Date:** August 8, 2011

***THIS IS TO CERTIFY that the attached is a true and correct copy of the Vacant and  
Derelict Buildings By-law of the Cape Breton Regional Municipality including  
amendments to June 21, 2011.***

**BERNIE WHITE, MUNICIPAL CLERK**

**SCHEDELE "A"**

**STATUTORY DECLARATION**

**RE:** \_\_\_\_\_  
(legal description of property)

I, \_\_\_\_\_, an Enforcement Officer employed by the Cape Breton Regional Municipality and charged with the enforcement of the Vacant and Derelict Buildings By-law No. V-300,

**MAKE OATH AND SAY**

that I have inspected the above-noted property, commonly known as

\_\_\_\_\_  
(address)

in the Cape Breton Regional Municipality on \_\_\_\_\_  
(date)

and I hereby certify that it continues to be in contravention of the Vacant and Derelict Buildings By-law No. V-300 in the following respects:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn or affirmed before me )  
this        day of        )  
in the year 2\_\_\_\_\_, in the Cape        )        \_\_\_\_\_  
Breton Regional Municipality,        )  
in the Province of Nova Scotia        )  
    )  
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**Commissioner of Oaths for the  
Province of Nova Scotia**