

BY-LAW NO. L-5

**A BY-LAW TO ADOPT A CODE RESPECTING STANDARDS FOR
MAINTENANCE AND OCCUPANCY OF RESIDENTIAL BUILDINGS
AND PREMISES IN THE TOWN OF ST. STEPHEN**

Pursuant to the authority granted by Section 94(1) of the *Municipalities Act*, be it enacted by the Town Council of The Town of St. Stephen as follows.

TITLE

- 1 This By-law may be cited as the Residential Properties Standards By-law.

INTERPRETATION

- 2(1) In this by-law

“building inspector” means the officer appointed by the Town Council who shall exercise and perform such duties as are provided for in this by-law and the Code.

“Code” means the *Residential Properties Maintenance and Occupancy Code* approved by the Lieutenant Governor in Council pursuant to Section 93 of the *Municipalities Act*.

- 2(2) Words and phrases used in this by-law have the same meaning as in the Code.

SCOPE

- 3 The purpose of this by-law is

- (a) to establish standards to govern the condition, occupancy and maintenance of residential properties, and
- (b) to provide safeguards for the safety, health and welfare of occupants and users of residential properties by requiring owners thereof to repair and maintain such property in accordance with established standards.

ADOPTION OF CODE

- 4 The *Residential Properties Maintenance and Occupancy Code* approved by Order in Council 84-346 and found in Regulation No. 84-86 pursuant to Section 93 of the *Municipalities Act*, as amended from time to time, is adopted by reference and is hereinafter referred to as the Code.

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**DUTIES OF THE OWNER
AND ENFORCEMENT**

- 5(1) The owner of residential property shall repair and maintain such property in accordance with the standards set out in the Code.
- 5(2) Where the owner of residential property fails to repair or maintain such property in accordance with the requirements of subsection (1), the building inspector may notify the owner or occupier of the residential property and the notice shall
- (a) be in writing,
 - (b) be signed by the building inspector,
 - (c) state that the condition complained of in subsection (2) exists,
 - (d) state what must be done to correct the condition,
 - (e) state the date before which the condition must be corrected, and
 - (f) be served either by personal delivery on the person to be notified or by posting in a conspicuous place on the premises, building or structure.
- 6(1) Proof of the giving of notice in either manner provided for in subsection 5(2) may be by a certificate or an affidavit purporting to be signed by the building inspector, naming the person to whom notice was given and specifying the time, place and manner in which notice was given.
- 6(2) A document purporting to be a certificate or affidavit under subsection (1) shall be
- (a) admissible in evidence without proof of signature, and
 - (b) conclusive proof that the person named in the certificate or affidavit received notice of the matters referred to in the certificate or affidavit.
- 6(3) In any prosecution for a violation of this by-law where proof of the giving of notice is made as prescribed under subsection (1), the burden of proving that one is not the person named in the certificate or affidavit shall be upon the person charged.

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- 6(4) A notice given under section 5(2) and purporting to be signed by the building inspector appointed by council shall be
- (a) received in evidence by any court in the Province without proof of the signature,
 - (b) proof in the absence of evidence to the contrary of the facts stated in the notice, and
 - (c) on the hearing of an information for a violation of this by-law, proof in the absence of evidence to the contrary that the person named in the notice is the owner or occupier of the residential property in respect of which the notice was given.
- 7(1) A person who fails to comply with the terms of a notice under section 5(2) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category E offence and notwithstanding the provisions of any Act to the contrary, no judge of the Provincial Court may suspend the imposition of any penalty under this section.
- 7(2) A violation as provided for in subsection (1) is a continuing offence and a separate information may be laid for each day such offence continues and the penalty provided for in subsection (1) shall be imposed for each conviction resulting from the laying of each information.
- 7(3) The conviction of a person under this section does not operate as a bar to further prosecution for the continued neglect or failure on his or her part to comply with the provisions of this by-law.
- 8 If a notice has been given under subsection 5(2) and the owner or occupier does not comply with the notice within the time allowed, the Town may, rather than commencing proceedings in respect of the violation, cause the premises of that owner or occupier to be repaired and maintained and the cost of carrying out such work, including any related charge or fee, is chargeable to the owner or occupier and becomes a debt due to the Town.
- 9(1) Where the cost of carrying out work becomes a debt due to the Town under section 8, the building inspector, Town Treasurer or Town Clerk may issue a certificate stating the amount of the debt due and the name of the owner or occupier from whom the debt is due.

