

A BY-LAW RELATING TO RESIDENTIAL PROPERTIES IN THE TOWN OF DIEPPE

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF DIEPPE, AS FOLLOWS:

1. THIS BY-LAW MAY BE CITED AS THE MINIMUM STANDARDS BY-LAW (RESIDENTIAL).
2. (1) SUBJECT TO 2 (2) OF THE WITHIN BY-LAW.
THE TOWN OF DIEPPE HEREBY ADOPTS THE MAINTENANCE AND OCCUPANCY CODE FOR RESIDENTIAL PROPERTIES, AND AMENDMENTS THERETO, HEREINAFTER REFERRED TO AS THE CODE, APPROVED BY THE LIEUTENANT-GOVERNOR IN COUNCIL UNDER THE MUNICIPALITIES ACT, HERETO ANNEXED AS SCHEDULE "A".
- (2) SUBSECTION (2) OF SECTION 23 AND SUBSECTIONS (1) TO (5) INCLUSIVE OF SECTION 25 OF THE CODE ARE NOT ADOPTED HEREUNDER.
3. THE TOWN OF DIEPPE SHALL APPOINT A PERSON AS THE OFFICER CHARGED WITH THE ADMINISTRATION OF THIS BY-LAW.
4. (1) THE OWNER OF RESIDENTIAL PROPERTY AS DEFINED IN THE CODE COMMITS AN OFFENCE UNDER THIS BY-LAW IF
 - (A) HIS PROPERTY IS FOUND NOT TO COMPLY WITH THE CODE BY THE OFFICER CHARGED WITH THE ADMINISTRATION OF THIS BY-LAW.
 - (B) AFTER SERVICE OF A DEMAND UNDER SECTION 3 OF THE CODE, THE OFFICER CHARGED WITH THE ADMINISTRATION OF THIS BY-LAW IS PREVENTED BY BARRIER OR BY THE CONDUCT OF ANY PERSON FROM ENTERING TO INSPECT THE PROPERTY.
- (2) AN ACTION BEGUN UNDER THIS BY-LAW MAY BE AMENDED TO INCLUDE FURTHER OFFENCES IN THE SAME PROPERTY UNDER THE CODE OR THIS BY-LAW.
5. A PERSON WHO VIOLATES ANY PROVISION OF THIS BY-LAW OR THE CODE IS GUILTY OF AN OFFENCE AND IS LIABLE ON SUMMARY CONVICTION TO A FINE OF NOT LESS THAN TWENTY-FIVE DOLLARS AND NOT GREATER THAN TWO HUNDRED DOLLARS AND IN DEFAULT OF PAYMENT TO IMPRISONMENT FOR NOT MORE THAN TEN DAYS.
6. CONVICTION OF A PERSON FOR VIOLATION OF THIS BY-LAW DOES NOT RELIEVE HIM FROM COMPLIANCE WITH THIS BY-LAW AND A JUDGE OF THE PROVINCIAL COURT MAY, IN ADDITION TO THE FINE IMPOSED, ORDER HIM TO DO WITHIN A SPECIFIED TIME ANY ACT OR THING NECESSARY FOR THE PROPER OBSERVANCE OF THIS BY-LAW OR TO REMEDY THE VIOLATION HEREOF AND A PERSON WHO, AFTER THE EXPIRY OF SUCH SPECIFIED TIME, FAILS TO COMPLY WITH THE ORDER OF THE JUDGE OF THE PROVINCIAL COURT IS GUILTY OF AN OFFENCE AND ON SUMMARY CONVICTION IS LIABLE TO A

FINE OF NOT LESS THAN TWENTY-FIVE DOLLARS NOR MORE THAN FIFTY DOLLARS FOR EACH DAY SUCH FAILURE CONTINUES OR TO IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS OR TO BOTH.

ORDAINED AND PASSED THE 13TH DAY OF SEPT.,
A.D., 1976.

Rolande Gallant John M. Waterhouse
TOWN CLERK MAYOR

FIRST READING - JULY 12th, 1976
SECOND READING - July 12th, 1976
THIRD READING - Sept. 13th, 1976

CERTIFICATION

I, Rolande Gallant, Town Clerk of the Town of Dieppe, HEREBY CERTIFY THAT the Within "Copy of a By-Law Relating to Residential Properties in the Town of Dieppe, was duly enacted after being read three (3) separate times; sealed with the corporation seal of the Town of Dieppe; signed by myself and by the Member of Council who presided at the meeting at which it was passed; that it was Ordained and Passed on the 13th Day of Sept. 1976, A.d. and that it has been compared with the Original and is a true copy thereof.

Dieppe, New Brunswick
Sept. 15, 1976

R. Gallant
TOWN CLERK

DECLARATION

I, Rolande Gallant, do solemnly declare that the requirements of the Community Planning Act 1974 were met respecting the advertising of the proposed amending By-Law and the consideration of written objections received thereon, and I solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Evidence Act.

Sept 15, 1976

R. Gallant
TOWN CLERK

SCHEDULE "A"
REGULATION UNDER THE
MUNICIPALITIES ACT

RESIDENTIAL PROPERTIES MAINTENANCE AND OCCUPANCY CODE.

