


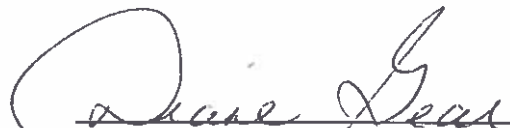


### **OCCUPANCY AND MAINTENANCE REGULATIONS, 2009**

Adopted by the Town Council of the Town of Labrador City on the 16th day of June, 2009 and to come into effect as of the 16th day of June, 2009.

A copy of these Regulations was sent to the Minister of Municipal Affairs on the 17th day of June, 2009.

  
MAYOR

  
TOWN CLERK

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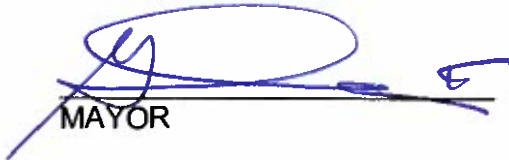
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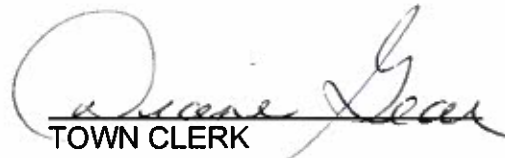
The following Regulations have been made by the Town of Labrador City pursuant to the power conferred by Sections 414 of the Municipalities Act Chapter M-24, S.N.L. 1999 and Sections 34, 35 and 36 of the Urban and Rural Planning Act, Chapter U-8, S.N.L. 2000 and any other Sections found enabling under the Municipalities Act, 1999 as Amended and the Urban and Rural Planning Act, 2000 as Amended.

Adopted by the Town Council of the Town of Labrador City on the 16th day of June, 2009 and to come into effect as of the 16th day of June, 2009.

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**OCCUPANCY AND MAINTENANCE REGULATIONS, 2009**

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**ARTICLE I**

**Title**

**1. Title**

These Regulations may be cited as "The Town of Labrador City Occupancy and Maintenance Regulations, 2009".

**ARTICLE II**

**Definitions and Application**

**2. Definitions**

For the purpose of these Regulations unless the context otherwise requires:

- (a) "Act" means the Urban and Rural Planning Act;
- (b) "Building line" means a line established by the enforcement authority to set the horizontal distance between the closest point of a building and the street line;
- (c) "Composting" means the storage and controlled biochemical decomposition of vegetables, fruit or garden waste;

- (d) "Commercial vehicle" means a vehicle designated to carry goods, or to carry more than six passengers in addition to the driver, and also means a truck, delivery wagon, hearse, fire engine, traction engine, commercial trailer, flatbed trailer and any other vehicle designed for commercial, agricultural or industrial use.
- (e) "Construction equipment" shall include all snow-clearing equipment, tractors and any other equipment or vehicle designed for commercial, agricultural or industrial use.
- (f) "Council" means the elected Council of the Town of Labrador City.
- (g) "Enforcement authority" means Council or its authorized administrator.
- (h) "Minister" means the minister appointed under the *Executive Council Act* to administer the Act.
- (i) "Passenger vehicle" means all passenger motor vehicles with not more than 2 axles requiring a valid Newfoundland and Labrador Class 5, 5I, 5II, 6, 6I or 6II Driver's Licence to operate and not defined as a "commercial vehicle" nor a "recreational vehicle".
- (j) "Permitted enclosure" means an enclosure approved by the Town of Labrador City which provides storage space and protection from weather such as, but not limited to, a garage or carport.
- (k) "Recreational vehicle" means a vehicle designed or adapted exclusively for pleasure or recreational purposes including, but not limited to, a motor home, boat, ATV, snowmobile and trailers for transport of such vehicles.
- (l) In these Regulations, expressions used shall have the same representative meanings as in the Labrador City Development Regulations.

### **3. Application**

The following Code and Documents are adopted as per Section 414 of the Municipalities Act, 1999 and as signed by the Minister:

- (a) The National Building Code of Canada (Latest Revision);
- (b) The Supplement to the National Building Code of Canada;
- (c) The National Fire Code of Canada;
- (d) The Fire Life Safety Code of Canada; and
- (e) The National Housing Code of Canada.

## **ARTICLE III**

### **General Duties and Obligations**

#### **4. Permit Process**

All construction of, renovation of and additions to existing or new buildings, structures and property must be done in accordance to the Labrador City Development Regulations and pursuant to a properly issued municipal permit.