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- 9(2) A certificate issued under subsection (1) may be filed in The Court of Queen's Bench of New Brunswick and a certificate so filed shall be entered and recorded in the Court and when so entered and recorded may be enforced as a judgment obtained in the Court by the Town against the person named in the certificate for a debt of the amount specified in the certificate.
- 9(3) All reasonable costs and charges attendant upon the filing, entering and recording of a certificate under subsection (2) may be recovered as if the amount had been included in the certificate.
- 10(1) The cost of carrying out work under section 8 and all reasonable costs and charges attendant upon the filing, entering and recording of a certificate under section 9 shall, notwithstanding subsection 72(2) of the *Workers' Compensation Act* and until paid, form a lien upon the real property in respect of which the work is carried out in priority to every claim, privilege, lien or other encumbrance, whenever created, subject only to taxes levied under the *Real Property Tax Act* and a special lien under subsection 189(10) of the *Municipalities Act*.
- 10(2) The lien in subsection (1)
- (a) attaches when the work under section 8 is begun and does not require registration or filing of any document or the giving of notice to any person to create or preserve it, and
 - (b) follows the real property to which it attaches into whosoever hands the real property comes.
- 10(3) Any mortgagee, judgment creditor or other person having any claim, privilege, lien or other encumbrance upon or against the real property to which is attached a lien under subsection (1):
- (a) may pay the amount of the lien,
 - (b) may add the amount to the person's mortgage, judgment or other security, and
 - (c) has the same rights and remedies for the amount as are contained in the person's security.

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DUTIES OF THE BUILDING INSPECTOR

- 11 The building inspector shall
- (a) administer this by-law,
 - (b) exercise such powers and perform such duties as are provided for the enforcement of this by-law, and
 - (c) recommend to Council, if, in his or her opinion, it would not be economical to repair a residential property, or fence forming part of such property, that action be taken to require demolition or removal of such residential property or fence.

VOLUNTARY PENALTY

- 12(1) The building inspector or the Town Clerk may, either before or after the institution of proceedings against a person for any violation of this by-law or order of the building inspector, accept from the person alleged to have been guilty of such violation, the payment of a sum equal to the minimum penalty prescribed for such violation for a first offence and a person so accepting payment under this section shall forthwith forward to the Town Treasurer the amount so received and shall give a receipt to the said person for such sum.
- 12(2) A payment made under subsection (1) shall constitute a full satisfaction, release and discharge of all penalties and imprisonment incurred by such person for such violation.

REPEAL PROVISION

- 13(1) By-law No. 82-1, A By-law to Adopt a Code Respecting Standards for Maintenance and Occupancy of Residential Buildings and Premises, passed by Town Council on April 19, 1982, and amendments thereto, is hereby repealed.
- 13(2) The repeal of By-law No. 82-1, A By-law to Adopt a Code Respecting Standards for Maintenance and Occupancy of Residential Buildings and Premises, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

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IN WITNESS WHEREOF the Town of St. Stephen has caused its corporate seal to be hereunto affixed to this by-law the 18th day of August, 2003.

Read a first time this 21 day of July 2003.

Read a second time this the 18th of August, 2003.

Read a third time this 18th day of August, 2003.



W. Robert Brown, Mayor



Brenda Knight, Town Clerk



**NEW BRUNSWICK
REGULATION 84-86**

under the

**MUNICIPALITIES ACT
(O.C. 84-346)**

Filed May 9, 1984

Under section 93 of the *Municipalities Act*, the Lieutenant-Governor in Council makes the following Regulation:

This Regulation may be cited as the *Residential Properties Maintenance and Occupancy Code Approval Regulation - Municipalities Act*.

2 Pursuant to section 93 of the *Municipalities Act*, the Lieutenant-Governor in Council approves the code annexed to this Regulation as Schedule A for adoption by municipalities within New Brunswick.

