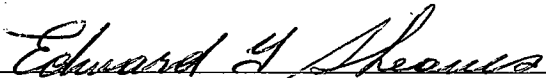


OCCUPANCY AND MAINTENANCE REGULATIONS, 1986

PUBLISHED BY AUTHORITY

Pursuant to the power conferred by Section 207 of the Municipalities Act, the Town Council of Channel - Port aux Basques has made the following regulations.


EDWARD G. SHEAVES
MAYOR

OCCUPANCY AND MAINTENANCE REGULATIONS, 1986

Part 1 - General

1.1 Title:

These regulations may be cited as the Town of Channel - Port aux Basques Occupancy and Maintenance Regulations, 1986.

1.2 Application:

These regulations shall apply throughout the Municipal Planning Area of the Town of Channel - Port aux Basques as defined by the minister in accordance with Section 12 of the Urban and Rural Planning Act.

1.3 Interpretation:

In these regulations, expressions used shall have the same respective meanings as in the Town of Channel - Port aux Basques Building Regulations approved by the minister in accordance with Division G - Controls, Section 208(1)(2)(3) of the Municipalities Act.

1.4 Administration:

These regulations shall be administered by the Council of the Town of Channel - Port aux Basques (hereinafter called the Council).

1.5 Appeal:

Any individual, partnership, association or corporation aggrieved by a decision of the Council made pursuant to these regulations may appeal to the appropriate appeal board; Council will provide the aggrieved with a written statement of the exact procedures to be followed.

1.6 Occupancy:

No person shall occupy for human habitation or otherwise or being the owner thereof, shall permit to be occupied for human habitation or otherwise, any dwelling or structure which does not conform to the standards set out in these regulations. All new dwellings and structures, all existing vacant dwellings and structures and any dwelling or structure for which a change in tenant is proposed for any reason will require occupancy

permit issued by Council before the proposed occupancy occurs. Departures from existing properties for annual vacation, temporary duty elsewhere, business trips or the like will not be considered vacancies under these regulations.

1.7 Maintenance:

All properties in the Planning Area including land, buildings, structures, dwellings, fences, sheds, garages, parking lots, driveways, landscaping and all appurtenances thereto shall be maintained in a state of good condition and repair in accordance with the standards set out in these regulations and otherwise ordered by Council from time to time. This requirement applies to properties and structures in all areas including all designated zonings.

Part II - Standards

2.1 Structural Soundness:

Structural components of all buildings and dwellings shall be free from deterioration, loose jointing, sagging, bulging and excessive deflection of any kind and shall be capable of sustaining safely the weight of the structure or dwellings and any load to which it may be normally subjected.

2.2 Property Drainage:

All land occupied for any purpose 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.

2.3 Fire Prevention:

All buildings and dwellings must meet the requirements of the National Fire Code and such other local, provincial and national fire regulations as may be applicable. No building or dwelling will be permitted to be occupied that is considered to be a potential fire hazard due to its location, construction, contents or any other reason and all such structures or dwellings shall be made to conform to the appropriate codes and standards as adopted by Council before occupancy is permitted. Any occupied structure that is considered a fire hazard may be ordered vacated by Council until the applicable deficiencies have been corrected by the owner.

2.4 Pest Control:

Every structure and dwelling shall be kept free of rodents and vermin at all times and appropriate extermination measures shall be taken at the owners expense when ordered by Council.

2.5 Basements:

The basement or cellar of every building or dwelling shall be dry and ventilated, if at all possible. Crawl spaces will be clean and dry, if possible, and where wood skirting is used, it will be free from deterioration and neatly filled to effectively seal out weather penetration.

2.6 Dampness:

The floors, ceilings and walls of every building and dwelling unit shall be kept free from dampness. Attic space moisture condensation and interior sweat and mildew will not be permitted in any space.

2.7 Basement Habitable Rooms:

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

- a. Such room is ventilated,
- b. All walls below grade are effectively damp-proofed resulting in a dry interior condition,
- c. The interior of the basement wall is properly insulated and finished.

2.8 Exterior Walls:

Exterior walls and their components shall be adequate to support the loads upon them and shall be maintained to prevent their deterioration from any cause. All exterior walls shall have an acceptable cladding or covering free of holes, cracks, damage or excessively worn surfaces and must effectively provide weather protection to the surfaces underneath. Exterior cladding or covering must be reasonably durable and be maintained in an acceptable appearance by periodic painting, cleaning, spot repairs, etc.

2.9 Exits:

A single exit is permitted from the ground floor of a dwelling unit providing such exit is to the exterior at or near ground level and provides a safe, continuous and unobstructed means of egress. In all other situations, at least two exits are required. Buildings other than dwelling units will have exit provisions as required by the National Building Code.

2.10 Exterior Doors:

Existing doors and frames shall be in sound condition, well fitted and operate satisfactory. At least one entrance door in every unit shall be capable of being locked from both inside and outside. All exterior doors shall be weather stripped or have an appropriate combination storm and screen door suitable for all year use.

2.11 Porches and Stairs:

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

2.12 Roofs:

All roof construction components shall provide adequate support for all portable loads and form a suitable base for the roof covering. A roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.

2.13 Fireplaces, fuel burning equipment, chimneys, etc:

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

2.14 Floors:

All floors shall be constructed so as to adequately accept the applied loads without undue deflection and damage. Existing structures and dwellings with defects in flooring systems will require correction before a new occupancy will be approved. Floor finishes will be smooth and clean and floor coverings in bathrooms, kitchens and dining rooms shall be in good repair and of such a nature to permit frequent cleaning.

