

Occupancy and Maintenance Regulations
under the
Urban and Rural Planning Act
(OC. 96-201)

Under the authority of section 63 of *Urban and Rural Planning Act* and the *Subordinate Legislation revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

REGULATIONS

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Short Title	<p>1. These regulations may be cited as the <i>Occupancy and Maintenance Regulations</i>.</p>
Definitions	<p>2. In these regulations</p> <p style="margin-left: 20px;">a “Act” means the <i>Urban and Rural Planning Act</i>;</p> <p style="margin-left: 20px;">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;</p> <p style="margin-left: 20px;">c “composting” means the storage and controlled biochemical decomposition of vegetable, fruits or garden waste;</p> <p style="margin-left: 20px;">d “enforcement authority” means the authorized administrator or the municipal council having jurisdiction in the area designated by the minister; and</p> <p style="margin-left: 20px;">e “minister” means the minister appointed under the Executive Council Act to administer the Act.</p>
Applications	<p>3. These regulations shall apply to those municipalities or municipal planning areas listed in the Schedule.</p>
Occupancy	<p>4. (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.</p> <p style="margin-left: 20px;">(2) All new dwellings and structures, all existing vacant dwellings and structures and a dwelling or structure which becomes unoccupied and not maintained for a length of time, shall require an occupancy permit issued by the enforcement authority before the proposed occupancy occurs.</p> <p style="margin-left: 20px;">(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 vacancies under these regulations.</p>
Maintenance	<p>5. All properties in the areas listed in the Schedule including land, buildings, structures, dwellings, fences, sheds, garages, parking lots, driveways, landscaping and all appurtenances shall be maintained in a</p>

state of good condition and repair in accordance with the standards set out in these regulations and as otherwise ordered by the enforcement authority.

Structural
Soundness

- 6.** Structural components of all buildings and dwellings shall be
- a free from deterioration, loose jointing, sagging, bulging and excessive deflection; and
 - b capable of sustaining safely the weight of the structure or dwelling and a load to which it may be normally subjected.

Property
Drainage

- 7.** 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.

Fire Prevention

- 8.** (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.

Pest Control

- 9.** (1) Every structure and dwelling 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 owners expense.

(3) Fuel storage equipment, supports and piping shall meet the requirements of the applicable regulations.

Plumbing

21. (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.

Electrical

22. (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 the Newfoundland and Labrador Hydro Corporation.

(2) Exposed, loose wiring, broken or damaged switches or outlet covers or damaged fixtures shall not be permitted by the enforcement authority.

Washroom
Facilities

23. (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 acceptable 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.

Kitchen facilities

- 24.** (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 not less than 10% of the net floor area of the room, or with a mechanical system of ventilation satisfactory to the enforcement authority.

Washrooms

- 25.** (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, having 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.

Lighting and ventilation of habitable rooms

- 26.** (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 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.

Sleeping rooms

- 27.** (1) A room shall not be used for sleeping purposes unless it has a floor area of at least 6 square metres.
- (2) Where more than one individual at least 12 years of age uses a room for sleeping purposes, it shall have at least 12 cubic metres of air space and 5 square metres of floor space.

		(3) Where an individual less than 12 years of age uses a room for sleeping purposes, it shall have at least 6 cubic metres of air space and 3 square metres of floor space.
Cooking prohibited in sleeping rooms	28.	Where more than two persons occupy a dwelling unit, food shall not be prepared in a room used for sleeping purposes.
Overcrowding	29.	The number of persons in a building or part of a building shall not exceed the number permitted under the Fire and Life Safety Code or another code or standard adopted by the enforcement authority.
Storage Space	30.	Every dwelling unit shall have general storage and closet space as required by applicable housing regulations or as determined by the enforcement authority.
Enclosed Space Access	31.	(1) An access opening of at least 600 millimetres by 750 millimetres shall be provided when required 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 space shall be vented to the exterior of the structure.
Walkways & Driveways	32.	Steps, walks, driveways, parking spaces and similar areas of a yard shall be adequately lit and maintained to afford safe passage under normal use and weather conditions.
Fences	33.	(1) A fence shall not extend in front of the building line where it would reduce the visibility of vehicles entering or exiting a street or intersection. (2) Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards. (3) Subsection (1) does not apply to hedges, walls or ornamental fences not exceeding 750 millimetres in height.
On site storage	34.	(1) The storage of materials or equipment on the site of a building or dwelling unit shall be at the rear of the lot.

		(2) All items shall be neatly arranged and shall not cause inconvenience or imposition to adjoining properties.
		(3) Storage space on corner lots shall be screened.
Debris prohibited	35.	Land shall be free from debris including a vehicle, trailer or object which is in a wrecked, discarded or abandoned condition.
Landscaping	36.	(1) Land shall be protected by suitable ground cover which prevents erosion of the soil. (2) Plants and vegetation shall be kept trimmed so as not to be unsightly to neighbouring property.
Rubbish disposal	37.	(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) Subsection (1) does not apply to composting.
Composting container	38.	All composting must 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.
Manner of composting	39.	All composting shall be carried out in a manner that neither attracts rodents, flies nor animals nor causes an unpleasant odour and shall be maintained so as not to be a nuisance to neighbouring properties.
Container Location	40.	Composting containers shall be located in the rear yard no closer than one metre to a lot line.
Powers of Enforcement	41.	(1) The enforcement authority may direct the owner of a dwelling unit or building which does not conform to the standard

- a to undertake work to make the dwelling unit or building conform to the standard;
- b to demolish all or part of a building or dwelling or structure or erection forming a part of the building or dwelling; or
- c to clean an paint as required to provide a satisfactory condition of appearance and cleanliness;

within the time that the enforcement authority may specify.