3 *Regulation 73-71 under the Municipalities Act is repealed.*

**RÈGLEMENT DU
NOUVEAU-BRUNSWICK 84-86**

établi en vertu de la

**LOI SUR LES MUNICIPALITÉS
(D.C.84-346)**

Déposé le 9 mai 1984

En vertu de l'article 93 de la *Loi sur les municipalités*, le lieutenant-gouverneur en conseil établit le règlement suivant:

1 Le présent règlement peut être cité sous le titre: *Règlement portant approbation du code d'entretien et d'occupation des résidences - Loi sur les municipalités.*

2 Conformément à l'article 93 de la *Loi sur les municipalités*, le lieutenant-gouverneur en conseil approuve le code qui figure en annexe A en vue de son adoption par les municipalités du Nouveau-Brunswick.

3 *Est abrogé le règlement 73-71 établi en vertu de la Loi sur les municipalités.*

“repair” means to take the necessary action to bring residential property to the standards prescribed herein;

“residential property” means a dwelling with the yard around it and any accessory building in such yard;

“sewage” means water-carried waste from residential property, together with such ground, surface and storm waters as may be present;

“sewer system” means the municipal sanitary sewer system where available or, otherwise, a private sewage disposal system that meets the requirements of regulations under the *Health Act*;

“standards” mean the standards of physical condition and of occupancy prescribed herein for residential property;

“yard” means the privately or publicly owned land around and appurtenant to the whole or any part of a dwelling which is used or capable of being used in connection with the dwelling.

2 The purpose of this Code is to establish standards governing the condition, occupancy and maintenance of residential property and providing safeguards for the safety, health and welfare of the general public and of occupants and users of residential property.

3(1) An officer appointed by a municipality to administer a by-law that adopts this Code has the right to enter, at all reasonable times, upon any property within the municipality for the purpose of making any inspection necessary for the administration or enforcement of the by-law.

3(2) Where an officer mentioned in subsection (1) is refused admittance to any property within the mu-

ou autres moyens d'accès aux étages supérieurs ou inférieurs ainsi que les endroits de l'habitation qui sont destinés au public ou auxquels le public a accès;

«propriétaire» désigne toute personne qui a droit à un droit en tenure libre ou à tout autre droit ou intérêt sur un bien-fonds, en droit ou en *equity*, actuel ou éventuel, tel qu'un créancier hypothécaire, un débiteur hypothécaire, un preneur à bail, un locataire, un occupant, le titulaire d'un droit ou permis d'usage ou toute autre personne ayant le soin, le contrôle, la propriété pleine et entière et la gestion des locaux ou qui en perçoit le loyer ou en paye les taxes municipales;

«réparer» signifie prendre les mesures qui s'imposent pour rendre la résidence conforme aux normes prescrites par le présent règlement et «réparation» a un sens analogue;

«réseau d'égout» désigne le réseau d'égout sanitaire municipal, s'il en est, ou un réseau privé d'évacuation des eaux usées qui satisfait aux prescriptions des règlements établis en vertu de la *Loi sur la santé*;

«résidence» désigne une habitation, la cour qui l'entoure et tout bâtiment accessoire se trouvant dans cette cour.

2 Le présent code a pour objet la fixation des normes régissant l'état, l'occupation et l'entretien des résidences et assurant des garanties en matière de sécurité, de santé et de protection du public et des occupants et usagers de ces résidences.

3(1) Un fonctionnaire qu'une municipalité désigne pour administrer un arrêté municipal portant adoption du présent code a le droit de pénétrer, à tout moment raisonnable, dans une propriété située dans la municipalité afin de procéder à toute inspection nécessaire à l'application ou à l'administration de l'arrêté.

3(2) Lorsque l'accès à une propriété située dans la municipalité est refusé à un fonctionnaire visé au

cavations or other conditions that might create a health, fire or accident hazard; and

d'objets, de trous, d'excavations ou d'autres choses susceptibles de constituer un risque pour la santé ou de provoquer un accident ou un incendie; et

(c) be maintained free of rag weed, poison ivy, poison sumac and other noxious plants.

c) doit être exempte d'herbe à poux, d'herbe à puce, de sumac verni et autres plantes nuisibles.

5(1) Sewage shall be discharged into a sewer system.

5(1) Les eaux usées doivent se déverser dans un réseau d'égout.

Without restricting the generality of section (1), maintenance mentioned therein includes repairing the roof and flashing, applying waterproof coatings, installing or repairing eavestrough and rain water piping and using other suitable means of maintenance.

12(3) Dangerous accumulations of snow or ice or both shall be removed from the roof of a dwelling.

