



BUILDING REGULATIONS, 2012

Adopted by the Town Council of the Town of Labrador City on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

A copy of these Regulations was sent to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR


TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Sections 414 of the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended and any other sections found enabling, the Town of Labrador City enacts the following Regulations in relation to controlling and respecting the design, construction, alteration, reconstruction, demolition, maintenance and occupancy of buildings and classes of buildings.

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Title

1. Title

These Regulations may be cited as the "Town of Labrador City Building Regulations, 2012".

Definitions and Application

2. Definitions

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

(a) "Applicant" means the owner or his/her authorized representative;

(b) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;

- (c) "Building" means a structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land; mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses and any part thereof;
- (d) "Council" means the Town Council of Labrador City;
- (e) "Enforcement Authority" means Council or its authorized administrator;
- (f) "Fence" means a vertical physical barrier constructed of fencing materials for the purpose of assuring privacy or protection and shall include hedges, shrubs and landscape features which are used for such purposes and shall also include that portion of a retaining wall which projects above the surface of the ground which it supports. The definition shall not include trees.
- (g) "Inspector" means a Municipal Enforcement Officer, representative of the Office of the Fire Chief or person otherwise appointed by the Town Clerk;
- (h) "Minister" means the minister appointed under *the Executive Council Act* to administer this Act.
- (i) "Municipal Boundaries" means the municipal planning area as defined by the Urban and Rural Planning Act;
- (j) "Owner" means the legal entity having title to the property;
- (k) "Permits Clerk" means the permits clerk of the Town of Labrador City;
- (l) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;
- (m) "Stop Work Order" shall mean an order which requires all work governed by these Regulations underway at an identified site to cease until such time as the stop work order is lifted;
- (n) "Town" shall mean the Town of Labrador City as defined by Order-in-Council dated the 27th day of June, 1961, and any amendments thereto, according to the Municipalities Act;
- (o) "Town Clerk" means the Town Clerk of the Town of Labrador City;

(p) "Town of Labrador City Development Regulations" means the Town of Labrador City Municipal Plan and Development Regulations as amended.

(q) In these Regulations, expressions used shall have the same representative meanings as contained within the Town of Labrador City Development Regulations.

3. Application

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

(a) The edition of the National Building Code of Canada and its supplements under which the Provincial Government Service Centre evaluates applications is hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full.

(b) The edition of the National Fire Code and its supplements under which the Provincial Government Service Centre evaluates applications is hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full.

(c) The NFPA 101 Life Safety Code, 2012 Edition is hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full.

(d) Provincial Fire Protection Services Act, and

(e) The National Housing Code of Canada

(2) These Regulations shall apply to all properties contained within the municipal boundaries of the Town of Labrador City.

(3) No building shall be constructed, erected or changed, altered, extended, repaired or demolished except in conformity with the requirements of these Regulations and the Town of Labrador City Development Regulations.

- (4) Notwithstanding any other provision of these Regulations, any person whom is in tax arrears, owes outstanding fines to the Town for a by-law or regulatory violation for which he/she has been convicted, or is otherwise indebted to the Town, shall not be entitled to a permit issued pursuant to these Regulations until such time as all tax arrears, outstanding fines or other amounts due to the Town have been paid in full.
- (5) If there is a conflict between a provision of these Regulations and a provision of any other act or regulation in force within the municipal boundaries, the provisions as established under these Regulations shall prevail.

General Duties and Obligations

4. *Permit Requirements*

- (1) A permit shall be obtained prior to the commencement of any activity regulated pursuant to these Regulations.
- (2) All construction of, renovation of, demolition and additions to existing or new buildings, structures and property must be done in accordance with the Town of Labrador City Development Regulations, codes described in Section 3(1) and pursuant to a permit and associated conditions as approved by the Enforcement Authority.
- (3) A building permit is required for all new construction and extensions, additions, structural changes affecting loadbearing members, floor layout changes and relocation of existing buildings.
- (4) A repair permit is required for all repairs or renovations to existing buildings for which a building permit is not required.
- (5) A demolition permit is required for the removal, destruction or demolition of any building or part thereof.
- (6) A site work permit is required for the construction, alteration or repair of fences, retaining walls, driveways, walkways, steps, parking areas or other areas for vehicular traffic and changes or alterations to landscaping.