2:15 Interior Walls and Ceilings:

Every wall and ceiling finish shall be maintained in a clean condition, free from holes, loose or deteriorated coverings or other defects. Such interior finish shall be washed, cleaned and/or painted to provide a sanitary finish when required by Council.

2:16 Heating and Weatherproofing:

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. 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 in the opinion of Council, non-hazardous to the occupants. Fuel storage equipment, supports, piping, etc. shall meet the requirements of the applicable regulations.

2:17 Plumbing:

All plumbing, drain pipes, water pipes, water closets, sinks and other plumbing fixtures in every building and dwelling unit shall be maintained in good order and repair and in accordance with the requirements of Council. 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. All plumbing fixtures will have suitable traps installed and all plumbing systems will be properly vented to the outdoors. All plumbing shall be installed in accordance with the National Plumbing Code.

2:18 Electrical:

The electrical service, distribution equipment, wiring, equipment and appliances used in a building or dwelling shall be installed and maintained in accordance with the requirements of the Newfoundland and Labrador Power Commission. Exposed loose wiring, broken or damaged switches or outlet covers, damaged fixtures, etc. shall not be permitted.

2:19 Kitchen and Washroom Facilities:

Every dwelling unit shall be provided with at least one kitchen sink, washbasin, water closet and bathtub or shower, connected to a piped water supply and an acceptable means of sewage disposal. Every dwelling unit shall have provisions for a constant supply of both hot and cold water. Hot water tanks must be insulated and equipped with automatic temperature control. All fixtures will operate properly, free from leaks.

2:20 Kitchen Facilities:

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. Space shall be provided for a stove and a refrigerator. Counter top surfaces shall be in good condition free from cracks or defects. 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 5% of the net floor area of the room or with a mechanical system of ventilation satisfactory to the Council.

2:21 Washrooms:

All washrooms, including toilet and bathrooms, shall be located within and accessible from within the building and shall be fully enclosed and have a lockable door to provide privacy. Where applicable, a wash basin shall be located in the same room as the water closet. Every washroom, toilet and bathroom shall be provided with at least one operable window or skylight opening to external air and having an area of not less than 5% of the net floor area of the room or with a mechanical system of ventilation satisfactory to the Council.

2:22 Lighting and Ventilation of Habitable Rooms:

Every habitable room in a dwelling shall contain a window or windows, operable and opening 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 such room. All window sashes shall be glazed and provided with suitable hardware.

2:23 Sleeping Rooms:

No rooms shall be used for sleeping purposes unless there is at least four hundred (400) cubic feet of air space and fifty (50) feet of floor space for each adult and at least two hundred (200) cubic feet of air space and thirty (30) square feet of floor space for each child under the age of twelve years occupying such room and no room shall be used for sleeping purposes having a floor area of less than fifty-six (56) square feet. Existing rooms that are within 10% of these standards may normally be considered suitable for the intended purpose.

2:24 Cooking of Food Prohibited in Sleeping Rooms:

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

2:25 Overcrowding:

The occupancy of any dwelling unit having one habitable room shall not exceed two persons. The occupancy of any dwelling unit having more than one habitable room shall not exceed an average of three persons for every habitable room. For the purpose of these regulations, two children under twelve years of age shall be counted as one person and kitchens, dining rooms, porches, corridors and storage rooms shall not be considered as habitable rooms. Units exceeding this criteria will be considered as overcrowded and occupancy will not be permitted.

2:26 Storage Space:

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

2:27 Enclosed Space Access:

An access opening of at least one foot, eight inches (1' - 8") by two feet, four inches (2' - 4") shall be provided when required to attics, crawl spaces and other enclosed spaces. Where mechanical equipment is enclosed, the access opening shall be sufficiently large to permit the removal and replacement of the equipment. Units exceeding this criteria will be considered as overcrowded and occupancy will not be permitted.

2:28 Entrance Walls, Driveways, Steps, etc:

There shall be a surfaced walk leading from every building or dwelling unit to a street or to a surface driveway that connects to the street. Steps, walks, driveways, parking spaces and similiar areas of a yard shall be maintained to afford safe passage, under normal use and weather conditions.

2:29 Storage on Site:

The storage of any material or equipment on the site of a building or dwelling shall be to the rear of the lot. All items will be neatly arranged and will not be permitted to cause inconvenience or imposition to adjoining properties. Storage space on corner lots will be screened. Under no circumstances will wrecked vehicles be permitted on lots other than approved scrap yards.

Part III - Enforcement

3.1 Council Authority:

The Council may direct the owner of a dwelling or building which does not conform to the Standard:

- (A) To undertake such work as to make the building or dwelling conform to the Standard;
- (B) To demolish all or any part of any building or dwelling, or structure or erection forming a part of the building or dwelling;
- (C) To clean-up and paint-up as required to provide a satisfactory condition of appearance and cleanliness:

within such time as the Council may specify and every such owner shall carry out the directions of the Council.

3.2 Failure to Comply:

In the event that an owner does not comply with the direction of the Council, the Council may 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 the Council may order the demolition of the building. Demolition will be done by the owner at his expense but should the owner refuse or fail to perform the demolition as required, the Council will do the demolition and recover all costs for demolition from the owner.

3.3 Conflicting Legislation:

Where a provision of this regulation conflicts with a provision of another law or regulation in force in the town, the provisions that establish the higher standard to protect the health, safety and welfare of the general public shall prevail.

3.4 Contravention and Conviction:

Every person who contravenes any of the provisions of this regulation shall upon conviction thereof, be liable to the penalties imposed by Section 134 of the Urban and Rural Planning Act.

These Regulations shall come into effect the 1st day of August, 1986.