13(1) Windows, exterior doors and basement or cellar hatchways of a dwelling shall be maintained so as to prevent the entrance of wind and precipitation into the dwelling.

13(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes painting, renewing rotted or damaged doors, door frames, window frames, sashes and casing, refitting doors and windows, weather stripping, replacing defective door and window hardware, reglazing and using other suitable means of maintenance.

14(1) An inside or outside stair or porch shall be maintained so as to be free of holes, cracks and other condition that may constitute an accident hazard.

14(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or replacing

(a) treads or risers that show excessive wear or are broken, warped or loose; and

(b) supporting structural members that are rotted or deteriorated.

14(3) On an open side of a stairway, balcony, landing or stairwell, a handrail or banister shall be installed so as to provide reasonable protection against accident or injury.

12(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la réparation du toit et des solins, l'application d'enduits imperméables, l'installation ou la réparation des gouttières et des descentes pluviales et l'emploi d'autres moyens appropriés d'entretien.

12(3) Le toit de l'habitation doit être débarrassé des accumulations dangereuses de neige ou de glace.

13(1) Les fenêtres, les portes extérieures et les trappes de sous-sol ou de cave d'une habitation doivent être entretenues de façon à empêcher que le vent et les précipitations n'y pénètrent.

13(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la peinture, le remplacement des portes, encadrements de porte, dormants, châssis et encadrements de fenêtre pourris ou endommagés, le rajustement des portes et fenêtres, la pose de coupe-bise, le remplacement de la ferronnerie défectueuse des portes et fenêtres, la pose de nouveaux vitrages et l'emploi d'autres moyens appropriés d'entretien.

14(1) Les escaliers ou porches intérieurs ou extérieurs doivent être entretenus de façon à ne comporter aucun trou ni aucune fissure ou autre chose susceptible de provoquer un accident.

14(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la réparation ou le remplacement

a) des girons ou contremarches trop usés, cassés, gauchis ou branlants; et

b) des éléments de soutènement qui sont pourris ou détériorés.

14(3) Une rampe ou une main-courante doit être installée du côté ouvert d'un escalier, d'un balcon, d'un palier ou d'une cage d'escalier de façon à offrir une protection raisonnable contre les accidents ou les blessures.

5 Inadequately treated sewage shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

6 Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

7(1) Any accessory building shall be kept in good repair and free from any condition that constitutes or is apt to create a health, fire or accident hazard.

7(2) The exterior of an accessory building shall be kept weather resistant through the use of appropriate weather resistant materials, including paint and other preservatives.

7(3) Where an accessory building or any condition in a yard harbours noxious insects or rodents, all necessary steps shall be taken to eliminate them and to prevent their reappearance.

7(4) Dangerous accumulations of snow or ice or both shall be removed from the roof of an accessory building.

7(5) If an accessory building is not maintained in accordance with the standards mentioned in this section, it shall be removed from the yard.

8(1) Every dwelling unit shall be provided with such receptacles as may be necessary to contain all garbage, rubbish and ashes that accumulate therein or in the yard.

8(2) Receptacles mentioned in subsection (1) shall

(a) be made of metal or plastic;

(b) be of watertight construction;

(c) be provided with a tight-fitting cover; and

5(2) Les eaux usées inadéquatement traitées ne doivent pas être déversées sur le sol, que ce soit dans un système naturel ou artificiel de drainage de surface ou ailleurs.

6 Les marches, trottoirs, entrées, espaces de stationnement et autres endroits analogues d'une cour doivent être entretenus de façon à en permettre un usage sûr dans des conditions atmosphériques et d'utilisation normales.

7(1) Tout bâtiment accessoire doit être gardé en bon état de réparation et ne rien renfermer qui puisse provoquer un incendie ou un accident ou constituer un risque pour la santé.

7(2) Le revêtement extérieur d'un bâtiment accessoire doit être protégé contre les intempéries au moyen de matériaux appropriés, notamment la peinture et autres agents de préservation.

7(3) Lorsqu'il existe des insectes ou des rongeurs nuisibles dans un bâtiment accessoire ou une cour, toutes les mesures nécessaires doivent être prises pour les exterminer et empêcher leur retour.

7(4) Le toit des bâtiments accessoires doit être débarrassé des accumulations dangereuses de neige et de glace.

