

2007

Consolidated Newfoundland and Labrador Regulations 1021/96

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

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

**Town of Bay Roberts
Occupancy and Maintenance Regulations**

Regulations

Analysis

1. Short title
2. Definitions
3. Application
4. Occupancy
5. Maintenance
6. Structural soundness
7. Property drainage
8. Fire prevention
9. Pest control
10. Dampness
11. Basement habitable rooms
12. Exterior walls
13. Exits
14. Exterior doors
15. Porches and stairs
16. Roofs
17. Fireplaces
18. Floors
19. Interior walls and ceilings
20. Heating and weatherproofing
21. Plumbing
22. Electrical

23. Washroom facilities
24. Kitchen facilities
25. Washrooms
26. Lighting and ventilation of habitable rooms

- 27. Sleeping rooms
- 28. Cooking prohibited in sleeping rooms
- 29. Overcrowding
- 30. Storage space
- 31. Enclosed space access
- 32. Walkways, driveways
- 33. Fences
- 34. On site storage
- 35. Debris prohibited
- 36. Landscaping
- 37. Rubbish disposal
- 38. Composting container
- 39. Manner of composting
- 40. Container location
- 41. Powers of enforcement authority
- 42. Failure to comply
- 43. Conflict
- 44. Penalty
- 45. Appeal
- 46. Repeal

Schedule

Short title

1. These regulations may be cited as the Occupancy and Maintenance Regulations.

CNR 1021/96 s1

Definitions

2. In these regulations

- (a) “Act” means the Urban & 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 and garden waste;
- (d) “enforcement authority” means the authorized administrator or the municipal council having jurisdiction in the area designated by the minister; and

- (e) “minister” means the minister appointed under the Executive Council Act to administer the Act.

(In these Regulations, expressions used shall have the same respective meanings as in the Town of Bay Roberts Land Use and Zoning Regulations.

1. Building Codes

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
- (e) The National Housing Code of Canada

2. 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 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.
- (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.

3. Right of Entry

The Council or its duly authorized agents have the right to enter and inspect the contents and interior of any building or property.

4. 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.

5. Structural Soundness

_____ 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.
- (c) shall comply with the latest edition and revision of the National Building Code.

6. 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 by having suitable arrangements for disposal of surface water without eroding or flooding.

7. Fire Prevention

- (1) All building and dwelling 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.

8. 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 measure ordered under subsection (1) shall be at the owner's expense.

9. 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.

10. Basement Habitable Rooms

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

- (a) the room meets egress requirements of the National Building Code.
- (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.

11. Exterior Walls

- (1) Exterior walls and their components shall be adequate to support loads upon them and shall be maintained to prevent their deterioration from any cause.
- (2) Exterior cladding or covering must be reasonably durable and be maintained in accordance with the standards set out in these regulations and as otherwise determined by the enforcement authority.

14. 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 building code with respect to exit provisions.

15. 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.

16. Porches and Stairs

All porches, balconies, landings, stairs and handrails shall be well constructed and free

from defects, which may constitute a safety hazard.

17. 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 fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.

18. Fireplaces

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

19. Floors

- (1) All floors shall be constructed so as to adequately accept the applied loads without undue deflection and damage.
- (2) Existing structures and dwellings with defects in flooring systems will require correction before a new occupancy will be approved.
- (3) Floor finishes will be smooth and clean and floor coverings in all areas shall be in good repair and of such a nature to permit frequent cleaning. Excessively worn, deteriorated, cracked or torn finishes will not be permitted in any location.

20. 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.
- (3) Interior load bearing walls and their components shall be adequate to support loads upon them.

21. Heating and Waterproofing

- (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.

22. Plumbing

- (1) All plumbing, drain pipes, water pipes, water closets, sinks and other plumbing fixtures in a building and dwelling shall be maintained in good order and repair in accordance with the requirements of the enforcement authority.
- (2) 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.
- (4) All below grade fixtures are to be protected with backwater devices.

23. 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 the Newfoundland and Labrador Hydro Corporation.
- (2) Exposed, loose wiring, broken or damaged switches or outlet covers or damaged fixture shall not be permitted by the enforcement authority.

24. Kitchen and Washroom Facilities

- (1) Every dwelling unit shall be provided with at least one kitchen sink, washbasin, water closet and bathtub or shower which:
 - (a) 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.

25. 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.

27. 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 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.