**5. Conflict**

If there is a conflict between a provision of these Regulations and a provision of any other Act or regulation in force in the planning area concerned, the provision that establishes the highest standard to protect the health, safety and welfare of the general public prevails.

**6. Occupancy**

(1) A person shall not occupy for human habitation or otherwise, or be the owner of, permit to be occupied for human habitation or otherwise, a dwelling or structure which does not conform to the standards set out in these Regulations.

(2) All new buildings and structures, all existing vacant buildings and structures and a building or structure which becomes unoccupied, has a change of use or is not maintained for a length of time, shall require an occupancy permit issued by the enforcement authority before the proposed occupancy occurs. The foregoing does not apply to residential properties.

(3) Notwithstanding subsections (1) and (2), temporary departures from existing properties for annual vacation, work related purposes, education, health reasons, temporary duty elsewhere or business trips, shall not be considered as vacancies under these Regulations.

**7. Right of Entry**

Council or its duly authorized agents, upon 24 hours notice, have the right to enter a property or building for the purposes of inspection or to carry out works required under this Regulation.

## **ARTICLE IV Standards**

**8. Maintenance**

All properties in the planning area including land, buildings, structures, dwellings, fences, sheds, garages, parking lots, driveways, landscaping and all appurtenances shall be maintained in a state of good condition and repair in accordance with the standards set out in these Regulations and as otherwise ordered by the enforcement authority.

**9. Structural Soundness**

(1) Components of all buildings, structures, dwellings and property shall be free from deterioration, loose jointing, sagging, bulging and excessive deflection and shall comply with the latest edition and revision of the National Building Code.

- (2) Components of all buildings, structures, dwellings and property shall be maintained in good repair and in a structurally sound condition so as:
  - (a) To be capable of safely sustaining its own weight and any load to which, normally, it might be subjected;
  - (b) To be capable of safely accommodating all normal structural movements without damage, decay or deterioration; and
  - (c) To prevent the entry of moisture that would contribute to damage, decay or deterioration.

#### **10. Property Drainage**

All occupied land shall be provided with adequate surface water drainage over the whole area of the property to prevent ponding and to prevent run-off to adjacent properties with suitable arrangements for the disposal of surface water without eroding or flooding.

#### **11. Fire Prevention**

- (1) All buildings and dwellings shall meet the requirements of those local, provincial and national fire regulations that may be applicable.
- (2) A building or dwelling shall not be permitted to be occupied if it is a potential fire hazard due to its location, construction, contents or another reason and all those structures or dwellings shall be made to conform to the appropriate codes and standards as adopted by the enforcement authority before occupancy is permitted.
- (3) An occupied structure that is considered a fire hazard may be ordered vacated by the enforcement authority until the applicable deficiencies have been corrected by the owner.
- (4) Smoke alarms conforming to the standards set out in the National Building Code shall be installed in every dwelling unit and in accordance with the requirements of the National Building Code, in all other buildings.

#### **12. Civic Number**

The civic number shall be clearly indicated at the front of the property and be adequately illuminated.

#### **13. Pest Control**

- (1) Every structure, dwelling and property shall be kept free of rodents, vermin and insects and appropriate extermination measures shall be taken when ordered by the enforcement authority.

- (2) Extermination measures ordered under subsection (1) shall be at the owner's expense.

**14. Dampness**

The basement, attic space, floors, ceilings, crawl space and cellar of every building and dwelling unit shall be kept free from dampness, moisture, condensation and interior sweat so as to prevent rot and the development of mildew or other health hazard.

**15. Exterior Walls**

- (1) Exterior walls and their components shall be maintained in good repair, weather-tight and free from loose or unsecured objects and materials such as, but not limited to, flaking or peeling paint and loose or bulging siding.
- (2) The protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building or structure.
- (3) Markings, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and co-ordinated to the exterior finish of the building or structure.

**16. Exits**

- (1) A single exit is permitted from the ground floor of a dwelling unit provided:
- (a) The exit is to the exterior at or near ground level; and
  - (b) It provides a safe, continuous and unobstructed means of egress.
- (2) Dwelling units which do not meet the requirements of subsection (1) shall have 2 exits.
- (3) Buildings other than dwelling units shall comply with the latest revision of the National Building Code with respect to exit provisions.