7(5) Tout bâtiment accessoire qui n'est pas entretenu conformément aux normes visées au présent article doit être enlevé de la cour.

8(1) Chaque logement doit être doté des récipients nécessaires pour contenir la totalité des ordures, déchets et cendres du logement ou de la cour.

8(2) Les récipients visés au paragraphe (1) doivent être

a) en métal ou en matière plastique;

b) étanches;

c) munis d'un couvercle fermant hermétiquement; et

18(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or replacing floor boards and repairing, replacing or removing any floor covering that has become unduly worn or torn so that it retains dirt.

19(1) A bathroom floor or toilet floor shall be maintained so as to be reasonably impervious to water and to permit easy cleaning.

19(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes installing, repairing, refinishing and replacing the floor or floor covering so as to provide the waterproof and cleaning conditions required.

20 In addition to other standards pertaining thereto, every floor, wall, ceiling, furnishing and fixture in a dwelling or dwelling unit shall be maintained in a clean and sanitary condition.

21(1) A dwelling shall be kept free of rodents and insects at all times, and methods used for exterminating rodents or insects or both shall conform with generally accepted practice.

21(2) A basement or cellar window used or intended to be used for ventilation, and any other opening in a basement or cellar that might let in rodents shall be screened with wire mesh or such other material as will effectively exclude rodents.

21(3) During the time of year when insects may enter a dwelling, each outside door shall be equipped with a self-closing device, and every opening that opens to outdoor space, used or intended to be used for ventilation, shall be appropriately screened with wire mesh or such other material as will effectively exclude insects.

22(1) Plumbing is not required to be contained in a dwelling or dwelling unit but, where it is so contained, it shall be connected to a sewer system in such manner as to discharge all wastes therefrom into such system.

18(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la réparation ou le remplacement des planches ainsi que la réparation, le remplacement ou l'enlèvement d'un revêtement de plancher usé et déchiré à un point tel qu'il garde la saleté.

19(1) Le plancher des salles de bain ou cabinets d'aisances doit être entretenu de façon à être raisonnablement imperméable et facile à nettoyer.

19(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend l'installation, la réparation, la remise à neuf et le remplacement du plancher ou du revêtement de façon à obtenir l'imperméabilité et la facilité de nettoyage requises.

20 Outre les autres normes y afférentes, les planchers, murs, plafonds, objets mobiliers et objets fixés à demeure d'une habitation ou d'un logement doivent être maintenus en bon état de propreté et de salubrité.

21(1) Toute l'habitation doit être exempte, en tout temps, de rongeurs et d'insectes et les mesures prises pour les exterminer doivent être conformes aux méthodes généralement reconnues.

21(2) Les fenêtres d'un sous-sol ou d'une cave servant ou destinées à la ventilation ainsi que toute autre ouverture d'une cave ou d'un sous-sol, susceptible de permettre l'entrée de rongeurs doivent être dotées d'un grillage métallique ou autre, efficace contre les rongeurs.

21(3) Pendant la saison où des insectes peuvent entrer dans une habitation, chaque porte extérieure doit être munie d'un dispositif de fermeture automatique et chaque ouverture sur l'extérieur servant ou destinée à la ventilation doit être adéquatement dotée d'un grillage métallique ou autre, efficace contre les insectes.

22(1) Il n'est pas obligatoire qu'une habitation ou un logement soit doté d'une installation de plomberie, mais le cas échéant, elle doit être raccordée à un réseau d'égout dans lequel la totalité des eaux-vannes et des eaux usées se déversent.

(a) the preparation, cooking, storage or consumption of food; or

(b) sleeping purposes.

23(7) A wash basin served by running water draining into a sewer system shall be located in any room that contains a toilet or in an adjoining room.

24 In a dwelling which contains plumbing, each dwelling unit shall be supplied with hot and cold running water facilities with a draining sink connected to the sewer system, a continuous supply of hot and cold running water and all such facilities shall be maintained in good working order.

25(1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of twenty-one degrees Celsius at 1.5 metres above floor level in all habitable rooms, bathrooms and toilet rooms when the temperature outside the dwelling is -30 degrees Celsius.

25(2) A heating system mentioned in subsection (1) shall be maintained in good working condition so as to be capable of safely heating the dwelling to the required standard room temperature.