28. Sleeping Rooms

- (1) A room shall not be used for sleeping purposes unless it has a floor area of at least 6 square meters.
- (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 meters of air space and 5 square meters of floor space for each person.
- (3) Where an individual less than 12 years of age uses a room for sleeping purposes, it shall have at least 6 cubic meters of air space and 3 square meters of floor space for each person.

29. 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.

30. 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 environment authority.

31. 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.

32. Enclosed Space Access

- (1) An access opening of at least 500 millimeters by 700 millimeters 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 spaces shall be vented to the exterior of the structure.

33. Walkways, Driveways

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.

34. Fences

- (1) A fence shall not extend in front of the building line.
- (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 or walls not exceeding 750 millimeters in height.
- (4) Hedges, ornamental fences and privacy fences for corner lots extending in front of the building line exceeding thirty (30) inches but not exceeding sixty (60) inches may be approved by the Town Manager providing in the opinion of the Town Manager, they do not totally obstruct the standard horizontal sight clearances and are not a hazard to traffic.

35. On Site Storage

- (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.
- (4) Outside storage of more than one unlicensed vehicle must be approved by the authority.

36. Debris Prohibited

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

37. Landscaping

- (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.

38. 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) Subsection (1) does not apply to composting.

39. Composting Container

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.

40. Manner of Composting

All composting 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.

41. Container Location

Composting containers shall be located in the rear yard no closer than one (1) meter to a lot line.

42. Ice and Snow Removal

- (1) No person, whether occupant, owner, agent or employee when keeping his pathway, driveway, or any other portion of land free of snow or ice, shall throw, scoop, dump or place any snow or ice onto a highway, roadway or sidewalk within the limits of the Town such that it interferes with, hinders, impedes or

obstructs in any way pedestrian or vehicular traffic.

- (2) (a) The occupant, owner, agent or employee of a building used for business purposes within the limits of the Town, shall clear away and remove from the sidewalks adjoining or adjacent to such building all snow and ice which may be at any time thereon within twenty-four (24) hours after a fall of snow or the formation of ice upon such sidewalks.
- (b) When the clearing away and removal of ice from such sidewalks referred to in Subsection (1) may cause damage thereto, such occupant or owner shall within eighteen (18) hours of the forming of such ice, spread sand or salt, or a combination of the two, upon those portions of the sidewalk where ice has formed.
- (c) The owner of vacant land or premises used or one used for business purposes within the limits of the Town shall clear away and remove from the sidewalk adjoining or adjacent to such vacant land or premises all snow and ice which may be at any time thereon within twenty-four (24) hours after a fall of snow or the formation of ice upon such sidewalks.
- (d) The Council or any person authorized for the purpose by the Council may clear away and remove snow and ice from the sidewalks adjoining or adjacent to a building used for business purposes or adjoining or adjacent to vacant land or premises used or once used for business purposes at the expense of the owner of such building, vacant land or premises.
- (e) Where the Council or any person authorized for the purpose by the Council has done work within ten (10) days after demand made therefore, the Council may recover from the owner the expense incurred by action as a civil debt due to the Council.
- (f) No person shall cause any damage to any sidewalks in clearing away and removing snow or ice therefrom.

43. Powers of Enforcement Authority

- (1) The enforcement authority may direct the owner of a dwelling unit property 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 the building or dwelling or structure or erection forming a part of the building or dwelling; or
 - (c) to clean and paint as required to provide a satisfactory condition or 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).
- (3) These regulations may be enforced by the Municipal Officer, R.C.M.P., Peace Officer or any person appointed by Council.

44. Failure to Comply

- (1) If an owner does not comply with the directions of the enforcement authority, the enforcement authority may:
 - (a) order the necessary work to be done to make the dwelling property, or building conform to the standards and recover the cost from the owner; or
 - (b) order the demolition of the building.
- (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 officers, agents, employees or contractors and recover the cost of so doing as a civil debt from the owner.

45. Conflict

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.

46. Penalty

A person who contravenes a provision of this regulation shall upon conviction, be liable to the penalties imposed by section 106 of the Urban and Rural Planning Act.

47. Appeal

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

48. Repeal of Previous Regulations and Amendments

All previous Town of Bay Roberts Occupancy Building and Maintenance Regulations and amendments are repealed.

Shirley Hawe
Town Clerk

Approved by Council at Meeting # 65
on May 22nd, 2007