**17. Exterior Doors**

- (1) Existing doors and frames shall be in sound condition, well fitted and operate satisfactorily.
- (2) At least one entrance door in every unit shall be capable of being locked from both inside and outside.



- (3) All exterior doors shall be weather-stripped or have an appropriate combination of storm and screen door suitable for all year use.

**18. Porches and Stairs**

All porches, balconies, landings, stairs and handrails shall be well constructed and free from defects which may constitute a safety hazard.

**19. Roofs**

- (1) All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering.
- (2) A roof, including the shingles, fascia board, soffit, cornice and flashing, shall be maintained in a watertight condition so as to prevent leakage of water into the building or structure.
- (3) The underlayment of a roof must be protected by shingles or approved equivalent.
- (4) Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced in a timely manner as required.

**20. Fireplaces**

All fireplaces, fuel burning equipment and chimneys shall be maintained in a safe, efficient condition.

**21. Floors**

- (1) All floors shall be constructed and maintained so as to adequately accept the applied loads without undue deflection and damage.
- (2) Defective or excessively worn, deteriorated, cracked, or torn finishes shall not be permitted by the enforcement authority.

**22. Interior Walls and Ceilings**

- (1) Every wall and ceiling finish shall be maintained free from holes, loose or deteriorated coverings or other defects which may increase the spread of fire.
- (2) Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire resistant quality.

**23. Heating and Weatherproofing**

- (1) All buildings and dwelling units shall be weatherproof and insulated so as to be capable of being adequately heated with a reasonable consumption of fuel.
- (2) Heating equipment in every building and dwelling shall be in good working order and in good repair, free from fuel leaks and other defects and shall be non-hazardous to the occupants, in the opinion of the enforcement authority.
- (3) Fuel storage equipment, supports and piping shall meet the requirements of the applicable regulations.

**24. Plumbing**

- (1) All plumbing, drain pipes, water pipes, water closets, sinks and other plumbing fixtures in a building or dwelling shall be maintained in good order and repair in accordance with the requirements of the enforcement authority.
- (2) Where necessary due to the nature of the construction of the unit, all water pipes subject to the possibility of freezing shall be insulated, heated or otherwise protected.
- (3) All plumbing fixtures shall have suitable traps installed and all plumbing systems shall be properly vented to the outdoors.

**25. Electrical**

- (1) The electrical service, distribution equipment, wiring, equipment and appliances used in a building or dwelling unit shall be installed and maintained in accordance with the requirements of Newfoundland and Labrador Hydro.
- (2) Exposed, loose wiring, broken or damaged switches or outlet covers or damaged fixtures shall not be permitted by the enforcement authority.

**26. Washroom Facilities**

- (1) Every dwelling unit shall be provided with at least one kitchen sink, washbasin, water closet and bathtub or shower which:
  - (a) Is in good working order;
  - (b) Is connected to a piped water supply; and
  - (c) Has an approved means of sewage disposal.
- (2) Every dwelling unit shall have provisions for a constant supply of both hot and cold water.

- (3) Hot water tanks shall be insulated and equipped with automatic temperature control.
- (4) All plumbing fixtures shall operate properly and shall be free from leaks.

**27. Kitchen Facilities**

- (1) Every dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, storage facilities and a counter top work area.
- (2) Each kitchen or working area shall be provided with at least one operable window or skylight opening to the external air and having an area of not less than 10% of the net floor area of the room, or with a mechanical system of ventilation satisfactory to the enforcement authority.

**28. Washrooms**

- (1) All washrooms, including toilets and bathrooms, shall be:
  - (a) Located within and shall be accessible from within the building; and
  - (b) Fully enclosed and in the case of a public building, have a lockable door to provide privacy.
- (2) Every washroom, toilet and bathroom shall be provided with:
  - (a) At least one operable window or skylight opening to the external air and having an area of not less than 10% of the floor area of the room; or
  - (b) A mechanical system of ventilation satisfactory to the enforcement authority.

**29. Lighting and Ventilation of Habitable Rooms**

- (1) Every habitable room in a dwelling unit shall contain one or more operable windows.
- (2) Windows required under subsection (1) shall open directly to the outside air and the total area of window or windows in every habitable room, excluding the basement, shall not be less than 10% of the floor area of that room.
- (3) All window sashes shall be glazed and provided with suitable hardware.