1. In this Code,

- (a) "accessory building" means a building, fence or other structure the use of which is incidental to the use of a dwelling and which is located in the yard around the dwelling;
- (b) "Dwelling" means a building any part of which is or is intended to be used for the purposes of human habitation, whether or not such building is in such state of disrepair as to be not fit for such purposes;
- (c) "dwelling unit" means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons;
- (d) "habitable room" means any room, other than a non-habitable room, in a dwelling unit;
- (e) "non-habitable room" means any room or space in a dwelling used or intended to be used as a bathroom, toilet room, laundry, pantry, lobby, communication corridor, stairway, closet, recreation room, furnace room, or other room or space for the service or maintenance of the dwelling or for public use, access or vertical travel between storeys;
- (f) "owner" means any person entitled to any freehold or other estate, or interest in land, at law or in equity, in possession, or in futurity or expectancy, such as a mortgagee, mortgagor, lessee under lease, tenant, occupant, licensee, permittee or any other person having care, control, domain and management over the premises or who receives any rent or pays municipal taxes in respect thereof;
- (g) "repair" means to take the necessary action to bring residential property to the standards prescribed herein;
- (h) "Residential property" means a dwelling with the yard around it and any accessory building in such yard;
- (i) "sewage" means water-carried waste from residential property, together with such ground, surface and storm waters as may be present;
- (j) "sewer system" means the municipal sanitary sewer system where available or, otherwise, a private sewage disposal system that meets requirements of regulation under the Health Act;
- (k) "standards" means the standards of physical condition and of occupancy prescribed herein for residential property; and

(1) "yard" means the privately or publicly owned land around and appurtenant to the whole or any part of a dwelling and used or capable of being used in connection with the dwelling;

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

ADMINISTRATION

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 that is necessary for the administration or enforcement of the by-law.
- (2) Where an officer mentioned in subsection (1) is refused admission to any property within the municipality, the clerk may serve, or cause to be served, on the person having control of the property, a demand that the officer, named therein, be permitted to enter upon such property in accordance with that subsection.
- (3) Service may be affected under subsection (2) by personal delivery to the person having control of the property or by depositing the demand in the mails in a prepaid registered envelope addressed to such person at his last known address.
- (4) The service of a demand by mail as provided for in subsection (3) is deemed to be complete upon the expiration of six days after the deposit thereof in the mails.
- (5) Proof of the service of a demand in either manner provided for in subsection (3) may be given by a certificate purporting to be signed by the clerk which sets forth the name of the person on whom such demand was made at the time, place and manner of service thereof.
- (6) A document purporting to be a certificate of the clerk made pursuant to subsection (5) shall:
- (a) be admissible in evidence without proof of the signature, and
 - (b) be conclusive proof that the demand was served on the person named in the certificate.

MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

A yard shall:

- (a) be properly graded to insure rapid drainage of storm water therefrom to prevent ponding therein or the entrance of water into a basement or cellar;

(b) be kept reasonably clean and free from rubbish or other debris and from objects, holes, excavations or other conditions that might create a health, fire or accident hazard; and

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

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

(2) 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.

(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.

(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.

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

(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.

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

(a) be made of metal or plastic;

(b) be made of watertight construction;

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

(d) be maintained in a clean state.

(3) Garbage, rubbish, and ashes shall be promptly stored in receptacles mentioned in subsection (1) and shall be removed therefrom in accordance with regulations of the municipality where applicable or otherwise at least once during each week.

(4) Materials of an inflammable nature shall be safely stored or removed at once from the residential property.

MAINTENANCE OF DWELLINGS AND DWELLING UNITS

9. Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own

weight and any additional weight that may be put on it through normal use.

10. (1) A foundation wall of a dwelling shall be maintained so as to prevent the entrance of moisture, insects and rodents.
(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes shoring of the wall where necessary, installing subsoil drains at the footing, grouting masonry cracks, waterproofing the wall and joists and using other suitable means.
11. (1) An exterior wall of a dwelling and its components shall be maintained so as to prevent its deterioration due to weather and insects.
(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes painting, restoring or repairing the wall, coping or flashing, waterproofing joints or the wall itself, installing or repairing termite shields, and using other suitable means.
12. (1) A roof of a dwelling shall be maintained in a watertight condition so as to prevent leakage into the dwelling.
(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing the roof and flashing, applying waterproof coating, installing or repairing eaves-trough and rain water piping and using other suitable means.
(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.
(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, and replacing defective door and window hardware, reglazing and using other suitable means.
14. (1) An inside or outside stair, or a porch, shall be maintained so as to be free of holes, cracks and any other condition that may constitute an accident hazard.
(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.

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

15. (1) Every chimney, smoke pipe, and flue servicing a dwelling shall be maintained so as to prevent gases from leaking into the dwelling.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes cleaning the flue of obstructions, sealing open joints, repairing masonry and using other suitable means.

16. (1) Every fireplace used or intended to be used in a dwelling for burning fuel in open fires shall be maintained so that adjacent combustible material and structural members will not be heated to unsafe temperatures.