25(3) Where the temperature in a dwelling or dwelling unit is not controlled by the occupants thereof, such dwelling or dwelling unit shall be heated to twenty-one degrees Celsius during the hours between seven o'clock in the morning and eleven o'clock in the afternoon.

25(4) Notwithstanding subsection (3), the temperature required thereby applies only during the hours specified and such temperature may be reduced and maintained at eighteen degrees Celsius during all other hours.

25(5) Without restricting the generality of subsection (2), maintenance mentioned therein includes

(a) keeping rigid connections between a chimney or flue and any heating equipment, including cooking equipment, that burns fuel;

a) à la préparation, la cuisson, l'entreposage ou la consommation d'aliments; ou

b) de chambre à coucher.

23(7) Une cuvette de lavabo alimentée en eau courante se déversant dans un réseau d'égout doit être installée dans toute salle renfermant un cabinet d'aisances ou dans une salle contiguë.

24 Chaque logement d'une habitation dotée d'une installation de plomberie doit être muni d'installations d'eau courante chaude et froide avec évier de vidange relié au réseau d'égout, approvisionnées de façon continue en eau courante chaude et froide et maintenues en bon état de fonctionnement.

25(1) Chaque habitation doit être dotée d'un système de chauffage pouvant maintenir une température de 21 degrés Celsius à 1,5 mètre du sol dans la totalité des pièces habitables, salles de bain et de toilette, lorsque la température extérieure est de 30 degrés Celsius au-dessous de zéro.

25(2) Le système de chauffage visé au paragraphe (1) doit être maintenu en bon état de fonctionnement de façon à pouvoir chauffer sans risque l'habitation à la température normale requise.

25(3) Lorsque la température d'une habitation ou d'un logement n'est pas réglée par ses occupants, l'habitation ou le logement doit être chauffé à 21 degrés Celsius de sept heures à vingt-trois heures.

25(4) Nonobstant le paragraphe (3), la température qui y est requise ne s'applique qu'aux heures spécifiées et peut être ramenée et maintenue à dix-huit degrés Celsius en tout autre temps.

25(5) Sans limiter la portée générale du paragraphe (2), l'entretien y visé consiste notamment à

a) maintenir des raccordements rigides entre la cheminée ou le conduit de cheminée et tout appareil de chauffage à combustible, y compris les appareils de cuisson;

ments shown on the appliance or appliances in use, no person shall use an additional appliance so as to increase the use beyond the capacity of the circuit.

27(1) In a dwelling unit in which the occupants prepare food for their own consumption, or are intended to or are permitted to so prepare food, a suitable and convenient receptacle for storage of food, containing at least 0.4 cubic metres of space, shall be maintained in good repair and in a clean state.

27(2) Some part of the storage space mentioned in subsection (1) shall be capable of sustaining a temperature low enough to preserve perishable foods for a reasonable time.

28 Every dwelling and each dwelling unit within it shall have a safe, continuous and unobstructed passage from the interior of the dwelling or dwelling unit to the outside of the dwelling at street or grade level.

29(1) A source of light, such as a window, skylight, transparent or translucent panel, or a combination thereof, that faces directly on open space at least one metre wide and at least fifteen centimetres above the adjoining finished grade or above an adjoining roof, and that admits as much natural light as would be transmitted through clear glass equal in area to ten percent of the floor area of the room, shall be provided and maintained in good repair in every habitable room.

29(2) The open space opposite a source of light shall not be obstructed in any way and, if it is obstructed, the light source facing the open space so obstructed shall not be included in calculating the area of light source for the room.

29(3) Every bathroom and toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.

29(4) Every stairway, hall, cellar and basement, and every laundry room, furnace room and similar

ou le wattage indiqué sur l'appareil ou les appareils en usage, nul ne doit utiliser d'appareils supplémentaires de façon à dépasser la capacité du circuit.

27(1) Tout logement dont les occupants préparent ou peuvent préparer des aliments pour leur propre consommation doit être doté d'une dépense adéquate et commode d'au moins 0,4 mètre cube pour l'entreposage des produits alimentaires, cette dépense devant être tenue en bon état de réparation et de propreté.

27(2) Une partie de l'espace d'entreposage visé au paragraphe (1) doit pouvoir garder une température suffisamment basse pour préserver des denrées périssables pendant une période raisonnable.