(2) Every owner shall carry out the directions of the enforcement authority referred to in subsection (1).

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| Failure to comply | <p>42. (1) If an owner does not comply with the directions of the enforcement authority, the enforcement authority may</p> <ul style="list-style-type: none"> a order the necessary work to be done to make the dwelling or building conform to the standards and recover the cost from the owner; or b order the demolition of the building. <p>(2) The owner shall carry out the demolition referred to in paragraph (1)(b) but if the owner does not comply with the order, the enforcement authority may carry out the demolition through its officer, agents, employees or contractors and recover the cost of doing as a civil debt from the owner.</p> |
| Conflict | <p>43. Where a provision of this regulation conflicts with a provision of another Act or regulation in force in the planning area concerned, the provisions that established the higher standard to protect the health, safety and welfare of the general public shall prevail.</p> |
| Penalty | <p>44. A person who contravenes a provision of this regulation shall, upon conviction, be liable to the penalties imposed by section 126 of the <i>Urban and Rural Planning Act</i>.</p> |
| Appeal | <p>45. (1) A person or corporation aggrieved by a decision made under these regulations may appeal to the appropriate appeal board within 30 days of the date of the decision appealed.</p> |

(2) The enforcement authority shall provide the aggrieved with a written statement of the exact procedures to be followed.

Repeal

46. The following regulations are repealed:

- a Town of Arnold's Cove Occupancy and Maintenance Regulations, 1993, Newfoundland Regulation 210/93;
- b Town of Avondale Occupancy and Maintenance Regulations, 1998, Newfoundland Regulation 46/88;
- c Community of Berry Head Occupancy and Maintenance Regulations, 1979, Newfoundland Regulation 155/80;
- d Bishop's Falls Occupancy and Maintenance Regulations, 1978, Newfoundland Regulation 41/78;
- e Town of Bonavista Occupancy and Maintenance Regulations, 1984, Newfoundland Regulation 181/84;
- f Burin Occupancy and Maintenance Regulations, 1983, Newfoundland Regulation 201/83;
- g Town of Carbonear Occupancy and Maintenance Regulations, 1984, Newfoundland Regulation 66/84;
- h Town of Channel-Port aux Basques Occupancy and Maintenance Regulations, 1986, Newfoundland Regulation 189/86;
- i Town of Conception Bay South Occupancy and Maintenance Regulations, 1985, Newfoundland Regulation 202/85;
- j City of Corner Brook Occupancy and Maintenance Regulations, 1986, Newfoundland Regulation 247/86;
- k Town of Deer Lake Occupancy and Maintenance Regulations, 1983, Newfoundland Regulation 125/83;
- l Town of Dover Occupancy and Maintenance Regulations, 1985, Newfoundland Regulation 116/85;

- m Town of Gambo Occupancy and Maintenance Regulations, 1982, Newfoundland Regulation 247/82;
- n Town of Gander Occupancy and Maintenance Regulations, 1979, Newfoundland Regulation 163/79;
- o Town of Happy Valley-Goose Bay Occupancy and Maintenance Regulations, 1977, Newfoundland Regulation 1030/78;
- p Town of Harbour Grace Occupancy and Maintenance Regulations, 1984, Newfoundland regulation 272/84;
- q Town of Harbour Main-Chapels Cove-Lakeview Occupancy and Maintenance Regulations, 1984, Newfoundland Regulation 102/84;
- r Town of Holyrood Occupancy and Maintenance Regulations, 1984, Newfoundland Regulation 94/84;
- s Local Improvement District of Kippens Occupancy and Maintenance Regulations, 1979, Newfoundland Regulation 1/80;
- t Town of Labrador City Occupancy and Maintenance Regulations, 1982, Newfoundland regulation 245/82;
- u Town of Logy Bay-Middle Cove-Outer Cove Occupancy and Maintenance Regulations, 1989, Newfoundland Regulation 142/89;
- v City of Mount Pearl Occupancy and Maintenance Regulations, 1994, Newfoundland Regulation 45/94;
- w Town of Norther Arm Occupancy and Maintenance Regulations, 1989, Newfoundland Regulation 167/89;
- x Town of Paradise Occupancy and Maintenance Regulations, 1986, Newfoundland Regulation 49/86;
- y Town of Pasadena Occupancy and Maintenance Regulations, 1978, Newfoundland Regulation 1074/78

- z Town of Pouch Cove Occupancy and Maintenance Regulations, 1984, Newfoundland Regulation 42/84;
- aa Town of St. George's Occupancy and Maintenance Regulations, 1988, Newfoundland Regulation 250/88;
- bb Town of Stephenville Occupancy and maintenance Regulations, 1976, Newfoundland Regulation 1116/78;
- cc Town of Trepassey Occupancy and Maintenance Regulations, 1985, Newfoundland Regulation 239/85;
- dd Town of Wabush Occupancy and Maintenance Regulations, 1984, Newfoundland Regulation 273/84.

Schedule

Town of Arnold's Cove
Town of Avondale
Town of Bishop's Falls
Town of Bonavista
Town of Burin
Town of Carbonear
Town of Channel-Port aux Basques
Town of Conception Bay South
City of Corner Brook
Town of Deer Lake
Town of Dover
Town of Gambo
Town of Gander
Town of Happy Valley-Goose Bay
Town of Harbour Grace
Town of Harbour Main-Chapel's Cove-Lakeview
Town of Holyrood
Town of Kippens
Town of Labrador City
Town of Logy Bay-Middle Cove-Outer Cove
City of Mount Pearl
Town of Northern Arm
Town of Paradise
Town of Pasadena
Town of Placentia
Community of Port au Port East
Town of Pouch Cove
Town of St. George's
Town of Stephenville
Town of Trepassey
Town of Wabush