- (7) The applicant for a permit shall file with the Permits Clerk a completed and signed application form. The application for a permit shall include the location of the project, name of the property owner, the project engineer/architect (if applicable), the contractor, a description of the project, the total estimated cost of the project and any other information as may be required by the Enforcement Authority.
- (8) Duplicate copies of complete, fully dimensioned plans and specifications outlining the project in clearly legible detail and other such information as may be required by the Enforcement Authority shall be submitted with the application.
- (9) All commercial, industrial, institutional and buildings otherwise accessible to the general public, shall require application to the Government Service Centre, copied to the Town, including specifications in accordance with the National Building Code of Canada and bearing the authorized seal and signature of a Professional Engineer or Architect registered in the Province of Newfoundland.
- (10) When required by the Enforcement Authority, work carried out under the provisions of subsection (9) shall be inspected by a Professional Engineer or Architect who shall submit a declaration certifying that the work has been carried out in accordance with approved plans and specifications.
- (11) When required by the Enforcement Authority, the applicant shall provide an Engineer's Site Validation Form certifying the load bearing pressure of the land is suitable for the proposed development.
- (12) When required by the Enforcement Authority, the applicant shall provide a Real Property Report from a licensed surveyor registered in the Province of Newfoundland siting the location of all buildings and other structures within the property boundaries.
- (13) The Enforcement Authority may refer any application to such other agencies, jurisdictions or departments for review and approval as deemed necessary or as required by law prior to granting approval.
- (14) The Enforcement Authority may give notice of any application by way of public advertising or notice to any person or persons whose interest may be affected by the proposed work, and cost of said notice shall be the responsibility of the applicant.

- (15) The application, plans and supporting documents shall be reviewed by the Enforcement Authority and if found to be in conformity with these Regulations, the Town of Labrador City Development Regulations and all other applicable legislation, the Enforcement Authority may issue a permit for the work proposed upon receipt of:
- i. Permit fee levied in accordance with the schedule of fees as adopted by Council from time to time;
 - ii. Payment of financial guarantees or deposits;
 - iii. Execution of any legal agreements; and
 - iv. Submission of all supporting documentation as required by the Enforcement Authority with respect to the application.
- (16) The Enforcement Authority may, upon granting a permit, impose such conditions as may be necessary to fulfill the requirements of these Regulations and the Town of Labrador City Development Regulations and all other applicable legislation. Such conditions or requirements shall be outlined to the applicant in writing prior to, or upon the granting of the permit.
- (17) The issuance of a permit shall not prevent the Enforcement Authority from requiring the correction of errors, or ordering the cessation, removal of, or remedial work on any development being carried out that is in violation of these Regulations, the Town of Labrador City Development Regulations or any other applicable legislation.
- (18) The Enforcement Authority may reject any application which does not comply with these Regulations, the Town of Labrador City Development Regulations, or any other applicable legislation.
- (19) The Enforcement Authority may in its discretion, issue a permit for an approved application for the construction of a portion of a building when plans for that portion have been submitted and approved, before the complete plans for the entire project have been reviewed and approved.
- (20) The applicant shall, at the request of the Enforcement Authority, provide a certification as to the total cost of construction, which certification must be signed by the property owner.

5. INSPECTIONS / PROGRESS OF WORK

- (1) Requests for inspections for compliance with municipal development standards and permit conditions shall be made at least five (5) business days prior to the date required.

- (2) Applicants must ensure the following inspections are requested, carried out and approved by the Inspector before the subsequent stage of construction is commenced:

STAGE ONE – Inspection prior to excavation

- Setting of grades and setbacks
- Mark location of foundation
- Inspector's verification of height in accordance with permit approval prior to ordering or constructing roof trusses

STAGE TWO – inspection prior to pouring foundation

- Complete excavation
- Complete framework for footings

STAGE THREE – inspection prior to backfill and framing of walls

- Pour foundation and install drain tile

STAGE FOUR – inspection prior to sheeting over

- Frame out and erect exterior walls and install roof trusses

STAGE FIVE – inspection prior to occupancy

- Completion of all construction (building must be ready for occupancy)

STAGE SIX – inspection prior to release of financial guarantees and/or occupancy permit

- Completion of site requirements such as grading/landscaping or paving including any development requirements or agreements applicable to the project.