**30. Basement Habitable Rooms**

A room in the basement of a building or dwelling shall not be used as a habitable room unless:

- (a) The finished floor of that room is not more than an average depth of 1,143 millimetres below the finished grade of the property;
- (b) The room is ventilated;
- (c) All walls below grade are effectively damp-proof resulting in a dry interior condition; and
- (d) The interior of the basement wall is properly insulated and finished.

**31. *Sleeping Rooms***

A room shall not be used for sleeping purposes unless it has a floor area of at least 6 square metres.

**32. *Cooking Prohibited in Sleeping Rooms***

Where more than 2 persons occupy a dwelling unit, food shall not be prepared in a room used for sleeping purposes.

**33. *Overcrowding***

The number of persons in a building or part of a building shall not exceed the numbers permitted under the Fire and Life Safety Code or another code or standard adopted by the enforcement authority.

**34. *Storage Space***

Every dwelling unit shall have general storage and closet space as required by applicable housing regulations or as determined by the enforcement authority.

**35. *Enclosed Space Access***

- (1) An access opening of at least 600 millimetres by 750 millimetres shall be provided to attics, crawl spaces and other enclosed spaces.
- (2) Where mechanical equipment is enclosed, the access opening shall be sufficiently large to permit the removal and replacement of the equipment.
- (3) Enclosed attic, roof and crawl spaces shall be vented to the exterior of the structure.

**36. *Landscaping***

- (1) Plants and vegetation shall be kept trimmed so as not to be unsightly and excessive when compared to neighbouring properties.
- (2) The front yard of a residential property shall be maintained as follows:
  - (a) Graded so as to prevent recurrent ponding of water and direct the surface water away from the building;
  - (b) Landscaped, so as to prevent unstable soil conditions or erosion, with any combination of the following:

- (i) Trees, shrubs, grass or flowers;
- (ii) Decorative stonework, walkways, driveways or screening; and
- (iii) Any other horticultural or landscape-architectural elements.

(3) Where grass forms part of the ground cover, it shall be maintained in a living condition and at a height of not more than 20 centimetres.

(4) All yards shall be kept free from heavy undergrowth and weeds.

### **37. Walkways and Driveways**

(1) Steps, walks, driveways, parking spaces and similar areas of a yard shall be adequately lit and maintained to afford safe passage, parking and storage under normal use and weather conditions.

(2) All areas used for parking and storage of a vehicle shall be surfaced with a material to provide adequate drainage and be approved by the enforcement authority.

### **38. Fences**

(1) Fences shall be kept in good repair and free from hazard.

(2) Fences shall be constructed and maintained in accordance with the "The Town of Labrador City Fence Regulations, 2009".

### **39. Retaining Walls**

(1) A retaining wall must be in place to prevent the erosion of soil when a vertical or near-vertical change in grade exists.

(2) Retaining walls must be constructed using a material that will not adversely affect the environment.

(a) The use of railway ties or other creosote treated material for new construction or repair of existing retaining walls is prohibited.

(3) Retaining walls must be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

(4) Retaining walls and barriers shall be kept in good repair and free from hazard.

### **40. On Site Storage**

(1) The storage of materials or equipment on the site of a building or dwelling unit shall be at the rear or side yard.

- (2) All items shall be neatly arranged and shall neither constitute a hazard nor cause inconvenience or imposition to adjoining properties.
- (3) Outside storage of building materials shall be limited to projects approved under a valid permit issued by the enforcement authority. For projects not requiring a permit, storage shall be limited to one year, unless otherwise approved by the enforcement authority.
- (4) Storage space on corner lots shall be screened.