28 Chaque habitation et chacun de ses logements doivent disposer d'une voie de passage sûre, directe et exempte d'obstacles depuis l'intérieur de l'habitation ou du logement jusqu'à l'extérieur de l'habitation au niveau du sol ou de la rue.

29(1) Chaque pièce habitable doit disposer d'une source lumineuse tel que fenêtre, lucarne faîtière, panneau transparent ou translucide ou une combinaison de ceux-ci, cette source lumineuse devant être maintenue en bon état, donner directement sur un espace libre d'au moins un mètre de large et au moins à quinze centimètres au-dessus du niveau du sol fini ou du toit contigus et laisser pénétrer autant de lumière naturelle que le ferait un vitrage transparent dont la surface serait égale à dix pour cent de l'aire de plancher de la pièce.

29(2) L'espace libre sur lequel donne une source lumineuse ne doit être obstrué d'aucune façon; dans le cas contraire, la source lumineuse donnant sur un tel espace ne doit pas entrer dans le calcul de l'aire de la source lumineuse de la pièce.

29(3) Les salles de bain et de toilette doivent être dotées en permanence d'un appareil d'éclairage artificiel maintenu en bon état de fonctionnement.

29(4) Les escaliers, entrées, caves et sous-sol ainsi que les buanderies, chaufferies et autres locaux

(a.1) blasting operations including, without limiting the generality of the foregoing, the conducting of pre-blast surveys of properties that may be affected by blasting operations, the maintenance and inspection of blasting records, the establishment of hours of operation and the establishment of the maximum permissible levels of sound, dust and vibration that may be created by blasting operations,

(b) slaughtering, processing and selling meat and meat products for human consumption,

(c) producing, pasteurizing and selling milk and milk products, and

(d) any other municipal matters.

1966, c.20, s.94; 1972, c.49, s.7; 1973, c.62, s.10; 1985, c.61, s.1.

94(1) A council may by by-law adopt a code approved under section 93 or a portion of such a code, with or without setting forth its provisions, and may in the by-law provide for the administration and enforcement of the code.

94(2) Where a council adopts a code under subsection (1) without setting forth its provisions, any penalty clauses contained in the code shall be deemed not to have been adopted.

94(3) Where a council makes a by-law respecting standards for maintenance and occupancy of buildings and premises, any provision of the by-law that conflicts with a provision of the code approved by the Lieutenant-Governor in Council under paragraph 93(a) or that is not contained in the code has no effect unless approved by the Minister.

94(4) Before making a by-law under subsection (1) or (3) the council shall

(a) publish a notice of its intention to consider the passing of the by-law in a newspaper having general circulation in the municipality, which notice shall specify the code or portion thereof that it proposes to adopt, and

(b) make a copy of the by-law and the code available for inspection at the office of the clerk for not less than fifteen days before the by-law is passed.

94(5) Where a by-law made pursuant to subsection (1) or (3) is in force in a municipality, the clerk shall keep available in his office for public examination a copy of the code or portion thereof adopted.

1966, c.20, s.95; 1970, c.37, s.3; 1972, c.49, s.8; 1973, c.62, s.11; 1994, c.16, s.1.

CURFEW

95(1) A council may make by-laws regulating the time after which children of defined ages are not to be in a public place at night without proper supervision.

95(2) A child below the defined age or apparently so found in a public place after the time appointed may be ordered to his home by any peace officer, and in case of refusal he may be dealt with as a child whose security or development may be in danger under the *Family Services Act*.

95(3) A parent who permits his child to violate a by-law made under this section commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category B offence.

1966, c.20, s.96; 1977, c.35, s.5; 1982, c.3, s.50; 1985, c.4, s.46; 1987, c.6, s.68; 1990, c.61, s.89.

PET ESTABLISHMENT STANDARDS

1975, c.40, s.5.

95.1(1) The Lieutenant-Governor in Council may make regulations prescribing the minimum standards relating to the establishment, operation and maintenance of shops, kennels and places that are in the business of dealing in and with pets.

95.1(2) Subject to subsection (3), regulations made pursuant to subsection (1) have effect throughout the Province of New Brunswick.

95.1(3) A municipality may by by-law provide for additional and higher standards relating to the establishment, operation and maintenance of shops, kennels and places that are in the business of dealing in and with pets than those standards prescribed pursuant to subsection (1).

95.1(4) Repealed: 1994, c.16, s.2.