- (3) It is the responsibility of the owner to identify location of survey pegs or other clear points of reference acceptable to the Inspector from which building setbacks and property boundaries may be determined.

- (4) A fee of one hundred dollars (\$100) may be imposed upon the applicant, payable prior to the next stage of construction, if the Inspector is required to repeat a stage inspection because the previous stage was not completed properly or deficiencies noted were not corrected.

- (5) During any inspection deficiencies that are noted with respect to municipal development standards will be listed by the Inspector on a Deficiency Notice and a copy of the Deficiency Notice shall be issued to the applicant.
- (6) Any and all portions of the building for which a permit has been issued shall be made available for inspection as deemed necessary by the Inspector.
- (7) A copy of the permit issued shall be kept posted in a conspicuous place at the location of the project for the duration of the work.
- (8) A copy of the approved plans shall be kept at the location of the project, available to the Inspector, for the duration of the work.
- (9) No person shall erase, alter or modify any plans or specifications upon which a permit has been granted by the Enforcement Authority, unless the Enforcement Authority has approved such changes.
- (10) If during the progress of the work the applicant wishes to deviate and / or revise the plan filed with the application for a permit in any manner affecting the construction or other essentials of the building, notice of such deviation and/or revision together with new plans and specifications shall first be given in writing to the Permits Clerk, and written approval of the Enforcement Authority shall be obtained prior to the deviation and/or revision being implemented.
- (11) All permits issued by the Enforcement Authority under the provisions of these Regulations shall expire one (1) year from the date of issue, unless otherwise noted on the permit.
- (12) The Enforcement Authority may revoke any permit issued under the provisions of these Regulations or the Town of Labrador City Development Regulations for any of the following reasons:
 - i. Construction activity has ceased for a period of one (1) year;
 - ii. When, in the opinion of the Enforcement Authority, completion of the construction has been unduly delayed;
 - iii. There has been a violation of these Regulations, the Town of Labrador City Development Regulations or any legislation applicable thereto; or
 - iv. When, in the opinion of the Enforcement Authority, the continuation of the work becomes dangerous to life or property.

- (13) Notice of revocation of any permit shall be mailed or delivered to the applicant or posted upon the work site by the Inspector. After such notice is received or posted it shall be a violation of these Regulations to proceed with any work for which such permit was issued.

6. DEMOLITION REQUIREMENTS

- (1) Prior to obtaining a demolition permit, an applicant shall:

- i. Provide written confirmation from the electrical utility that the electrical supply to the building has been disconnected and that adequate safeguards have been taken for the protection of adjacent lines or equipment or that protection is not required;
- ii. Have the water supply to the building discontinued and provide written verification that it has been discontinued;
- iii. If required by the Enforcement Authority, have the site inspected by a qualified professional to identify asbestos, lead, biological or other heavy metal or toxic, flammable or explosive materials that may be handled, disturbed or removed; and
- iv. Make the results of the aforesaid inspection, including drawings, plans or specification showing the location of hazardous substances, available to the Enforcement Authority.

- (2) Work carried out under a demolition permit shall include:

- i. Removal of all foundations and footings;
- ii. Removal or containment of any hazardous materials as per Provincial Government requirements;
- iii. Removal of any fuel tanks, lines and related equipment as per Provincial Government requirements; and
- iv. Back filling with suitable material, grading to match existing surrounding grades and providing a suitable ground cover such as sodding or seeding, unless otherwise permitted by the Enforcement Authority.

- (3) Where hazardous materials that were not identified in the inspection report required under subsection (2) are discovered during demolition, the owner shall cease all work, or cause all work to cease, until the previously unidentified hazardous materials are contained or removed as per Provincial Government requirements.
- (4) Persons who demolish a building which is attached to another building or building(s) shall ensure the attached building is made weather tight and structurally sound to the satisfaction of the Enforcement Authority.