#### **41. Storage of Vehicles**

- (1) Parking or storage of vehicles in the front yard or side yard shall be prohibited except on a driveway.
- (2) All passenger vehicles must be licensed, operational and in road-worthy condition. One passenger vehicle under repair for less than thirty (30) days is permitted. Passenger vehicles under repair for more than thirty (30) days shall be stored in a permitted enclosure.
- (3) The number of passenger vehicles in open storage on a residential property, excluding apartment complexes, is limited to four (4) unless otherwise approved by Council. All additional passenger vehicles shall be stored in a permitted enclosure.
- (4) Only one piece of construction equipment or commercial vehicle with a maximum gross mass, as defined in the Town of Labrador City Traffic Regulations, of less than 5,000 kilograms may be stored on a residential property. When not in use, the construction equipment or commercial vehicle shall be stored in a permitted enclosure, unless otherwise approved by Council.
- (5) A vehicle identified as commercial strictly due to promotional advertising shall be permitted in open storage provided the number of vehicles, including passenger vehicles, does not exceed the maximum number prescribed in Section 41 (3).
- (6) The number of recreational vehicles in open storage on a residential property is limited to four (4) unless otherwise approved by Council. All additional recreational vehicles shall be stored in a permitted enclosure.
- (7) In the off-season, recreational vehicles not stored in a permitted enclosure shall be stored to the rear or side yard of the property in a manner that is neither unsightly nor excessive when compared to neighbouring properties.

- (8) Notwithstanding Section 41(7), in the event a property has no side yard and limited rear yard depth, and the rear yard is not compromised by other factors including but not limited to, accessory buildings, property improvements and storage, the enforcement authority may, at its discretion, permit during the off-season, the storage of up to four (4) recreational vehicles on the front yard.

**42. Debris Prohibited**

Land shall be free from debris including a vehicle, trailer or object which is in a wrecked, discarded or abandoned condition.

**43. Rubbish Disposal**

- (1) All garbage, rubbish, waste and other debris from residential properties shall be:
- (a) Promptly stored in regulation receptacles; and
  - (b) Made available for removal in accordance with the standards approved by the enforcement authority.
- (2) A residential property owner is responsible for the disposal of, in the authorized waste management facility, all garbage, rubbish, waste and other debris too large to be contained in the waste receptacle prescribed in the "Town of Labrador City Residential Waste Management Bylaw".

**44. Composting and Gardening**

- (1) All residential composting and gardening shall be carried out in a manner that neither attracts rodents, flies or animals nor causes an unpleasant odour and shall be maintained so as not to be a nuisance to neighbouring properties.
- (2) Composting containers and gardens shall be located in the rear and/or side yard no closer than one metre to a lot line and screened from view.
- (3) All composting shall be carried out in a suitably maintained container which:
- (a) May be commercially or owner constructed;
  - (b) Must be rodent proof; and
  - (c) Must be properly vented.

## ARTICLE V

### Powers of Enforcement Authority and Compliance

#### **45. Powers of Enforcement Authority**

- (1) The enforcement authority may order the owner of a dwelling unit, building or property which does not conform to the standard:
  - (a) To undertake work to make the dwelling unit, building or property conform to the standard;
  - (b) To demolish all or a portion of a building or structure; or
  - (c) To carry out the remediation as may be required to provide a satisfactory condition of appearance and cleanliness.
- (2) The owner shall carry out the directions of Council referred to in paragraph (1) at the cost of the owner and within the time specified.

#### **46. Failure to Comply**

- (1) Where a person to whom an order is directed does not comply with the order or part of an order made under Section 45, Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council.
- (2) Council may delegate to an official or employee of Council the power to issue orders under this section.
- (3) The owner shall save harmless Council, its employees or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under Section 45, except in the case of gross negligence.

#### **47. Offence and Penalty**

- (1) A person who contravenes a provision of these Regulations or who interferes with or obstructs a person in the discharge of duties under these Regulations is guilty of an offence and upon summary conviction, liable:
  - (a) for a first offence, to a fine of not less than \$500 and not more than \$1,000 and in default of payment to imprisonment for a period not exceeding three (3) months or to both the fine and imprisonment; and
  - (b) for a subsequent offence, to a fine of not less than \$2,000 and not more than \$5,000 or to a period of imprisonment not exceeding six (6) months or to both the fine and imprisonment.



Each day upon which the same offence is committed or continued is a separate offense.

- (2) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (1) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply.
- (3) In addition to the penalty prescribed under subsection (1) a Provincial Court judge who convicts a person of an offence referred to in that subsection may order that person to remove or restore to its former state a building, structure or thing erected or placed on land or land dealt with contrary to these Regulations. If that person does not carry out that order within the time prescribed by the Provincial Court judge, he or she may designate a person to carry out the order and the cost of carrying out the order shall be borne by and may be recovered as a civil debt from the person convicted

## **ARTICLE VI**

### **Repeal of Previous Regulations**

#### **48. *Repeal***

All previous Town of Labrador City Occupancy and Maintenance Regulations and amendments are repealed.