(2) Without limiting the generality of subsection (1), maintenance mentioned therein includes securing connection to a chimney that complies with standards hereof, lining with fire-resistant material and repairing and to relining, and installing, repairing and replacing the hearth.

17. (1) Every interior wall and ceiling in a dwelling shall be maintained so as to be free of large holes or cracks and loose plaster or other material, the collapse of which might cause injury.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or filling, holes and cracks and removing and replacing loose or defective parts.

(3) The surface of wall or ceiling mentioned in subsection (1) shall be finished so as to be reasonably smooth, clean, tight, and easily cleaned.

18. (1) Subject to section 19, every floor in a dwelling, shall be maintained so as to be free of loose, warped, protruding, broken or rotted boards that might cause an accident, or admit rodents into the dwelling.

(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.

(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.
- (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.
- (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.

STANDARDS OF FITNESS FOR OCCUPANCY

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 waste therefrom into such system.
- (2) All plumbing, whether a drain pipe, water pipe, water closet connecting line to the sewer system, or other plumbing fixture, shall be maintained in good working order and free from leaks and defects.
23. (1) Where a dwelling contains plumbing, the following shall be supplied and maintained in good working order, connected to the sewer system, and accessible to and available for each ten or fewer persons or family occupying the dwelling:
- (a) a toilet, served with cold running water;
 - (b) a wash basin, served with hot and cold running water; and
 - (c) a bathtub or shower, served with hot and cold running water.
- (2) Hot water mentioned in subsection (1) shall be served at such temperature that it may be drawn from any tap at a temperature of not less than one hundred ten degrees Fahrenheit.
- (3) Where a dwelling does not contain plumbing, toilet and bathroom facilities shall be supplied and maintained at a standard and in manner which, in the opinion of a District Medical Health Officer does not constitute a health hazard and is not apt to create such hazard.
- (4) Where a toilet is required by subsection (1), it shall be located within and accessible from within the dwelling.
- (5) Where a toilet or urinal is used by the occupants of more than one dwelling unit, the room in which it is located shall be accessible only from a common hall.
- (6) A toilet or urinal shall not be located within a room that is used for:
- (a) the preparation, cooking, storing or consumption of food;

(b) sleeping purposes.

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

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

25. (1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of seventy degrees Fahrenheit at five feet above floor level in all habitable rooms, bathrooms and toilet rooms when the temperature outside the dwelling is -20 degrees Fahrenheit.

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

(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 the standard mentioned in subsection (1), except as mentioned in subsection (4), during every day between the first day of September and the first day of June in the next year.

(4) Notwithstanding subsection (3), the temperature required thereby applies only during the hours between seven o'clock in the morning and eleven o'clock in the afternoon, and such temperature may be reduced and maintained at sixty-five degrees Fahrenheit during other hours.

(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, that burns fuel;

(b) keeping rigid connections between equipment mentioned in clause (a) and its supply line; and

(c) keeping equipment that is not mentioned in clause (a) and that burns gaseous fuel properly vented to a duct leading to an outdoor space.

(6) No gas appliance of any kind may be installed or maintained in working condition with a gas supply in a room used or intended to be used for sleeping purposes.

(7) No person may use a room for sleeping purposes, or permit its use for such purpose, if the room contains any type of gas appliance in working condition with a gas supply.

(8) Where a heating system or part of it or any auxiliary heating

system burns solid or liquid fuel, a place or receptacle for storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.

26. (1) All electrical wiring, equipment and appliances located or used in a dwelling shall be installed and maintained in good working order so as not to cause fire or electrical shock hazard.
- (2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or replacing defective wiring and equipment, installing additional circuits and any other repairs, alterations or installations required by or which may be required pursuant to regulation under the Electrical Installation and Inspection Act.
- (3) When the capacity of a circuit within a dwelling or dwelling unit is in full or nearly full use, as indicated by the amperage or wattage requirements shown on the appliance or appliances, in use, a person shall not 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 four cubic feet of space, shall be maintained in good repair and in a clean state.
- (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 three feet wide and at least six inches 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.
- (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.
- (3) Every bathroom and toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in

in good working order.

(4) Every stairway, hall cellar and basement, and every laundry room furnace room and similar non-habitable work room in a dwelling shall have adequate artificial light available at all times.

30. (1) Every habitable room, bathroom, and toilet room shall have adequate ventilation.

(2) Where an aperture such as a window, skylight, or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open and closed.

(3) Where a dwelling or dwelling unit is ventilated by a system of mechanical ventilation or air conditioning, the system shall be maintained in good working order.

31. (1) A non-habitable room shall not be used as a habitable room.

(2) A dwelling unit shall have at least one hundred square feet of habitable room floor area for each person resident therein.

(3) Subject to subsection (5) a habitable room used for sleeping purposes, shall have a floor area of at least;

(a) sixty square feet, if so used by only one person, and

(b) forty square feet per person, if so used by more than one person.

(4) A habitable room shall be seven feet in height over at least one half of the floor area.

(5) For the purposes of computing a floor area under subsection (3), any part of the floor under a ceiling that is less than five feet above the floor shall not be counted.