7. Site Standards / Safety & Cleanliness

- (1) The applicant shall keep the project site in a reasonably clean condition and shall remove all rubbish and debris, failing which, the Town may carry out the requirements of this section and any costs, expenses or charges incurred by Council shall be recoverable from the owner as a civil debt owed to Council and shall attach to the property as a secured claim.
- (2) Immediately following the completion of any work under a permit, or the revocation or expiration of any permit, the applicant shall remove from the site where such work is being done all unused building materials, all construction trailers or building and all debris and rubbish and shall restore the site to a clean condition; failing which, the Town may carry out the requirements of this section and any costs, expenses or charges incurred by Council shall be recoverable from the owner as a civil debt owed to Council and shall attach to the property as a secured claim.

8. Occupancy

- (1) No building erected, constructed, changed, altered, extended or repaired for which a fire and life safety inspection is required, shall be occupied in whole or in part until an Occupancy Certificate has been issued by the Enforcement Authority.
- (2) The Inspector may issue a Conditional Occupancy Certificate provided there are no immediate life safety, accident or health hazards present in the opinion of the Inspector.

- (3) The Inspector may require a builder or vendor of a property to provide the name and address of the purchaser of the property so as to enable the Inspector to provide a copy of the Conditional Occupancy Certificate to such purchaser.
- (4) If required by the Enforcement Authority, a deposit shall be paid by the applicant prior to the issuance of a Conditional Occupancy Certificate. The deposit shall reflect the value of the remaining required work as determined by the Enforcement Authority.
- (5) Should the work required to be completed pursuant to a Conditional Occupancy Certificate not be carried out in the time prescribed the Enforcement Authority may use the deposit obtained under Subsection (4) to have the work completed; any residual balance owing to the Town shall be recoverable from the owner as a civil debt owed to Council and shall attach to the property as a secured claim.
- (6) The Enforcement Authority may refuse to issue an Occupancy Certificate if final approvals from other agencies, jurisdictions or departments have not been obtained, if outstanding deficiencies are not corrected or applicable fees have not been paid.
- (7) No change shall be made in the use or occupancy of any building or any part thereof until a certificate for the proposed occupancy has been issued by the Enforcement Authority.
- (8) An applicant for a change of occupancy shall file with the Permits Clerk, a completed application form detailing the intended use of the property and, if required by the Enforcement Authority, duplicate copies of complete floor plans.
- (9) A change of occupancy shall be subject to the requirements of these Regulations, the Town of Labrador City Development Regulations and any other applicable legislation.

Powers of Enforcement Authority and Compliance

9. *Powers of Enforcement Authority*

- (1) Enforcement and prosecution under these Regulations may be undertaken by an Inspector or by any other person so authorized by the Enforcement Authority.
- (2) Failure to comply with the provisions of these Regulations may result in the issuance of a stop work order.

- (3) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or person violating a provision of these Regulations, a serially numbered notice instructing 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 stop work;
 - (c) To demolish all or a portion of a building or structure; or
 - (d) To carry out the remediation as may be required to provide a satisfactory condition of appearance and cleanliness.
- (4) The owner or tenant shall carry out the directions of Council referred to in subsection (3) at the cost of the owner or tenant and within the time specified.
- (5) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law, or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority.

10. *Right of Entry*

Pursuant to Section 158 of the Act, Council or its duly authorized agents, have the authority to enter a property or building for the purposes of inspection or to carry out works required under this Regulation.

11. *Failure to Comply*

- (1) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 7 or Section 9(3) of these Regulations, 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 civil debt owed to Council and shall attach to the property as a secured claim.

- (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, servants 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 subsection (1), except in the case of gross negligence.

12. Offence and Penalty

- (1) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence;
- (2) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - (a) Shall be liable to penalties pursuant to Section 421.1 of the Act or,
 - (b) Shall be liable on summary conviction to a fine pursuant to Section 420 or 421.2 of the Act.
- (3) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (2) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply.
- (4) In addition to the penalty prescribed under subsection (2) a Provincial Court judge who convicts a person of an offence referred to in that subsection may order that person to carry out all work in accordance with these Regulations. If that person does not carry out that order within the time prescribed by the Provincial Court judge, the judge 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 and shall attach to the property as a secured claim.

13. Severability

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.